

January 7, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor
Marks
Absent: Councilmen: Mellis

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

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of November 26 and December 3, 1952, and the same being available for public inspection, and there being no objections, the same were approved.

Councilman Merrill Adams arrived at the meeting at this time.

PARKING SPACES IN FRONT OF WM. J. SILVA CO. GARAGE ON H STREET

Wm. J. Silva, operating the Wm. J. Silva Company garage at 1116 H Street, appeared before the Council regarding his request for the removing of the two police parking signs located in front of his garage. He had requested that the parking space immediately in front of his garage be eliminated as a parking space since it was not of sufficient size to qualify as a parking space and that the parking space now used by the police cars, located farther east of the garage, be metered.

At the request of the City Manager, Police Chief Neel had investigated and he recommended that the parking space directly in front of the garage, between the entrance and exit driveways be retained and that a meter be installed. He also recommended that the two driveways be made narrower at the curb line so that a parking space could be saved; that the parking space now used by the police car located farther east of the garage be metered as suggested by Mr. Silva; and that the metered space at the west end of the block be made into a reserved space for police cars.

Councilman R. Adams arrived at the meeting at this time.

Mr. Silva pointed out that the new cars were longer than the 15 foot curb space between the driveways and that if a car was not parked carefully it would extend into the driveways and would be a traffic hazard. A discussion was held by the Council as to whether the driveways at the curb

line could be shortened so that the parking space could be saved for the use of anyone. It was the decision of the Council to inspect the premises and to act on the request at the next Council meeting.

PROTEST TO REQUIREMENTS OF BILLBOARD ORDINANCE NO. 302-N.S. AS AMENDED

Ed. F. Cadmus, representing Pepsi-Cola Bottling Company
C. H. Blemker, representing Coca Cola Company
J. L. Bispo, representing Kist Bottling Company
L. Varni, representing the Seven Up Bottling Company
J. W. Tomlinson, representing the Carnation Company
Roy J. Bylling, representing Velvet Ice Cream Company
Roy Eichhotiz, representing the Golden State Company

appeared before the Council regarding the enforcement of Ordinance No. 302-N.S. as amended, regulating the installation of outdoor signs. C. H. Blemker, spokesman for the group, stated that he had discussed the application of this ordinance to his business with City Attorney Grimes a short time ago and since the City Attorney's ruling would vitally effect industry as a whole, he felt it was necessary to bring the matter before the Council.

He read the provisions of Ordinance No. 528-N.S. amendment to Ordinance No. 302-N.S., which defined "outdoor advertising" and which required a fee of \$1.00 for permit to erect each sign and a fee of \$25. per quarter for the privilege of operating an advertising business in the city. He stated that he had been unaware of the existence of such an ordinance until it was recently brought to his attention and that he had been in Modesto since 1931. He had been erecting signs advertising his product since that time and he had never been warned or cited. This lack of enforcement of this ordinance, he stated, is an indication of the lack of need of such an ordinance. He filed copies of a statement which he had prepared regarding the provisions of Ordinance No. 302-N.S. as amended, with each member of the Council, a copy of which is on file with the City Clerk. He stated that "point of sale" signs erected on locations in which the product advertised is sold should be exempted under the section of the ordinance which read "but this definition shall not be held to include any boards, sign or surface used to advertise the general business conducted on the premises where such billboard or bulletin board is located." He stated that the bottling industries used their surplus help in the winter months to erect these "point of sale" signs and that they were in the midst of their program at this time.

Roy Bylling, commented that he thought the ordinance was poorly drawn up with regard to "point of sale" signs and that business concerns

in the city needed these signs in order to sell their merchandise.

City Attorney Grimes pointed out that the ordinance did not prohibit these signs but merely regulated them. These signs could be erected as long as a business concern had a license to install advertisements which was \$25.00 per quarter and as long as they paid the \$1.00 fee for permit to erect each sign. The erection of the sign on the joint wall owned by the city and the property owner of the garage building, adjoining the city parking lot on Ninth Street, by the Coca-Cola Bottling Company, led to the investigation of the ordinance. He stated that he did not agree with Mr. Blemker in his contention that "point of sale" signs advertise one of the "general businesses" conducted on the premises and therefore its signs are billboards as defined by the ordinance. He pointed out that the Council could determine whatever policy it wanted to in this regard but that two things should be considered

- 1) Provide for the safety of the public in regulating materials attached to buildings.
- 2) Aesthetic reasons for control of signs.

Most cities control signs in one manner or another and that in many instances prohibit them altogether. Until the Council authorizes an amendment to change the ordinance, it should be enforced, he stated. The ordinance states "general business" and the question is "what do you consider general business?"

City Building Inspector Hermida pointed out that there was enforcement of the ordinance.

Mr. Blemker contended that it was not the intent of the ordinance to require a permit for any small size signs and that business concerns had a right to put on the side of their buildings, any type of sign which they elect which advertises merchandise that is part of their general business. He maintained that this should be decided as a matter of policy by the Council and not by the City Attorney.

After a general discussion by the Council and Mr. Blemker on the definition of "point of sale" signs, General business," and "incidental business", Mayor Marks questioned Mr. Blemker if he and Mr. Bylling would be willing to sit down at a meeting and define these things." They expressed their willingness to act on a committee to study the revision of the ordinance.

Mayor Marks stated that the committee would be composed of two Councilmen (Annan and Merrill) two representatives from bottling companies, two representatives from billboard companies and two citizens interested in aesthetic beauty of the city.

Mr. Blemker pointed out that it would be necessary for the Council to define "general business" before the committee could act.

It was the decision of the Council to take under consideration the matter of determining whether or not general business included point of sale advertising and make a decision on it by the next Council meeting.

Mr. Blemker filed a statement with the Council, a copy of which is on file in the office of the City Clerk, in reference to the sign which he had erected on the south wall of the garage adjoining the city parking lot on Ninth Street. He requested permission to leave the sign as is for a period of two years or whatever time the Council might elect.

Roy Bylling, member of the Parking Authority of the City of Modesto, stated that a ruling should be made by the Parking Authority on this sign and that the Authority had turned down a previous request to install a sign on the wall owned jointly by the Parking Authority of the City and the owner of the garage building.

The City Attorney was requested to investigate and report on this sign for both the City Parking Authority and the Council at the next Council meeting.

3 AMENDMENT TO ORDINANCE NO. 1048-N.S. FRANCHISE PROCEDURAL ORDINANCE

The City Attorney presented for the consideration of the Council, a proposed amendment to Ordinance No. 1048-N.S., which had its first reading on November 19, 1952. He stated that counsel for the Southern Pacific Co. had recommended that the proposed amendment be made and that he and the City Manager had believed that the suggestion was in order. The final adoption of the ordinance had been held in abeyance. The amendment recommended provided that the following additional paragraph be added to Section 1:

"Nothing in this ordinance shall apply to the granting of permits by the Council to any railroad for the construction of spur, lead or side tracks along or across any street, avenue or highway in the city for the purpose of connecting the facilities of any industry with the line of any railroad."

Also that section 3 be amended to read as follows:

"Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within thirty (30) days after the ordinance granting the franchise becomes effective unless the time be extended by the Council."

George K. Beard and Attorney F. O. Hoover, representing the Modesto & Empire Traction Company, appeared before the Council. Attorney Hoover questioned the wording of certain sections of the ordinance. It was the decision of the Council to hold up the adoption of the ordinance until the City Attorney could confer with Mr. Hoover to clear the points in question.

REPORT BY CITY MANAGER ON MEETING WITH BOARD OF FIRE UNDERWRITERS ON #2 FIRE RATING FOR CITY OF MODESTO

The City Manager reported on the meeting which he and Fire Chief Wemyss had attended with the Board of Fire Underwriters, in San Francisco Jan. 6 and 7. He stated that in order to get a #2 fire rating for the City of Modesto it would be necessary to cancel the six contracts for the furnishing of fire protection, to firms outside the city. This would eliminate 31 deficiency points. The City Manager recommended that this be done as soon as possible and that notices of cancellation be sent to these firms as provided by the contract.

A conservative estimate on the saving to the citizens in the city on insurance premiums with a #2 rating, would be approximately \$60,000. per year, he stated. A number of other things must be done before the city can obtain a #2 rating and there would be no reduction in insurance rates until these are accomplished. He stated that it would take approximately 30 days to 6 weeks to do the necessary things if action is started immediately.

The major factors in fire grading are, water department, fire department, fire prevention, fire alarm system, building inspection, police cooperation, structural condition in the city and climate. Modesto is charged 225 deficiency points on climate condition and about 300 points on structural conditions. A number of these points could be eliminated by the adoption of the 1952 building code. One necessary improvement to the fire alarm system would be the installation of a particular kind of cable so that the possibility of cable being damaged in the trees by the rubbing

of the branches against the cable would be eliminated. He stated that four fire alarm boxes had already been ordered and that the testing and recording system on the fire alarm system would be tightened up.

Approximately 200 deficiency points had been eliminated by improvements already. It would be necessary to purchase 1000 feet of 3" hose. The Public Works Department had already installed two new water mains in the high value area which tie into the existing system which has doubled the flow of water in the effected area. The following things which will have to be done in the fire department before the #2 rating is assured are:

- 1-Provide 7 officers in the fire department. This can be done by advancing some of the present firemen.
- 2-Cancel outside fire contracts.
- 3-Bring in the manpower from #3 fire station on Downey Avenue to the high value area.
- 4-Provide 2 additional men in the fire department. Possibly this can be done by using civilian personnel for fire alarm operations.

The Mayor pointed out that for an additional annual expenditure of the order of possibly \$12,000. an approximate amount of \$60,000. could be saved for the citizens of the city in reduced insurance rates.

Councilman Annan moved, seconded by Councilman M. Adams, that the actions recommended by the Board of Fire Underwriters, as outlined above be approved.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent:Councilman: Mellis

Councilman M. Adams introduced

RESOLUTION NO. 10,059-N.S.

which was seconded by Councilman Merrill, directing the City Attorney to notify the various companies that the contracts for fire protection will be terminated in the manner provided in the contracts, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent:Councilmen: Mellis

Councilman Merrill introduced

RESOLUTION NO. 10,060-N.S.

which was seconded by Councilman Arata that the City of Modesto stands most willing to cooperate with the concerns who have been furnished fire protection service by the city, and whose property is contiguous to the city, for the annexation of their property to the city so that there will not be a break in the fire protection service, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

The City Manager stated that if Modesto is successful in obtaining a #2 rate that it will be the second city in California to attain this rate. The only other city in California with this rate is San Francisco. No other city in the United States, with the population of Modesto, has this rate and only three cities on the west coast have this rate at the present time, San Francisco, Seattle and Portland.

G. N. HILBURN, ARCHITECT REQUEST PERMIT INSTALL FENCE WITH SIGN FOR MILLER MOTOR COMPANY AT 11th and M Streets

G. N. Hilburn, Architect, appeared before the Council, representing the Miller Motor Company, who are constructing a used car lot at the corner of 11th & M Streets. He requested permit from the Council to construct a fence on the property line at the alley on this property, which would have a sign on top of the fence for the full length of the alley. This fence and sign would be over 13 feet high.

Building Inspector Hermida stated that this type of fence, when built on the property line in fire zone #2, called for a different type of construction than the plans called for. Also it would be necessary for the Council to grant permit for the sign on top of the fence which he ruled was a billboard. This matter was referred to the Building Inspector for his investigation and handling.

LETTER FROM C. R. EVANHOE, MAYOR, CITY OF STOCKTON RE: MEETING OF CENTRAL VALLEY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES

A letter was read from C. R. Evanhoe, Mayor of the City of Stockton, calling attention to the meeting to be held of the Central Valley

Division of the League of California Cities on Thursday, Jan 22 at Stockton.

7 LETTER FROM FRANK ANDREWS RE: RATE PAID BY CITY FOR ELECTRICITY

A letter from Frank Andrews regarding the high rate the city taxpayers and plants are paying for electricity from the Modesto Irrigation District, was ordered filed.

The City Manager stated that he had met with the Modesto Irrigation District regarding an adjustment on electric rate for the city but up to the present time no adjustment had been made. The Council asked him to follow this up.

8 LETTER FROM MODESTO CITY SCHOOLS RE: PURCHASE OF OLD JOHN MUIR SCHOOL PROPERTY BY THE CITY OF MODESTO

A letter from the Modesto City Schools was read regarding the action taken by the Board of Education on Dec. 22, approving the sale of the old John Muir School site and building to the City of Modesto for the sum of \$18,000, and ordered filed.

9 ORDINANCE AUTHORIZES PURCHASE OF OLD JOHN MUIR SCHOOL PROPERTY

The City Attorney presented an ordinance for the consideration of the Council authorizing the purchase of the old John Muir School property lots 1 to 48 in Block 603 for the sum of \$18,000. Councilman R. Adams introduced

ORDINANCE NO. 1057-N.S.

entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA, and moved its adoption and passage to print, which motion being duly seconded by Councilman Arata, it was upon roll call carried and the ordinance was ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

10 LETTER FROM W. D. HOLDREDGE, ARCHITECT, RE: BUILDING OF NEW CITY HALL

A letter from W. D. Holdredge, Architect, of San Luis Obispo, regarding the building of a new city hall in Modesto, was read and ordered filed with other data on the proposed new city civic center.

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STATEMENT OF APPRECIATION FROM PROPERTY OWNERS IN THE 200 BLOCK ON MAGNOLIA AVENUE FOR CORRECTION OF DRAINAGE SITUATION

a statement signed by property owners and residents in the 200 block on Magnolia Avenue, expressing appreciation for the prompt attention given their request for the correction of a drainage situation in this block, was read and ordered filed.

REQUEST FOR REMOVAL OF TREE-JIM M. ABERNETHY, 212 MAGNOLIA AVENUE

A request was filed with the Council by Jim. M. Abernethy, 212 Magnolia Avenue, for removal of a Maple tree in front of his property so that repairs could be made to his driveway, and that a new tree be planted. Councilman Merrill was appointed to investigate this request and to make a report to the Council.

LETTER FROM LEAGUE OF CALIFORNIA CITIES: RE: RESOLUTION OF APPRECIATION CITY OF MODESTO AUTHORIZING ATTENDANCE OF CITY MANAGER ROSS MILLER TO MEETING IN NEW YORK.

A letter from the League of California Cities, together with a copy of a resolution adopted by the City Managers' Department of the League of California Cities, expressing appreciation to the Council of the City of Modesto for authorizing City Manager Ross Miller to represent the cities of the state at the meeting held in New York with a committee of the American Municipal Association and the National Board of Fire Underwriters to discuss possible revisions of the grading schedule of fire protection facilities, was read. The letter stated that the Board of Directors of the League heartily endorsed the subject matter of the resolution and also expressed appreciation to the City of Modesto for making it possible for City Manager Miller to attend this meeting. The letter and resolution were ordered filed.

LETTER FROM FRED S. CURTIS RE: DRAINAGE PROBLEM IN JOHN MUIR TRACT, NORTH OF HELEN AVENUE

A letter from Fred S. Curtis, 618 Ashby Avenue, regarding a drainage problem north of Helen Avenue in the John Muir Tract, was read. Mr. Curtis also suggested that curbing be constructed along the west side of the John Muir Park.

The City Manager stated that the letter contained a foot note that the drainage problem had been corrected and requested that the letter be referred to him for any future action that might be necessary.

15 REFER PETITION FOR ANNEXATION OF COLLEGE VILLAGE TRACT AND CLOVERFIELD TRACT TO THE CITY OF MODESTO

A petition filed by D. P. Ellis, William F. Beckett, Sr. and William F. Beckett, Jr., for the annexation of the Cloverfield and College Village Tracts to the City of Modesto was considered. The City Attorney stated that legally it was not necessary to refer the petition to the Planning Commission since this was an uninhabited tract but he suggested that the Council order it referred to the commission for their report and recommendation. Councilman Merrill introduced

RESOLUTION NO. 10,061-N.S.

which was seconded by Councilman Annan, referring the petition to the Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

16 HOLD OVER AWARD OF BID ON GASOLINE

The City Manager requested that the bid received for the furnishing of gasoline for the period from Jan. 16, 1953 to Jan. 15, 1954, be held over for further study. The Council concurred in this suggestion.

17 REPORT ON BIDS FOR REMODELING OF CITY HALL

At the suggestion of the City Manager, the bids for the remodeling of the City Hall were held over pending report on the old John Muir school building.

18 REQUEST PERMIT REMOVE TREES ON NINTH STREET BETWEEN E AND F STREETS

The Director of Public Works filed a request for permission to remove two large Sycamore trees on 9th Street, between E and F Streets. He stated that these trees created a traffic hazard. Councilman Annan moved, seconded by Councilman R. Adams, that the Director of Public Works be directed to remove these trees.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

19 AUTHORIZE PROGRESS PAYMENT TO ATLAS PIPE CO. ON CONSTRUCTION OF SANITARY LATERAL SEWER ON LEONARD AVENUE

The City Manager stated that a report had been filed by the Director of Public Works on the work completed by the Atlas Pipe Company up to and including Jan. 1, 1953 on the construction of sanitary lateral sewer on Leonard Avenue, calling for a progress payment of \$857.75. Councilman Merrill introduced

RESOLUTION NO. 10,062-N.S.

which was seconded by Councilman Annan, authorizing progress payment of \$857.75, as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis.

AUTHORIZE PROGRESS PAYMENT TO STANDARD MATERIALS COMPANY FOR IMPROVEMENT OF VIRGINIA AVENUE AND 8th STREET

The City Manager stated that a report had been filed by the Director of Public Works on the work completed by the Standard Materials Inc., on the improvement of Virginia Avenue and Eighth Street, up to and including Dec. 31, 1952, calling for a progress payment of \$3,098.77. The City Manager stated that a substitution of 6" rock base for a 6" cement stabilized base on a major portion of Eighth Street had called for an additional expenditure of \$550. Councilman Arata introduced

RESOLUTION NO. 10,063-N.S.

which was seconded by Councilman Annan, authorizing progress payment as recommended by the Director of Public Works to the Standard Materials Inc., in the amount of \$3,098.77, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

PROGRESS PAYMENT AUTHORIZED TO STOCKTON CONSTRUCTION COMPANY ON SANITARY SEWER TRUNK LINE ON KEARNEY, ROSEBURG AND COLDWELL AVENUES

The City Manager reported that the Director of Public Works had filed a report on the final payment due the Stockton Construction Company for the construction of a sanitary sewer trunk line on Kearney, Roseburg and Coldwell Avenues. This report had stated that the remaining

25% of the contract price now due was \$15,939.56 and that the 35 day lien period required by the contract had expired but that a claim had been filed in the amount of \$46.10 by H. J. Reinardy against this company for damages sustained to their premises at 1420 Del Mar Avenue which had not been paid by the company.

The City Attorney recommended that the sum of \$100. be withheld from the amount due the company and that the City Clerk notify the company the reason this amount is being withheld. Councilman Merrill introduced

RESOLUTION NO. 10,064--N.S.

which was seconded by Councilman Annan, authorizing payment of \$15,839.56 to the Stockton Construction Company and that the City Clerk notify the Company that \$100. had been withheld from the total amount due of \$15,939.56 until such time as restitution had been made to H. J. Reinardy for damage to their premises at 1420 Del Mar Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

APPROVING CIRCULATION OF PETITION TO ANNEK THE FAIRMONT ADDITION TO THE CITY OF MODESTO

The City Manager reported that on Jan 1 , 1953 a notice of intention to circulate a petition in the Fairmont Addition for the annexation to the city had been published in the Modesto Journal and Valley Citizen, and that on Jan 6, 1953, a copy of the notice and statement and affidavit of the publication had been filed with the City Clerk. Councilman Arata introduced

RESOLUTION NO. 10,065--N.S.

which was seconded by Councilman R. Adams, acknowledging receipt of the copy of the notice and accompanying statement and receipt of the affidavit of publication, and approving the circulation of the petition for annexation within the territory described in the notice. The approval of the circulation of the petition is granted on the provision that the question to be submitted to the electors residing in the territory shall be whether the territory shall be annexed to the city and the property therein subjected to taxation after annexation equally with the property within the city to pay

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the bonded indebtedness of the city up to and including the day of the election held to determine whether or not said property shall be annexed to the city, which resolution was regularly adopted by the following vote :

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

AMENDMENT PROPOSED TO TAXICAB ORDINANCE NO. 1053-N.S.

Police Chief Neel reported that section 3, subsection b of Ordinance No. 1053-N.S. (regulation of taxicabs) provided that the taximeters be equipped with a flag with the words "for hire" printed on it. He stated that this would require a special job for the meter companies since the meters were no longer being manufactured with the wording on the flag. He stated that he recommended that the ordinance be amended to delete this requirement. Councilman Merrill moved, seconded by Councilman Annan, that the City Attorney be authorized to prepare an ordinance as recommended by the Chief of Police amending Ordinance No. 1053-N.S., for the consideration of the Council.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

REPORT BY CITY MANAGER ON DISPOSAL AREA FOR DUMPING GARBAGE

The City Manager reported the County Planning Commission had turned down a request of the Modesto Garbage Company to use the Salida Sanitary District disposal area. He stated the dump now being used by the company was rapidly filling up. The contract which the city has with the company for the operation of the dumping grounds authorizes the city to control the dumping at the grounds. A great many people who do not reside in the city are permitted to dump at these grounds at the present time. The city has a supply of permit books which will last for approximately two weeks and the possibility of reserving the grounds for people who live in the city has brought up the question of printing additional permits for dumping by residents of the city only. This matter was held over for one week.

The City Manager brought up the point that if approval is not

granted for a better site, the city would have no alternative but to limit the present dumping grounds for the people of the city since the city is responsible primarily for the people in the city limits.

City Attorney Grimes pointed out that if the city saw fit to do so it could purchase an area to dump the garbage.

2.5 REPORT ON CAPACITY OF SEWER LINE SERVING LALOMA AREA

The report on the capacity of sewer line serving the LaLoma Area was held over for one week.

2.6 REPORT ON MEETING WITH COL. J. S. GORLINSKY RE: TUOLUMNE RIVER

The City Manager reported on a meeting held with Col. J. S. Gorlinsky of the Central Valley Regional Water Pollution Control Board, which had been held on Dec. 10. The question of compliance with requirements for the Tuolumne River during the summer had been discussed and it was the city's position that no apologies were necessary since the city had complied with the requirements. Because of many factors which had come up recently, the City Manager had asked him to arrange a meeting with representatives of the Fish and Game Commission and with the staff of the Board on Friday, Jan. 9 in Sacramento. After some difficulties had been cleared, this meeting had been arranged.

The City Manager pointed out that one of the problems which the city was up against was the allocation of the amount of load in the river. It will be impossible for the city to comply with the standards set by the state if the river is polluted to such a high degree before it reaches the city by other users. The city needs to know more about what it is faced with before large sums of money is spent to improve the situation. He stated that the plans were progressing on the proposed improvements to the plant.

2.7 REQUEST FOR CURB CUT AT 7th & C STREETS-ROBERT S. LAWRENCE-HELD OVER

The request of Robert S. Lawrence to remove an existing curb 27' in length on the west side of Seventh Street, just north of C Street was held over.

2.8 REQUEST OF MRS. SUE W. STEVENS REMOVE TREE ON SYCAMORE AVENUE HELD OVER

The request of Mrs. Sue W. Stevens for permission to remove 2 sycamore trees in front of a vacant lot on the west side of Sycamore Avenue just north of the M.I.D. canal, was held over until the Council

could inspect the property.

2) REPORT ON PROPOSED USE TAX FOR CITY HELD OVER

The City Manager stated that his report on proposed use tax for the city would be held over until the next Council meeting due to the late hour. He stated that copies had been sent to the Chamber of Commerce and Merchants Bureau and that copies were available.

3) LETTER BRUCE McKNIGHT IN CONNECTION WITH APPLICATION OF THE PACIFIC TELEPHONE & TELEGRAPH COMPANY FOR RATE INCREASE

A letter from Bruce McKnight, C.P.A. of Stockton, offering his services to the City of Modesto for representation at the Pacific Telephone & Telegraph rate hearing, was read. It was the decision of the Council to hold up action until a further check could be made. The City Manager stated that copies of Mr. Knight's letter would be sent to each Councilman and to the Mayor.

3) LETTER FROM LEAGUE OF WOMEN VOTERS: RE: MEETING WITH KENYON SCUDDER

A letter received from the League of Women Voters of Modesto calling attention to the talk to be given by Kenyon Scudder, Superintendent of the California Institution for Men at Chino, on the rehabilitation of prisoners on Friday, Jan. 9 at 8:00 P.M. at the Modesto High School Auditorium, was read and ordered filed.

3) ANONYMOUS COMMUNICATION RE: DOGS

The City Manager reported that an anonymous communication had been received, which consisted of a page from the Modesto Bee, dated Wednesday, Dec. 24, 1952. Two articles regarding controlling of dogs in other cities had been marked and the notation "Why not Modesto?" had been crayoned on the sheet. This communication was ordered filed. The City Manager stated that it was his policy to "file anonymous communications in the waste basket" and that he brought it up only because the dog ordinance was under consideration for amendment at the present time.

2) GIVE FORMER CITY OFFICIALS CREDIT FOR GOOD WATER SYSTEM

Public Works Director Ray stated that the fact that the City of Modesto has such an excellent water system is due to planning of city officials in the past and that he thought "credit should be given where it is due." Former City Engineer, Frank J. Rossi should be given a great deal of the credit for the marvelous water system which the city now has.

The City Manager stated that credit should be given to sound engineering planning plus the fact that people voted bond issues to make the system possible. He stated that the items which made the water system outstanding were the reserve water supply, large water mains down the middle of the city and the big water tank on Tenth Street.

34 RESOLUTION APPRECIATION TO LIONS CLUB AND EXCHANGE CLUB FOR HELP ON TRAFFIC PROBLEMS OF CITY

The City Manager suggested that the Council adopt a resolution of appreciation for the cooperation received from the 500 Lions Club, in painting warning signs for pedestrians on the cross walks in the business district, and to the Exchange Club for the supplying of courtesy tickets. Councilman Arata introduced

RESOLUTION NO. 10,066-N.S.

which was seconded by Councilman Annan, expressing appreciation to the Exchange Club for supplying courtesy tickets to be placed on cars, which had exceeded parking time limit during the Christmas season, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

Councilman Merrill introduced

RESOLUTION NO. 10,067-N.S.

which was seconded by Councilman M. Adams, expressing appreciation to the 500 Lion Club for its participation in painting pedestrian warning signs on crosswalks in the business area, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent; Councilmen: Mellis

35 REPORT FROM "SUBSTANTIAL SAVINGS SECTION" OF THE CITY

The City Manager reported that the Police Department had assumed the responsibility for checking and reporting condition of street lights, effective Jan. 6. This would relieve the Electrical Division and that a savings totaling approximately \$1180 per year would be realized.

ADJOURNMENT

There being no further business to come before the Council,
the meeting was duly and regularly adjourned.


REX E. GALFUS, CITY CLERK

January 14, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as required by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Absent: Councilmen: None

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

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meetings of Dec. 10 and 17, and the same being available for public inspection, and there being no objections, the same were approved.

REQUEST FOR CURB CUT AT SEVENTH AND C STREETS-R. S. LAWRENCE

Pursuant to holding the request of R. S. Lawrence for permission to remove an existing curb at his service station, located at Seventh and C Streets, over for consideration, City Manager Miller stated that Director of Public Works Ray had inspected the property and recommended that if permission was granted that Mr. Lawrence be required to replace 12' of an existing 42' driveway entrance. After a discussion between Mr. Lawrence and the Council, Councilman Arata moved, seconded by Councilman Merrill that permission be granted to Mr. Lawrence to remove the existing curb in accordance with a plan to be worked out by the Director of Public Works.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

RESOLUTION APPROVING AGREEMENT BETWEEN DALTON P. ELLIS ON IMPROVEMENTS TO THE COLLEGE VILLAGE SUBDIVISION

City Attorney Grimes presented an agreement for the consideration of the Council with Dalton P. Ellis on the improvement in the College Village subdivision. He briefly outlined the provisions of the agreement and stated that there was one matter left to be resolved which was the acquisition by the city of the water well and lot on which it is located, if the well was proven by tests to be satisfactory for city use, for the sum of \$2500.

Mr. Ellis's attorney had stated that Mr. Ellis has been unable to dispose of the motor and pump which he had purchased for use in the water

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system and he felt that it was a legitimate expense in the development of the water system. The cost of the motor and pump amounted to \$2550. and it would cost approximately \$500. to ship them back to the company. The attorney for Mr. Ellis had considered that this cost for returning the motor and pump should be assumed by the city.

The Director of Public Works stated that he had found no place that the city could use this type of motor and pump in its operations.

A discussion was held by the Council and Mr. Ellis on whether to hold up the execution of the agreement until further investigation could be made and arrangements made for the disposition of the motor and pump but the point was brought out that until the city had a signed agreement with Mr. Ellis, it would be impossible to proceed with the plans for furnishing water to the tract.

Mr. Ellis agreed that it would not be necessary to hold up the execution of the agreement and that the amount to be paid as a consideration for the purchase of the water well and site should be \$2500. as agreed by the Council. The Council assured Mr. Ellis that efforts would be made by the city officials to assist him in the disposition of the motor and pump locally so that he would not be compelled to return them. Councilman Merrill introduced

RESOLUTION NO. 10,069-N.S.

which was seconded by Councilman Arata, approving the agreement as presented by the City Attorney and authorizing its execution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Attorney called subsection e of section 5 of the agreement to the attention of the Council, which provided that the subdivider (Mr. Ellis) "agrees to dedicate an area to be used for park purposes--- and shall be located as designated by the County Planning Commission at some alternate site acceptable to both city and subdivider." It was the decision of the Council that this section met with its approval.

The City Attorney stated that Mr. Ellis had agreed to grant an easement to the city in the College Village Tract to be used for the purpose

of installing water lines. Councilman Mellis introduced

RESOLUTION NO. 10,070-N.S.

which was seconded by Councilman Annan, accepting the easement from Dalton P. Ellis and authorizing the City Clerk to record it with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

RESOLUTION GIVING NOTICE OF PROPOSED ANNEXATION OF CLOVERFIELD-COLLEGE VILLAGE ADDITION TO CITY AND FIXING TIME AND PLACE FOR HEARING OBJECTIONS TO PROPOSED ANNEXATION

The City Manager reported that a letter approving the proposed annexation of the uninhabited territory, known as the Cloverfield-College Village Addition, had been filed by the Planning Commission, together with a copy of a report made to the commission by Planning Director Franklin J. Bills outlining the basic reasons for this recommendation.

A statement was also filed by the City Clerk to the effect that the Cloverfield-College Village Addition was contiguous to the city and that the petition was signed by the owners of not less than one-fourth of the land in the territory by area and assessed value as shown on the last equalized assessment roll of the County of Stanislaus, and that less than 12 registered voters reside in the territory and the territory is uninhabited territory within the meaning of annexation of the Uninhabited territory act of 1939.

Councilman Annan introduced

RESOLUTION NO. 10,068-N.S.

which was seconded by Councilman Arata, setting the date of February 18, 1953, at the hour of 4:30 P.M. in the Council Chambers, as the time and place for the hearing of protests to the proposed annexation of the said addition.

The City Clerk is hereby directed to cause a copy of this resolution to be published at least twice in the official newspaper of the City of Modesto and in the Ceres Courier and to mail written notice of proposed annexation to each person to whom land is assessed and to any other interested party, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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REPORT ON CITY PARTICIPATION IN INVESTIGATION OF APPLICATION FOR RATE INCREASE BY PACIFIC TELEPHONE & TELEGRAPH COMPANY

The City Manager reported on the letter received from Bruce McKnight, C.P.A. of Stockton regarding his offer to represent the City of Modesto at the hearing on the application of the Pacific Telephone and Telegraph Company to the Public Utilities Commission for a rate increase, and which had been held over by the Council for further investigation.

The City Manager suggested that the city should go in as an "interested party" and have someone at the hearing to see that no increase was granted unless it was fully justified. He stated that the Public Utilities Commission acted as both the prosecuting attorney and judge and its function was to determine what was a reasonable rate. The P.U.C. would welcome representation from cities at the hearing and it would do a much better job if someone was there checking.

The City Attorney stated that Mr. McKnight did not represent the City of Modesto at the hearing held before the P.U.C. on the application for the Pacific Gas & Electric Company for an increase in electric rate, since the city is not served by the P.G & E. The city did contribute \$200. along with other cities on the hearing for an increase in the gas rates, but not to Mr. McKnight.

Councilman Annan recommended that the request of Mr. McKnight be postponed a week since the case would not be heard for 3 or 4 months. He stated that he felt that the P.T & T Co. is entitled to a fair and impartial hearing on its problem and that it did have a problem.

The City Manager pointed out that it was not known what percentage of increase the P.T & T Company was asking for and that the City of Modesto should be represented at the hearing because, 1) The city is a customer of the company. Over \$8,000. is budgeted for service from the company this year. 2) If a rate increase is allowed, to see that it is allocated properly to various areas of the state. The San Francisco and Los Angeles areas will be represented and the Central Valley area should also be represented. Rate increases will be determined by individual areas. He stated that he felt that the city has an obligation to help protect this area against "undue loading." It will be allocated the way the Commission decides it. The company does not care.

W. J. O'Connell, Consulting Sanitary Engineer, in the audience, when asked by Councilman Annan to express his opinion on the matter, stated that he felt the city had a responsibility to see that the Central Valley area was represented.

Councilman Mellis stated that the city would not know that it was having a fair and impartial hearing, if it was not represented. "We cannot afford to send our City Attorney", he stated. He recommended that Mr. McKnight represent the city as he offered to on the \$100. basis.

Councilman R. Adams moved that the city be suitably represented at the Public Utilities Commission hearing on the rate increase of the Telephone Company, which was seconded by Councilman Arata.

Councilman Annan questioned if instructions could be included in the motion directing Mr. McKnight to represent the city and to obtain information on both sides and "not to go down there and just fight them."

Councilman R. Adams stated that he would not limit the activities of the representative of the city and that he felt that Mr. McKnight would be competent and qualified.

Councilman R. Adams amended his motion to provide that the city participate to the extent of \$100. and hire Bruce McKnight to represent the Central Valley area at the hearing before the Public Utilities Commission.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman M. Adams recommended that the City Attorney check this matter and see that the city gets the information on the progress of the hearing.

Councilman Annan left the meeting at this time.

LETTER FROM VERNON F. GANT RE: TAXICAB OPERATORS

A letter from Vernon F. Gant, Attorney, regarding the requirements of the new taxicab ordinance for increased public liability and property damage insurance limits on all taxicabs operating in the city, was read. He requested that the city amend the ordinance to provide that the increase in the insurance be delayed for one year so that the operators would have a chance to pay for their meters during 1953 before they would be required to pay the increased insurance rates.

Director of Finance Lawrence was instructed to check the cost for increased insurance as outlined in the letter and to report to the Council next week.

LETTER FROM UNIVERSITY OF CALIFORNIA COMMENDING MODESTO ON RECEPTION GIVEN COOPERATIVE ACTION TEAMS FROM GERMANY

A letter from Dean E. Mann, Assistant Program Director of the Department of Political Science of the University of California, expressing appreciation to the Council and the people of Modesto for their cooperation in the program for the "Cooperative Action Teams from Germany", was read and ordered filed.

RECOMMENDATION OF CITIZEN'S ADVISORY COMMITTEE ON STREET AND SIDEWALK IMPROVEMENTS

The City Manager reminded the Council that the problem of the development of a program for the construction of sidewalks in the city, especially in the areas near the schools, had been turned over to the Street Improvement sub-committee of the Citizen's Advisory Committee by the Council and that a report of the sub-committee had been filed recently with the Council by the City Planning Commission on the street improvements and that a supplemental report was being filed on sidewalks at this time. He called on Fred Johnson, chairman of the sub-committee, who was present at the meeting, to report on the findings of the committee.

Mr. Johnson reviewed the conclusions and recommendations of the sub-committee on the street improvement program. He read the supplemental report of the committee on a proposed sidewalk improvement program, a copy of which is on file in the office of the City Clerk. He stated that it was the feeling of the sub-committee on this matter and was so approved and adopted by the Citizen's Advisory Committee, that the sidewalks are desirable but they are not necessarily a part of the rest of the street improvement program. "sidewalks can come independently of our other improvements", he stated. "We feel that the important thing is to get the street improvement program running. However we recognize the problems around the schools. If the streets are improved you may get rid of the water but the child would still have to walk in the street." He stated that meetings had been held with representatives from the schools and that they had concurred in the thoughts expressed in this report but that they took no part in formulating the recommendations. School organizations such as P.T.A and Dad's Clubs should be

advised of the proposed program as they are concerned with these problems around the schools and can do much to advance the program in their districts, he stated.

Mayor Marks expressed appreciation to the committee for its work on the street and sidewalk improvement program.

Mayor Marks called on Mayor Walter L. Jones, of Sunnyvale, who was a guest of the Council, as well as Councilmen Ernest N. Stout and R. B. Gilmore and City Manager Kenneth Hunter, to explain the improvement program worked out by the City of Sunnyvale.

Mayor Jones stated that the City of Sunnyvale had been divided into five separate assessment districts and that petitions had been circulated by certain individuals in each district for improvements. He stated that in the first district approximately 30 protests had been filed against the improvement and that in the second district the protests had dropped off to four and that in the last district no one had filed a protest. He stated that they had adopted a policy on the cost of paving a corner lot of assessing the property owner 20% of the cost of paving the side street and 80% is assessed throughout the assessment district. He stated that nine miles had been improved by paving, curbs, gutters and sidewalks. They had used the 6" curb instead of the rolled curb and gutter since this did not present a problem when a mechanized street sweeper was used. He stated that the people were happy that the program had been started and that one of the most important issues in the program was the method of improving corner lot property. They had used the 1911 Improvement Act and the 1915 Bond act on their program.

Mayor Marks asked the City Manager and Director of Public Works to make a study of the logical number of assessment districts into which Modesto could be divided.

Mr. Johnson stated that the city did not have proper drainage in a lot of the areas that need/^{ed}paving and the first step would be to set up a drainage district to provide the proper drainage then set up the street districts. The drainage district could be a large district but the street districts should be smaller.

The City Manager stated that if the Council approved the program in principal that he would suggest that when the improvement districts are started that the city should hire someone to put their full time on the

program, who would start out and stay with it until it was complete, similar to the way the city had hired the engineer on the study of the sewer program. He recommended that this program be made the "Number 2" project for the city, second only to the sewage disposal program.

Councilman Mellis moved, seconded by Councilman R. Adams that the Council go on record as approving the report of the sub-committee of the Citizen's Advisory Committee on street and sidewalk improvements in principle; that this should be made the "Number 2" project for the city; that the City Manager and Director of Public Works be instructed to lay out a program which will include the hiring of someone to work on the program full time; and that it is the policy of the Council to go ahead and promote the street and sidewalk improvement program.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absents: Councilmen: Annan

REPORT BY CITY MANAGER ON SEWAGE PROBLEM

The City Manager reported on the meeting with the Regional Water Pollution Board staff in Sacramento on Friday, Jan. 9. He stated that it had not been possible to arrange a meeting with the Directors of the State Fish and Game Department but that the Department had had a representative, Bob Paul, at the meeting with the Water Pollution Board. Director of Public Works Ray, H. N. Jenks, Consulting Sanitary Engineer for the city and Phil Johnson, Associate Engineer, and he had spent most of the day in Sacramento. C. E. Plummer and Carl Hoskinson of the Pollution Board had been at the meeting.

The City Manager stated that he had made a statement on behalf of the city at this meeting that "we are not going to go out on a big program for sewage disposal unless we know where we are going." He stated that it would not be "wise or fair to the people to proceed with this program until things are straightened out with the Board itself." He told them the city cannot meet the requirements which they have set unless they give the city a better river at the time it reaches the dam.

The Board agreed with the city's position that a requirement for the river should be established that would be possible to meet. A re-

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vised set of requirements for the river will be worked out at a later date, he stated, which he hopes will be mutually agreeable.

The City Manager stated that a meeting had been held by city personnel with two financial consultants on the problem of financing a sewage program. Our investigations indicated that it would be possible to finance the program from sewer rental charges. The engineering study, with alternate plans has been completed and conclusions are being drafted. The firm of Clyde Kennedy has been engaged, subject to the approval of the Council, to check the engineering study and a review board composed of local engineers has been set up to review the program with the city to clear all points that should be cleared before the city asks the people to vote on the bond issue. He stated that if the charges for the services of Kennedy should exceed \$1500. that the Council would need to approve the contract.

The City Manager stated that there was four phases to be considered in the program. 1) engineering, 2) financing, 3) legal and 4) political. On the engineering, he stated, "we are well along; financing, we are checking with financial consultants; legal, we are checking with legal counsel; political, the program must be approved by the people. Revenue bonds would only require a majority vote. General obligation bonds would be a lien against the property, the interest would be lower and they would require a 2/3 majority vote.

The City Manager stated that the City Attorney has advised that because of the fact that there is an outstanding bonded indebtedness against the existing plant, it will be necessary to clear through the courts the matter of issuing revenue bonds before they can be approved. Primarily because of the cost, the city should consider proposing to the public, general obligation bonds with a provision that they be paid for out of the revenue from sewer service charges. The City Manager stated that he believes these matters could be cleared fast enough so that it will be ready for consideration on the April ballot, if the Council desired.

The City Attorney pointed out in order to clear revenue bonds through the court, it would be necessary to overrule a case decided by the Supreme Court of California, which imposes considerable limitation upon the power of the city.

Councilman Mellis stated that he believed if "we could present a sound program to the people that they would approve a general obligation bond issue."

Mayor Marks stated that he recommended general obligation bonds and that the revenue be pledged to pay the bonds off.

Councilman Mellis stated that all the newly annexed territories should participate in the bonded indebtedness.

The City Manager pointed out if revenue bonds were considered and it would be necessary to go clear through the courts, it would take a much longer time, and that it might be possible to use them as a last resort.

Councilman Merrill moved, seconded by Councilman Arata that the City Manager be authorized to employ Clyde C. Kennedy for a total consideration not to exceed \$1500. and if it gets over \$1500. that the Council will approve a contract for his services, as provided by the Charter.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

CARD FROM COUNCILMAN DAN MELLIS

The card received by the Mayor and Council from Councilman Dan Mellis, while on his recent visit to Chicago, was read and ordered filed.

AWARD BID ON GASOLINE

The City Manager reported that two bids had been received for supplying gasoline for the period of Jan 16, 1953 to Jan 15, 1954. He stated that the bid of the Seaside Oil Company was the lowest bid received since their bid was one-half cent per gallon below that of the Shell Oil Company on deliveries under 400 gallons. A letter had been filed by the local representative of the Seaside Oil Company that they would agree to supply a maximum of 11,000 gallons per month.

Howard Ballaris, representative of the Shell Oil Company, who was present at the meeting discussed the bids with the Council and contended that the tank truck and truck and trailer deliveries of 400 gallons and over were identical. Councilman Merrill moved that the bids be rejected and the city readvertise for bids, which motion was lost for the lack of a second. City Manager pointed out that it might be difficult to get another firm bid

for gasoline since it was becoming hard to get deliveries of gasoline.

Councilman R. Adams introduced

RESOLUTION NO. 10,071-N.S.

which was seconded by Councilman Mellis, that the bid of the Seaside Oil Company be accepted as it was the lowest and best bid received, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

REPORT BY POLICE CHIEF NEEL ON PROPOSED PURCHASE OF AUTOMOTIVE EQUIPMENT

Police Chief Neel stated that the elimination of the use of three two-wheel motorcycles and a paddy wagon and the purchase of two cars in their place, was being considered. Two wheel motorcycles create a big problem due to personal accident, insurance costs are more, cost about as much to operate as an automobile and the initial cost almost as great and their operation is limited. The paddy wagon is seldom used by the department. The purchase of the proposed two new cars will replace the four pieces of equipment.

REMOVE STATUE FROM COURTHOUSE PARK

The City Manager stated that the county had requested that the statue located in the courthouse park be removed. This had been checked with relatives of the person who originally installed the statue and it had been offered to them, but no one had expressed a desire for it. Councilman Merrill moved, seconded by Councilman M. Adams, that the statue be removed from the Courthouse Park and stored.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

REPORT ON INSURANCE ON VOLUNTARY WORKERS AT THE MADDEX YOUTH CENTER

The City Manager stated that arrangements had been made with the Building Trades Council to obtain a compensation insurance policy on the volunteer workers on the Maddux Youth Center, which the city will reimburse them for.

Assistant to the City Manager Bob Shelton reported that work
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was progressing satisfactorily on the building of the center. A small shack had been completed at the center and that a great number of volunteer workers had reported for work. A full time superintendent had been hired.

4) ELIMINATION OF PARKING SPACE AT 9th & J STREETS

The City Manager stated that the Inter-departmental traffic committee had recommended that the pedestrian hazard at the intersection of 9th and J Streets would be improved by the elimination of the parking space on the east side of Ninth Street, beginning at the south property line of J Street and running south 25 feet and the parking space on the west side of Ninth Street beginning at the north property line of J Street and running north 20 feet. Councilman Arata introduced

RESOLUTION NO. 10,072-N.S.

which was seconded by Councilman M. Adams, eliminating the two parking spaces as set forth above and directing the Director of Public Works to cause the above restricted locations to be marked in accordance with the provisions of this resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

5) ORDINANCE ESTABLISHING PROCEDURE FOR GRANTING OF FRANCHISE

The City Attorney stated that the questions raised by Attorney F. O. Hoover of the Modesto Empire & Traction Company regarding the proposed amendments to the franchise procedural ordinance No. 1048-N.S. had been cleared. Councilman Merrill moved, seconded by Councilman Arata that proposed Ordinance No. 1048-N.S. establishing the procedure for granting public utility franchises, introduced on the 19th day of November, 1952, but not yet finally adopted, be amended to read as follows:

That the following additional paragraph be added to Section 1 thereof:

"Nothing in this ordinance shall apply to the granting of permits by the Council to any railroad for the construction of spur, lead or side tracks along or across any street, avenues or highway in the city for the purpose of connecting the facilities of any industry with the line of any railroad."

That Section 8 thereof be amended to read as follows:

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"Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within thirty (30) days after the ordinance granting the franchise becomes effective unless the time is extended by the Council."

and that the City Clerk be directed to re-publish the ordinance as amended, in full as amended, at least once at least three days prior to its final adoption, in the official newspaper of the City.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

ORDINANCE REGULATING THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF SPUR TRACKS

The City Attorney presented an ordinance for the consideration of the Council regulating the issuance of permits for the construction of spur tracks in the city. Councilman M. Adams introduced

ORDINANCE NO. 1058-N.S.

entitled: "AN ORDINANCE REGULATING THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF SPUR TRACKS FOR THE PURPOSE OF CONNECTING INDUSTRIES WITH ANY LINE OF RAILROAD", and moved its adoption, which motion being seconded by Councilman Merrill, it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

ORDINANCE AMENDING ORDINANCE NO. 1053-N.S. (ELIMINATE "FOR HIRE" ON TAXIMETER FLAG

The City Attorney presented an ordinance for the consideration of the Council providing for the elimination of the "fore hire" wording on the flag of the taximeters. Councilman Merrill introduced

ORDINANCE NO. 1059-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 1053-N.S. OF THE CITY OF MODESTO, "AN ORDINANCE REGULATING THE USE AND OPERATION OF TAXICABS UPON THE PUBLIC STREETS OF THE CITY OF MODESTO: PROVIDING FOR DRIVER'S PERMITS, AND AUTHORIZING THE COUNCIL TO HOLD PUBLIC HEARINGS AND TO GRANT OR DENY APPLICATIONS FOR OWNER'S CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS REGULATING THE RATES OF FARES TO BE CHARGED FOR USE

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OF TAXICABS: PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH" BY AMENDING SUBSECTION (b) OF SECTION 3 THEREOF." and moved its adoption which motion being seconded by Councilman M. Adams, it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

ESTABLISH FINAL DATE FOR INSTALLATION OF TAXI METERS IN TAXICABS

The City Manager suggested that a definite date be established on which taxicabs shall be equipped with meters, as provided by Ordinance No. 1053-N.A. Councilman Arata introduced

RESOLUTION NO. 10,073-N.S.

which was seconded by Councilman Merrill establishing the date of March 15, 1953 as the date from and after which it shall be unlawful for any owner or driver to operate a taxicab in the city unless such vehicles is equipped with a taximeter, the type, style and design of which has been approved by the Chief of Police, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

REAPPOINT MEMBERS ON PLANNING COMMISSION

Mayor Marks stated that he had contacted V. E. Barton, John Bomberger and Ian Mensinger, whose terms expire on the Planning Commission this month and that they had consented to be reappointed. Mr. Bomberger and Mr. Barton had stated that whenever any matters were presented to the Planning Commission which would relate to their business, that they would disqualify themselves, on any action to be taken. Councilman Mellis introduced.

RESOLUTION NO. 10,074-N.S.

which was seconded by Councilman Arata reappointing the following persons as members of the Planning Commission for specified terms as follows:

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V. E. Barton Jan.1, 1957
John W. Bomberger Jan.1, 1957
Ian Mensinger Jan.1, 1956

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

REAPPOINT R. W. JONES ON PERSONNEL BOARD

Mayor Marks stated that R. W. Jones had agreed to serve an additional term on the Personnel Board. Councilman Merrill introduced

RESOLUTION NO. 10,075-N.S.

which was seconded by Councilman Arata, reappointing R. W. Jones, as a member of the Personnel Board for a term to expire on Jan. 1, 1957, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

AUTHORIZE PURCHASE OF FIRE HOSE

The City Manager reported that a quotation had been received on the purchase of 1000 ft. of 3 inch hose which would be necessary to purchase if a #2 fire rating is to be granted to the city. Councilman Merrill moved, seconded by Councilman Arata that the purchase of this hose be authorized.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

APPROPRIATION TRANSFER FOR PURCHASE OF FIRE HOSE

Councilman Arata introduced

RESOLUTION NO. 10,076-N.S.

which was seconded by Councilman M. Adams, authorizing the appropriation transfer of \$2400. from the General Reserve to the Fire Department, Capital outlay account for the three inch fire hose required by the Board of Fire Underwriters in order to obtain additional rating points, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

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23 REPORT ON DEFICIENCY POINTS ON USE OF WOODEN SHINGLES IN CITY

The City Manager reported that the city was assessed 28 deficiency points because the city does not require fire resistant roofs in residential areas. The ordinance provides for 5 foot set back lines. If our ordinances were amended to require fire resistant shingles on all buildings closer than 12 feet, the city would gain 14 points on its rating. He stated that many cities prohibited the use of wooden shingles entirely.

The City Attorney reported that the firms outside the city had been notified that their contracts for fire protection were being cancelled, effective as of February 7, 1953.

4 REPORT ON TIME TESTS MADE ON RUNS FROM FIRE STATION NO. 1 and FIRE STATION NO. 3

The City Manager reported on timing tests made on runs from fire station #1 and #3 to various locations in the city, a copy of which is on file in the office of the City Clerk. He stated that Fire Chief Wemyss had taken the Mayor and him on these runs which were held at the time the children were getting out of schools. He pointed out that at the present time when calls are received in the vicinity of #3 fire station, one truck is dispatched from #3, and another from another station. Under the new plan when the personnel and equipment is transferred to #1 station, a "task force" of trucks can be dispatched.

The Mayor commented on the system now in force in the city of Sunnyvale where the police and fire functions are under one department. All policemen carry fire extinguishers in their cars and approximately two-thirds of the residential fires are extinguished by the policemen before the fire fighting equipment arrives.

The City Manager pointed out that the fire fighting system have changed a great deal over the period of years. It is the recommended practice at the present time to centralize the fire equipment and personnel.

5 REPORT ON REQUEST OF J. M. ABERNETHY FOR REMOVAL OF TREE

Councilman Merrill reported that he had inspected the tree which J. M. Abernethy had requested permission to remove at his property located at 212 Magnolia Avenue. He recommended that this tree be removed at the city's expense, since it was raising the driveway approach to this property and that another tree be planted. Councilman Merrill moved, seconded by

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Councilman Arata that the city remove the maple tree at its own expense and that another tree be planted by the city, and that Mr. Abernethy be required to replace any sidewalk and driveway damage, at his own expense.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

Councilman Merrill and Director of Public Works Ray were appointed to decide on the type of tree to be replanted at this location.

REPORT ON REQUEST OF SUE W. STEVENS TO REMOVE TREE

Councilman Merrill reported that he had inspected the tree in front of the Sue W. Stevens property on Sycamore Avenue just north of the M.I.D. canal on the west side. This tree was a good healthy tree and he moved that permit be denied which was seconded by Councilman R. Adams. Before a vote was taken, a discussion was held by the Council whether this tree would present a problem when the house was constructed and it was decided that the City Clerk should invite her to be before the Council next week to discuss the problem.

REPORT ON REQUEST OF WM. J. SILVA ON PARKING SPACES ON H STREET IN FRONT OF HIS GARAGE

The City Manager stated that he had talked to Mr. Silva regarding his request for the elimination of a reserved parking space in front of his garage on the south side of H Street, between 11th and 12th Streets, and the establishment of a parking meter zone on the east end of the block. He had also checked with the Chief of Police, who was willing that this space be eliminated as required by Mr. Silva and that a parking meter which is up on the west end of the block moved down to the east end of the block and that the parking space which was formerly metered on the west end be established as a reserved parking space for use by the sheriff's personnel. Councilman Arata moved, which was seconded by Councilman Merrill, that the City Attorney be directed to draft a resolution establishing these parking spaces and eliminating the space directly in front of the garage, for the consideration of the Council at the next meeting.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

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30 REFER REQUEST OF THE FIRE DEPARTMENT FOR EXEMPTION FROM PAYING ADMISSION TAX

Councilman Mellis moved, seconded by Councilman R. Adams that the request of the Fire Department for exemption from the payment of admission tax on their annual firemen's dance be referred to the City Attorney for his investigation.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

31 REPORT ON STUDY OF RAILROAD CROSSINGS SIGNALS ON 99 HIGHWAY AT COLDWELL AND KANSAS AVENUES

The City Manager reported that the study of the traffic hazard created by the railroad crossing on the 99 Highway at Coldwell and Kansas Avenues, had reached the point where both the railroad, the Public Utilities Commission and Division of Highways were in agreement that something should be done on the situation. The Highway Division had been asked to proceed "with all speed" to do something to improve the hazard.

32 REPORT ON INTERPRETATION OF BILLBOARD ORDINANCE

The City Manager asked the City Attorney to report on the interpretation of the billboard ordinance (No. 302-N.S. as amended). The City Attorney stated he had ruled that under the old ordinance that the signs placed on a building similar to the CocaCola signs, did not advertise the general business conducted in the garage and therefore it it not exempt under the ordinance and that the company installing the signs should apply for a permit and pay the \$1.00 fee. Also that the company putting up these signs are not engaged in the sign business as such and that the \$25. license fee per quarter would not be applicable.

A discussion was held on the application of the ordinance on painted signs on outside walls and the City Attorney stated that a further study should be made on this type of sign before he could give a decision.

The City Manager suggested that the City Attorney be instructed to draft a new ordinance and it be discussed by the committee which the Mayor has appointed.

33 REPORT BY CITY ATTORNEY ON PROGRESS MADE IN CODIFICATION OF ORDINANCES

The City Attorney reported on the progress being made in the codification of the ordinances of the city. He stated that he hoped to

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have the first draft in approximately 6 months.

SUGGESTION MADE TO ROUND SHARP CORNERS OF CURBS AT INTERSECTION WHERE TRAFFIC SIGNALS ARE INSTALLED

Councilman Mellis recommended that consideration be given to rounding the sharp corners of curbs at intersections where traffic signals are installed so that cars making a right hand turn would not run up over the curbs, at such locations as McHenry and Needham Avenues and the new location of traffic signals at McHenry and Morris Avenues. This matter was referred to the Director of Public Works.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.


REX E. GAILFUS, CITY CLERK

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Jan 21, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
Absent: Councilmen: None

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

APPROVAL OF MINUTES

The members of the Council, having received copies of the minutes of the meeting of December 23, and the same being available for public inspection, and there being no objections, the same were approved.

CONSIDERATION OF REQUEST OF MRS. SUE W. STEVENS FOR REMOVAL OF TREES

Mrs. Sue W. Stevens appeared before the Council as requested and outlined her plans for the improvement of her property in Block 539, by the planting of trees. She again requested consideration of the Council for the removal of two Sycamore trees in front of her property. One of these trees would interfere with the parking of cars, she stated, after the driveway had been completed. She pointed out that the street was very narrow in front of her property. She asked the Council to consider the alternative of removing the tree which was located nearest the proposed driveway if it would not agree to removal of both trees. She agreed to plant 4" Birch trees in place of the trees removed.

Councilman Merrill pointed out that the trees were healthy, of the same size and type as other trees on the block. He stated that the Council had previously denied permit to another property owner to remove Sycamore trees on this street. The Council agreed that Councilman M. Adams and Merrill would meet with Mrs. Stevens at 4:30 P.M. Friday, Jan 23, at her property to check the trees.

ROY E. FREDRICKSEN, ASSISTANT DIRECTOR OF PUBLIC WORKS INTRODUCED TO COUNCIL

Mayor Marks introduced Roy E. Fredricksen, the new Assistant Director of Public Works, to the Council.

REMOVAL OF TREE REQUESTED BY WALTER NICOLAU AT 806 SIXTH STREET

Walter Nicolau appeared before the Council and stated that
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a walnut tree located in the parking strip in front of his house at 806 Sixth Street, was a danger to the public because limbs were falling from the tree and the roots were raising the sidewalk. Sometime ago the Council had given him permission to remove the tree at his own expense he stated, but he was not financially able to do this. Councilman Arata moved, seconded by Councilman Merrill, that the tree be removed by the city as it was a public hazard. City Attorney Grimes recommended that the Council check the action previously taken before any further action was taken and Councilman Arata withdrew his motion and Councilman Merrill, his second.

After the reading of the minutes of October 1, 1952, by the City Attorney, which permitted Mr. Nicolau to remove the tree at his own expense due to the fact he was planning on building a car port and the tree would be in line with a proposed driveway, City Manager Miller suggested that the Director of Public Works be authorized to investigate the tree and if in his opinion it was a public hazard, that he be authorized to remove the tree at the city expense or if his investigation proved that the tree could be trimmed so that it would no longer be a public hazard, that he proceed to do so. Councilman Arata moved, seconded by Councilman Merrill, that the Director of Public Works be instructed to proceed along the lines suggested by the City Manager.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

TRAFFIC HAZARD CREATED BY BROKEN CURB AT 812 SIXTH STREET

Mr. Nicolau stated that a traffic hazard had been created by the breaking off of a portion of the curb by the city street sweeper in front of the property at 812 Sixth Street. The City Manager stated that this would be checked by the Department of Public Works.

REPORT ON INCREASED COSTS FOR INSURANCE ON TAXICABS BY DIRECTOR OF FINANCE

Director of Finance Lawrence filed a report, a copy of which is on file in the office of the City Clerk, as requested by the Council, on the increase in cost of insurance to the taxicab operators due to the adoption of Ordinance No. 1053-N.S. A request had previously been filed by Attorney Vernon F. Gant on behalf of Sam Secreto, operator of the Yellow Cab Company, to delay for one year the requiring of increased insurance.

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until the operators had paid for their taximeters which were also required by the new ordinance.

After a discussion by the Council in which it was brought out that the increased insurance requirements would amount to about \$75. per taxi per year, Councilman M. Adams moved, seconded by Councilman Arata that the increased insurance requirements should not be deferred as requested by Attorney Gant on behalf of Sam Secreto, since the safety of the citizens of the city would be at stake.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

LETTER FROM PARKING AUTHORITY ON REAPPOINTMENT OF IAN MENSINGER

A letter was received from the City Parking Authority recommending the reappointment of Ian Mensinger for a four year term to expire on Jan 18, 1957. Councilman Annan moved that Mr. Mensinger be reappointed. Councilman Mellis requested that action be delayed on this recommendation for a period of one week and Councilman Annan withdrew his motion.

LETTER FROM CITY OF LOS BANOS RE: MEETING OF LEAGUE OF CALIFORNIA CITIES CENTRAL VALLEY DIVISION IN STOCKTON

A letter from John Erreca, President of the Central Valley Division, League of California Cities, announcing a meeting to be held in Stockton on Jan 22, was read and ordered filed. A copy of the by-laws, which would be considered at this meeting, was enclosed with the letter.

RESOLUTION FROM BOARD OF SUPERVISORS OF STANISLAUS COUNTY RELATING TO MOVING FIRE STATION #3

The City Manager read a resolution which had been sent to the Council by the Board of Supervisors of Stanislaus County registering a protest against the city closing Fire Station No. 3 on Downey Avenue, a copy of which is on file in the office of the City Clerk.

Councilman Mellis questioned the right of the Board of Supervisors to file a protest to the proposed moving of personnel and equipment to Fire Station #1 since "the county does not pay any of the cost for the maintenance of this station." He stated, "the Council is trying to save the tax payers money and how can 135,000 people ask

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20,000 people to burden themselves to give protection without being willing to assume some of the cost?"

Councilman R. Adams recommended that the Council and city officials get together with the Board of Supervisors and work out a cooperative plan and that the Board be asked to assume approximately one half the cost, say \$12/15,000 per year.

The City Manager stated that the approximate annual cost of operating Fire Station #3 was \$25,000. The Board of Fire Underwriters of the Pacific is recommending more man power in the high value district and has stated that this can be accomplished by moving the personnel of No. 3 to fire station #1, so that concentrated man power can be sent in any direction.

The City Attorney pointed out that the question to be determined was whether better fire protection would be rendered to the community in the area of fire station #3 if it was consolidated with fire station #1, not the cost of operation of station #3.

At this time Paul Dean, 412 Downey Ave., presented a petition signed by 259 residents of the city protesting to the plan of "closing station #3 and leaving the County Hospital, schools, industrial plants and residences in this area without proper fire protection." He stated that "the people who signed this petition felt that this station should be left as it is. The station has been there a long time and if it was practical all these years, he stated, it should be now with all the building and annexations going on. If the city needs additional firemen at station #1, they should be hired. The city should not go backwards when it is growing and expanding."

Mayor Marks called attention to the recent tests made on runs from station #1 and station #3 and pointed out that this area would be adequately protected. (A copy of this report is on file in the office of the City Clerk.)

The City Manager stated that obviously the fire trucks from station #3 could get to this area faster than from station #1 but the question is "economy in government and how much. Lots of people want economy, if it does not effect them directly. The question now is--- is it worth making the saving which can be made both on the operation of

the fire department and in the fire insurance rate, to make this change. It does not make sense for the city to continue to do something just because it has been done for a number of years. The Council's problem is to take the interest of each area into account and still provide the maximum of service for all the citizens at the minimum of cost."

Mr. Dean brought out the point that the first few seconds determine many times whether the fire is a major or minor fire. He stated that the savings would be approximately 26¢ per year to property owners on insurance on their residence. "On larger building in the business area, of course the saving would be much higher", he stated.

The City Manager brought out that better police protection was being afforded the residential area now, particularly at night. Every police car is equipped with a fire extinguisher and many minor residential fires could be put out by such extinguishers before a fire truck could arrive. He stated that from the standpoint of savings of life, it would be better to spend more money for traffic control since more deaths occur due to traffic accidents.

The Mayor stated that only six deaths had occurred in the city in the last ten years due to fire.

The City Manager stated that a fire station would probably be needed later in the northeast area but not at the present location. Councilman Mellis introduced

RESOLUTION NO. 10,077-N.S.

which was seconded by Councilman Annan, recommending that the Board of Supervisors of Stanislaus County be asked to inform the Council at its meeting on January 28, whether or not it is willing to pay a substantial portion of the cost of continuance of station #3 if the station is continued at its present location; expressing appreciation to the Board for its interest in the problems of the city; and assuring the Board of the city's continual cooperation in the matters of mutual interest in the community, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

LETTER FROM MODESTO REFRIGERATING COMPANY RE: CANCELLATION OF FIRE PROTECTION CONTRACT

A letter from the Modesto Refrigerating Company, expressing appreciation for the fire protection extended by the city during the past seven years, and expressing approval of the program which the city is adopting which made it necessary to cancel the contract, was read and ordered filed.

The City Manager stated that one of the firms whose contract was cancelled, had expressed a desire to annex its property to the city so that the fire protection service could be continued.

REQUEST OF BOB WATSON OPERATOR OF BAMBOO ROOM AT 724 -10th ST. TO DISPLAY CLOTH BANNER

A letter from John E. Griffin, Attorney, filing a request on behalf of Bob Watson, operator of the Bamboo Room at 724 10th Street, for permission to display a banner which would hang under a metal sign over the sidewalk, was read.

The City Manager suggested that this request be referred to the Building Inspector to check with the City Attorney and to file a report with the Council for the next meeting.

RESOLUTION RE: APPOINTMENT OF STANISLAUS COUNTY AVIATION ADVISORY COMMITTEE

A copy of a resolution adopted by the Board of Supervisors of Stanislaus County creating and appointing members of the Stanislaus County Aviation Advisory Committee, was read, Councilman R. Adams introduced RESOLUTION NO. 10,078-N.S.

which was seconded by Arata, commending the Board of Supervisors of Stanislaus County on its action in creating this committee, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor
- Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

DISCUSS OPERATION OF MINIATURE AIRPLANES AT BEARD BROOK PARK

Councilman Merrill reported that a complaint had been filed with him recently on the public hazard created by the operation of the miniature airplanes at Beard Brook Park during the summer time. He asked if there would be a space available on the airport property for this activity.

The City Manager stated that the Director of Recreation had been working on this problem for several months and that he would have a report shortly.

13
✓ REPORT ON ANNEXATION OF AIRPORT PROPERTY TO THE CITY

The City Manager stated that he would have a report on the annexation of the municipal airport property to the city, as soon as the boundary description could be cleared. He asked if the Council wished to consider requesting the county for an allocation of funds to be used in the operation of the airport to the extent of taxes paid the county. It was the decision of the Council to clear the question of the annexation and to work out the general problems with the newly created Stanislaus County Aviation Advisory Committee.

14
✓ CALL FOR BIDS FOR AUTOMOTIVE EQUIPMENT IN POLICE DEPARTMENT

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 10,079-N.S.

which was seconded by Councilman M. Adams, authorizing the calling for bids for two new 1953 4-door sedans and two 1953 three wheel motorcycle service cars for the Police Dept., said bids to be opened at 10:00 A.M. on Tuesday, Feb. 10, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None

Absent: Councilmen: None

15
✓ REQUEST FOR ANNEXATION - C. A. BARHAM

A letter from C. A. Barham was read in which he requested consideration of the Council for the annexation of lot 3 and 18 in Weil Colony. This property is located on Granger and Carlton Avenues and the property recently purchased by the city for park purposes is located just south of this property. This property can be annexed under the Uninhabited Territory Act of 1939. Mr. Barham stated in his letter that a description of the property had been forwarded to the County Boundary Commission for approval. He requested city water and sewer services for this property.

The City Manager stated that no action was necessary until such time as approval of the boundary description has been approved by the County Boundary Commission.

16 ACCEPT CONTRACT FOR SANITARY LATERAL SEWER ON LEONARD AVENUE FROM ATLAS PIPE COMPANY AND AUTHORIZE PROGRESS PAYMENT

The City Manager reported that the Director of Public Works had filed a statement of approval of the contract for the sanitary lateral sewer on Leonard Ave. as completed by the Atlas Pipe Co. and had recommended that a progress payment of \$638.43 be made. Councilman Annan introduced

RESOLUTION NO. 10,080-N.S.

which was seconded by Councilman Arata, accepting the contract as completed by the Atlas Pipe Company, authorizing progress payment of \$638.43, and directing the City Clerk to record notice of completion with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

17 APPROVE AGREEMENT WITH ELMER PRICE AND EDWARD WALTERS

The City Attorney presented for consideration of the Council, an agreement with Elmer Price and Edward Walters, operating the McHenry Three Minute Car Wash, at 502 McHenry Ave., granting permit to the company to construct a building in Block 562 over an easement for a water line of the city's. Councilman M. Adams introduced

RESOLUTION NO. 10,081-N.S.

Which was seconded by Councilman R. Adams, approving the agreement as presented by the City Attorney, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

18 CHANGING PARKING ON H STREET BETWEEN 11th & 12th STREETS

The City Attorney reported that the resolution changing the parking on the south side of H Street, between 11th and 12th Streets, as requested by William J. Silva, would be presented for consideration at a later meeting.

19 ORDINANCE ADOPTING 1952 UNIFORM BUILDING CODE

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The City Attorney reported that an ordinance adopting the 1952 Uniform Building Code would be presented for consideration at a later meeting.

20 ORDINANCE PROHIBITING BEGGING

The City Attorney presented a draft of an ordinance for consideration prohibiting begging in the city. He stated that if this ordinance was adopted it would be the responsibility of the city to prosecute all cases of begging in the city. At the present time the state law covers most of the cases in the city and they are handled by the District Attorney's office. Councilman R. Adams moved, seconded by Councilman M. Adams that the city continue operating under the existing laws and that the matter be tabled.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

21 FINAL ADOPTION ORDINANCE NO. 1057-N.S. PURCHASE OF JOHN MUIR SCHOOL PROPERTY FROM MODESTO CITY SCHOOL DISTRICT

Ordinance No. 1057-N.S. entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA", having been heretofore introduced and ordered printed and published at the regular meeting of January 7, 1953, Councilman Mellis moved, seconded by Councilman Merrill, that the ordinance be finally adopted and it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

22 APPROPRIATING MONEY PURCHASE JOHN MUIR SCHOOL PROPERTY

Upon the recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 10,082-N.S.

which was seconded by Councilman Arata, appropriating \$18,000. from the General Reserve for the purchase of the John Muir School property from the Modesto City School district and authorizing the drawing of a warrant in this sum to the said district by the Director of Finance and the delivery

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of the warrant to the Security Title Insurance Co., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

EXTEND TEMPORARY APPOINTMENT OF PHILLIP E. JOHNSON, ASSOCIATE ENGINEER

Upon the recommendation of the City Manager, Councilman M.

Adams introduced

RESOLUTION NO. 10,083-N.S.

which was seconded by Councilman Annan, empowering the City Manager to extend the temporary appointment of Phillip E. Johnson, Associate Engineer for a period of not to exceed six months, as provided by section 7 of Ordinance No. 1031-N.S. (Personnel Ord.), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

CREATE NEW POSITIONS IN CLASSIFIED SERVICE (FIRE DEPARTMENT)

The City Manager stated that in order to comply with the recommendation of the Board of Fire Underwriters of the Pacific, it would be necessary to appoint two captains and five lieutenants in the Fire Department. This matter had been taken up with the Personnel Commission and it had recommended that two new positions be created of Fire Captain and Fire Lieutenant. The City Manager stated that this "is good operation in the fire department and not only because the Board recommended it." This action will put someone in charge of each piece of equipment. The salary range of Fire Captain would be the same as Sergeant in the Police Department. Councilman Arata introduced

RESOLUTION NO. 10,084-N.S.

which was seconded by Councilman Merrill, amending resolution no. 9906-N.S. entitled: "A RESOLUTION ESTABLISHING SALARY SCHEDULES, CLASSES OF POSITIONS AND FIXING THE COMPENSATION OF OFFICERS AND EMPLOYEES IN THE CITY SERVICE" to provide as follows:

CLASSIFIED SERVICE

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<u>Position</u>	<u>Range No.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
Fire Captain	14	310	325	341	358	376
Fire Lieutenant	12A	288	302	317	333	349

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager reported that promotional examinations would be given in the fire department to fill these new positions. The plan to include civilian personnel for fire alarm operation had been given up at this time due to the hours worked by uniformed employees in the fire department.

RESOLUTION ADOPTING "ROBERT'S RULES OF ORDER" AS PROCEDURE FOR THE CONDUCT OF THE MEETINGS OF THE COUNCIL

The City Attorney stated that Section 710 of the Charter of the city authorized the Council to determine its own rules of procedure and he suggested that Robert's Rules of Order, Revised Seventy-Fifth Anniversary Edition be adopted. Councilman Mellis introduced

RESOLUTION NO. 10,085-N.S.

which was seconded by Councilman R. Adams, adopting "Robert's Rules of Order, Revised Seventy-Fifth Anniversary Edition" as the procedure governing the conduct of the meetings of the Council and that three copies of this publication be on file in the office of the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST REMOVE TREE AT 226 HIGH STREET, MRS. CARMEL DUNLAP

A request filed by Mrs. Carmel Dunlap to remove a 15" diameter She Oak tree in the parking strip abutting lots 36-37, Block 586, 226 High Street, was considered by the Council. She requested the removal due to the fact this tree would be in the center of a proposed driveway to two apartments which she is planning on constructing on these lots. Councilman Mellis moved, seconded by Councilman R. Adams, that Mrs. Dunlap be authorized to remove this tree at her own expense

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Ayes: Councilman M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
 Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

4
REQUEST REMOVE TREES, W. C. KLINE-131 GRANT STREET

The City Manager reported that a request, filed by W. C. Kline to remove two large Sycamore trees in front of 131 Grant Street, had been investigated by the Director of Public Works. His report indicated that the trees were in good condition and free from disease but that one of the trees had raised the sidewalk to the extent that it was now being replaced by city crews. This tree is 24" in diameter, which is the width of the parking strip, and it projects about 6" into the sidewalk. After a discussion by the Council, Councilman Merrill moved, seconded by Councilman Arata, that the tree causing the sidewalk to raise should be removed at the city's expense and permission be granted to remove the other tree to Mr. Kline at his own expense.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
 Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

2
REPORT ON TYPE OF ORNAMENTAL TREES TO BE PLANTED IN CITY

The City Manager stated that the types of ornamental trees to be approved for planting in the city was still under study and that a report would be filed at an early date.

3
REPORT ON PROPOSED USE TAX ORDINANCE

The City Manager stated that copies of the report on a proposed use tax for the City had been sent to the Chamber of Commerce and that they were checking it with merchants in the city. The willingness on the part of the city to discuss this proposed tax at any time with the merchants had been offered to the Chamber by the City Manager.

3
COUNCILMAN MERRILL REPORT ON TRAFFIC HAZARD ON NORTHWEST CORNER OF GROVE AND MCHENRY AVENUES=DUE TO SHRUBS

Councilman Merrill reported on a dangerous traffic hazard which existed on the northwest corner of Grove and McHenry Avenues, due to the high growth of shrubs on private property. The City Manager stated that the matter would be handled by the Director of Public Works.

32 REPORT BY CITY ATTORNEY ON REQUEST FOR AMUSEMENT TAX EXEMPTION BY THE
MODESTO FIRE DEPARTMENT

The City Attorney reported on the request of the Modesto Fire Department for exemption of amusement tax on its annual dance which is given for the benefit of its pension fund. He stated that it would be a question of policy whether the Council wished to amend the ordinance providing for this exemption which would be of the same general nature as amendment adopted exempting athletic events for schools. He stated that a similar exemption was allowed with respect to the federal admission tax. After a discussion by the Council, Councilman Merrill moved, seconded by Councilman R. Adams that this matter be referred back to the City Attorney to determine the scope of the federal exemptions under the federal admission tax.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

33 REPORT BY CITY MANAGER ON ENGINEER'S REVIEW BOARD

The City Manager reported that the Engineering Review Board, which had been set up to review the plans for the improvement of the sewage plant, composed of Lawrence Adams, Fred Johnson, Frank Rossi and a representative from the firm of Clyde C. Kennedy, was functioning.

34 INVITE COUNCILMEN TO MEETING OF ASSOCIATED FLYING CLUBS, NORTHERN SECTION
MEETING AT HOTEL COVELL

Councilman R. Adams issued an invitation to the Council members to attend a meeting of the Associated Flying Clubs, Northern Section, which was being held at the Fable Room at the Hotel Covell, Jan 21. He stated that the Orville Wright trophy presented by the Hughes Aircraft Co. would be on exhibit.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUS, CITY CLERK

1-21-53

January 28, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Absent: Councilmen: Annan and Mellis

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

APPROVAL OF MINUTES

The members of the Council, having received copies of the minutes of the meeting of Jan. 7, 1953, and the same being available for public inspection, and there being no objections, the same were approved.

REQUEST TO REMOVE TREES-JOHN MATTERA AT 615 17th STREET

John Mattera, owner of property at 615 17th Street, Block 128, lots 7 and 8, requested the removal of four trees on his property, two of which were located on the park strip, due to the fact that the roots were damaging the foundation of his house. The Council informed him that it would only be necessary to request a permit to remove the two trees on the park strip. Councilman Merrill and Director of Public Works Ray were appointed to inspect the trees on the park strip and make a report to the Council at the next meeting.

REQUESTS FOR EXEMPTION OF AMUSEMENT TAX-CATHOLIC DAUGHTERS OF AMERICA AND MODESTO FIRE DEPARTMENT BENEFIT ASSOCIATION

The City Manager stated that a request had been filed by the Catholic Daughters of America for exemption from the city amusement tax on a fashion show to be held for the benefit of the St. Stanislaus School.

The City Attorney filed a report on the request for a similar exemption by the Modesto Fire Department Benefit Association, a copy of which is on file in the office of the City Clerk. This report outlined the various activities which are exempt from the Federal Admission Tax. He stated that both the Police and Fire Departments were exempted from the federal tax if the proceeds of their annual dances "inured exclusively to the benefit of a retirement, pension or disability fund for the sole benefit of members or their heirs." He presented a draft of an ordinance for the consideration of the Council if it wished to amend the ordinance to exempt these departments from the city amusement tax. Both departments

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had been included in this draft of the ordinance, he stated, since both were exempted under the federal law.

A general discussion was held by the Council in which the following points were brought out:

- 1-The city did not have to follow the federal law on exemptions.
- 2-The granting of these requests for exemptions would open the door for a great many other groups to ask for an exemption.
- 3-The exemption allowed to the elementary and secondary schools was for athletic events only. This was a special case where the money "inured" to the benefit of the children themselves.

It was agreed by the Council that the requests by the Catholic Daughters of America and the Modesto Fire Department Benefit Association should be denied. Councilman R. Adams moved, seconded by Councilman M. Adams that the City Attorney be instructed to advise the Catholic Daughters of America that its request was contrary to the present ordinance, that the Council did not wish to change the ordinance, and outline the reasons why the schools were allowed exemption.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

Councilman Merrill moved, seconded by Councilman Arata, that the request of the Modesto Fire Department Association be denied and that the City Attorney be instructed to explain the basis of the denial as a matter of policy.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

Director of Finance Lawrence pointed out that the Modesto Symphony Orchestra, Inc. had also informally requested exemption from this tax. He stated that there would be a loss of revenue of approximately \$3000. if exemption was allowed to such organizations as provided in the federal law.

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3 LETTER FROM H. S. BURTON--RE: OBNOXIOUS ODOR

A letter from H. S. Burton, 1417 11th St. regarding the "obnoxious odor permeating my home", which came from a nearby "chemical plant" was read. After a general discussion by the Council, it was agreed that this odor was not injurious to the health of the community, that the officials of the Barium Products Company, from which plant the odors emanated, had made extensive improvements to eliminate the odor, and that the plant was an asset to the community. It was the decision of the Council to visit the plant and have the plant engineer explain the problems, that the City Clerk be instructed to write a letter to Mr. Burton explaining the situation and to invite him to visit the plant with the Council.

4 LETTER FROM CITY OF MODESTO PARKING AUTHORITY RE: APPOINTMENT OF DIRECTOR OF PLANNING BILLS AS ADMINISTRATIVE HEAD

A letter from the City Parking Authority requesting that the Council assign the services of Director of Planning Bills to act as administrative head of the Parking Authority for a period, not to exceed 90 days, was read. In return for these services the Parking Authority agreed to reimburse the city to the extent of \$100. per month.

The City Manager stated that at the last meeting of the Parking Authority, it was brought up that the Authority did not have anyone to follow through on matters considered. He stated that he had made it clear to the Authority that it was not his desire to have the Director of Planning become too involved since his services were urgently needed by the city but in order to assist the Authority until the report being made by Gordon Whitnall, Park Consultant, was completed, he had agreed that temporary appointment be arranged. Councilman Arata introduced

RESOLUTION NO. 10,086-N.S.

which was seconded by Councilman Merrill, authorizing the assignment of 20% of the time of the Director of Planning to the Parking Authority for a period not to exceed 90 days, for a consideration of \$100. per month to be paid by the Authority to the City, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

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5 AGREEMENT WITH GORDON WHITNALL FOR COMPLETION OF ZONING ORDINANCE

The City Manager suggested that Mr. Whitnall be hired to complete the zoning ordinance, which had been under consideration for some time. It was agreed by the Council that the City Attorney should prepare an agreement for the services of Mr. Whitnall and present it to the Council for its consideration.

6 RESOLUTION CHANGING PARKING ON H STREET, BETWEEN 11th and 12th STREETS

The City Attorney presented a resolution for the consideration of the Council changing the parking regulations on the south side of H Street, between 11th and 12th Streets. Councilman Arata introduced

RESOLUTION NO. 10,087-N.S.

which was seconded by Councilman Merrill, eliminating the parking space on the south side of H Street, between the driveways into the Silva Garage; creating a special parking zone for the personnel of the County and City law enforcement agencies at the west end of the block; and installing a parking meter at the parking space located on east end of the block; and directing the Director of Public Works to post the locations as set forth in the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

7 AUTHORIZE PAYMENT TO STOCKTON CONSTRUCTION COMPANY ON AMOUNT WITHHELD FOR DAMAGES TO THE REINARDY PROPERTY

The City Attorney reported that the Stockton Construction Company had made payment to H. J. Reinardy of \$46.10 to cover damage to his property by the company, during the construction of the trunk sewer line on Kearney Ave. and that it would be in order to pay the \$100. withheld from the final payment to the company. Councilman M. Adams introduced

RESOLUTION NO. 10,088-N.S.

which was seconded by Councilman Merrill, authorizing the payment of the \$100. withheld to the said company, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

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Absent: Councilmen: Annan and Mellis

8 EMPLOYMENT OF FINANCIAL COUNSEL FOR BOND ISSUE

The City Manager stated that two things that would have to be considered at this time on the sewage disposal program were, 1) financial counsel in the working out of the details of the bond issue and the preparation of a prospectus which all the bond houses must have before they bid on the bonds; 2) Legal Council, whose opinion would be necessary before the bonds can be sold. He stated that a proposal had been received from R. H. Moulton & Company, financial consultants, which he briefly outlined for the Council.

The City Attorney stated that it would be necessary to adopt an ordinance to approve an agreement of this type since the expenditure could exceed \$1500. He presented a draft of an ordinance for the consideration of the Council and stated that it had been written as an emergency ordinance in order to submit the proposed bond issue at the general election to be held on April 14, 1953. Councilman Merrill introduced

ORDINANCE NO. 1060-N.S.

entitled: "AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH R. H. MOULTON & COMPANY TO PROVIDE FINANCIAL ASSISTANCE IN CONNECTION WITH THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE ENLARGEMENT, EXTENSION AND IMPROVEMENT OF THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF MODESTO", and moved its adoption, which motion being duly seconded by Councilman Arata, it was upon roll call adopted and ordered published and printed by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

9 EMPLOYMENT OF LEGAL COUNSEL FOR BOND ISSUE

The City Attorney stated that it would be necessary to employ special bond counsel in order to prepare the bond proceedings and to render an opinion certifying to the validity of the bonds. The only firm in Northern California, whose opinion is acceptable to the bond houses is the firm of Orrick, Dahlquist, Neff and Herrington. They have agreed to act as special counsel for the city, he stated. He outlined briefly a

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draft of an ordinance and agreement approving the hiring of this firm.
Councilman M. Adams introduced

ORDINANCE NO. 1061-N.S.

entitled: "AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ORRICK, DAHLQUIST, NEFF AND HERRINGTON FOR LEGAL ASSISTANCE IN PREPARING GENERAL OBLIGATION BOND ELECTION PROCEEDINGS AND CERTIFYING TO THE VALIDITY OF ANY BONDS AUTHORIZED AT SUCH ELECTION" and moved its adoption, which motion being duly seconded by Councilman R. Adams, it was upon roll call adopted and ordered published and printed by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

10 APPROPRIATION TRANSFER FOR PERIMETER LIGHTING

The City Manager reviewed the policy on perimeter lighting adopted by the Council. He stated that the city's share for perimeter lights in the Campus Tract #3 would be \$1,045., and \$2,425. in the Improvement District #1. He suggested that an amount of \$3,598. be transferred from the reserve for salary adjustments and \$902 from the General Reserve to the electrical division to be used as capital outlay for street light extension. He stated that the city was obligated to advance this money, and ^{that} the money collected on these lights, when new additions are approved, is placed in trust fund and then transferred to the general fund. He reported that about \$800. had already been collected on perimeter lights. Councilman R. Adams introduced

RESOLUTION NO. 10,089-N.S.

which was seconded by Councilman M. Adams, approving the appropriation transfer of \$4500. as set forth above, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

11 FINAL ADOPTION ORDINANCE NO. 1048-N.S. FRANCHISE PROCEDURE

Ordinance No. 1048-N.S. entitled: "AN ORDINANCE ESTABLISHING THE PROCEDURE FOR GRANTING PUBLIC UTILITY FRANCHISES AND SETTING FORTH
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THE ADDITIONAL TERMS AND CONDITIONS THAT SHALL OR MAY BE INCLUDED IN A FRANCHISE PURSUANT TO THE APPLICABLE PROVISIONS OF THE CHARTER OF THE CITY OF MODESTO AND PROVIDING REMEDIES AND PENALTIES FOR OPERATING WITHOUT A FRANCHISE", having been heretofore introduced and ordered printed and published at the regular meeting of Nov. 19, 1953, and amended at the regular meeting of Jan. 14, 1953, and republished and reprinted, Councilman R. Adams moved, seconded by Councilman Merrill, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

12 FINAL ADOPTION ORDINANCE NO. 1058-N.S. REGULATE ISSUANCE OF PERMITS FOR SPUR TRACKS

Ordinance No. 1058-N.S. entitled: "AN ORDINANCE REGULATING THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF SPUR TRACKS FOR THE PURPOSE OF CONNECTING INDUSTRIES WITH ANY LINE OF RAILROAD", having been heretofore introduced and ordered printed and published at the regular meeting of Jan 14, 1953, Councilman Merrill moved, seconded by Councilman Arata, that the ordinance be finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

13 FINAL ADOPTION ORDINANCE NO. 1059-N.S. AMEND TAXICAB ORDINANCE

Ordinance No. 1059-N.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 1053-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING THE USE AND OPERATION OF TAXICABS UPON THE PUBLIC STREETS OF THE CITY OF MODESTO PROVIDING FOR DRIVER'S PERMITS, AND AUTHORIZING THE COUNCIL TO HOLD PUBLIC HEARINGS AND TO GRANT OR DENY APPLICATIONS FOR OWNER'S CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS; REGULATING THE RATES OF FARES TO BE CHARGED FOR USE OF TAXICABS; PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH" BY AMENDING SUBSECTION (b) OF SECTION 3 THEREOF." having been heretofore introduced and ordered printed and published at the regular meeting of Jan. 14, 1953, Councilman Arata moved, seconded by Councilman M. Adams, that the ordinance be finally adopted

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by the following vote:

Ayes; Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

14 ORDINANCE ADOPTING 1952 UNIFORM BUILDING CODE

The City Manager stated that an ordinance adopting the 1952 Uniform Building Code was part of the program to be considered in the securing of a #2 fire rate for the city.

The City Attorney presented a draft of an ordinance, for the consideration of the Council, adopting this code by reference with certain modifications which had been worked out to fit the local conditions.

The City Manager pointed out that the ordinance would not be effective until after Feb. 26th, and copies of the uniform code and ordinance could be purchased by the general public shortly thereafter. Councilman M. Adams introduced

ORDINANCE NO. 1062-N.S.

entitled: "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF MODESTO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTIONS OF FEES THEREFORE; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCE NO 827-N.S. AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH",

who moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

15 REQUEST TO REMOVE TREES ON SYCAMORE AVENUE-SUE W. STEVENS

Councilman Merrill reported that he had inspected the Sue W. Wilson property on Sycamore Ave. along with Director of Public Works Ray, and determined that one of the trees, which she had requested be removed, was a healthy tree and that they had objected to the removal of this tree.

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However the other tree would present a problem to the city due to the location of power lines and he recommended that Mrs. Wilson be permitted to remove this tree at her own expense. Councilman Merrill moved, seconded by Councilman R. Adams, that Mrs. Wilson be permitted to remove the southerly tree, located closest to the M.I.D. canal on Sycamore Ave., at her own expense.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

16 MAYOR APPOINT SPECIAL COUNCIL COMMITTEE ON GARBAGE DISPOSAL SITE

Mayor Marks stated that since Councilman Arata and Annan would be out of town for the next few weeks and since action would be taken on the securing of a suitable site for garbage disposal in the immediate future, he would appoint Councilmen Bob Adams, Lyndall Merrill and M. Adams, as a special Council committee to act on this problem.

17 REQUEST OF BOB WATSON DISPLAY CLOTH SIGN IN FRONT OF BAMBOO ROOM

The City Manager reported that the request of Bob Watson to display a cloth banner over the sidewalk in front of his place of business, Bamboo Room, at 724 10th St. had been investigated. He stated that this sign was a direct violation of the ordinance regulating signs and that the owner was being asked to remove this sign at once and that no action by the Council would be necessary at this time.

The City Manager pointed out that there seemed to be a concept of a few people in the city that they could violate an ordinance and then ask the Council to validate the violation. He pointed out that it was his responsibility, as well as the responsibility of all the officials of the city, to enforce the ordinances as they have been adopted by the Council. Asking the Council to amend an ordinance is an entirely different thing, he continued and he cited several instances where requests had recently been made for the amending of an existing ordinance. He read a copy of a letter which he had sent to C. H. Blemker, Manager of the Coca-Cola Bottling Company regarding the new sign ordinance being drafted. He stated that an ordinance was being prepared for the consideration of the Council which would be presented in the near future, which would adopt the 1952 edition

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of the Uniform Plumbing Code, with certain modifications, and that this was scheduled for consideration ahead of the sign ordinance.

Mayor Marks stated that he had asked Mel Harris, Dorothy Murray, Roy Bylling, C. L. Blemker, and Ralph Spencer, to serve on the committee to consider the new sign ordinance along with Councilmen Annan and Merrill.

18 REPORT ON MEETING WITH FISH & GAME DEPARTMENT

The City Manager reported on a meeting held in San Francisco on Friday, Jan. 23 with Mr. Gordon and Mr. Paul of the State Fish and Game Department. He stated that Phil. Johnson, Associate Engineer, Cecil Geraghty of the Clyde C. Kennedy firm and Councilman R. Adams, had also attended. The City representatives had brought up the problem of the requirements of Tuolumne River, established by the Pollution Control Board, primarily on the recommendation of the Fish & Game Dept., asking why it was necessary for the city to maintain this requirement the year round and had asked them to propose a lower dissolved oxygen content requirement to the Pollution Control Board during the time the salmon was not running.

The City Manager stated that Mr. Gordon agreed to consider the request and to report to the Pollution Control Board.

The second problem brought up for discussion was the suit which the state had held over the city for over six years. The City representatives asked that assurance be given now by the Fish & Game Dept. that the suit will be withdrawn if the proposed sewage disposal program is approved by the people at the election to be held in April. They seemed to be reluctant to give the city any real assurance in this regard. It was made clear to them, the City Manager stated, that the city was not going to spend the people's money on this program unless the city is assured in advance that this suit will be withdrawn.

19 LETTER FROM BETTER FISHING INC.

The Mayor reported that he had appointed John Fee, Chairman, and Percy Meakin, to act on a committee to work with an organization called "Better Fishing Inc.". This organization encourages the youth of a community to participate in fishing activities.

20 REPORT ON MEETING WITH COUNTY ON REFUSE DISPOSAL SITE

Councilman Merrill reported on a meeting held with the County
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Board of Supervisors for assistant in operating the airport, to the extent of the amount of taxes paid to the county by the city on the airport property. He reported that the members of the Board had stated that the best way to handle this problem was by annexing the property to the city. He stated that boundaries were being worked out so that this could be accomplished and that he would submit a report in a short time.

A general discussion was held by the Council on whether the airport was in the proper location for further extensive development. The Mayor expressed the hope that this would be one of the things considered by the newly appointed Stanislaus County Aviation Advisory Committee.

It was brought out in the discussion that the runway is not adequate for the landing of newer type passenger plans which are being used by the major air lines. Councilman R. Adams brought up the point of the large volume of freight being shipped out of Modesto by air freight.

The City Manager suggested that these problems be brought to the attention of the new county aviation committee. Councilman R. Adams moved, seconded by Councilman M. Adams that a letter be written to the Board of Supervisors offering the cooperation of the Council and any of the city employees to the newly appointed Stanislaus County Aviation Advisory Committee.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

21 REPORT ON MOVING OF MANPOWER OF FIRE STATION #3

The City Manager reported on a meeting held on Jan. 28, with the County Board of Supervisors, regarding the moving of the manpower from the city's fire station #3 on Downey Ave. to the central fire station No. 1 on 11th St., as recommended by the Board of Fire Underwriters of the Pacific in the program for a #2 fire rating for the city. He stated that the main objection of the county had been that the #3 station was closer to the County Hospital.

The City Manager stated that he had checked with the Board of Fire Underwriters, since the question had been raised by the County, Council and citizens and that the Board had advised that:

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- 1-The city must have more manpower in the central high value district in order to obtain better fire protection.
- 2-It would be necessary to have 8 men on call at all times in the central high value district in order to accomplish the #2 fire rate.
- 3-The Board indicated that leaving fire station #3 at the present location and the responding of this station to all fire calls in the central high value district, would not accomplish the same thing but that there would be a possibility that the same credit could be allowed on points.

The City Manager pointed out that the northeast area of the city did not get all its fire protection from #3 station and cited a test which was made from #4 fire station. If a bridge was built across the M.I.D. canal at Fairmont or some other street, north of Fairmont, most of the area could be reached quicker from #4 station.

The City Manager stated he had pointed out to the Board of Supervisors that although the fire equipment could reach the County Hospital from #3 station faster, the necessary equipment to fight a fire at the hospital would have to be sent from #1 station. When requested if the county would share in the cost of maintaining fire station #3, the Board's answer was "no". They withdrew their objections to the moving of the station and advised the Council that this matter would be left up to them.

The City Manager pointed out that the proposed moving of station #3 was not to "just get a #2 rate but it was to serve this community with better fire protection in a more economical way." He pointed out that an additional 14 points credit could be obtained by prohibiting the use of non-fire resistant roofs on any building in the residential area which is built closer than 12 feet to another building.

After a general discussion by the Council on 1) types of fire resistant roofing which could be used, 2) whether a wooden shingle roof, which was partially destroyed by fire, could be repaired with wooden shingles, 3) shingle roofs could be used if buildings were located farther than 12 feet and that most buildings being built at the present time were built even farther than this distance, Councilman M. Adams moved, seconded by Councilman Arata that the City Attorney be directed to draft an appropriate ordinance to prohibit the use of wooden shingles on buildings in the residential area where buildings are located closer than 12 feet.

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Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

The City Manager pointed out that the prohibiting of shingle roofs would help to offset the disadvantage which might be involved in leaving station #3 at the present location.

Councilman M. Adams pointed out that the items to be considered would be, 1) additional cost of operating station #3, 2) the hazard of bringing the fire trucks to the downtown area every time a call was received in the central district.

Councilman R. Adams stated that he would recommend that fire station #3 be left as is for the present and when further annexations had been made in this area, that the station be moved farther out.

Mr. Paul Dean, who was present at the meeting, stated that he approved the decision of the Council to leave the station on Downey Avenue until such time as the area developed enough to warrant the establishment of a fire station farther out. He also approved the requirement of fire resistant roofs.

Councilman R. Adams moved, seconded by Councilman M. Adams that Fire Station #3 remain for the present on Downey Avenue and answer all general alarm calls and that consideration be given in future planning in the development of this area of the establishment of a fire station farther out.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

The City Manager stated that a report would be given in approximately 2 or 3 weeks on the program for a #2 fire rating for the city.

REPORT BY CITY MANAGER ON PROGRAM FOR STREET IMPROVEMENT

The City Manager reported that a meeting had been held on a program for the improvement of streets in the city and that the Public Works Department had already been directed to work out those areas in which drainage is a problem and areas where it is not a problem. He stated that he would have a report for the consideration of the Council in approximately 30 days. In areas where the drainage is not too severe a problem, he

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stated the city could start checking with the people regarding a street improvement program as soon as the area is designated.

23 CLOSE OFFICE ON FEBRUARY 13, 1953

At the suggestion of the City Manager, Councilman Arata introduced

RESOLUTION NO. 10,090-N.S.

which was seconded by Councilman Merrill, authorizing the city offices to remain open on Saturday, Feb. 7 and to remain closed on Friday, Feb. 13, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

24 LETTER FROM GROVE LABORATORIES INC. RE: FIRE PROTECTION

The City Manager read a letter from Grove Laboratories Inc. relative to annexing the Grove property on Hosmer Avenue to the city so that fire protection service could be continued on the plant. Councilman Merrill moved, seconded by Councilman Arata offering the services of the city to them to start annexation proceedings of this property and that during the interim period fire protection be continued.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

25 CITY MANAGER READ ARTICLE FROM CHRONICLE RE: "MUSHROOMING OF FRINGE AREAS"

The City Manager read an article from the San Francisco Chronicle of Jan. 25, entitled: "State Warns Mushrooming of Fringe Areas will Blight Cities."

26 INVITATION TO DINNER OF CITY EMPLOYEES

An invitation to the Council from the City Employees to attend the dinner to be held on Thursday, Feb. 5th., was read.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUS, CITY CLERK

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Feb. 4, 1953

The Council of the City of Modesto met in regular session this date as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Absent: Councilmen: Annan and Arata

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

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of Jan. 14, and the same being available for public inspection, and there being no objections, the same were approved.

REQUEST FOR REZONING OF PROPERTY FROM R-2 to R-1, BENNO L. HEUNE

Benno L. Heune, 906 Annibell, appeared before the Council and stated that a petition had been turned into the Planning office requesting that all of Block 634 and the south one-half of Block 635 be rezoned from R-2 to R-1. He stated that the property owners in this area believed that the building of additional duplexes would depreciate the value of their property.

City Attorney Grimes stated that this matter had been checked with him by Planning Director Bills and that he had advised that it would be necessary to amend the existing zoning ordinance before the property could be rezoned. He recommended that this should be a matter to consider in the revision of the zoning ordinance.

Mr. Heune asked whether something could be done to hold the further building of duplexes in abeyance until the ordinance could be amended or revised.

Councilman R. Adams pointed out that a portion of this territory had been annexed under the uninhabited territory act and had been zoned in the R-2 district without the full knowledge of all the property owners. It had been the decision of the Planning Commission that there was a need for this type of zoning in the city. Some of the present owners, who originally objected to the R-2 zoning, withdrew their objections and were now planning to build duplexes on their property. "These owners acted in good faith and complied with the decision of the Planning

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Commission and it would appear to me, he stated, that this property should remain in the R-2 district."

It was brought out in the discussion that most of the people buying homes in this tract were aware that it was zoned as R-2. It was agreed that the Planning Director should file a report for the consideration of the Council.

2 DISCUSS FEDERAL HOUSING ADMINISTRATION REQUIREMENTS-W. L. BENTON

W. L. Benton, representative of the Federal Housing Administration, from the Fresno office, was introduced to the Council by Mayor Marks. Mr. Benton outlined some of the requirements of the F.H.A. before loans can be approved in new subdivisions.

Mr. Benton stated that one of the first considerations was that the F.H.A. tried to get sewers into all new subdivision. On lots where sewers were furnished a minimum depth of 100 ft. was required and where septic tanks were used the minimum size of the lot was 75x120 ft.

The City Manager stated that at the present time the city is in the process of defining the area in which sewers can be furnished and that this will be a consideration in the sewer improvement program being planned.

Mr. Benton stated that it had been the experience of the F.H.A. that while the initial cost of sewer service was higher, it was cheaper in the long run.

Mayor Marks outlined the policy of the Council to furnish sewer service to areas which are not contiguous to the city when the owners agreed to annex to the city whenever it became possible.

Mr. Benton stated that the F.H.A. required that a percolation test be made by an engineer, when septic tanks are used in a subdivision. When a private water system is put in, a copy of the well log test is required.

Mayor Marks pointed out that many times when a tract is annexed in which a private water system has been established, it would cost the city a considerable amount of money to bring the system up to standard so that adequate fire protection could be furnished.

A program is now under consideration by the F. H.A., Mr. Benton

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stated, to require a private water company to meet the standards established by the adjacent city. Officials of the City of Fresno have expressed a desire to assist the F.H.A. by inspecting the private water systems in new subdivisions outside the city. The Council agreed that Modesto would also like to have a similar opportunity and that this would be the right kind of policy to protect the ultimate home owner and that the F.H.A. should be commended on this proposed program.

Mr. Benton stated that the F.H.A. approved of community water companies occasionally but they would rather see a company set up under the Public Utilities Commission because community water companies worked fine until they began needing repairs. He stated that the F.H.A. had a service, which was available to all subdividers and builders, of making a territory sketch as a basis for them to go by, at no cost to them.

CITY MANAGER READ ARTICLE FROM SAN FRANCISCO CHRONICLE RE: FIRE IN SANTA ROSA

The City Manager read an article from the San Francisco Chronicle paper of Jan. 27, regarding a \$500,000. fire in a shopping center outside the city limits of Santa Rosa.

REQUEST TO DROP LEAFLETS FROM AIRPLANE -GROUND OBSERVER SQUADRON

The City Manager reported that a request had been filed by the Ground Observer Squadron, with headquarters in Sacramento, for permission to drop leaflets from an airplane on Feb. 23, to recruit workers for the manning of the observation post in this community. He suggested that permit be granted since this was for the public welfare.

Councilman Mellis moved, seconded by Councilman M. Adams, that permit be granted and the City Clerk be directed to notify the proper authority.

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

The City Manager reported that the location for an observation tower for the project "Sky Watch", which had been under consideration for sometime had been solved, subject to the approval of the Council. An officer of the Ground Observer Squadron had approved the site of the city park property, recently acquired north of Roosevelt School, for this tower. The County would construct the tower. Councilman M. Adams moved,

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seconded by Councilman Mellis, approving the installation of an observation tower to be used by the Ground Observer Corps in its "Skywatch" operation in the city park site north of Roosevelt School.

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

5 LETTER FROM U.C. RE: CONFERENCE ON MUNICIPAL REFUSE COLLECTION AND DISPOSAL

A letter from Harold B. Gotaas, Director of the Department of Engineering, Sanitary Engineering Research Project, of the University of California at Berkeley, regarding a conference on "Municipal Refuse Collection and Disposal" which is being held at the University in Berkeley on Feb. 5-6, was read and ordered filed.

6 LETTER FROM "SPEEDORAMA" RE: PREVIEW IN FRESNO

A letter from Gerald Piper, Executive Manager of Speedorama automotive calvalcade of speed and custom creations, regarding a preview to be held in Fresno, Feb. 5-8, was read and ordered filed.

7 ACCEPT DEED FOR WIDENING OF STREETS

The City Attorney presented five deeds for acceptance by the Council, on land to be used in the widening of College Avenue, Amherst Avenue and the extension of Carla Avenue. He stated that it would be necessary to obtain additional deeds for this project from other property owners but he suggested that these deeds be accepted at this time rather than wait for the completed group in the event property transfers take place in the meantime. Councilman R. Adams introduced

RESOLUTION NO. 10,092-N.S.

which was seconded by Councilman Merrill, accepting deeds from Harry M. Allen and Iva H. Allen; George C and Betty G. Sue; Merle and Ruth Starn; J.W. and Ruth Rogers, Ray E and Madge E. Starn, and directing the City Clerk to record said deeds with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

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8 CITY ATTORNEY SUGGEST PROGRAM BE WORKED OUT FOR RIGHT OF WAY DEEDS

The City Attorney suggested that some plan be worked out in the very near future to take care of the securing of right of way deeds and easements for water and sewer facilities, widening of streets, etc. He stated that in some cities a real estate operator was hired on a part time basis.

9 DISCUSS IMPROVEMENTS TO SIDEWALKS IN DOWNTOWN AREA

A general discussion was held by the Council on the establishing of a policy for the repairing of the sidewalks in the business area.

The City Manager stated that considerable information had been assembled on this problem by the Department of Public Works, which would be summarized and presented to the Council for its consideration in the near future.

10 AUTHORIZE PROGRESS PAYMENT TO ATLAS PIPE COMPANY

The City Manager stated that a report had been filed by the Director of Public Works on the work completed by the Atlas Pipe Company up to and including Jan. 30 on the construction of a sanitary sewer trunk line on Emerald Avenue and Maze Boulevard, which called for a progress payment of \$4,563.34. Councilman Merrill introduced

RESOLUTION NO. 10,093-N.S.

which was seconded by Councilman R. Adams, authorizing progress payment as approved by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

11 DISCUSS REPAIR OF STREETS

Councilman Mellis brought up the problem of streets being torn up by public utility and private companies, after the city had paved them. He stated that often the repairs, made by the companies, after they had cut the streets, would sink, causing a public hazard and an unsightly street. He recommended that some arrangements be worked out which would require these companies to repair the damage even one or two years afterwards.

It was brought out in the discussion that, 1) the public utility companies guarantee any work done for them, 2) private companies

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pay a fee to the city for the cutting of pavement, 3) that this is a problem which all cities have and that no satisfactory solution has been worked out, 4) very often it is the old pavement that breaks down and causes the trouble instead of the pavement which is replaced, 5) it is almost impossible to get a perfect bond, with the existing pavement.

The City Manager pointed out that this was one of the reasons all public utilities should be required to have a franchise to use the city streets.

PROGRESS PAYMENT ON STREET LIGHTING AND TRAFFIC SIGNAL AT McHENRY AND MORRIS AVENUES-INDUSTRIAL ELECTRICAL COMPANY

The City Manager stated that a report had been filed by the Director of Public Works on the work completed by the Industrial Electrical Company on the construction of traffic signals and street lighting at McHenry & Morris Avenues, which called for a progress payment of \$1,624.88. Councilman Merrill introduced

RESOLUTION NO. 10,094-N.S.

which was seconded by Councilman Mellis, authorizing progress payment as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

3 ACCEPT DEED FROM MODESTO CITY SCHOOLS ON JOHN MUIR SCHOOL PROPERTY

The City Attorney stated that the deed conveying the John Muir school property from the Modesto City School District to the City was prepared and was in proper legal form. Councilman Mellis introduced

RESOLUTION NO. 10,091-N.S.

which was seconded by Councilman Merrill, accepting the deed conveying the property to the city and authorizing the City Clerk to record said deed with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Merrill, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

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AMENDMENT TO ORDINANCE NO. 1062-N.S. ADOPTION OF 1952 UNIFORM BUILDING CODE

The City Attorney outlined briefly the proposed amendment to Ordinance No. 1062-N.S. which adopted the 1952 Uniform Building Code, providing for the use of "Fire-Retardent" roofing on buildings in the residential area which are located closer than 12 feet.

Various problems which might arise in the interpretation and enforcement of the ordinance were discussed by the Council and it was agreed that the "ordinance would be policed with charity."

Director of Planning Bills stated that in the re-writing of the zoning ordinance a consideration was being given to a requirement for six foot set back lines on buildings in the residential area instead of the five feet now required. This would take care of the problem of using wooden shingles in new areas, he stated.

Councilman Merrill moved, seconded by Councilman M. Adams that proposed ordinance No. 1062-N.S. entitled: "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF MODESTO: PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTIONS OF FEES THEREFOR: DECLARING AND ESTABLISHING FIRE DISTRICTS: PROVIDING PENALTIES FOR THE VIOLATION THEREOF: AND REPEALING ORDINANCE NO. 827-N.S. AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH", introduced on the 28th day of January, 1953, but not yet finally adopted, be amended to read as follows:

"Section 16.1 That Section 1604 of said Code be amended to read as follows:

Section 1604. (a) GENERAL. Any building or structure, complying with requirements of this Code may be erected, constructed, moved within or into Fire Zone No. 3

(b) ROOFS. Roofs of such buildings shall be covered only with a "Fire-Retardent" roofing as specified in Section 3204. See Section 104 (f) for repairs.

EXCEPTION: Roof coverings on buildings in Fire Zone No. 3 separated by at least twelve (12') feet from other buildings may be "Ordinary", as specified in Section 3204."

That an additional section be added to said ordinance to read as follows:

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"SECTION 16.2. That Section 1704 of said Code be amended to read as follows:

Section 1704. Roof coverings shall be "Fire-Retardent" except as otherwise permitted by Section 1604 (b)"

and

That the City Clerk be directed to publish said ordinance in full, as hereby amended, at least once at least three days prior to its final adoption, in the official newspaper of the City.

Ayes: Councilmen: M. Adams, R. Adams, Merrill, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

15 APPROVE AGREEMENT WITH GORDON WHITNALL AND ASSOCIATES

The City Attorney presented an agreement with Gordon Whitnall and Associates for the consideration of the Council.

The City Manager explained the agreement was in connection with the preparation and submission of a revised zoning ordinance for the City. The consideration for the services of these consultants was \$2500. They agreed to render the services outlined in the agreement no later than Dec. 31, 1953. Councilman R. Adams introduced

RESOLUTION NO. 10,095-N.S.

which was seconded by Councilman Mellis, approving the agreement as presented, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

16 APPROVE AGREEMENT WITH CLYDE C. KENNEDY & ASSOCIATES

The City Attorney presented for the consideration of the Council an agreement between Clyde C. Kennedy & Associates for their services as consulting engineers on matters relating to sewage and industrial waste disposal.

The City Manager stated that the charge for this service would exceed \$1500. and it would be necessary for the Council to approve the agreement. Councilman M. Adams introduced

RESOLUTION NO. 10,096-N.S.

which was seconded by Councilman Merrill, approving the agreement as pre-

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sented, which resolution was regularly adopted by the following vote:
Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan and Arata

REPORT ON REQUEST OF JOHN MATTERA AT 615-17th STREET TO REMOVE TREES

Councilman Merrill reported that Councilman R. Adams and he had examined the trees which Mr. John Mattera had requested be removed at 615 17th St. He stated that the Elm trees had recently been topped and were not an immediate problem. He recommended that the city spend more time replanting trees instead of removing trees. He cited the location of Block J at K, Needham Avenue and 15th St. where the trees had been removed and not replanted.

The City Manager stated that the city was doing both removing and replanting all the time and that several hundred trees had already been planted this winter.

After a general discussion by the Council, Councilman Merrill moved, seconded by Councilman Mellis that Mr. Mattera be granted permission to pull all four of the trees out at his own expense.

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan and Arata

REQUEST TO REMOVE TREES, 918-920 13th STREET-BRADBURY & LILES

The City Manager stated that a request of Mrs. Edna Bradbury and Mr. J. F. Liles to remove 2 large Elm Trees in front of 918-920 13th St. in order to construct a full sidewalk to a slope toward the street, had been investigated by the Director of Public Works. It was the opinion of the Director of Public Works, that it would be advantageous to the city to have the trees removed and the sidewalk replaced. It was agreed by the Council that they would investigate the trees before making a decision on the request.

APPLICATION BY DEL ESTE WATER CO. TO THE PUBLIC UTILITIES COMMISSION FOR RATE INCREASE

The City Manager stated that the City Attorney had received notice that the Del Este Water Company has requested the Public Utilities Commission for a rate increase. The hearing had been set for Tuesday,

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Feb. 17, at 10:00 A.M. in the Employee Office State Building, 1408 Tenth St. Modesto. No action was taken by the Council.

20 REPORT ON EXTENSION OF PARKING METERS EASTWARD ON J STREET

The City Manager read a report from Police Chief J. C. Neel on the extending of parking meters on J Street from 13th to 17th Streets. The report stated that a survey had been held over a 3 day period, every hour for 8 hours each day. It was determined that considerably less than 80% of the parking spaces available were used. It was Chief Neel's recommendation that it would not be necessary to extend these meter eastward on J Street. It was agreed by the Council that the recommendation of the Police Chief be accepted.

1 REQUEST FOR CHANGE IN PARKING REGULATIONS ON TENTH AND F STREETS, STANISLAUS IMPLEMENT & HARDWARE COMPANY

A report on the request for a change in the parking regulations on 10th and F Streets, by the Stanislaus Implement & Hardware Company, was made by the City Manager. The City Attorney was directed to prepare a resolution based on the report for the consideration of the Council.

20 DISCUSS AMENDMENT TO ORDINANCE ADOPTING 1952 UNIFORM BUILDING CODE RELATIVE TO SHINGLE ROOFS-ROBERT BOMBERGER

Mr. Robert Bomberger appeared before the Council at this time and requested information on the ordinance which the Council was adopting relative to the use of fire-retardent roofs. He was advised by the Council that the distance was measured from the foundation of the building not the over-hang of the roof.

The City Manager stated two things would be considered in the enforcement of this ordinance, 1) the measurements would be from wall to wall, 2) the ordinance would be administered in the interest of equity and fairness to people who would have special problems.

3 LETTER FROM CITY OF SUNNYVALE

A letter from the City of Sunnyvale relative to the recent visit of the Mayor, Councilmen and the City Manager and expressing appreciation for the hospitality extended by the City of Modesto was read and ordered filed.

04 LETTER FROM THOMAS H. KUCHEL, U. S. SENATOR

A letter from United States Senator Thomas H. Kuchel to the
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City Manager, expressing appreciation for his letter of congratulations, was read.

15 CARD FROM COUNCILMAN CLIFFORD ANNAN

A card from Councilman C. M. Annan, who is visiting in Honolulu, Hawaii, was read.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.


ATTEST: REX E. GAILFUS, CITY CLERK

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Feb. 11, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Absent: Councilmen: Annan and Arata

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

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of Jan. 21, and the same being available for public inspection, and there being no objections, the same were approved.

LETTER FROM TRAFFIC APPLIANCE CORP.

A letter from the Traffic Appliance Corp. regarding the reduction in the price of the Miller Manual and the Automaton Automatic parking meters, effective as of Jan 1, 1953, was read and referred to the City Manager.

LETTER FROM CENTRAL CALIFORNIA ART LEAGUE

A letter from the Central California Art League, inviting the Council members to attend a tea and preview showing of the Spring Art Exhibit, which will be held in the Modesto Art and Craft Center, 906 J Street, Sunday, Feb. 15, was read and ordered filed.

LETTER FROM MODESTO BOARD OF REALTORS, INC.

A letter from the Modesto Board of Realtors, Inc. relative to the adoption of the 1952 Uniform Building Code Ordinance, was read. The letter stated that the Board had appointed a committee to convey to the Council its concern on the proposed inclusion of sections 16.1 and 16.2 in this ordinance which provided for Fire-Retardent roofing on buildings in the residential area which are located closer than 12 feet.

J. E. Hirleman, 1635 Stetson St., appeared before the Council and stated that he was the chairman of the committee appointed by the Board of Realtors and he discussed some of the problems which would arise if Fire-Retardent roofs were required as proposed in the ordinance:

- 1-The re-roofing of a house with wooden shingles, when it was located less than 12 feet to the adjoining buildings.

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2-The building of a home on a vacant lot which was located between two homes, previously built, with only a five foot set back.

3-Certain subdivisions have been previously laid out in certain size lots. Approximately 95% of the property owners in these new subdivisions want to put on wooden shingles or shakes and this would cut down the size of the house.

The Council held a general discussion on the question of whether a man, who has complied with the existing building code at the time he built his home, would be required to comply with the building code in existence at the time he wished to reroof his house.

Mayor Marks appointed a committee composed of Councilmen R. Adams and Merrill, to work with the Board of Realtors' committee, to solve the various problems presented so that the ordinance would not penalize anybody.

City Manager Miller was instructed to notify Mr. Hirleman of the time and place of the meeting, which would be held prior to the next Council meeting, at which time the final adoption of the ordinance would be considered.

4 COUNCIL TO VISIT BARIUM PRODUCTS PLANT

G. M. Stark, manager of the Barium Products Ltd., appeared before the Council and issued an invitation to the Council members to visit the plant to see the improvements installed to curb the odors.

Upon the suggestion of the City Manager, City Health Officer Landquist and County Health Officer O'Brien, were invited to visit the plant along with the Council.

5 INTRODUCED ENGINEERS WORKING ON SEWAGE DISPOSAL PROGRAM TO COUNCIL

The City Manager introduced the following engineers, who are working on the sewage disposal program for the city, Cecil J. Geraghty and Richard R. Kennedy of the Clyde C. Kennedy & Associates firm, Harry N. Jenks, Consulting Sanitary Engineer, and Wm. J. O'Connell Jr. representing some of the local industries.

6 CITY MANAGER PRESENT PRELIMINARY REPORT ON PROGRAM FOR DISPOSAL OF SEWAGE AND INDUSTRIAL WASTES

The City Manager presented a report to the Council entitled: "Report on Program for Disposal of Sewage and Industrial Wastes", a copy of which is on file in the office of the City Clerk. He stated that this report set forth the fundamental facts of the program, estimated costs

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and engineering factors which should be considered in this problem. This is not the final report, he stated. A report will be submitted to the City by the Engineering Review Board by next week. Harry N. Jenks, Consulting Sanitary Engineer, has also checked the figures, estimates and conclusions, he stated.

The City Manager stated that it would be necessary to adopt a resolution of public interest and necessity at this meeting in order to get the proposed sewage program on the ballot of the General Municipal Election, which will be held on April 14, 1953. The adoption of this resolution at this time does not commit the Council to any definite amount since the amount of the bond maturity can be decided on at the next Council meeting after consideration has been given to this report, as well as the report from the engineering review board.

The City Attorney stated that the proposed improvement program would be conducted under the 1901 bond act, which set forth certain requirements for the issuance of bonds, which he briefly outlined for the Council. He stated that under the time schedule, the exact nature of improvement and the exact amount of the improvements would have to be decided on by the next Council meeting.

The City Manager reported on a meeting held on February 10 in Sacramento, with representatives of the Regional Water Pollution Control Board and of the Fish and Game Department. He stated that they had agreed that a more realistic requirement for the river should be established and that a meeting would be held next Friday in San Francisco to work out a draft of the revised requirement.

The City Manager stated that a meeting also will be held on Feb. 17 with representatives of the Fish and Game Department, a representative from the Attorney General's office, and other parties to the state's suit against the City of Modesto and certain Modesto industries, at which time the request of the city for the dismissal of the pending suit will be considered. He stated there are indications that they will give this request reasonable and sympathetic consideration.

Mr. O'Connell recommended that the attorney, for the local industrial concerns, F. W. Halley, be notified of this meeting so that the industries could be contacted to determine if they wished to join with the city in

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making this request for dismissal of the suit.

Councilman Merrill moved, seconded by Councilman Mellis that the City Attorney be directed to notify Attorney Halley of the meeting to be held so that the industries can be contacted to determine if they wished to join in the request for dismissal of the suit along with the city.

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

The City Attorney presented the resolution for the consideration of the Council and Councilman Mellis introduced

RESOLUTION NO. 10,097-N.S.

which was seconded by Councilman R. Adams, determining that the public interest and necessity demand the acquisition, construction and completion by the City of Modesto of the following municipal improvement, to-wit:

Improvement to the municipal sewage and industrial waste disposal system

and that the cost of said municipal improvement will require an expenditure greater than the amount allowed therefor by the annual tax levy, which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

CITY MANAGER REPORT TO COUNCIL ON REFUSE DISPOSAL AREA

7 The City Manager filed a report with the Council, a copy of which is on file in the office of the City Clerk, regarding the problem of the approving of a refuse disposal area by the Board of Supervisors for the central section of the county. He pointed out that a number of alternate sites had been suggested but so far none had received final approval by the Board. He stated that the city had reached the point, where in fairness to the people in the city, consideration should be given to reserving the space remaining in the existing dumping area for city residents only.

Councilman Merrill stated that Mr. Borghello of the Modesto Garbage Company had brought the problem of the need of a new disposal area to the attention of the Council about a year ago. Although the garbage

company is a private enterprise, the city had been endeavoring to cooperate with them to obtain a new site. A number of sites had been secured by the garbage company but none had been approved by the Board.

He stated that he and Mr. Borghello had investigated the Laird Slough area which had been purchased by the county originally for a dumping area and a park site. This site was agreeable to Mr. Borghello if a permit could be obtained from the county. He stated that at the present time rubbish is being dumped and burned and some of it is scattered all over the area.

Mr. Borghello stated that originally the county had planned to dump garbage at this site and rent the land out to someone to run hogs on it but this idea was given up and only rubbish is allowed to be dumped. He stated that he had been trying to lease this area from the county on the basis that he would control dumping practices. Private parties would be allowed to dump there free, he stated.

Mayor Marks suggested, 1) the City Clerk send copies of the report filed by the City Manager to the Board of Supervisors, 2) City Attorney Grimes be instructed to draft an emergency amendment to Ord. No. 424-N.S. and have it ready two weeks from this date and invite the Board to discuss it.

Councilman Merrill moved, which was seconded by Councilman M Adams that the report presented by the City Manager be accepted and approved and copies be mailed to the members of the Board of Supervisors and they be invited to meet with the Council two weeks from this date and that if possible the committee of the Board and the Council meet again before that time and report at the joint meeting, and that the City Attorney be instructed to prepare an emergency ordinance for the consideration of the Council at this time, which would limit the use of the present dumping site to residents of the city only.

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Arata

Councilman R. Adams asked if it would be legally possible for the city to acquire a site and use it for dumping garbage without the

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approval of the County Planning Commission.

The City Attorney expressed the opinion that it would be possible for the city to do so, but whether the city could lease it to a private operator presented a more difficult problem which would have to be given further consideration.

Mayor Marks expressed the hope that it would not be necessary to close the dumps to residents outside the city because he believed that it would lead to the dumping of garbage on the public roads. He stated that everything possible would be done to work with the county to secure a new site.

The City Attorney pointed out that if the ordinance was amended as suggested that the city would sustain a loss of revenue.

8 EXPRESSION OF APPROVAL OF COUNCIL ACTION ON SECURING NEW SITE FOR DUMPING RUBBISH.-J. A. HAMILTON

J. A. Hamilton, 605 Imperial Ave. appeared before the Council and stated he had "never seen a City Council that had gone out of its way and as far as this Council, in trying to find some place to put the garbage." He expressed his desire to assist the Council in trying to locate a new site.

Councilman Merrill left the Council meeting at this time.

9 AWARD BID ON AUTOMOTIVE EQUIPMENT FOR THE POLICE DEPARTMENT

Upon the recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 10,098-N.S.

which was seconded by Councilman R. Adams, accepting the bid of the Helm Chevrolet Company for two new 1953 four door sedans of \$1,792.67 each for the Police Department, as this bid was the lowest bid received, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Arata and Merrill

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 10,099-N.S.

which was seconded by Councilman Mellis, accepting the bid of Leonard Andres for the purchase of two new 1953 three wheel motorcycle servicars
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of \$1,435.29 each, less a trade-in allowance of \$100. for 1947 3 wheel motorcycle servicar and \$350. for 1949 3 wheel motorcycle servicar, as this bid was the lowest bid received, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Arata and Merrill

The City Attorney suggested that the bids received for the sale of the 1946 Panel Chevrolet and the three 2 wheel motorcycles, be held over until he could make a further investigation.

10 ESTABLISH LIMITED PARKING ON BOTH SIDES OF F STREET BETWEEN TENTH AND ELEVENTH STREETS AND ON TENTH STREET BETWEEN F AND G STREETS

Councilman R. Adams introduced

RESOLUTION NO. 10,100-N.S.

which was seconded by Councilman Mellis establishing one hour parking on both sides of F Street between 10th and 11th Streets and both sides of Tenth Street, between F and G Streets and that the Director of Public Works be directed to mark the above locations, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Arata and Merrill

11 REPORT BY PLANNING DIRECTOR ON REZONING BLOCK 634 AND PORTION OF BLOCK 635

As requested by the Council, Director of Planning Bills filed a report on the request of the property owners in Block 634 and a portion of Block 635 for the rezoning of this property from R-2 to R-1. This report outlined various reasons why the request should not be granted. Councilman R. Adams moved, seconded by Councilman Mellis, that the report be accepted and the City Clerk be directed to notify the petitioners that the Council was unwilling to take this action and to list the reasons for this decision, as outlined in the report.

Ayes: Councilmen: M. Adams, R. Adams, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Arata and Merrill

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12 REQUEST FOR TREE REMOVAL AT 918-20 13th STREET, MRS. EDNA BRADBURY AND J. F. LILES

The request of Mrs. Edna Bradbury and J. F. Liles for the removal of two Elm trees at 918-20 13th Street having been held over until an investigation could be made by the Council, Councilman M. Adams stated that these trees were pushing up the sidewalk and they did not belong in the business area. Councilman Mellis moved, seconded by Councilman M. Adams that the city remove the trees providing the property owners construct the sidewalk as recommended by the Director of Public Works.

Ayes: Councilmen: M. Adams, R. Adams, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Arata and Merrill

13 REAPPOINTMENT OF IAN MENSINGER ON PARKING AUTHORITY

Councilman Mellis introduced

RESOLUTION NO. 10,101-N.S.

which was seconded by Councilman R. Adams reappointing Ian Mensinger as a member of the Parking Authority for a term to expire on January 1, 1957, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Arata & Merrill

14 C. R. HOBRON-- DISCUSS SEWER PROGRAM

C. R. Hobron, a visitor at the Council meeting, asked if the proposed sewer improvement program would "help the people who lived in the area near the plant, as well as the fish in the river." He stated that he subdivided a tract of land in this area recently and he had lost considerable money because of the odors which came from the ponds, which had been installed in recent years. The reason the city did not receive as many complaints last year as in previous years, he stated, was because the people were tired of complaining.

Mayor Marks assured him that the proposed program which would be voted on in the April 14 election, would take care of the odor problem at the sewage plant.

Mr. Hobron assured the Council that he would work wholeheartedly for the program.

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Councilman R. Adams pointed out that the odors at the plant were not caused by the city but were caused by the processing of the produce of the people of the county and that the city had done a tremendous job to see that people in the community would have jobs at the processing plants and that people could sell their produce.

15 DISCUSS SEWER PROGRAM FOR TERRITORY EAST AND NORTH OF CITY

The City Manager pointed out that one of the things to be considered by next week is whether this sewer program will include trunk lines for the territory east and north of the city. The LaLoma area cannot be served with existing lines.

Councilman R. Adams stated that a meeting was going to be held at the Freemont School on Monday, Feb. 16 by property owners in that area on annexing to the city, and he planned to attend.

A general discussion was held by the Council on the question of the sewer program for the LaLoma areas and it was brought out that this would be the last chance for the property owners to get city sewer service for a number of years and that the city had an obligation to the citizens in these districts to give them a chance to get city sewer service if they desired it.

16 FRED S. CURTIS EXPRESS APPRECIATION TO COUNCIL

Fred S. Curtis appeared before the Council and expressed his appreciation for the improvement of Oxford Way and the drainage situation near his home on Ashby Avenue, as well as the traffic signals on McHenry and Morris Avenues.

He also stated that he wished to thank the Council for its interest in the Ground Observers Corps.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: REX E. GALLFUS, CITY CLERK

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February 18, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Absent: Councilmen: None

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

APPROVAL OF MINUTES

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

1 REQUEST FOR PERMIT TO ATTACH POSTER ADVERTISING RED CROSS CAMPAIGN
A. A. HAMAWAY

A. A. Hamaway, representing the American Red Cross, appeared and requested that permit be granted to attach a poster to the handle of the parking meters on the streets, advertising the campaign for funds for 1953, which will start on March 1. After a general discussion by the Council, it was agreed that as this was new business, the request should be taken under consideration until next week's meeting.

2 FINAL ADOPTION OF ORDINANCE NO. 1062-N.S. 1952 UNIFORM BUILDING CODE

A committee from the Modesto Board of Realtors, Inc. appeared before the Council. Chairman John Hirleman stated that the committee had met with City Manager Miller relative to the proposed amendment to the ordinance adopting the 1952 uniform building code, which prohibited the use of wood shingles on roofs in the residential district where buildings were located closer than 12 feet together. He stated that a satisfactory solution had been worked out.

The City Manager stated that several questions had been discussed,

- 1-Reroofing of existing houses, less than 12 feet apart.
- 2-Lot owners who had already become obligated for their plans
- 3-Subdividers who had a specific type of house and the subdivision had already been laid out.

He stated that the committee had suggested that two things be considered.

1-The possibility that this provision should apply only to activities which had not already started.

2-The problem be approached on the basis of zoning with a possibility that a six foot set back be included on all residences.

He stated that he had contacted the Board of Fire Underwriters and asked whether or not it would be possible for the city to get part of the credit and that the Board was checking and would advise the city at a later date. He suggested that the 1952 uniform building code be finally adopted at this time without the amendment due to the time limit set for the fire rating and that the amendment be held in abeyance until the Board of Fire Underwriters had notified the city of its decision. As soon as information has been received, the City Manager stated, another meeting will be held with the committee, to see what could be worked out.

The City Attorney pointed out that the ordinance would have to be republished without the amendment and that due to the fact/^{that} the official newspaper of the city was a weekly paper and was published on Thursday, it would be impossible to finally adopt the ordinance at the next Council meeting.

After a general discussion by the Council, it was agreed that the ordinance should be finally adopted as amended and that a new ordinance be introduced which would eliminate sections 16.1 and 16.2.

Ordinance No. 1062-N.S. entitled: "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTIONS OF FEES THEREFOR: AND REPEALING ORDINANCE NO. 827-N.S. AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH", having been heretofore introduced and ordered printed and published at the regular meeting of Jan 28, 1953 and amended and ordered republished on Feb. 4, 1953, Councilman Merrill moved, seconded by Councilman Arata, that the ordinance be finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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3 ORDINANCE AMENDING ORDINANCE NO. 1062-N.S. (BUILDING CODE)

Councilman M. Adams introduced an emergency ordinance, being
ORDINANCE NO. 1063-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 1062-N.S. (ADOPTION OF
1952 UNIFORM BUILDING CODE) BY DELETING SECTIONS 16.1 and 16.2 THEREFROM",

and moved its adoption, which motion being duly seconded by Councilman
Annan, it was upon roll call adopted and ordered published and printed by
the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen; None

4 SUMMARY REPORT ON SEWAGE DISPOSAL PROGRAM BY THE CITY MANAGER

The City Manager presented a summary report to the Council on
the sewage disposal program, which included estimates and recommendations
made by the Department of Public Works, Harry Jenks, Consulting Sanitary
Engineer and an Engineering Review Board composed of Lawrence Adams, Fred
Johnson, Frank Rossi and Richard Kennedy, a copy of which is on file in the
office of the City Clerk.

This report stated that the Department of Public Works, supple-
mented by Mr. Jenks had recommended that funds be authorized to allow con-
struction of plant facilities and trunk sewers in the amount of \$2,150,000.

The report stated that the Engineering Review Board verified
the validity of the above estimated costs and recommended authorization of
additional funds to allow for the construction of an additional domestic
trunk and vacuator or air flotation unit at a total cost of \$284,000. With
these units added to the total recommended by the Public Works Department,
the total amount to be authorized would be \$2,434,000.

The Engineering Review Board also recommended that considera-
tion be given to two additional structures, a Digester and Domestic Clari-
fier, at a total cost of \$345,000. The total cost of the four additional
units considered by the Board is \$630,000. The Board stated that the
additional digester and clarifier "will not be necessary in the immediate
future and depending on the degree of success of the proposed treatment
process, full capacity may never be needed. It is therefore largely a
matter of policy as to whether or not the entire additional amount of

\$630,000. should be included in the proposed bond issue at this time." The total amount to be authorized, if allowance is to be made for the construction of all units listed, including the two last named, is \$2,780,000.

The City Manager's report stated "in view of the Board's position that the need for these latter two units is uncertain and is in no case immediate, provision for these units could logically be omitted from the present program. On the basis of all the information that has been presented, there is general agreement that provision should be made in the program for the first two units, as recommended by the Board. There will be opportunity for further study of the performance of the plant on combined wastes before the separate domestic trunk line from Beard Brook to the plant is built."

The City Manager suggested that in addition to the actual construction costs, provision should be made for the incidental costs of the bond issue, in the approximate amount of \$16,000.

He stated that if provision was not made in the program for the two units, which will not be needed in the immediate future (if ever) the total amount required would be as follows:

<u>Item</u>	<u>Estimated Cost</u>
Plant facilities	\$1,299,000.
Trunk sewers	1,135,000.
Bond expenses	16,000
	<u>\$2,450,000</u>

The City Manager stated that "I believe, without reservation, that all of those who have assisted in the preparation of this program and who have studied it agreed:

- 1-That it is a sound, logical program which, if authorized, will assure the solution of the sewage disposal problem of the existing City of Modesto for many years;
- 2-That it makes reasonable provision for sewage treatment facilities and trunk sewer lines for surrounding areas which wish to join with the city in the solution of their sewage disposal problems;
- 3-That it provides maximum flexibility of operation to meet changing needs of the community; and
- 4-That it will, finally and effectively, remove the perpetual threat which the present inadequate sewage facilities represent to the economy of this entire area--to its industries, its business, its agriculture, and all its people. "

The City Manager stated that the Engineering Review Board had been asked to "tell us what they thought would be for the best interest

of the community." He stated that the matter to be determined by the Council at this meeting was the amount of the bond issue.

Councilman Mellis moved, seconded by Councilman M. Adams that the report covering the proposed sewage disposal program for the City of Modesto, filed by the Engineering Review Board, be accepted in its entirety and that items one and two, which called for an expenditure of \$284,000, be included in the bond issue and that items three and four should not be considered for the immediate future and not be included in the bond issue.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and

Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager pointed out that certain changes might be necessary in arrangement and design of the proposed plant as the program developed and further studies have been made, such as the location of lines and the extent to which the operations would be kept separated.

The City Manager stated that the Engineering Review Board had recommended the reconstruction of the Lake Modesto Dam since it had been observed in prior years to substantially increase DO in Tuolumne River at this point.

The Mayor stated that the city had included in its budget for the past two years an item of \$10,000. which was to be matched by the County and contributions from other organizations was to be used in the reconstruction of the dam but he did not believe it should be included in the bond issue.

The Council concurred in the Mayor's suggestion that the reconstruction of the dam would be one of the things which would be considered as "first order of business" if the bond issue was successful.

Attorney Francis W. Halley, from the audience, stated that he represented the Modesto Processing Industries Association and that he had been permitted to attend the meetings on the sewage program and that the Association engineer, Bill O'Connell, had met with the Engineering Review Board and exchanged ideas and he wished to state that the Association was in complete agreement with the recommendation of the Engineering Review Board and it is "our desire to go along with you to see that the best possible plant design is adopted that can be found at this time. We recognize that

the plan must be flexible and may change somewhat and we want to reassure you we will continue to work with you as the plan develops and we would like you to know that we do endorse this proposed bond issue of \$2,450,000."

5 LETTER FROM MODESTO PROCESSING INDUSTRIES ASSOCIATION

A letter from George C. Chapman, Secretary of the Modesto Processing Industries Association, expressing approval of the "excellent job" the city had done on the approach to the sewage problem of the city, was read and ordered filed.

6 CITY MANAGER PRAISE ENGINEERING EMPLOYEES ON WORK DONE ON SEWAGE PROGRAM

The City Manager, stated that "our own engineering staff had done a terrific job on the sewage program and that it would have been impossible to have this program to the point that it is now, if it had not been for the hard work put in by the city staff and all the others involved."

7 RESOLUTION PROVIDING FOR GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 14, 1953

Councilman Merrill introduced

RESOLUTION NO. 10,103-N.S.

which was seconded by Councilman R. Adams, providing for a general municipal election to be held on Tuesday, April 14, 1953, for the election of three councilmen for the full term of four years each and two members of the Board of Education for the full term of four years each and designating precincts and polling places and appointing members of precinct boards, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

8 ORDINANCE CALLING SPECIAL MUNICIPAL BOND ELECTION-MUNICIPAL SEWAGE AND INDUSTRIAL WASTE DISPOSAL SYSTEM IMPROVEMENT

Councilman Mellis introduced

ORDINANCE NO. 1064-N.S.

entitled: "AN ORDINANCE CALLING A SPECIAL MUNICIPAL BOND ELECTION IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY THE MEASURE OF INCURRING A BONDED INDEBTEDNESS OF SAID CITY FOR THE ACQUISITION, CONSTRUCTION AND COMPLETION OF THE FOLLOWING MUNICIPAL IMPROVEMENT, TO-WIT: MUNICIPAL SEWAGE AND INDUSTRIAL WASTE DISPOSAL SYSTEM IMPROVEMENT:

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DECLARING THE ESTIMATED COST OF SAID MUNICIPAL IMPROVEMENT, THE AMOUNT OF THE PRINCIPAL OF SAID INDEBTEDNESS TO BE INCURRED THEREFOR, AND THE MAXIMUM RATE OF INTEREST TO BE PAID THEREON: MAKING PROVISIONS FOR THE LEVY AND COLLECTION OF TAXES: FIXING THE DATE OF SAID ELECTION, THE MANNER OF HOLDING THE SAME, PROVIDING FOR NOTICE THEREOF, AND CONSOLIDATING SAID SPECIAL MUNICIPAL BOND ELECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 14, 1953," and moved its adoption, and passage to print, which motion being duly seconded by Councilman Annan, it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

9 R. H. MOULTON & CO. FINANCIAL CONSULTANTS TO SUBMIT REPORT

The City Manager stated that a representative from the office of R. H. Moulton & Company, financial consultants, would be in Modesto Thursday, Feb. 19, to complete a financial report for the consideration of the Council on the income which will be derived from sewage rental fees to be used in the redemption of the bonds.

10 HEARING ON PROPOSED ANNEXATION OF THE CLOVERFIELD-COLLEGE VILLAGE ADDITION TO THE CITY OF MODESTO

The Mayor declared the hearing open for considering the petition for the proposed annexation of the Cloverfield-College Village Addition to the City of Modesto.

The City Clerk reported that the notice had been published twice in the official paper of the City of Modesto, the Modesto Journal and Valley Citizen and in the Ceres Courier, that written notices had been mailed to each person to whom land within the territory proposed to be annexed, was assessed; and that no written or verbal protests had been filed. No one appearing at the hearing, and there being no protests, the Mayor declared the hearing closed.

11 CONSIDERATION OF AGREEMENT WITH WILBUR GRANT ON COLLEGE FIG GARDEN SUBDIVISION

The City Manager stated that the agreement between Wilbur Grant and the City relating to the improvements to be made in the College Fig Garden Subdivision, as provided by Section 6.5 of Ordinance No. 1041-N.S. (Subdivision Ordinance) had been prepared by the City Attorney for the

consideration of the Council at this time.

Mr. Grant stated that there were certain questions he wished to discuss with the Council before the agreement was approved. He asked that the city develop and improve the west side of Kearney Avenue, between Roseburg and Orangeburg Avenues, under the same arrangement which was made with John Quaresma and Roy Carlson for improving the east side. He pointed out that it would be to the advantage of the city to have uniformity in the improving of the street by having it all done at one time by one contractor.

The Director of Public Works stated that it had been agreed by the Council at the time the arrangements had been made with Quaresma and Carlson and Mr. Hardin that these would be the last agreements made by the city for the improvements of streets in subdivisions under the prior subdivision ordinance. He stated that he agreed with Mr. Grant that it would be better for the city if the street was constructed by one contractor but he had told him that an arrangement could be made whereby the city could use its forces and keep track of the cost for the entire street and charge him with one half of the labor and cost. He stated that this is the only place in the city where such a condition can arise where one side of the street is subject to one requirement and the other side subject to a different requirement.

Mr. Grant stated that the other question he wished to bring up for consideration of the Council was the payment of \$100. per acre of subdivided land to be used for Parks and Playgrounds. He filed a letter of protest to the payment of this fee. He objected to the provision that in order to have a subdivision fee map approved it was necessary to pay this fee. He stated he was willing to pay all other fees required by the ordinance. He cited the case of the annexation of the Cloverfield-College Gardens Tract without requiring a parks and playgrounds fee, as an injustice as well as other subdivisions being subdivided under the county requirements and then petitioning for annexation to the city and not being required to pay the fee.

The City Manager pointed out that the Cloverfield Tract was approved prior to the adoption of a subdivision ordinance. It was brought out in the discussion that the county had a similar requirement under con-

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sideration at this time, which would require subdividers outside the city to also provide for park areas.

After the Director of Public Works had checked the approximate cost to the city to be less than \$1,000. if the west half of Kearney Avenue was improved on the same arrangements as the east half, it was agreed that if Mr. Grant would withdraw his letter of protest to the payment of the park and playground fee that the city would agree to improve Kearney Avenue as he had requested. Councilman R. Adams introduced

RESOLUTION NO. 10,102-N.S.

which was seconded by Councilman Arata, approving the final map of the College Fig Garden Subdivision and accepting on behalf of the public for public use, the streets, alleys and easements as shown thereon within the boundaries of said subdivision; authorizing the City Clerk to certify the map on behalf of the city after the fees have been paid in the amount of \$1,525.16, as required by Ordinance No. 1041-N.S. for checking, copies of maps, recording and parks and playgrounds; approving the bond of \$30,000. furnished in connection with the improvements required; providing that the city will improve the west half of Kearney Avenue, between Roseburg and Orangeburg Avenues, as provided in that certain agreement with John Quaresma and Roy Carlson, dated March 12, 1952 for the improvement of the east half of Kearney Avenue, on the further condition that the subdivider Wilbur E. Grant has withdrawn his protest to the payment of \$1,438.00 for parks and playgrounds, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST OF MODESTO CITY SCHOOLS FOR EXTENSION OF TIME TO VACATE JOHN MUIR SCHOOL BUILDING

The City Manager stated that the Modesto City Schools had requested additional time to vacate the John Muir School property which had been purchased by the city, as they had equipment and material stored in the school building which they wished to advertise and sell. He stated that this would take approximately 30 days and suggested that they be granted this time. Councilman Arata moved, seconded by Councilman Merrill that the Modesto City Schools be granted a period, not to exceed 30 days, to vacate

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the John Muir School property and that they vacate as fast as they reasonably can.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

13 REQUEST FOR CURB CUT AT 1324 TENTH STREET-JOHN H. TEMPLE

The City Manager stated that the Director of Public Works had investigated a request filed by John H. Temple for permission to close two 10 foot curb cuts on lots 25, 26 and 27 of Block 64, 1324 Tenth Street and substitute therefor a 12 foot curb cut located between the two existing ones. An additional parking space will be provided in this block if this request is granted and it was the Director of Public Works recommendation that the request be granted subject to the filling in of the existing curb cuts by Mr. Temple. Councilman Annan moved, seconded by Councilman Arata that permit be granted to applicant as recommended by Director of Public Works Ray.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

14 REQUEST FOR CURB CUT AND REMOVAL OF TREE ON SOUTHEAST CORNER OF MORRIS AND McHENRY AVENUES, BY McHENRY THREE MINUTE CAR WASH

The City Manager stated that a use permit had been granted to the McHenry Three Minute Car Wash at the southeast corner of Morris and McHenry Avenues and at the time of the granting of this permit the City Planning Commission had requested that the existing curb cut on Morris Avenue be removed and that a new cut be located with the nearest point 40 feet from the curb line on McHenry Avenue. A permit had been issued for a curb cut, totaling 26 feet, on Feb. 16 but in order to complete this work the contractor will have to remove a Sycamore tree 16 inches in diameter.

It was brought out in the discussion that the removal of this tree would permit a clearer view of traffic and also of the signal installed at this corner. Councilman Annan moved, seconded by Councilman Merrill that permit be granted for a curb cut as recommended by the Planning Commission and that the removal of the tree by the applicants, Elmer Price and Edward Walters, dba McHenry Three Minute Car Wash, be approved.

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Ayes: Councilman: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The Council expressed its desire that the City Manager present to it an ordinance to amend the procedure for granting curb cuts so that they could be authorized by the Director of Public Works.

15 RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS

The City Manager stated that Section 34090 of the Government Code authorized a legislative body of any city to adopt a resolution approving the destruction of certain city records upon the request of the head of the city department concerned and with the written consent of the City Attorney. Director of Finance Lawrence has requested the destruction of certain records and City Attorney Grimes has consented to this destruction. Councilman Annan introduced

RESOLUTION NO. 10,104-N.S.

which was seconded by Councilman Merrill authorizing the Director of Finance to destroy any or all of the following records, all dated prior to June 30, 1947:

- 1-Cancelled City of Modesto general warrants
- 2-Cancelled City of Modesto payroll warrants
- 3-Paid vouchers
- 4-City of Modesto Mill license receipts and reports
- 5-Tax receipts
- 6-Water receipts
- 7-Plumbing and electrical permits and receipts
- 8-Business licenses, applications and receipts
- 9-Golf receipts
- 10-Garbage collection receipts
- 11-Personal property assessment sheets
- 12-Real property assessment sheets

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

16 RESOLUTION CONTRIBUTING FUNDS TO THE CITY OF PETALUMA FOR THE PURPOSE OF DETERMINING THE POWERS OF CALIFORNIA CITIES TO REQUIRE A FRANCHISE FROM THE PACIFIC TELEPHONE & TELEGRAPH COMPANY

The City Attorney reviewed the decision of the Council to participate in the contribution of a fund for the hiring of special counsel to assist in the preparing of briefs in the case instituted by the City

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of Petaluma against the Pacific Telephone & Telegraph Company to compel said company to secure a franchise from said city, if other cities contributed also. He stated that a number of other cities had adopted resolutions authorizing contributions to this fund and that he had prepared a resolution for the consideration of the Council if they still desired to contribute to the fund. The resolution provided for the contribution of \$100. by the City of Modesto to the City of Petaluma for the purpose of employing Stephen B. Robinson to prepare opening and reply briefs and present oral argument before the appellate courts of California, Councilman Mellis introduced

RESOLUTION NO. 10,105-N.S.

which was seconded by Councilman R. Adams, authorizing the contribution of \$100. to the City of Petaluma as set forth above and upon certain conditions as set forth in detail in the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ORDINANCE APPROPRIATING ADDITIONAL REVENUE OF THE 1952-53 FISCAL YEAR NOT HERETOFORE APPROPRIATED

The City Attorney presented an ordinance for the consideration of the Council which called for the appropriation of \$33,000 to the General Reserve of the City. He stated that the anticipated revenue for personal property taxes and sales tax would exceed the amount set forth in the "Preliminary 1952-53 budget."

The City Manager stated that \$33,000 had been expended for parks and that this proposed appropriation would "put this amount back into the general reserve." Councilman M. Adams introduced an ordinance, being

ORDINANCE NO. 1065-N.S.

entitled: "AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES OF THE 1952-53 FISCAL YEAR NOT HERETOFORE APPROPRIATED" and moved its adoption and passage to print, which motion being duly seconded by Councilman Arata, it was upon roll call adopted and ordered published and printed by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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18 AUTHORIZE REMOVAL OF TREE ON NORTHWEST CORNER OF McHENRY & MORRIS AVENUES

The tree located on the northwest corner of McHenry and Morris Avenues was ordered removed by the Council as it blocked the view of the new traffic signal.

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19 REPORT ON TREE PLANTING PROGRAM BY CITY MANAGER

The City Manager reported that 539 trees had been planted on the streets during this planting season, during the months of December, January and February. In addition 154 trees had been planted at the sewage plant. He stated that the planting of these trees at the plant would screen the ponding area from the west residential area. The tree planting in the business area is still in abeyance, he stated, until the arrival of the new Park Superintendent so that he could work on the planting program.

The City Manager reported that Lloyd T. Lowrey had been appointed Park Superintendent and would be in Modesto shortly to take over his duties. He stated that Mr. Lowrey would be able to help with three phases of the park program; 1-improvement of present parks, 2-development of new parks 3-development of an over-all park program.

20 CITY MANAGER TO REPORT ON NUMBER OF EMPLOYEES OF THE CITY

Councilman Merrill stated that he understood that despite the fact that the city had annexed additional territory, it was being operated with fewer employees than two years ago.

The City Manager confirmed that the number of employees at the present time was less than two years ago.

Mayor Marks asked the City Manager to file a report with the Council on this matter.

21 REPORT ON MEETING WITH FISH AND GAME DEPARTMENT

The City Manager reported on the meeting held Feb. 17 with representatives from the Fish & Game Department and Attorney General's office, as well as Attorney Grimes and the attorney representing the local industrial concerns, which are parties to the suit brought by the department. He stated "we asked them to stipulate that the suit would be withdrawn if this community does two things; 1-approve the bond issue, 2-get under way with construction of the protect." He stated that they did not commit themselves formally but "assured us that they would be glad to work with us to see if our problem could be worked out satisfactorily." The City Manager stated that he had advised them of the city's position that no money would be spent by the city until assurance was given that this suit would be withdrawn.

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22
DISCUSS PROGRAM IN ACCOMPLISHING THE PROPOSED PROGRAM FOR THE IMPROVEMENT OF THE SEWAGE AND INDUSTRIAL WASTES DISPOSAL FACILITIES OF THE CITY

A discussion was held by the Council on the program to be adopted for the "selling of the bond issue." It was agreed that a resolution should be adopted and Councilman Mellis introduced

RESOLUTION NO. 10,106-N.S.

which was seconded by Councilman R. Adams, urging each civic, service, social, religious, fraternal, labor, business, industrial and other community organizations to familiarize itself with the proposed program and to assist in explaining to all the people the urgent need for the proposed improvement and their importance to the welfare and the future of this community; that these organizations adopt a resolution endorsing and actively supporting the program; transmitting a copy of this resolution to each of the aforesaid organizations with a letter of transmittal from the Mayor enclosing such other explanatory material and data as may be of interest in connection with the proposed program, which resolution was regularly adopted by the following vote;

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Attorney suggested that each one of the organizations be requested to advise the city when a speaker could be sent to their organizations to explain the program.

Councilman R. Adams stated that he had requested five minutes time to explain the program to the people attending a dinner meeting of the Realtors on Feb. 23. Councilman M. Adams stated that National Engineer's Week was being celebrated next week and that several exhibits would be displayed in store windows. The City Manager stated that Councilman M. Adams, together with Bill Junk, Supt. of the Sewage Disposal Plant, were preparing a model of the proposed sewer plant which would be displayed.

23
RESOLUTION COMMENDATION TO ENGINEERING REVIEW BOARD

The City Manager suggested that a resolution of commendation be adopted on the very fine job which had been done by the Engineering Review Board. He stated that they had met an almost impossible schedule. He added that payment had been made to all members of the board except Frank J. Rossi,

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former City Engineer and because he was on retirement, it was impossible to pay him and he had donated his work as a public service to his community. Councilman M. Adams introduced

RESOLUTION NO. 10,107-N.S.

which was seconded by Councilman Arata, commending the work done by the Engineering Review Board and directing the City Clerk to send a copy of this resolution along with a letter of transmittal from the Mayor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

24 LETTER FROM FIRE CHIEF WEMYSS RE: FIRE PROTECTION TO WILSON SCHOOL

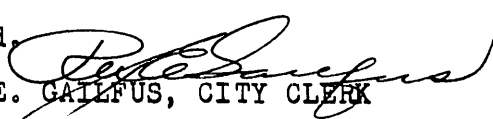
The City Manager read a letter from Fire Chief Wemyss relative to furnishing fire protection to the Wilson School outside the city. The Fire Chief asked whether, in view of the cancellation of fire protection contracts for concerns outside the city, the City of Modesto would continue to protect this school. The City Manager stated that if the Council did not object to the continuance of the fire protection service, it would be continued, not as a contractual obligation but as a matter of cooperation. The Council concurred in the suggestion of the City Manager and ordered this service continued.

25 CITY MANAGER TO ATTEND CONFERENCE OF CITY MANAGERS IN MONTEREY

The City Manager stated that he and Bob Shelton would be attending the spring meeting of the City Manager's division of the League of California Cities in Monterey, Feb. 23-25

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: REX E. GALLFUS, CITY CLERK 

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February 25, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Absent: Councilmen: None

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

LETTER FROM JAMES H. CORSON, SUPERINTENDENT OF SCHOOLS

A letter from James H. Corson, Supt. of Schools, expressing appreciation to the Council for its recent action in approving the continued extension of fire protection service to the Wilson School and the granting of an extension of time to the Modesto City Schools to remove stored materials from the old John Muir School was read and ordered filed.

The City Manager stated that there was no contract with the schools for this fire protection and it should be made clear that it should not be considered as a formal commitment, that the city was willing to help but should not be committed to furnish facilities to the school if they were needed in the city. There was agreement that this was the city's policy on the matter and the Mayor asked that the schools be so advised.

Councilman Merrill arrived at this time.

CALL FOR BIDS FOR CONSTRUCTION OF CONCRETE FOUNDATION FOR HANGAR AT AIRPORT

Upon recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,108-N.S.

which was seconded by Councilman Arata, authorizing the City Clerk to call for bids for the furnishing of all materials, labor, tools and equipment and doing all the work involved in the construction of a concrete foundation for a 10 unit Ideco Hangar at the Modesto Municipal Airport, said bids to be opened at the office the City Clerk not later than 2:00 P.M. on Monday, March 16, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

2-25-53

3 REQUEST TO MOVE PASSENGER LOADING ZONE IN FRONT OF ENTRANCE TO HOTEL HUGHSON ON J STREET

The City Manager stated that the request filed by Reese Wherry with the Police Department that the loading zone in front of the entrance to Hotel Hughson on J St. be moved to conform with the new entrance to the hotel had been investigated by the Police Department which recommended its approval. Councilman Annan moved, seconded by Councilman M. Adams, authorizing the City Attorney to draft a resolution for the consideration of the Council, granting this request.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None

Absent: Councilmen: None

4 DISCUSSION ON ADOPTION OF 1952 EDITION OF THE UNIFORM PLUMBING CODE

The City Attorney presented an ordinance for the consideration of the Council providing for the adoption of the 1952 Edition of the Uniform Plumbing Code. He stated that at the present time the city was operating under the 1948 edition of the code. The City Plumbing Inspector had suggested certain changes in the code which had been included in the ordinance to make it applicable to the city. These changes had been thoroughly gone over with representatives of the persons who would be most directly affected. One part of the ordinance which appeared to be controversial was the provision relating to "apprentices." He reminded the Council of the communications received from the local union of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, the State Department of Industrial Relations, Division of Apprenticeship Standards and from firms in the plumbing business, recommending that certain regulations concerning "apprentices" be considered and adopted as part of the new plumbing code.

He stated that the ordinance, as written, defined an "apprentice" the same as in the Labor Code of the State of California, which provides that an "apprentice shall enter into a written agreement with an employer----for his participation in an approved program of training through employment and through education in related and supplemental subjects." He outlined the method used by employers in working out agreements.

City Attorney Grimes added that the ordinance provides that

"no more than one apprentice shall be employed for each four Master Plumbers or Journeymen or fraction thereof on any one continuous parcel of land." This provision is also a controversial issue, he stated. He outlined the reasons for this provision. This would preclude a plumbing contractor from going out in the open market and hiring an unlimited number of apprentices, even if they were under supervision. He stated that a number of other cities in California had these provisions in their ordinances.

Mr. L. W. Adams, operating a plumbing business at 1710 Spokane Ave. appeared before the Council and objected to the adoption of this ordinance. He stated that he would have to let a number of his employees go if this ordinance was adopted, as they were apprentices and he would not have the proper 1 to 4 ratio as set up in the ordinance, as he was operating non-union and was unable to hire a union journeyman or master plumber.

The City Manager stated that the questions before the Council were;

1-Should this city concern itself with the qualification and competency of persons doing plumbing and with the program of training of apprentices?

2-Is the city going to accept state standards?

He stated that there are several alternatives;

- 1-No regulations.
- 2-Acceptance of state regulations.
- 3-Setting up of our own regulations.

The City Attorney explained that under the proposed code, an apprentice agreed to go to school for a course of training which would be for a period of 144 hours per year. He would not have to be an apprentice at the time he was hired but would merely have to undergo this course of training during the time he was actually hired and working.

R. L. Cloward, President of the Building & Construction Trades Council and Secretary of the Plumbers Union Local, expressed his approval of the provision of the ordinance which would call for the 1 to 4 ratio for the hiring of apprentices, since, in his opinion, it would bring up the standards of the plumbers. He introduced Arden A. Powers, Supervisor of the Division of Apprenticeship Standards, to the Council. Mr. Powers presented copies of the apprenticeship law in California as well as a booklet entitled, "How Apprenticeship can benefit you", to each Councilman.

Mr. Powers stated that the situation at the present time was that an employer could hire as many apprentices as he wished. It takes more than one journeyman or master plumber to train one apprentice since he cannot spend all his time training him. The state governmental agency merely acts in an advisory capacity in the betterment of the program since a local committee administers the program on a local level. He stated that he sat on the committee to see that they function according to law. The committee is composed of representatives from the major contractors in the community, union and non union.

It was brought out in the general discussion that a plumbing contractor could hire one apprentice and one master plumber or journeyman and that he could not hire the second apprentice until he has hired four more journeymen or master plumbers. Most of the other trades, such as electricians, sheet metal operators, etc. also have standards of a similar nature.

Mr. Powers outlined the background of the apprenticeship training program which started in 1931 with the federal government and which was approved by the State of California in 1939. He stated that it was set up to act in a supervisory capacity to local authorities. In 1945, after the war, there was a shortage of skilled workmen in practically every trade, he stated, and thousands of veterans entered industry as trainees under the G. I. Bill.

The City Manager stated that it would be difficult for the city to properly enforce a plumbing code through inspection unless certain standards for workmen doing the plumbing can be assured. He asked for and received verification from the floor, of his understanding that this program was not limited to union concerns only.

Fred Hill, operating the Hill Plumbing Company, stated that he was in favor of the ordinance as prepared by the City Attorney since it would be the only way "we will have qualified plumbers in the industry."

A. P. Fischer, President of the Master Plumbers Association and Secretary of the local Plumbers Apprentice Committee stated that he approved the ordinance and he believed that the apprentice should go under a rigid training and pass the test before they are licensed plumbers. "Unless they have gone to school they have no way to learn to plumb," he stated.

The City Attorney pointed out that the question to be decided by the Council was, "is the apprentice training program a sound one?"

Mr. Fisher stated that the association had had sufficient time to study and had approved the proposed provisions of the plumbing code.

It was agreed by the Council that action on the adoption of the ordinance would be held over for a period of two weeks so that they would have a chance to make a further study.

DISCUSS PROBLEM OF SECURING NEW DISPOSAL AREA

Mayor Marks stated that the Council had requested that the Board of Supervisors be present at this meeting to discuss the problem of securing a new disposal site for the community. He asked that City Manager Miller review the background of the city's endeavor to assist the Modesto Garbage Company to obtain a new site.

The following persons were present from the Stanislaus County Board of Supervisors:

Supervisor Milo F. Bradshaw
Supervisor John B. Melugin
Supervisor Clinton Wilson

Also present were County Counsel Frederick W. Reyland Jr, County Planning Director M. L. Schueller and Deputy County Clerk Feldman.

The City Manager stated that the city had been under contract with the Modesto Garbage Company for approximately 18 years to furnish a disposal area. He stated that the present site, located south of the river was practically filled. This site had been used by not only residents of the city but by thousands of people surrounding the city and also by many industrial concerns. Almost a year ago Mr. Borghello of the Modesto Garbage Company, had notified the city that the present dump could only be used a short time. Endeavors to obtain approval of a site by the County so far had been unsuccessful, although options had been secured by the company on a number of sites. Action on the suggestion that the remaining space at the present dump be reserved for the use of the city residents only, since the Council's first obligation was to the citizens of the city, had been delayed with the hope that a suitable site would be found. He reviewed the action of the Council on the appointment of a committee to work with the Board on the problem. He read a portion of a report which he had filed with the Council which read as follows:

"We believe it should be made perfectly clear:

- 1-That the city takes action to restrict the use of the present location at this time most reluctantly and only because there is no other reasonable alternative.
- 2-That the city does not believe that the present location on Hatch Road which the city is using is a suitable site for the long range disposal of refuse. It is close to densely populated areas lying south and west of Modesto, both north and south of the river.
- 3-That the city believes that in fairness to all those people dumping of refuse in the present Hatch Road location should be discontinued at the earliest possible date.
- 4-That the city is anxious to discontinue the operation at this location and will discontinue it as soon as a suitable alternative site is available.

Mayor Marks called on Councilman Merrill, who had been appointed chairman of the committee to confer with the committee appointed by the Board to work out a solution of the problem in securing a new site for a disposal area.

Councilman Merrill pointed out that the city had no connection with the garbage service but it had a contract with the privately owned Modesto Garbage Company to dispose of the garbage of the city. Primarily the city has full control of the dumping site, he stated, to see that the dump is properly maintained--garbage is covered, etc. He related the problems encountered by the company in obtaining options on sites which had either been turned down by the County Planning Commission or by the Board, or no action taken at all. He pointed out that this problem was not just a "city problem" but was a community problem and was more particularly serious in the area of Modesto. The city committee had worked diligently with the County Board of Supervisors and the Board had requested that no action be taken until the meeting of Feb. 24. Action had been withheld by the county at its Feb. 24th meeting as promised. He stated that the city had endeavored to cooperate with the Board but without being successful in getting a site.

At this time Supervisor Melugin walked out of the meeting stating that "he had not come to the meeting to be insulted."

Councilman Merrill continued with the statement that the city had a place to dump refuse and that there was only one alternative and that was to reluctantly close the present dump to everyone except residents of the city. He recommended that this action be taken by the Council at this meeting.

Supervisor Wilson apologized for the action of Supervisor Melugin and stated that the county was trying to cooperate with the city in every way

possible but that at the meeting of Feb. 24 that there was a full agenda and the Board could not get to the problem of a new disposal site. He cited the protests which had been filed by county residents on various proposed sites, and pointed out that it was necessary to hold public hearing before a site could be approved. He stated that Supervisor Melugin had been appointed by the Board to investigate the garbage site owned by the City of Turlock but that he could not report on what Supervisor Melugin had determined. He stated that this site was only 13 miles from Modesto and that he was certain something could be worked out with the City of Turlock.

Councilman Merrill pointed out that when the committees had gone down to investigate the Laird Slough site, along with Mr. Borghello, it had been decided that this was a proper place for a site. He reminded the Supervisors what this site had been originally purchased by the County for a park and dumping area.

Supervisor Wilson stated that the Board had not had sufficient time to decide on this.

Mr. Borghello stated that the City of Turlock dumping site was 15 miles from Modesto and not 13 miles but that this would not present a problem as far as his company was concerned. He asked if the road leading into this site was a public road and was told by Supervisor Wilson that he was not certain whether it was public or private. This area is located in the flooding area, and during a portion of the year it could not be used. A high river bank is needed to start out with and the Laird Slough area is ideal, he stated. He pointed out that if the county would approve two sites, one that could be used during the summer and one during winter, the Turlock site could be considered.

Councilman Merrill stated that the company was hauling a portion of the refuse, at the present time, to the Hughson site but that abatement proceedings are being considered to close this dump. He again pointed out that the Laird Slough area had been purchased for a dump site and that the company would operate this dump so that it would not create any nuisance.

Supervisor Bradshaw stated, "I would like to make one thing clear and that is that we operate as a five man board----our committee will refer anything we consider back to the Board. I have never been called to attend a meeting except once."

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~~Councilman~~^{Supervisor} Wilson stated, "we are having our troubles too. We should have time to straighten this out. We are civic minded. I am interested in your problems. We are having problems and we need your help to work at this as one unit." He stated that the possibility of using Laird Slough area had not been discussed enough and they should have more time. He reminded the Council that the Supervisors "had people they were working for too. We can work together on this problem and it can be solved."

Councilman Merrill reminded the Supervisors that the time was running out that the remaining space at the dump could be used.

Supervisor Wilson stated that in two weeks another meeting would be held and the County Planning Commission would be present to discuss this problem. He stated that since the Modesto Garbage Company had found out that the Laird Slough area was purchased for a dumping area and that it would be free to them that they had not been interested in trying to find a site which they would have to purchase.

Councilman Mellis recommended that the Board of Supervisors be given more time to work out a program since he felt that the Board fully realized the problem the city has.

The City Manager stated that the committee has done a lot of work on this problem as well as the County Planning Commission and the Board but no solution has been found and that it is a very urgent problem due to the small amount of space left at the present site.

J. A. Hamilton, 605 Imperial, speaking for a delegation of residents living south of the river, asked that the present dump be closed.

It was generally agreed by both the Council and the members of the Board that the present dump was in a poor location, due to the fact that the residential area was too close and that as soon as a new site could be approved that the dump would be closed.

Mayor Marks stated that there were three things which the Council could do;

- 1-Close the present dump for everyone but residents of the city.
- 2-Leave the dump open for all to use.
- 3-Close the dump effective at a certain time as agreed on between the City and County.

A woman from the audience inquired why the city did not purchase a site to be used as a dumping area. Mayor Marks stated that the Council

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was opposed to going into competition with private enterprise. She voiced her opposition to the company burning any refuse at the present site since she resided nearby and that it would be "unbearable."

Councilman Merrill repeated that he recommended that the present dump be closed to everyone except residents of the city.

City Attorney Grimes stated that he wished to point out one thing which had not been raised at this meeting and that was whether the city or the garbage company could dump out at the Laird Slough site. He stated that he had checked with the County Counsel and determined that as long as the prescribed fee was paid that it would be legally possible for them to do so.

Supervisor Bradshaw stated "this is one reason we are calling for time. We need 30 days or so to work out this problem."

Councilman R. Adams stated "as a member of the Council, I want to thank the Board of Supervisors for being here at a difficult meeting. I have thought of myself as being a reasonable person, therefore I would like to move that this action be delayed for a reasonable period of time, say 30 to 60 days." This motion was seconded by Councilman M. Adams. Upon recommendation of the Council, Councilman R. Adams reworded his motion to provide that a reasonable period of time be granted to the Board of Supervisors to approve a dump site for the Modesto community.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: Merrill

Absent: Councilmen: None

Upon the recommendation of Councilman R. Adams, the Board of Supervisors agreed to have Chairman Ken Ables determine just who was the chairman of the county committee.

Mayor Marks expressed appreciation to the personnel of the County for attending the meeting.

Councilman Merrill made arrangements with Supervisor Clint Wilson for the two committees to meet at 8:00 A.M. Thursday, Feb. 26.

The City Manager pointed out the danger of "trying to divide the community. We are one community, one county and we have many mutual problems and we cannot divide ourselves up into divisions." Supervisor Bradshaw agreed that "we should work as one unit."

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6 REQUEST FILED BY ORGANIZATIONS TO USE JOHN MUIR SCHOOL BUILDING

John Bomberger, heading a delegation representing about 19 organizations, appeared before the Council and filed a request that the Council withhold any definite action as to the use of the old John Muir school building until such a time as they could present a study of its possible use in relation to this group of organizations.

Councilman Mellis pointed out that the city had purchased this property to be used as a park and that a study was being made at the present time to determine if the building could be temporarily used as a City Hall and that no commitments could be made at this time.

Mr. Bomberger stated that other organizations would be contacted to determine if they also wanted to use the building and further meetings would be held to determine if the building could economically be remodeled to fit the organizations needs.

A suggestion was offered that if the city decided to use the building as a City Hall that it could be used by some of the organizations during the evening and at other times when not in use by the city.

The City Manager pointed out that the only likely places which could be used would be the Council Chambers or possibly a conference room and that preliminary studies indicated that there would not be any room left after all the departments had been fitted in since the space in the building was not much larger than the present City Hall.

It was agreed by the Council that no definite action would be taken until after the April 14 election and that the groups would be notified and asked to come to the Council meeting before any decision was made.

It was suggested by the Council that each organization appoint two or more members to serve as a committee, similar to the Citizens Advisory Committee, to write up a statement of what their needs would be, how much space would be needed and what type of meeting would be held, and present a report to the Council after the April election. As soon as the city finds out what all the organizations need, it can be decided what can be done.

A copy of a resolution which had been adopted by the Recreation Commission was read, citing the need of many groups for meeting, exhibit and workshop rooms and requesting that the Council delay action on

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the use of the John Muir School building until a survey is made to determine the feasibility of turning the building into an arts, crafts and allied activities center.

7 CONSIDERATION OF BILLBOARD ORDINANCE AMENDMENT

The City Manager reported on a meeting held on Jan. 15 regarding the revision of the billboard ordinance which had been attended by the City Attorney, Building Inspector, Director of Planning, Director of Finance and himself. He stated that it had been agreed that the only interest of the Building Inspector in sign regulation would be the structural factors. It was agreed that three things to be considered in this revision was;

- 1-public safety
- 2-aesthetics
- 3-revenue(sufficient only to cover the cost of the administration of the regulations)

A suggestion had been made by the Building Inspector that two fees be charged on a permit for installing a neon sign, the normal sign fee and a fee for checking the electrical connections.

The City Manager stated that the group agreed that four safety factors should be considered,

- 1-Public safety-where the installation is located over a public way or close enough to a public way to conceivably injure the general public.
- 2-Safety to occupants and employees on private property.
- 3-Potential traffic hazard, particularly on street corners
- 4-Health, particularly as it relates to air circulation, etc.

The City Manager stated that the city could adopt strict regulation of signs or not regulate them at all. Some cities are very strict and he suggested that between these two extremes that the city consider reasonable regulation and establish specific standards and require everybody to "stick to them." He added that the City Attorney had obtained a copy of a model ordinance prepared by the National Municipal Law Officers Ass'n, and that it would be a good place for the city to start.

Councilman Merrill reported on the first meeting held by the committee appointed by the Council to consider the preparation of a revised ordinance, composed of Mel Harris, Dorothy Murray, Ralph Spencer, Roy Bylling, C. H. Blemker, Councilman Annan and himself. He stated that the safety factor was considered and it was agreed that the ordinance should be amended.

The City Attorney stated that at the meeting of this committee the problem of the posting of point of purchase signs, during the winter

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months, was discussed and that members of the bottling industries requested that in the interim period the present ordinance be amended to exempt from regulation signs of a certain size.

Councilman Annan stated that at the meeting of this committee the impression was given that the question of granting temporary relief to the soft drink operators would be considered by the Council so that they could post these signs during the winter months.

The City Attorney pointed out that if an exemption was made at the present time, the question would be whether it should not be included in the final draft of the revised ordinance. Once the question of "point of purchase signs" is resolved the rest of the ordinance could be prepared.

It was agreed by the Council that the committee should be invited to appear before the Council at its next meeting to discuss this ordinance, before any action was taken by the Council.

FINAL PAYMENT TO ATLAS PIPE COMPANY ON SANITARY LATERAL SEWER ON LEONARD AVENUE

Upon recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 10,109-N.S.

which was seconded by Councilman Arata, authorizing final payment of \$2,128.10 to the Atlas Pipe Company for the construction of a sanitary sewer on Leonard Avenue, as the 35 day lien period required by the contract had expired and no claims had been filed against the contractor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REFUND PORTION OF CASH BOND TO MARY E. SANDERS FOR IMPROVEMENT OF CAMPUS TRACT #2

Upon recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 10,110-N.S.

which was seconded by Councilman Annan, authorizing the refund of \$1,775. of the cash bond posted by Mary E. Sanders for the improvement of Campus Tract #2, since a portion of the remaining work had been completed

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to the satisfaction of the City Engineer, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

10 ACCEPT CONTRACT FROM ATLAS PIPE COMPANY ON CONSTRUCTION OF SANITARY TRUNK LINE ON EMERALD AVENUE AND MAZE BOULEVARD

The City Manager stated that a report had been filed by the Director of Public Works that the contract for the construction of a sanitary sewer trunk line on Emerald Avenue and Maze Boulevard had been completed by the Atlas Pipe Company, with the exception of a portion of the resurfacing of Emerald Avenue, which the company was unable to do at the present time due to wet condition of trench area. A recommendation had been made by the Director of Public Works that the contract be accepted by the Council on the provision that the company place a certified check in the amount of \$200. to insure the completion of this work and that a progress payment of \$1,512.90 be made at this time. Councilman M. Adams introduced

RESOLUTION NO. 10,111-N.S.

which was seconded by Councilman Mellis, accepting the contract as completed, authorizing the recording of Notice of Completion with the Recorder of Stanislaus County, acknowledging receipt of certified check in the amount of \$200, which was posted by the company for the completion of the resurfacing of a portion of Emerald Avenue., and authorizing progress payment of \$1,512.90 which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

11 REQUEST OF RED CROSS TO PLACE PLACARDS ON PARKING METERS ON STREETS

The City Manager stated that the City Attorney had determined that there was no specific regulation which would prohibit the Red Cross from placing placards on the parking meters on the streets advertising the coming drive for funds.

It was agreed that permit should be denied to the applicant since the granting of a permit would establish a precedent and many other similar requests for worthy causes would be filed by other organizations.

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It was agreed that the Council would withhold the adoption of a resolution of policy prohibiting advertising matter of any kind or description on parking meters until such a time as the study now under consideration by the Parking Authority on the feasibility of obtaining some revenue through advertising on parking meters in the off-street parking lots, had been completed.

Councilman R. Adams moved, seconded by Councilman Arata that the request of the American Red Cross to place placards on the street parking meters be denied and that the City Clerk be instructed to write a letter to the Red Cross explaining the reasons for the denial.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

2 REPORT ON APPROVAL OF BARHAM TRACT RECEIVED FROM BOUNDARY COMMISSION OF STANISLAUS COUNTY

The City Manager reported that an approval of the boundary of the proposed annexation of the Barham Tract had been received from the County Boundary Commission and that annexation proceedings of this tract could proceed.

3 DISCUSS TRAFFIC SIGNALS INSTALLED IN CITY

Councilman Mellis asked if any money would be available for installation of additional traffic signals. The City Manager stated that two signals were being studied at this time, one at 14th and D Streets and one at 11th and D Streets. The city had requested the state to make a study of the traffic conditions at 14th and D Streets with the idea that perhaps the signal should be installed at this intersection rather than at 11th and D Streets. A recent request had been made to the state by the City Engineer on the progress of this study so that the signal could be installed before the "rush season" of the canneries.

Councilman Mellis recommended that a study of the traffic also be made at the intersections of 14th and H Streets and 14th and J Streets. The City Manager stated that a study had been made of these intersections and that a report would be filed at a later meeting.

Councilman Mellis also asked about the progress of the plans for the widening of McHenry Avenue to provide for four lanes of traffic

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After a discussion by the Council on the possibility of getting other civic organizations, as well as the county, to cooperate with the city in requesting the state to give this prompt consideration, due to the heavy traffic on this street, Councilman Mellis moved, seconded by Councilman Merrill that the City Manager check with the state on this matter and report to the Council.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Annan pointed out the need of a traffic signal at the intersection of 10th Street, Needham Avenue and College Avenue, since the heavy traffic at this intersection was causing a "bottle neck."

The City Manager stated that in connection with the next city budget, a survey would be made of all the intersections which come to the attention of the Public Works Department, through accident, etc. and this will be brought to the attention of the Council for its consideration.

The City Manager pointed out that it might be some considerable time before the state would consider the improvement of minor highways such as McHenry Avenue, due to its program for the improvement of major highways.

Jack Crouse, reporter for the Modesto Bee, introduced Vincent E. Vandre, who had recently been appointed as an assistant to John Fairweather, Manager of the Chamber of Commerce to the Council members and the department heads.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUS, CITY CLERK

2-25-53

March 4, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Ordinance No. 1042-N.S.

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

Absent: Councilmen: M. Adams

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

APPROVAL OF MINUTES

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

DISCUSS AMENDMENT TO BILLBOARD ORDINANCE

The following members of the bottling industry were present to consider a proposed amendment to the billboard ordinance to exempt certain signs, C. H. Blemker, E. F. Cadmus, and J. L. Bispo. Also present, representing the committee appointed by the Mayor to study the proposed revision of the billboard ordinance, were Mel Harris, Dorothy Murray, J. R. Kenworthy and Ralph Spencer.

City Attorney Allen Grimes outlined the three courses of action which could be taken by the Council;

- 1-Leave the present ordinance as is, pending its revision(which allows the bottling industry to put up signs provided they make application and pay the \$1.00 fee).
- 2-Amend the present ordinance pending its revision to exempt signs smaller than a specified size which advertise any product sold on the premises.
- 3-Amend the present ordinance pending its revision to exempt all signs smaller than a specified size, whether or not they advertise a product sold on the premises.

He stated that an amendment to the present ordinance, making a blanket exemption on all signs under a certain size, would be more justified rather than limit the exemption to signs which advertise produce sold on the premises. He stated that in order to have something to present to the committee for consideration he had drafted the following list of exemptions, which he had previously discussed with Mr. Blemker:

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"Section 1.1 Exemptions. The provisions of this ordinance shall not apply to substantial and permanent wall signs, or painted wall signs, as defined herein, which do not exceed ten (10) square feet in area, provided that:

(1) Wall signs shall have a surface or facing of incombustible material, except that combustible structural trim may be used thereon.

(2) Wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws imbedded in said wall; provided, however, that such signs may rest in or be bolted to strong heavy metal brackets or saddles, each of which shall be securely fixed to the wall as herein provided.

(3) No wall sign shall project more than four (4") inches from the structure which supports it or be attached to a wall at a height of less than ten (10') feet above the sidewalk or ground.

(4) In no case shall any wall sign be secured with wire, strips of wood or nails.

(5) No wall sign shall cover solely or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

(6) Wall signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30#) pounds per square foot of area.

(7) No more than ten percent (10%) of the building wall area of any one side of a building shall be covered with wall signs exempted by this section.

(8) Such signs shall be subject to the provisions of Section 11 of this ordinance."

Mr. Blemker indicated that two factors in the proposed exemptions were not satisfactory with him;

1 The area of ten square feet allowed was too small.

2 The provision requiring screws instead of nails on wall signs.

He exhibited various signs to the Council which were installed by his company and gave approximate square feet in each type of sign. He also exhibited the type of nails used in posting the wall signs.

After a general discussion by the Council, the representatives of the bottling industries and Building Inspector Hermida, it was agreed that signs 15 square feet in area would meet with the safety requirements. It was agreed that the ordinance should provide for the exemption of signs of this size as well as permit the erection of signs with nails on wood surface.

The City Manager pointed out that while the bottling industries were in the business of erecting signs and knew how to do it properly, that the ordinance would cover all kinds of operations and operators.

The suggestion of Mr. Blemker to include Henry L. Meyer, manager of the Gravem-Inglist Baking Co. on the committee to revise the billboard ordi-

nance was not approved since it was considered that the committee was sufficiently representative of various groups which would be affected by the ordinance.

When the Council was asked by Mrs. Murray whether the exemptions, which had been approved at this meeting, would commit the committee in any way to include them in the proposed revised ordinance, she was advised by the Council that this was only an interim measure and did not have any bearing on the revised ordinance. She asked whether there would be any limitation on the number of signs. Councilman Mellis pointed out that limiting the number of signs in the business district would not be fair to the business men who were supporting the city. He stated that these signs were not permitted in the residential areas and that the aesthetic factor was not a consideration in the business area and it would not be fair "to strangle business men in the business district."

Councilman Mellis moved, seconded by Councilman Arata that the City Attorney be instructed to draft an amendment to the present ordinance for the consideration of the Council which would include the exemptions outlined with the exceptions that the area allowed in the signs should not exceed fifteen (15) square feet instead of 10 square feet and that nails would be permitted to secure signs on wood surfaces.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

REQUEST FOR ANNEXATION OF FIVE ACRE TRACT-R. E. TURNER

R. E. Turner, real estate operator, appeared before the Council and requested that a five acre tract on Coffee Road, adjoining the Downey High School on the south be annexed to the city. He stated that the Gould Clinic had an option of 60 days on the property and they would not purchase it unless they could be promised sewer service within a year.

The City Manager added that a number of similar requests for annexation in this area had been received. He pointed out that the proposed sewer trunk line serving this area was overloaded but that the new eastside trunk was designed to serve that area.

After discussion by the Council it was agreed that if the bond issue election was successful, consideration should be given for granting sewer service to these areas even if the line would temporarily be overloaded. It was also agreed that Mr. Turner's request would be reviewed before the 60 day option period had expired.

3 GRANT REQUEST TO STANISLAUS SHRINE CLUB TO HOLD SHRINE CIRCUS WITHOUT PAYMENT OF LICENSE FEE

A request for exemption from payment of circus license fee on its Shrine circus to be held in Modesto on June 26-27, was filed by the Stanislaus Shrine Club of Modesto. Councilman Merrill introduced

RESOLUTION NO. 10,112-N.S.

which was seconded by Councilman R. Adams, waiving the circus license fee required by Ordinance No. 750-N.S., as requested by the aforesaid organization, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

4 LETTER FROM CALIFORNIA ROADSIDE COUNCIL

A letter from the California Roadside Council, urging action opposing Senate Bills 733 and 734, regarding control of billboards, was read. This letter was held over for further study. Councilman Merrill recommended that a member of the Council be invited to speak before the committee revising the city billboard ordinance.

5 ACCEPT BIDS ON MOTORCYCLES AND REJECT ALL BIDS ON THE PADDY WAGON OF THE POLICE DEPARTMENT

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 10,113-N.S.

which was seconded by Councilman Annan, accepting the bid of Leonard Andres of \$175. for a 1947 Harley Davidson motorcycle and \$215. for a 1948 Harley Davidson motorcycle; accepting the bid of A. Fergoda of \$178.56 for a 1947 Harley Davidson motorcycle; and rejecting all bids for the 1946 panel Chevrolet (Paddy Wagon), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
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Noes: Councilmen: None

Absent: Councilmen: M. Adams

6 RESOLUTION RELOCATING LOADING ZONE ON NORTH SIDE OF J STREET BETWEEN TENTH AND ELEVENTH STREETS (FRONT OF HOTEL HUGHSON)

Pursuant to request of the Council, City Attorney Grimes presented a proposed resolution relocating the loading zone in front of Hotel Hughson to conform with the new entrance to the hotel. Councilman Merrill introduced

RESOLUTION NO. 10,114-N.S.

which was seconded by Councilman Annan, relocating the loading zone on the north side of J Street, between 10th and 11th Streets, as set forth in the resolution; directing the Director of Public Works to move the parking meter at this location and to mark and post the location in accordance with the provisions of this resolution and the applicable laws of the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen; None

Absent: Councilmen: M. Adams

7 ACCEPT DEEDS ON WIDENING OF STREETS

The City Attorney presented a number of grant deeds which had been secured for the eventual widening of College Avenue, the widening of the street between College Avenue and Notre Dame Avenue and the extension of Carla Avenue, west to an intersection with that street. Councilman Mellis introduced

RESOLUTION NO. 10,115-N.S.

which was seconded by Councilman R. Adams, accepting deeds from the following Leo Ring, et al, R and Beulah Hardman, Sophia Petrakis, and abandonment of homestead from Earl D and Helen I Blakely, and authorizing the City Clerk to record the deeds with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

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8 GRANT EXTENSION OF 60 DAYS TO STANDARD MATERIALS INC. TO COMPLETE WORK AND IMPROVEMENT IN IMPROVEMENT DISTRICT NO. 1

The City Manager reported that the contract work on the Improvement District #1 was complete except for a small amount of oiling of alleys and streets which is impractical to perform at this time. He stated that the City Engineer is having an assessment diagram drawn and that the roll is in the process of being prepared. The contractor has refused to permit connections to the sewer until the city accepts the work, which will be when the assessment roll is accepted by the Council as final. Councilman Arata introduced

RESOLUTION NO. 10,116-N.S.

which was seconded by Councilman Annan, extending the time 60 days for the completion of the work and improvement in Improvement District No. 1 by Standard Materials, Inc. from Feb. 28, 1953 to and including the 28th day of April, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

9 APPROPRIATION TRANSFER FROM GENERAL RESERVE TO RECREATION DEPT.

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 10,117-N.S.

which was seconded by Councilman Merrill, approving the appropriation transfer of \$515.00 from the General Reserve to the Recreation Department, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

10 CREATE CLASSIFICATION OF POLICEWOMAN

The City Manager stated that at the request of the Chief of Police and with the approval of the Personnel Board, he suggested that the new personnel classification of Policewoman be created. He stated that the amount of salary had not been cleared as yet but Range No. 12, with a maximum of \$341. had been considered. Police Chief Neel outlined the duties

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of the position and stated that this classification was well recognized in this state as well as throughout the nation. He stated that at the present time only one appointment under this classification was under consideration. Councilman R. Adams introduced

RESOLUTION NO. 10,118-N.S.

which was seconded by Councilman Arata, amending Resolution No. 9906-N.S. entitled: "A RESOLUTION ESTABLISHING SALARY SCHEDULES, CLASSES OF POSITIONS AND FIXING THE COMPENSATION OF OFFICERS AND EMPLOYEES IN THE CITY SERVICE" to create the position of Policewoman and that the salary range be established commensurate with the duties of the position to be determined by the City Manager but not to exceed Range No. 12, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

BULLETIN FROM LEAGUE OF CALIFORNIA CITIES RE: MEETING IN SACRAMENTO TO CONSIDER LEGISLATION RE: COUNTY AND CITY SALES TAX

The City Manager brought to the attention of the Council, a communication from the League of California Cities regarding a state-wide meeting to consider legislation introduced relating to county and city sales taxes, which will be held in Sacramento, Thursday, March 12.

Councilman Merrill moved, seconded by Councilman Annan, that Mayor Marks and City Manager Miller be authorized to attend.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

CITY MANAGER REPORT ON MEETING OF CITY MANAGERS IN MONTEREY

The City Manager gave a brief report on the meeting of the City Managers' Division of the League of California Cities, which was held in Monterey, Feb. 23-25.

LETTER FROM DEHAVEN CASH REGISTER COMPANY

The City Manager read a letter from the DeHaven Cash Register Company stating that it would be impossible to deliver the taximeters ordered by Joe's Taxi Service and Yellow Cab in time to meet the deadline set up by

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the city for the installation of meters. Councilman Mellis moved, seconded by Councilman Arata that the City Attorney be instructed to prepare a resolution extending the time limit for the installation of taximeters for a period of 60 days, for the consideration of the Council.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

14 CITY MANAGER REPORT ON ENFORCING DOG LICENSE ORDINANCE

The City Manager reported on the procedure being followed by the city in enforcing the dog license ordinance. He stated that state legislation was being considered which would make the regulation of dogs more uniform throughout the state.

15 COMMUNICATION FROM ATTORNEY GENERAL'S OFFICE RE: DISMISSAL OF CASE OF PEOPLE VS. CITY OF MODESTO

The City Manager reported that a revised stipulation had been received from Ralph W. Scott of the Attorney General's office relating to the dismissal of the case of "People vs. City of Modesto." It will be reviewed by the City Attorney and the other parties involved and a further report made.

16 REPORT ON INSTALLATION OF TRAFFIC SIGNALS ON D STREET AT 14th & L STREETS

The City Manager reported that after checking with the state relative to the installation of traffic signals on D Street at 11th Street and 14th Street, it had been determined that both of these intersections qualified for traffic signals and that the state had advised that the two signals could be interconnected, with the signal at 9th St. He stated that a further report on this matter would be furnished the Council as soon as possible.

17 DISCUSS CONTROL OF PEDESTRIAN TRAFFIC AROUND CANNERIES

A discussior was held by the Council on an educational program to be started to train the employees of the various canneries in the city to prevent the pedestrian traffic problem which has occurred in the past years. This matter was referred to Police Chief Neel.

18 DIAGRAM PRESENTED TO COUNCIL ON TRAFFIC PROBLEMS

The City Manager presented copies of a diagram of proposed warning lights to be established at two crossings of the railroad on the

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North 99 Highway.

19 LETTER FROM MODESTO BOARD OF REALTORS, INC. RE: APPROVING THE SEWER BOND PROGRAM

A letter from the Modesto Board of Realtors, Inc. approving the proposed bond issue for the improvement of the sewer plant was read and ordered filed.

20 DISCUSS PROPOSED ORDINANCE ADOPTING THE 1952 EDITION OF THE UNIFORM PLUMBING CODE

The City Manager was instructed to prepare a report on the various alternatives regarding the provisions regulating apprentices in the proposed ordinance adopting the 1952 Edition of the Uniform Plumbing Code, for the study of the Council.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.


ATTEST: REX E. GAILFUS, CITY CLERK

3-4-53

March 11, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Absent: Councilmen: None

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

APPROVAL OF MINUTES

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

DISCUSSION ON PROPOSED PLUMBING ORDINANCE

City Manager Miller stated that a report had been mailed to the Council members, this date, giving a summary of the difference between the present and the proposed plumbing code as they applied to apprentices. He stated that the three alternatives to be considered by the Council were:

- 1-To require little or no regulation of apprentices as in the present ordinance.
- 2-To accept the state apprenticeship standards.
- 3-To set up our own standards regarding apprenticeship training.

The Council agreed that they wished more time to study the proposed ordinance adopting the 1952 Uniform Plumbing Code and to determine what other cities were doing on the regulation of apprentices.

Mayor Marks read a letter from Donald L. Erickson, plumbing contractor, 1616 Tully Rd. Mr. Erickson opposed the adoption of the proposed ordinance because "it would place my business in a hardship in relation to the section pertaining to working four journeymen in proportion to one apprentice since there are not enough qualified non-union journeyman plumbers to work in the city."

J. C. Munday, Chairman of the City Plumbing Board, stated that the Board was interested in bringing the procedure of the examining board up to date and establish rules and regulations for the procedure of its

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official duties and that Bob Shelton, Assistant to the City Manager, was working with them.

Mr. Erickson commented that he believed that some regulation should be considered which would establish the terms of the members on the examining board. When asked by the Mayor as to the limit on the number of apprentices he believed should be allowed, Mr. Erickson stated that he thought that there should not be more than one apprentice on any one job working with a number of journeymen but that a contractor should be permitted to hire one apprentice for each journeyman if he desired.

L. W. Adams, plumbing contractor, 1710 Spokane Street, agreed with Mr. Erickson on the ratio of one to one for the hiring of apprentices. He stated that he would be willing to go along with the proposed code if there were plenty of non-union journeymen to be hired.

City Attorney Grimes outlined the provision of the existing code and the provision of the proposed code for the Council, relative to the giving of examinations to do plumbing work; that the present code requiring that an examination be given an apprentice at the time he is hired, which is not feasible. He stated that the code proposed would require the apprentice to participate in a course of training complying with the state apprentice standards.

Mr. L. W. Adams stated that he did not think it would be fair to require the apprentices working for him, who had worked from 2 to 4 years, to start over under the apprentice training course and to be required to work an additional number of years before they would be eligible to take the examination. He expressed his desire that the existing ordinance not be amended, since the Plumbing Inspector of the city, Robert C. Rhien, was a competent inspector and should be commended for his work and that "he would not let any poor plumbing get by."

The City Manager pointed out that the Inspector could not be expected to check every detail of the work done on a job, that this was the responsibility of the person doing the job. This is the reason, he stated, why plumbers must be qualified to do work in the city. The city should require standards of workmanship which would permit the citizens of the city to employ with confidence the persons who are registered with

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the city to do this type of work.

It was agreed by the Council members that they wished to make a further study on the code before any action was taken and the City Manager was asked to check to see what regulation of apprentices other cities have.

2 REQUEST REMOVE THREE ELM TREES ON 12TH STREET AT I STREET-MARION H. MOORE-HEAD, POSTMASTER

A request filed by Marion H. Moorehead, Postmaster, for the removal of three Elm trees in the area between the curb and sidewalk on the 12th St. side of the Post Office, located at 12th and I Streets, was considered. It was the suggestion of Director of Public Works Ray that the personnel of the Parks Division could arrange for the removal. City Manager Miller suggested that if the Post Office wished to have these trees removed prior to the time arrangements could be made by the Park Division, that they do so at their own expense. It was the decision of the Council that Councilman Merrill investigate the trees and report to the Council.

3 LETTER FROM LOS BANOS MAY DAY ASSOCIATION

An invitation from the Los Banos May Day Association relative to a celebration which will be held in Los Banos on May 3, was read and ordered filed.

4 LETTER FROM STANISLAUS COUNTY FARM BUREAU RE: INSTALLATION OF GARBAGE INCINERATOR

A letter was read from Fred G. Thiemann, Executive Secretary of the Stanislaus County Farm Bureau stating that the Board of Directors had adopted a recommendation at its meeting held on Feb. 28, urging the City of Modesto to make a study of the installation of a garbage incinerator, "as opposed to dumping on farm property."

After a general discussion by the Council, it was agreed that Mayor Marks would contact the Bureau and make arrangements for the City Manager and himself to attend its next meeting to explain the problems of the city on the disposal of refuse.

5 DISCUSS APPROVAL OF SUBDIVISION MAP OF CAMPUS TRACT #5-ROBERT P. BOMBERGER

Robert P. Bomberger, appeared before the Council regarding the approval of a subdivision map of Campus Tract #5, which is bound on the north by College Gardens Tract, west by Kearney St., east by Tully

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Road and south by the Bernard Tract. He stated that the north 150 feet of this tract was in Improvement District #1 and if this map was not approved and filed prior to the acceptance of the assessment roll for the district that the cost would be materially higher, as it will be based on a square foot basis, rather than on a lot basis. Also the entire assessment will have to be paid at once and cannot be apportioned to the lots as they are sold off.

Planning Director Bills listed the reasons he disapproved of the subdivision map;

- 1- It is not good street and traffic planning to permit two off-set intersections on Tully Road within a short distance.
- 2- The proposed design cut off any access to the Causey tract adjacent on the south.
- 3- He had been informed by the M.I.D. and P.T & T Co. they would have difficulty in properly servicing the tract because of the fact that streets and alleys do not align with existing streets and alleys.

The City Attorney pointed out that Subdivision Ord.No.1041-N.S. provided that the street system in a proposed subdivision should relate functionally to the existing streets in the area adjoining the subdivision and that the center lines of all streets wherever practicable should be the continuation of the center lines of existing streets, or should be offset at least one hundred feet.

The City Manager stated that there was a need for a proposed general system of street lay-out for the whole areas as a guide to subdividers.

Mayor Marks asked the City Engineer and the Planning Director to make a further study of the problems involved in this tract and to report to the Council at the next week's meeting.

INTRODUCE NEW PARK SUPERINTENDENT TO COUNCIL

Lloyd T. Lowrey, the new Park Superintendent was introduced to the Council and department heads by the City Manager.

REPORT ON TYPES OF ORNAMENTAL TREES TO BE USED IN BUSINESS AREA

The City Manager reported on the meeting held with the committee appointed to consider types of ornamental trees to be used in the business district. The following types of trees had been approved, holly leaf oak, crepe myrtle, grecian laurel and flowering plum.

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8 COMMEND WORK OF ACTING SUPERINTENDENT OF PARKS, MERTON BOWEN

The City Manager commended Merton Bowen, Acting Park Superintendent, on the fine work he had done. It was agreed that the City Manager should write him a letter of commendation on behalf of the Council.

9 ORDINANCE AMEND BILLBOARD ORDINANCE

The City Attorney presented an ordinance to the Council for its consideration which amended Ordinance No. 302-N.S. regulating billboards, which added the exemptions discussed at the last meeting of the Council relative to signs of a limited size. Councilman Merrill introduced

ORDINANCE NO. 1066-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 302-N.S., AS AMENDED BY THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING AND RELATING TO THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF BILLBOARDS IN THE CITY OF MODESTO, AND LICENSING AND REGULATING THE OCCUPATION OF MAINTAINING BILLBOARDS AND OUTDOOR ADVERTISING, PROVIDING PENALTIES FOR THE VIOLATION OF THE SAME AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH", BY ADDING SECTION 1.1 THERETO." and moved its introduction and passage to print, which motion being duly seconded by Councilman Annan, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

10 EXTENDING TIME FOR INSTALLATION OF TAXIMETERS

The City Attorney presented a resolution for the consideration of the Council, as directed, which would extend the final date for the installation of taximeters in taxicabs to May 15. Councilman Mellis introduced

RESOLUTION NO. 10,119-N.S.

which was seconded by Councilman M. Adams authorizing the extending of the final date for installation of taximeters in taxicabs operating in the City of Modesto, to May 15, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

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Noes: Councilmen: None

Absent: Councilmen: None

11 AUTHORIZING THE COMMENCEMENT OF THE OPERATION OF THE TRAFFIC SIGNALS
ON McHENRY & MORRIS AVENUES

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,120-N.S.

which was seconded by Councilman M. Adams, authorizing the Director of Public Works to commence the operation of the full traffic control signal system and highway lighting at the intersection of Morris Avenue with State Highway Route 109 (McHenry Avenue), as of March 12, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent; Councilmen: None

12 ACCEPTING CERTIFICATION OF NAMES FOR THE GENERAL MUNICIPAL ELECTION

Whereas, Rex E. Gailfus, City Clerk has certified that certain individuals have properly qualified their names to be placed on the ballot in the General Municipal Election to be held on April 14, 1953 for the offices of Councilman and Member of the Board of Education, Councilman Mellis introduced

RESOLUTION NO. 10,121-N.S.

which was seconded by Councilman Annan, accepting the certification of the following names to appear upon the ballot as candidates for the various offices as indicated at the election to be held in the City of Modesto and in the Modesto City School District, on April 14, 1953

For Councilman (Three to be elected, each to serve for a full four year term)

MERRILL L. ADAMS
ROBERT W. ADAMS
DAVID L. ARATA
HAYDEN L. LOGAN

For Member of Board of Education (Two to be elected, each to serve for a full four year term)

IAN W. HARDIE
KARL M. ROTH
ESTHER B. BRACK
RALEIGH B. GREEN

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which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

13 REPORT FILED BY THE DIRECTOR OF FINANCE ON WATER AND SEWER ACCOUNTS

The Director of Finance presented a report on "Penalty and Billing Procedures relating to water and sewer service accounts" to the Council members for their study.

The City Manager stated that some questions raised in the report should be cleared before the consideration of an ordinance.

14 INSTALLATION OF RAILROAD WARNING SIGNALS

The City Manager reported that a letter had been received from the Southern Pacific Company relative to the installation of warning signals at the intersection of Woodland Ave., Coldwell Ave. and the N. 99 Highway, and at the intersection of Tully Road with N 99 Highway. He stated that it would be necessary for the Council to determine whether the city should participate in the installation cost at an early date.

After a discussion the Council agreed that it was unwilling to participate in the installation cost of the Woodland, Coldwell and N. 99 Highway intersection warning signals

Because of a possible realignment of the intersection of Tully Road with the Highway and also because there is already a stop sign installed, it was not considered feasible to participate in the cost of these warning signals. A discussion was held on the possibility of installing a warning light on the highway, immediately across from the Tully Road intersection, at an estimated cost of \$150.

Councilman Arata moved, seconded by Councilman Merrill that the report of the City Manager's be accepted and that the city should not participate in the cost of the installation of these warning signals, except possibly, the warning light on the highway across from the Tully Road intersection.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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15

DISCUSS CHANNELIZATION OF TRAFFIC AT CERTAIN INTERSECTIONS

The City Manager reported that the study made by Charles Zell, Traffic Engineer of the University of California, on the channelization of traffic at certain intersections in the city had been completed. He discussed the recommendations for the improvement of the following intersections:

- Tuolumne Ave. and Paradise St.
- Downey Ave. and 19th Street (traffic to proceed through on Downey Ave. and to stop on 19th St.)
- Scenic Ave. and Downey Avenue
- Washington St. and Maze Blvd.

Councilman Annan moved, seconded by Councilman Arata that the plans for the improvement of the channelization of traffic at these intersections be approved and that the City Manager be authorized to cause their installation, with the understanding that minor adjustments might be made.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

16

DISCUSS JOHN MUIR SCHOOL PROPERTY

Park Superintendent Lowry reported that the grounds surrounding the John Muir School property had been cleaned and that the shrubs and lawns were being taken care of.

17

AUTHORIZE CITY ATTORNEY PREPARE RESOLUTION CALLING FOR BIDS FOR THE SALE OF CITY PROPERTY IN BLOCK 588

Upon the recommendation of Councilman R. Adams, Councilman Mellis moved, seconded by Councilman R. Adams, that the City Attorney be instructed to prepare a resolution calling for bids for the sale of the city property in Block 588, lots 9-12 inc.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

18

REPORT ON PROGRESS OF YOUTH CENTER IN THE WESTSIDE

Robert H. Shelton, Assistant to the City Manager, reported on the progress made in the completion of the Youth Center in the Westside Park. The City Manager pointed out that this was an opportunity for the people in the city to do something for the youth of the community by

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coming out and offering their services to help complete the building. He stated that Carl Henderson, Judy Hubbard and Bob Flint from the High Schools, had appeared on a radio program to generate interest in the Youth Center.

19 COUNCIL GO ON RECORD AS FAVORING ADOPTION OF STATE LEGISLATION CALLING FOR SEVERE PENALTIES FOR "PEDDLERS OF NARCOTICS" TO YOUTHS

The City Manager stated that the Mayor and he would be in Sacramento, March 12, and asked if the Council wished to go on record as recommending the adoption of state legislation which would "crack down" on persons peddling dope to youths.

After a general discussion by the Council, it was agreed that the legislators representing this area should be contacted and urged to support legislation which would establish the penalty for offenders which would be severe enough and within the limits of the law to deter them.

20 RESOLUTION OF CONDOLENCE TO WIDOW AND SON OF FORMER FIRE CHIEF, GEORGE E WALLACE

Councilman Arata introduced

RESOLUTION NO. 10,122-N.S.

which was seconded by Councilman Mellis commending the unselfish service given to the people of the city by former Fire Chief George E. Wallace, who had passed away on March 3, 1953, and directing the City Clerk to send a copy of this resolution to the widow and son, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

21 REPORT ON SCHEDULE OF SALE OF BONDS FOR DISPOSAL OF SEWAGE AND INDUSTRIAL WASTE

The City Manager reported that Director of Finance Lawrence and he had met with representatives of the R. H. Moulton Company bond counsel on the program for disposal of sewage and industrial waste, on March 10, in San Francisco. It would be necessary to clear at this time, how much of the bond issue would be sold immediately.

He stated that the amount they had considered was \$1,800,000. Of this amount \$1,300,000 was to be expended for all the improvements

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planned at the sewer plant and \$500,000 on trunk sewer lines---the west side trunk line, the river crossing line to the slaughter house area, and the line up to the section of Briggsmore Ave. He stated that it would take approximately 30-60 days time to complete the sale of a block of bonds after the city had indicated its intention to do so. As soon as the city receives funds from a sale of bonds they are invested at interest in government bonds until actual payment on construction is required. Two things which had been cleared by the bond counsel were

1-The bonds could be financed from revenue received for sewer service charges---the charges for industrial service would be cleared before the election.

2-There would be no change required in the charge for domestic sewer service.

He pointed out that the amount of bonds proposed to be sold for the improvement of the plant would "get the ax out of our neck", as far as the state was concerned.

The Council indicated its approval of the schedule for the sale of \$1,800,000 of the bonds as recommended by the bond counsel.

27 REPORT ON SKYWATCH TOWER BY CITY MANAGER

The City Manager reported that the purchase of material for the construction of the "skywatch" tower to be constructed in the city park site near the Roosevelt School had not yet been approved by county officials but that he hoped the work would be under way shortly. He reminded the Council that the city's position on civil defense had been that "the city will do its share and more but will not accept the responsibility for civil defense in the entire Modesto community." The Council indicated continued approval of this position.

28 AMENDMENT TO APPLICATION FOR INCREASE IN RATES-PACIFIC TELEPHONE AND TELEGRAPH COMPANY

The City Attorney reported that he had received an amendment to the application of the Pacific Telephone & Telegraph Co. for increase in rates but that it did not relate to this particular area and that the city representative would take care of the necessary action in connection with the application.

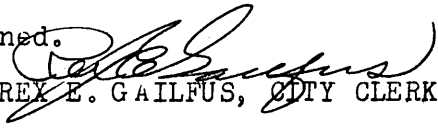
24 BROCHURE ON ANNEXATION RECEIVED BY CITY ATTORNEY FROM FORT WAYNE, INDIANA

The City Attorney stated that he had received a brochure which
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had been compiled by the City of Fort Wayne, Indiana, on a proposed annexation of surrounding territory. He stated that one of the most interesting things to him about this brochure was that it had pointed out that there was a mutual responsibility of both the city and the territory to be annexed.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUS, CITY CLERK

March 18, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Absent: Councilmen: None

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

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meetings of February 25 and March 4, and the same being available for public inspection, and there being no objections, they were approved.

ADOPT PRACTICE OF HAVING INVOCATION AT COUNCIL MEETINGS

Mayor Marks called the attention of the Council to the practice which certain cities had adopted of having an invocation by a minister, asking for divine guidance, at each Council meeting. This could be a simple invocation after the pledge of allegiance to the flag was given and could be given by a minister from one of the three leading faiths. Councilman Arata moved, seconded by Councilman Merrill, that the Council adopt this procedure.

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor
Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

Mayor Marks stated that he would contact the Ministerial Association, as well as representatives of the other faiths in the city, which were not members of this association, to see that a minister would be present at the meetings.

REQUEST TO REMOVE TREES-NANCY B. RUGGIERO

A request was filed by Nancy B. Ruggiero for the removal of six trees by the city, in front of her residence at 328 Maple St. The City Manager stated that these trees had been examined by Superintendent of Parks Lowrey and he had advised that only two of the trees could be considered as hazards so far as obstructing a clear view of traffic at the intersection of Maple and Franklin Street but that they were unclean
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and tended to break up the continuity of planting in both directions at this location. He had suggested that since the removal of these trees would largely benefit Mrs. Ruggiero, that if approval for removal was granted that it be done at her expense. Councilman Merrill agreed to check this matter with the City Engineer and to make a report to the Council.

3 CARD OF APPRECIATION FOR EXPRESSION OF SYMPATHY FROM FAMILY OF GEORGE E. WALLACE

A card of appreciation for expression of sympathy by the Council, received from the family of the former fire chief, George E. Wallace, was read and ordered filed.

4 LETTER FROM FRANK ANDREWS RE: TRANSFORMER VAULT ON J STREET BETWEEN TENTH AND ELEVENTH STREETS

A letter from Frank Andrews, protesting to the use of the alley on J Street, between 10th and 11th Streets, for a transformer vault by the Modesto Irrigation District, and to the construction of dangerous 70,000 volt lines through the center of the city, was read. He pointed out that the city should ask the district to place these lines underground-one alley at a time-and that it was time for a showdown on both "our electric power and water from San Francisco for standby and relieve our lowering water table, a condition that may bring salt into the city wells."

A discussion was held by the Council on the possibility of getting water from the Hetchy-Hetchy water line and on the possibility of requesting the Modesto Irrigation District to invest some of the profit made from the sale of electricity to place the "unsightly" power lines in the business area underground, since they constituted a fire hazard.

The City Manager pointed out a reduction of the electric rate to the people of the City of Modesto, should also be considered.

It was agreed that the City Manager should check on, 1) what the rights of the city would be in obtaining water from the Hetchy-Hetchy water line, 2) the placing of power lines underground in the business area by the Modesto Irrigation District, 3) reduction in the electric rates to the people of the City of Modesto.

5 REQUEST FOR CURB CUT- GIDDINGS BROS. 826 12th Street

Richard Giddings, representing Giddings Bros., appeared before
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the Council and requested permission for a 12 foot curb cut at 826 12th St., to provide ingress to a private parking lot on the south side of the new Giddings Building. He stated that this parking lot would provide parking spaces for 23-24 cars.

Director of Public Works Ray had suggested that it be located so that its center line would be 13 feet south of the south building wall so that three on-street parking spaces can be located between the public lot driveway and the one proposed but that Mr. Giddings wished the curb cut located so that it would only leave space for two on-street parking spaces.

After a discussion on the location of the curb cut, Councilman Annan moved, seconded by Councilman Merrill, that a 12 foot curb cut be granted to applicants with the location to be agreed on between the applicant and the Director of Public Works and that every effort possible be made to keep from losing a parking space, but that if it would be impossible, due to the fact that additional off-street parking spaces are being provided, the city would "yield."

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

APPROVAL OF FINAL MAP OF SUBDIVISION CAMPUS TRACT #5-BOMBERGER.

The City Manager reported that an agreement had been reached by Robert P. Bomberger and the City Engineer on the final map of Campus Tract #2 and Mr. Bomberger presented the revised map for the consideration of the Council. After a discussion by the Council, Councilman Arata introduced

RESOLUTION NO. 10,124-N.S.

which was seconded by Councilman M. Adams, approving the final map and recommending that the streets and alleys and easements of said subdivision be accepted on behalf of the public for public use and that the City Clerk be authorized to certify the map after the fees in the amount of \$1,231.60, as required by Ord. No. 1041-N.S., have been paid and a bond in the amount of \$32,000 has been furnished by the subdivider and approved by the City Attorney; and authorizing the City Manager to execute an agreement with subdivider as required by section 6.5 of Ord. No. 1041-N.S., which resolu-

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tion was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

1 REQUEST FOR SEWER SERVICE-ARTHUR J. WYLIE

Arthur J. Wylie, real estate operator, appeared before the Council and stated that he was considering subdividing a small tract of land, with approximately 20 lots, located outside the city, across from the Downey High School, on Coffee Road. In order to determine whether the subdivision should be made under the county subdivision ordinance or the city subdivision ordinance, he would like to know whether he would be granted permission to tap into the sewer line serving the adjacent area in the city.

The City Manager pointed out that this same question had previously been brought before the Council and it had been determined that the overloading of that line could not be allowed unless the city could be certain that a larger line was going to be built and that fact will not be determined until after the April 14th election.

It was agreed by the Council that no commitment should be made for sewer service in this area until after the bond election and "we would have relief in sight."

Councilman R. Adams arrived at this time.

4 ESTIMATE OF DOMESTIC SEWER SERVICE REVENUE REPORT FILED

The City Manager filed a report covering the estimate of domestic sewer service revenue, an analysis of bond requirements and estimates of revenue for proposed sewer bond issue, and a statement of receipt and disbursements to Feb. 28, 1953, of the domestic sewer service fund, a copy of which is on file in the office of the City Clerk. He stated that this report indicated without any reservations that the proposed bond issue to be voted on at the general municipal election, on April 14, can be financed from present and anticipated receipts from sewer and industrial waste service charges and without any increase in taxes. He stated that increases in some of the industrial rates were under consideration and that they appeared to be some inequities in some of the commercial rates.

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Director of Finance Lawrence pointed out that the report showed an estimated revenue for domestic sewer service for the year 1954 of \$78,940. and that the estimated receipts for the year 1952-53 had been \$70,000. which had not included any estimated revenue from the Northwest area which had been annexed and that as soon as improvement district #1 was completed, which would be approximately 90 days, there would be additional revenue. He estimated the additional revenue to be approximately \$5,000. annually.

The City Manager told the Council that a full report would be filed in a new days giving the complete report on the financial aspects of the bond issue.

9 DISCUSS OFFICIAL STATEMENT RE: ELECTION TO BE MAILED WITH SAMPLE BALLOTS

The City Manager presented for the consideration of the Council, a proposed official statement prepared by the City Attorney, which would be mailed with the sample ballot explaining the nature and purpose of the sewer bond proposition (Measure A) to be voted on at the general municipal election to be held on April 14, 1953.

After a discussion by the Council, it was agreed that the following changes be made:

Page two, second paragraph The entire paragraph should be italicised.

Page two, last paragraph, last line The words "for many years to come" should be deleted and the words "for the foreseeable future" be added.

Page three, last paragraph. The words "to find a solution" should be deleted and the words "that this problem be solved" added.

Page three The signatures of all the members of the Council be added under the Mayor's signature.

Councilman Mellis moved, seconded by Councilman R. Adams that the statement be approved with the above outlined changes and that the City Clerk be directed to have this statement printed and distributed with the sample ballots to the voters.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager pointed out that the reason the revenue from the industrial sewers was not shown on this report was that these funds would be used to retire the old bonds.

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AUTHORIZE CITY CLERK TO PREPARE RESOLUTIONS FOR CONSIDERATION OF THE COUNCIL
COMMENDING THE NEWSPAPERS AND RADIO STATIONS

Mayor Marks recommended that the City Clerk be instructed to prepare, for the consideration of the Council, resolutions commending the newspapers and radio stations for their activities on behalf of the Council for getting the facts to the people about their city government. Councilman R. Adams moved, seconded by Councilman Annan, that the City Clerk be directed to prepare resolutions as recommended by the Mayor.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager stated that " he had been in this business for several years and that he had never seen a finer group of people to work with than the press and radio in this community and that they really go 'all out' to help us."

REPORT ON TRIP TO VIEW THE ATOMIC BOMB EXPLOSION

Airport Manager Harry Sham, Councilman R. Adams and Jack Crose, reporter for the Modesto Bee, gave an "eye witness" report on the atomic bomb explosion in Nevada this week.

AWARD BID ON AIRPORT HANGAR FOUNDATION TO M. J. RUDDY & SON

The Director of Public Works reported on the bids received for the construction of a concrete foundation for a 10 unit Ideco Hangar at the Municipal Airport, which had been opened on Monday, March 16, at 2:00 P.M.. He stated that five bids had been received, which varied from \$3600 to \$5749. The lowest bid received had been less than 5% over the engineer's estimate for the job. He recommended that the bid be awarded to the lowest bidder, M. J. Ruddy & Son for \$3600. Councilman R. Adams introduced

RESOLUTION NO. 10,123-N.S.

which was seconded by Councilman M. Adams, accepting the bid of M. J. Ruddy & Son for \$3600, as it was the lowest and best bid received, as recommended by the Director of Public Works and authorizing the City Manager to sign an agreement with the bidder covering the work in accordance with the terms of the bid proposal and specifications, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
 Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

GRANT PERMIT TO USE MANCINI BOWL FOR EASTER SUNRISE SERVICES

A request was filed by Joseph H. Pritchard, chairman, Easter Service Committee of the Modesto Ministerial Association, for permission to use the Mancini Bowl in Graceada Park for the Easter Sunrise Service, to be held on Sunday, April 5 at 5:30 A.M. Councilman Mellis introduced

RESOLUTION NO. 10,125-N.S.

which was seconded by Councilman R. Adams, granting permit to the Modesto Ministerial Association for the use of the Mancini Bowl, as requested, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
 Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

REPORT ON REQUEST FOR REMOVAL OF TREES AT MODESTO POST OFFICE

Councilman Merrill reported that he would report on the request for the removal of three elm trees on 12th Street, at I Street, by the Modesto Post Office, at the next week's Council meeting.

GRANT PERMIT TO E. L. ADKINS TO OPERATE USED CAR LOT AT 215 MCHENRY AVENUE

A request was filed by E. L. Adkins to operate a used car lot at 215 McHenry Ave. A statement filed by Director of Finance Lawrence and Rex E. Gailfus, City Clerk verified the fact that this applicant had operated a used car business in the city for a number of years at a different location and also that the new lot he proposed to operate had been in operation as a used car lot for some time and had the necessary sanitary facilities as required by the building code, Councilman Merrill moved, seconded by Councilman Arata, that permit be granted to the applicant to operate at this location.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
 Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

SALE OF CITY PROPERTY IN BLOCK 588

As requested by the Council, the City Attorney presented a
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resolution and a notice to bidders on the sale of the city owned property in Block 588, lots 9-12 inc. for its consideration.

After a general discussion by the Council on the possibility of having the property appraised and establishing a minimum bid to be considered and a provision that the bidders could raise their written bids 10% at the bid opening, it was decided that the City Attorney should investigate the procedure and bring a report on the details at the next Council meeting.

AUTHORIZE CITY MANAGER ESTABLISH INTERIM REGULATIONS GOVERNING ADMINISTRATION OF OVERTIME WORK AND COMPENSATION

The City Manager stated that there was no regulation for the payment of overtime work for city employees and he requested that during the interim period until something could be worked out that he be authorized to handle the problems as they came up. Councilman Arata introduced

RESOLUTION NO. 10,126-N.S.

which was seconded by Councilman Merrill, authorizing the City Manager to establish and issue in writing such interim supplementary regulations as are in his judgment necessary to govern the authorization and compensation for overtime work, pending revision of the rules and regulations to include policies and rules governing administration of overtime work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

TRANSFER OF FUNDS TO PROVIDE FUND FOR CONTRACT OBLIGATIONS ENTERED INTO

The City Manager reported that it would be necessary to provide for an appropriation transfer of \$3500. from the General Reserve Fund to the Public Works Dept. for professional and consultant services relating to the sewer bond issue, such an engineering board, engineering consulting services and financial consultant and that more would possibly be needed. Councilman Arata introduced

RESOLUTION NO. 10,127-N.S.

which was seconded by Councilman Annan, authorizing the appropriation transfer of \$3500 from the General Reserve to the Public Works (service and professional), which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REFER PETITION FOR ANNEXATION OF BARHAM ADDITION TO CITY

A petition for annexation of lots 2, 3, 17, 18 and 19 of Weil Colony was filed by Chester A. and Geraldine Barham. The City Attorney stated that the description had been approved by the County Boundary Commission. Councilman M. Adams introduced

RESOLUTION NO. 10,128-N.S.

which was seconded by Councilman Mellis, referring the petition to the Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PETITION FILED FOR ANNEXATION OF FREEMONT ADDITION

A petition was filed by J. D. Corey, W. H. Jopes, Jr. and Leslie G. Knoles for the annexation of approximately 90 acres of land, bounded on the north by Briggsmore Ave., west by Tully Road, South by Orangeburg Avenue and east by the present city limits and an extension of Bronson Avenue (to be known as Freemont Addition for annexation purposes). The City Attorney stated that the description of the addition was being checked by the County Boundary Commission. Councilman R. Adams introduced

RESOLUTION NO. 10,129-N.S.

which was seconded by Councilman Mellis, referring the petition to the Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Attorney brought up the point for the consideration of the Council that when a petition is presented for annexation of an addition to the city, a detailed study should be made on the cost to the city as well as the cost to the property owners in the tract, to determine whether it is

economically feasible to annex the tract, not only for sewer service but all other municipal facilities to be furnished this area. He pointed out that there were mutual obligations and that the city should have a planned program of priority on annexation development. A general discussion was held by the Council on this subject.

DISCUSS PENALTY AND BILLING PROCEDURES RELATING TO WATER AND SEWER SERVICE ACCOUNTS

The City Manager stated that there were a number of points which needed to be cleared with the Council relative to the proposed changes being considered in the penalty and billing procedures relating to the collection of water and sewer service accounts:

- 1-Should the penalty for late payment be eliminated, or should it be applied 30 days after the date due? If it is to be eliminated should it be made effective as soon as legally possible or at the time of the change in billing procedures?
- 2-Should the charge for turning off and on water service for non-payment be increased to \$2.50? Should it be made effective upon the change in penalty provisions, or upon the change in billing procedures.
- 3-Should we discontinue the 2% discount for payments six months in advance after the adoption of the bi-monthly billing procedures?
- 4 -Should a deposit of \$10 00 be required for all customers not owning the property where service is requested?

The City Manager pointed out that it was proposed to bill in the middle of the bi-monthly period. Councilman Merrill brought out the point that it was impossible for a person to obtain a discount for payment in advance when he was on a meter.

Director of Finance Lawrence explained that it would be necessary to establish a posting system to take care of advance payments on meter accounts and that would require more personnel and more equipment. He stated that the idea of bi-monthly billing was to save clerical expense and money.

The City Manager stated that the 5% discount allowed for advance payment of flat rate bills eliminated under the present bill system, 12 transactions and under the new system six transactions. It saves the city money if the property owners pays in advance on flat rates and costs the city money if the meter user were to pay in advance.

Councilman Arata stated that a person who was on a meter should have the right to pay in advance if he would be out of town and unable to pay his account, to avoid paying a penalty. The City Manager stated that "we recognize there are special cases and we are glad to cooperate."

He outlined the present procedure on a few accounts where advance payments had been made on meter bills but that this is being minimized.

A discussion was held on the question of whether the penalty should be done away with entirely, since the amount collected was small and the reaction of the general public was unfavorable and that it made "enemies" for the city water system and that all other public utility companies in the city did not have a penalty provision. Also the clerical work in collecting the penalty was an item to be considered. When the new billing is established-the middle of the two months period- the penalty collection will be nominal. The question was brought up whether the penalty should be established on a 30 day basis rather than on a 10 day basis. It was the decision of the Council that no change be made on the charging of a penalty until the adoption of the ordinance changing the collection procedure to bi-monthly.

Councilman Mellis expressed the opinion that the proposed \$10.00 deposit for all customers not owning the property where service is requested was too high. Councilman R. Adams brought out the point that the \$2.50 charge for turning the water service back on when the service had been discontinued for non-payment, was really a penalty charge. The Council agreed that a person should not be required to pay the deposit if he owned property within the city limits, not just where the service was requested.

A discussion was held on doing away with allowing the 2% discount on water bills paid six months in advance, since the number of advance payments on this basis was so small.

The question was raised on the extra cost to the city for the mailing of bills out to all water users instead of just to water users on meters. The City Manager stated that this was a courtesy which should be considered and was fair to the water users as all other public utility companies sent out statements.

The Director of Finance outlined the plan on sending out statements on postal cards and pointed out that there would be a saving over present costs, due to the fact that meter bills had been sent out in envelopes which required 3¢ postage. He stated that the post office would not permit a penalty charge to show on a postal card and that had been the reason cards had not previously been used.

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It was the decision of the Council that the City Manager would prepare a report for the consideration of the Council on, 1) the number of water users paying one year in advance, 2) the number of users paying six months in advance, and 3) the approximate cost for mailing out statements to both flat rate and meter users.

2 REPORT FILED BY CITY MANAGER ON STREET AND STORM DRAINAGE IMPROVEMENT PROGRAM

The City Manager filed copies of a "Preliminary Report on Street and Storm Drainage Improvement Program" with each Councilman for their study.

3 AUTHORIZE CITY ATTORNEY TO SIGN STIPULATION RE: DISMISSAL OF INJUNCTION SUIT AGAINST CITY FOR POLLUTING THE TUOLUMNE RIVER

The City Attorney presented a proposed stipulation in the case of the injunction suit against the City for polluting the Tuolumne River which had been prepared by the Attorney General's office. He outlined the changes which had been made in the stipulation. Councilman Mellis moved, seconded by Councilman M. Adams, authorizing the City Attorney to sign the stipulation on behalf of the city providing it is satisfactory to the State of California and other parties to the suit.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None

Absent: Councilmen: None

4 APPOINT COMMITTEE TO MEETING WITH CITY OFFICIALS AND PROPERTY OWNERS IN IMPROVEMENT DISTRICT #1 RELATIVE TO ASSESSMENTS

Councilmen Annan and R. Adams were appointed as a committee to meet with city officials and property owners in Improvement District #1 regarding assessments.

5 CLOSING OF N STREET SOUTH OF EIGHTH STREET

The City Manager reported that an informal request had been filed by the Farm Bureau for the closing of N Street, south of 8th Street.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUS, CITY CLERK

3-18-53

The Council of the City of Modesto met in regular session on this date at 7:30 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

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

Invocation was given by Dr. Alan R. Goozee

City Manager Miller being absent on official city business, Robert H. Shelton, Assistant to the City Manager, acted in his place.

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of March 11, and the same being available for public inspection, and there being no objections, they were approved.

APPROVE APPLICATION FOR USED CAR LOT AT 530 McHENRY AVENUE-BARNES & GROSSO

An application filed by Carlton A. Barnes and Charles Grosso, dba B & G Auto Sales, to operate a used car lot at 530 McHenry Ave., was considered. The City Clerk reported that a building would be constructed on the lot which would comply with the building code for sanitary facilities, that there were no trees to be removed, and that no curb cuts would be required. Councilman Annan moved, seconded by Councilman Arata, that the application be approved.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

LETTER FROM EXCHANGE CLUB

A letter from the Modesto Exchange Club relative to the sewer bond election was ordered filed since copies had been received by each Councilman previous to the meeting.

LETTER FROM MODESTO JUNIOR CHAMBER OF COMMERCE RE: CALIFORNIA RELAYS

A letter from the Modesto Junior Chamber of Commerce advising that the California Relays would be held on May 16 and requesting that the

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Council take this date into consideration when permits for other public entertainment events are requested so that public attention would not be distracted from the Relays, was read and ordered filed.

4 SET DATE OF HEARING ON ASSESSMENTS IN IMPROVEMENT DISTRICT #1

Councilman R. Adams reported that the committee appointed by the Council, composed of Councilman Annan and himself, had met recently regarding the method of assessment to be used on irregular shaped lots in Improvement District #1, Maze Court area. The committee recommended to the Council that the assessment to the owners of the irregular lots be based on frontage of 150 feet depth, plus one-half of the triangular areas remaining.

Director of Public Works Ray reported that the assessment roll would be filed with the City Clerk on March 26, and that a notice of filing of assessment and time of hearing protests would be published. He stated that the assessments would be lower than originally estimated.

City Clerk Gailfus fixed the time of 4:00 P.M. on April 15, 1953, at the Council Chamber of the City Hall, as the time and place for the hearing of protests on the work done or on the assessments on file.

5 POLICY ON ACCEPTANCE OF PARTIAL STREETS FOR MAINTENANCE IN SUBDIVISIONS

The Director of Public Works reviewed the city's policy on the acceptance of partial streets for maintenance in subdivisions under the old subdivision ordinance. He stated that it had been the policy to refuse to accept partial streets for maintenance under the old subdivision ordinance when paving was not required of the subdivider. However, under the new ordinance the subdivider is required to pave streets and partial streets and loans by the Federal Housing Administration will not be approved for adjacent properties unless the city accepts the streets for maintenance. He cited two current examples of the problem, one in Campus Tract #3 and one in the College Fig Gardens subdivision and suggested that in fairness to the subdivider that the Council establish a policy of accepting partial streets in new subdivisions for maintenance. Councilman Arata moved, seconded by Councilman Merrill, that the Council establish the policy of accepting partial streets for maintenance in subdivisions when they are in a condition satisfactory to the Director of Public Works.

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

6 REPORT BY CITY ATTORNEY ON PETITION FOR ANNEXATION OF THE TSCHANTZ-VAN HORN SUBDIVISION

City Attorney Grimes reported that the petition filed by Lionel R. and Ruth L. Van Horn and Orval J. T. and Gudrun O. Tschantz, for annexation of lot 43 of Broughton Colony could not be considered since the title of the property was still in the name of A. Fiori. He stated that it would be necessary for a new petition to be filed in the name of the legal owner, A. Fiori, before consideration could be given to the petition.

7 RESOLUTION DECLARING INTENTION OF CITY TO SELL BLOCK 588, LOTS 9-12 Inc.

The City Attorney presented a resolution for the consideration of the Council providing for the sale of city property in block 588, lots 9-12 inc., Councilman Mellis introduced

RESOLUTION NO. 10,132-N.S.

which was seconded by Councilman M. Adams, declaring that it is the intention of the Council to sell the above described property and setting the date of April 22, at 8:30 P.M. in the Council Chambers of the City Hall, as the time and place for receiving sealed proposals to purchase this property; and that at said time and place will sell to the highest responsible bidder provided however that if upon a call for oral bidding any responsible person will offer to purchase the property for a price exceeding by at least 5% the highest of said written proposals, then the highest of any of the oral bids will be finally accepted; reserving the right to reject any and all bids, either written or oral and to withdraw property from sale; directing the City Clerk to publish a copy of this resolution once in the official newspaper of the city; providing for the accompanying of cash, or cashier's check or certified check for 10% of the amount bid, with the bids, whether written or oral, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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4 RESOLUTION OPPOSING PASSAGE OF LEGISLATION CHANGING FORMULA FOR DISTRIBUTING FINES AND FORFEITURES RECEIVED BY MUNICIPAL AND JUSTICE COURTS

The City Attorney presented a resolution for the consideration of the Council, opposing the passage of state legislation changing the formula for distributing fines and forfeitures received by Municipal and Justice Courts. Councilman Mellis introduced

RESOLUTION NO. 10, 131-N.S.

which was seconded by Councilman R. Adams, vigorously opposing the adoption of any of the current bills proposed to change the formula for distributing fines and forfeitures received by the Municipal and Justice Courts, including specifically Senate Bill 1100, until such time as future experience and study justifies consideration of such action, and that a copy of this resolution be transmitted to the members of the Senate Judiciary Committee, Senator Donnelly and Assemblyman Ralph Brown, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Mayor Marks stated that the City Manager and he had discussed Senate Bill 1100 with Senator Donnelly and Assemblyman Brown on their recent visit to Sacramento.

9 REPORT ON VISIT TO BARIUM PRODUCTS LTD. PLANT

Health Officer Landquist reported on the visit made to the Barium Products Ltd. plant by representatives of the Council and a group of citizens who had complained of the odors from the plant. The program of the company for the elimination of odors and air contaminated with dust was explained to the group by Maynard G. Stark, plant manager.

Mr. Landquist suggested that the city work with the County Health Department and invite a representative from the Bureau of Adult Health of the Division of Preventive Medical Services of the State of California to make a survey of the problem. In about a month another meeting with the company is proposed to see if any conclusions can be drawn and if the air is being contaminated to such an extent as to be a public health problem.

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Mr. Landquist reported that the plant had spent a large amount of money to prevent loss of dusts and gases which are of commercial value. The company expressed willingness to cooperate in eliminating any objectionable conditions and asked that the people in the community report instances of objectionable discharge from the plant.

Councilman Mellis stated that there was a real problem existing and suggested that the Bureau of Adult Health be contacted as suggested by Mr. Landquist.

10 FINAL ADOPTION ORDINANCE NO. 1066-N.S. AMEND BILLBOARD ORDINANCE

Ordinance No. 1066-N.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 302-N.S. AS AMENDED, OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE REGULATING AND RELATING TO THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF BILLBOARDS IN THE CITY OF MODESTO, AND LICENSING AND REGULATING THE OCCUPATION OF MAINTAINING BILLBOARDS AND OUTDOOR ADVERTISING, PROVIDING PENALTIES FOR THE VIOLATION OF THE SAME, AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH", BY ADDING SECTION 1.1 THERETO.", having been heretofore introduced and ordered printed and published at the regular meeting of March 11, 1953, Councilman Merrill moved, seconded by Councilman Arata, that the ordinance be finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Attorney reported that the committee appointed by the Council to consider the revision of the billboard ordinance had met and that another meeting would be held on Monday, March 30, at 10:00 A.M.

11 REPORT BY COUNCILMAN MERRILL ON GARBAGE DISPOSAL SITE

Councilman Merrill reported that the County Board of Supervisors had approved the use of the Laird Slough site for public garbage disposal. An agreement covering refuse collection and use of the dump was still to be arranged with the Modesto Garbage Company, he stated.

12 REPORT ON REMOVAL OF TREES REQUESTED BY MRS. NANCY B. RUGGIERO

Councilman Merrill reported on his investigation of the request of Mrs. Nancy B. Ruggiero for the removal of six trees in front of
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her property at 328 Maple Street, and moved that she be granted permission to remove the trees at her own expense. This motion was seconded by Councilman Arata and the City Clerk was directed to notify Mrs. Ruggiero of the action of the Council.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None

Absent: Councilmen: None

13 REPORT ON REQUEST OF THE POSTMASTER TO REMOVE TREES ON 12th STREET

Councilman Merrill reported that he had contacted the Postmaster regarding his request for the removal, by the city, of three elm trees on the 12th Street side of the Post Office. The request had been made with the understanding that the parking area would be paved from the sidewalk to the curb, and space left for ornamental trees. Since the trees would be removed for the convenience of the Post Office, Councilman Merrill recommended that if permit was granted for removal that it be done with the understanding that the cost be assumed by the federal government. It was brought out in the discussion that it would also be desirable for openings to be left in the paving for the planting of ornamental trees which would be satisfactory to the city. Councilman Merrill moved, seconded by Councilman Arata, that the federal government be granted permission to remove the three elm trees as requested at its own expense provided space is left, after paving for replacement with ornamental trees satisfactory to the Director of Public Works.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None

Absent: Councilmen: None

14 RECOMMENDATIONS FOR "NO PARKING" ZONES AT McHENRY AND MORRIS AVENUES

Copies of a report from the Director of Public Works to City Manager Miller recommending "No Parking" zones at McHenry and Morris Avenues, were distributed to the members of the Council for their study. After a discussion by the Council, M. Adams moved, seconded by Councilman R. Adams, that the City Attorney be directed to draft the necessary regulations, subject to any changes the Inter-departmental Traffic Committee might offer, to effectuate the recommended regulations.

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 DISCUSS BILLING PROCEDURE PROPOSED FOR WATER AND SEWER BILLS

Director of Finance Lawrence reported that there were 6,519 water connections in the city, 4,466 being flat rate and 2,053 meters. 1,533 of the flat rate bills were paid 12 months in advance which represented approximately 34% of the total flat rate bills and approximately 22% of the total water connections. 317 flat rate water bills were paid in advance for a six months period, which represented approximately 4% of the total water connections, and approximately 7% of the flat rate bills.

He reported that 24,636 bills were mailed to metered users each year at a total mailing cost of \$739.08. Under the proposed billing, post cards would be used instead of 3¢ stamped envelopes and there would be 12,318 bills at an annual cost of \$246.36. At the present time there is no mailing cost on flat rate bills but under the proposed system, 16,080 bills would be mailed at an annual cost of \$321.60. The cost for mailing advance payment notices would remain the same as well as the notices for delinquent payments. The total number of bills mailed for the year has been approximately 29,556 at a total cost of \$886.38 and under the proposed system there would be approximately 33,318 bills mailed which would cost approximately \$715.56, which would be a savings of approximately \$170 per year. However there may be a material decrease in the number of delinquent bills each month if all flat rat bills are mailed, since a great many people forget to pay their bills because they do not receive a notice.

The City Attorney advised that the revised water ordinance was being drafted for early consideration by the Council and that it was proposed to have the new system go into effect on June 1, 1953.

It was agreed by the Council that the penalty provision be eliminated and that no discount for advance payments on flat rate bills be allowed except on the annual basis, which would be the same 5% discount. It was also agreed that problems created by a water user's temporary absence from the city at bill-paying time could be handled administratively.

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Councilman Merrill suggested that bi-monthly billing might work a hardship on some concerns operating on a monthly accounting basis. In the discussion that followed it was pointed out that if the flat rate users were billed bi-monthly and some metered users billed monthly, it would defeat the purpose of the proposed system by perpetuating the problem of peak periods in billing activity. It was also mentioned that the reading of some, but not all meters each month, over a scattered area would consume considerable amount of time by a reader. The Director of Finance was asked to make a spot check of large commercial water users to determine their reaction to bi-monthly billing.

16 REPORT ON FINANCING PROPOSED SEWER BOND ISSUE

The Director of Finance presented copies of a report on the financing of the proposed sewer bond issue to each member of the Council, as well as to the press.

17 COPIES OF CITY REPORT MAILED TO RESIDENTS OF GREATER MODESTO AREA

The Assistant to the City Manager reported that approximately 17,000 copies of the report "City of Modesto, A Report of Progress, 1951-52 were being mailed to residents of the greater Modesto area.

17 REPORT ON BRAKING TESTS BEING CONDUCTED FOR CITY EMPLOYEES

The Assistant to the City Manager reported that braking tests were being conducted for all employees of the city who regularly drive city equipment.

19 REPORT BY CITY ATTORNEY ON STIPULATION RE: DISMISSAL OF INJUNCION SUIT AGAINST CITY FOR POLLUTING THE TUOLUMNE RIVER

The City Attorney reported that he had been informed by Mr. Ralph Scott of the Attorney General's office, that the stipulation in the case of the injunction suit against the City for polluting the Tuolumne River which had recently been approved by the city was being cleared with the Fish and Game Department and that he expected a favorable answer on the stipulation.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

REX E. GAZLEUS, CITY CLERK
Rex E. Gazleus

April 1, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
Absent: Councilmen: None

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

Invocation was given by Father John Curran.

APPROVAL OF MINUTES

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

LETTER FROM THE MILITARY ORDER OF THE PURPLE HEART, INC.

A letter from the office of the National Field Exhibits of the Military Order of the Purple Heart, Inc., requesting permission to exhibit a display of antique and modern firearms and war equipment in the city, was read. City Manager Miller stated that the local branch of the organization was being contacted and he suggested that no action be taken until a later date.

REQUEST FOR CANCELLATION OF TAXES FROM MODESTO IRRIGATION DISTRICT

A request filed by the Modesto Irrigation District for the cancellation of the second installment of city taxes on block 65, lots 6 to 8 inc. (11th and L Streets), in amount \$10.78, which had been purchased by the District on Feb. 2, 1953, was referred to City Attorney Grimes for the necessary investigation.

LETTER FROM JAMES H. CORSON RE: SEWER BOND PROGRAM

A letter from James H. Corson, 518 Myrtle Ave., commending the Mayor and the members of the Council for their efforts toward total community development, was read and ordered filed. He stated that "there is a definite link between the proposed program for the development and security in the area of health, home building, industrial development, year-round jobs, and adequate financial support for other public services including education."

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4
REPORT ON PROGRAM FOR "GET OUT THE VOTE" AT THE GENERAL MUNICIPAL ELECTION
OF APRIL 14

The City Manager requested that the Council members listen to a broadcast on Friday, April 3, at 6:15 P.M. over K B O X, which had been prepared by the cannery workers regarding the proposed sewer bond "Measure A" on the ballot of the General Municipal Election, April 14. He commended the members of the Modesto Junior Chamber of Commerce for their assistance in mailing the report prepared by the City of Modesto entitled: "City of Modesto, A Report of Progress 1951-52" to approximately 17,000 persons in the greater Modesto Area, which also included an insert sheet on the proposed sewer bond. He stated that the Junior Chamber has mapped out a program to "Get Out the Voters" which provides for (1) each organization in the city actively working on this program will be assigned a precinct to contact (2) business concerns in this area will be contacted to urge their employees to vote and to give them time off to vote if necessary, (3) each service club is being contacted and urged to request their members to vote. The City Manager introduced Dale Covert, chairman of the Modesto Junior Chamber of Commerce committee to "Get Out the Vote" on the election.

Mr. Covert stated that the Junior Chamber had budgeted approximately \$250. for the program but that an additional \$250 would be needed to carry out their planned program. He stated that consideration was being given to the use of posters and a sound truck. He stated that the unexpended balance would be returned to the city.

The City Attorney informed the Council that the charter of the City of Modesto authorized the expenditure of city funds for advertising and that arrangements could be made for the allocation of \$250. to the Chamber of Commerce and if it would see fit this could be turned over to the Junior Chamber of Commerce.

Mayor Marks stated that he felt that this is a legal expenditure and that the Jr. Chamber should be assisted in its program. He also stated that the using of a sound truck to "Get Out the Vote" for this election would not set a precedent, as it is an obligation to see that everyone votes. Councilman Annan moved, seconded by Councilman M. Adams, that the Council indicate approval of an allocation, not to exceed \$250, subject to the

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City Attorney's approval from a legal standpoint.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Arata moved, seconded by Councilman R. Adams, that the employees of the City of Modesto be allowed time off to vote at the general municipal election.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

5 REQUEST USE STREET FOR JERSEY BREEDER'S SPRING SHOW

John Fairweather, manager of the Chamber of Commerce and Henry Zimmerman, farm implement dealer, appeared before the Council and requested consideration of the Council for the closing of 12th Street, between H and I Streets, at a date to be decided later, for the Jersey Breeder's Spring Show and sale. They outlined the plan/for the holding of the show and stated that it would start at 8:30 A.M. and close the same day in the early evening, and that the street would be left in a clean condition.

The problem of blocking off the entrance to the parking lot on 12th and I Streets was discussed and it was agreed that some arrangements could be made.

Councilman R. Adams moved, seconded by Councilman Mellis that the Council would cooperate in every way possible with the Jersey Breeder's Association so that its spring show could be held in Modesto and that the City Manager be instructed to work out the details on the location when the date has been approved by the Association.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Mayor Marks appointed Councilman Annan to represent the Council if the Association decided to hold a milking contest in connection with the show.

6 FOSTER & KLEISER OFFER SERVICES TO JUNIOR CHAMBER OF COMMERCE ON THE "GET OUT THE VOTE" CAMPAIGN FOR THE GENERAL MUNICIPAL ELECTION

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W. E. Munford, representative of the Foster & Kleiser Advertising Company, appeared before the Council and stated that his company had offered its services to the Junior Chamber of Commerce to display two 24 sheet posters advertising the "Get Out the Vote" campaign for the General Municipal Election on April 14.

1 LETTER FROM VALLEY BUILDERS EXCHANGE, INC. RELATIVE TO BILLBOARD ORDINANCE

A letter from the Valley Builders' Exchange, Inc., suggesting that a limitation be placed on the size of the signs in the revised billboard ordinance, was referred to the committee working on the ordinance and the City Attorney.

4 REQUEST FOR SEWER SERVICE TO 40 ACRE TRACT-BOYCE ASHFORD

A request was filed by Boyce Ashford for sewer and water service for a 40 acres tract which he proposed to subdivide, located north of the College Village Tract, which had recently been subdivided by Dalton P. Ellis.

The City Manager stated that, depending on the lay-out of the tract, it had been determined by the Department of Public Works, that the proposed sewer trunk line for the College Village Tract could serve most of the area but that other factors were involved.

1-A deeper and larger sewer line would be needed in the College Village Tract, which would call for additional expense.

2-It would be feasible to serve the 40 acre tract regardless of grade by pumping, but that the most economical way would be, in the long run, to install deeper sewer lines.

He pointed out that he brought this request to the Council for its consideration since it presented the problem of "whether the Council wanted to try to reach further and further out to serve such area."

Mr. Ashford explained that the Federal Housing Administration had requested him to obtain the information as to whether he could secure water and sewer service from the city, before he proceeded with his plans for the subdivision. He stated that there would be approximately 150 houses in the tract and that he wished to annex to the city if he could be furnished these services.

The City Attorney brought up the question, "what is going to
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be the orderly development of the area?" He suggested that the Council instruct the Planning Department to make a study along the lines of the Fort Wayne, Indiana annexation report. Such a report should consider the advantages and disadvantages, both to the area and to the city, of annexation and the matter of priorities studied. Until the Council has this study, he questioned the soundness of making extended annexation in one direction.

The City Manager pointed out that there were a great many phases to be considered in annexation, such as

1-How far is the land from a fire station?

2-Where are the children going to school since if the area is annexed it will be a part of the city elementary school district.

Councilman M. Adams moved, seconded by Councilman R. Adams, that the Planning Department be instructed to make a full and comprehensive study and report on annexation for submission to the Council at an early date.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

9 LETTER FROM POSTMASTER MOOREHEAD RE: REMOVAL OF ELM TREES ON 12th STREET

A letter from Marion H. Moorehead, Postmaster, relative to the removal of the three elm trees on 12th Street, in the parking area, was read and ordered filed.

10 ACCEPT UTILITY RIGHT OF WAY AGREEMENTS IN THE COLLEGE VILLAGE SUBDIVISION

Councilman Annan introduced

RESOLUTION NO. 10,135-N.S.

which was seconded by Councilman Merrill, accepting utility right of way agreements in the College Village subdivision, so as to allow the installation of utility facilities, as follows:

1-Consent of Trustee under Deed of Trust, dated April 8, from the Security Title Insurance Company,

2-Consent of Trustee under Deed of Trust, dated June 12 from the Security Title Insurance Company,

3-Right of Way agreement from Dalton P. Ellis and Willie Lee Ellis, and directing the City Clerk to record these agreements with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

// DISCUSS CONDITION TO BE REQUIRED BY CENTRAL VALLEY REGIONAL WATER POLLUTION CONTROL BOARD FOR TUOLUMNE RIVER

The City Manager stated that he had met with representatives of the Central Valley Regional Water Pollution Control Board on March 27, in Sacramento, to discuss the new requirements for Tuolumne River. Director of Public Works Ray and C. J. Geraghty of Clyde C. Kennedy & Associates, had also attended the meeting.

The City Manager read the resolutions proposed by the Regional Water Pollution Control Board, one establishing the conditions to be maintained in Tuolumne River from the Empire-Hughson Bridge to its junction with the San Joaquin River and the other one establishing requirements for waste discharge from the City of Modesto sewage and industrial waste treatment plant in the river. The City Manager stated that if the City of Modesto did not protest these proposed requirements that, J. S. Gorlinski, Executive Officer of the Board, would present them to the Board at its meeting to be held on Monday, April 6, for its approval.

A general discussion of the resolution was held, and the Council agreed that no protest would be made and directed the City Manager to so advise Mr. Gorlinski.

// FINAL PAYMENT TO ATLAS PIPE COMPANY ON SANITARY SEWER TRUNK LINE ON EMERALD AVENUE AND MAZE BOULEVARD

Councilman M. Adams introduced

RESOLUTION NO. 10,136-N.S.

which was seconded by Councilman Arata, authorizing final payment to the Atlas Pipe Company for the construction of a sanitary sewer trunk line on Emerald Avenue and Maze Boulevard, of \$2,025.41, as the 35 day lien period required by the contract has expired and no claims have been filed against the contractor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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13

RESOLUTIONS COMMENDING THE PRESS AND RADIO FOR COVERAGE OF ACTIVITIES OF THE CITY GOVERNMENT

Councilman R. Adams introduced

RESOLUTION NO. 10,134-N.S.

which was seconded by Councilman Arata, commending the Modesto Bee for its contribution to civic progress in Modesto through honest and constructive journalism and expressing the appreciation of the Council for aid and support in informing the people of Modesto fully and factually of the activities, the progress, the plans, and the problems of the city government which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

Councilman Merrill introduced

RESOLUTION NO. 10,133-N.S.

which was seconded by Councilman Mellis, commending Radio Station K T R B for helping bring to the people of Modesto the facts concerning their city government and expressing appreciation for cooperation in making available broadcasting time for reports on the progress, plans and problems of the city government, and commending "Bill" Bates for bringing to Modesto the honor of having Northern California's most powerful independent radio station, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

Councilman Annan introduced

RESOLUTION NO. 10,137-N.S.

which was seconded by Councilman Merrill, commending Radio Station K M O D for helping bring to the people of Modesto the facts concerning their city government and making available broadcast time for continuing and comprehensive reports on the progress, plans and problems of the city government, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

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Noes: Councilmen: None

Absent: Councilmen: None

Councilman Arata introduced

RESOLUTION NO. 10,138-N.S.

which was seconded by Councilman M. Adams, expressing appreciation to the Stockton Record for its cooperation in informing the people of Modesto of the activities, the progress, the plans and the problems of the city government, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman M. Adams introduced

RESOLUTION NO. 10,139-N.S.

which was seconded by Councilman Annan, commending Radio Station K B O X for helping bring to the people of Modesto the facts concerning their city government and expressing appreciation of the Council for the cooperation in making available broadcast time, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Mellis introduced

RESOLUTION NO. 10,140-N.S.

which was seconded by Councilman Merrill, expressing appreciation to the Modesto Tribune for aid and support in informing the people of Modesto of the activities, the progress, the plans and the problems of the city government, which resolution was regularly adopted by the following vote;

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman R. Adams introduced

RESOLUTION NO. 10,141-N.S.

which was seconded by Councilman Merrill, expressing appreciation to the

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Modesto Journal & Valley Citizen for aid and support in informing the people of Modesto of the activities, the progress, the plans and the problems of the city government, which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes. Councilman: None

Absent: Councilmen: None

The City Manager suggested that copies of these resolutions be transmitted to the various radio stations and newspaper with a letter signed by the Mayor commending their representatives who had been attending the Council meetings.

14 DISCUSS INTERSECTION OF McHENRY AVENUE AND MORRIS AVENUE

The City Attorney presented a resolution for the consideration of the Council which prohibited parking in certain specified places on McHenry and Morris Avenues. Councilman Mellis introduced

RESOLUTION NO. 10,142-N.S.

which was seconded by Councilman Arata, prohibiting the parking and stopping of vehicles in any of the following places:

- 1-On the west side of McHenry Avenue from the north property line of Morris Avenue, north a distance of 26 feet.
- 2-On the west side of McHenry Ave. from the south property line of Morris Ave. south a distance of 14 feet.
- 3-On the east side of McHenry Ave. from the south property line of Morris Ave. south a distance of 40 feet.
- 4-On the south side of Morris. Ave. from the east property line of McHenry Av e. east a distance of 27 feet.
- 5-On the north side of Morris Ave. from the east property line of McHenry Ave. east a distance of 11 feet.
- 6-On the north line of Morris Ave. from the west property line of McHenry Ave. west a distance of 20 feet

directing the Director of Public Works to mark the above described locations in accordance with the provisions of this resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 ORDINANCE NO. 598-N.S. PROHIBITING PARKING AT THE SOUTHWEST CORNER OF MORRIS AND McHENRY AVENUES

Councilman Arata introduced an ordinance, being

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ORDINANCE NO. 1067-N.S.

entitled: "AN ORDINANCE OF THE CITY OF MODESTO REPEALING ORDINANCE NO. 598-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE PROHIBITING PARKING AT THE SOUTHWEST CORNER OF MORRIS AND McHENRY AVENUES IN THE CITY OF MODESTO", and moved its adoption, which motion being duly seconded by Councilman M. Adams, it was upon roll call carried and the ordinance was ordered published and printed by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The Director of Public Works was directed to check the possibility of moving the boulevard stop signs at the intersection of McHenry and Morris Avenues.

A discussion was held on the subject of taking the matter up with the state of giving a priority to the widening of McHenry Ave. to provide for a four lane highway.

16 DISCUSS STATE LEGISLATION AFFECTING MUNICIPAL LIABILITY COSTS

The City Attorney reported on the League of California Cities sponsored bills before the State Legislature affecting municipal liability costs. He stated that the five bills, being Assembly Bills 2067, 2068, 2069, 2070 and 2072, would be considered by the Assembly Committee on Municipal and County Government on Thursday, April 2 at 3:00 P.M., and that the League had recommended that communications supporting these bills should be sent to the Chairman of the Committee, Assemblyman Earl W. Stanley. Councilman Annan moved, seconded by Councilman Arata that the City Clerk be directed to wire Chairman Earl W. Stanley of the Municipal and County Government committee, advising that the Council of the City of Modesto recommended the favorable consideration of this legislation and that a copy of the wire be furnished the League of California Cities in Sacramento.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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17 REPORT ON PROPOSED IMPROVEMENT FOR WATER SYSTEM

The City Manager stated that a report had been prepared by the Director of Public Works on suggested improvements for the water system, which could be considered by the Council at a later date.

18 SURVEY OF COMMERCIAL CUSTOMERS ON BI-MONTHLY BILLING OF WATER & SEWER

As suggested by the Council, Director of Finance Fred Lawrence, presented a survey made on a number of the larger commercial water users relative to bi-monthly billing of their water and sewer charges. He stated that a telephone survey of 14 users had been made and that only one had indicated that a monthly bill would be preferable.

The City Manager brought up the point, for the consideration of the Council, that the 5% discount proposed to be allowed under the revised water ordinance, for advance payment by flat rate users, was based on the premise that there would be a saving of 11 transactions per year but that under the proposed semi-monthly billing there would only be a saving of 5 transactions per year and that the 5% discount would be more than the city actually saved. He suggested that the Council could consider a lesser discount instead, possibly 3%, if they desired.

19 YOUTH IN GOVERNMENT DAY

Robert Shelton, Assistant to the City Manager, reported that arrangements had been made with the Key Clubs in both high schools for "Youth in Government" day to be held on Wednesday, May 6th.

A discussion was held by the Council on the possibility of turning this program over to the high schools to make arrangements each year so that all pupils would have a chance to participate. The City Manager was instructed to contact Superintendent of Schools Corson in this regard.

20 REPORT ON PARKING METERS ON G STREET

The City Manager reported that the parking meters to be installed on G Street should arrive in a few days and would be put up as soon as possible. He stated that the delay in delivery was due to a reorganization of the company.

21 REJECT BIDS ON REMODELING CITY HALL BUILDING

The City Manager reported that requests had been made
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for refund of bid bonds by bidders on the remodeling of the City Hall.

Councilman M. Adams, introduced

RESOLUTION NO. 10,143-N.S.

which was seconded by Councilman Merrill, rejecting all bids for the remodeling of the City Hall Building and authorizing refund of the bid bonds, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

22 PROPOSED IMPROVEMENT OF SOUTH AVENUE

The City Manager reported that the improvement of South Ave., which was partly in the city and partly in the county, was proposed by the county and that the city had been asked to participate in the expense which would be approximately \$1000. Councilman R. Adams moved, seconded by Councilman Merrill, that the City of Modesto participate with the county in the improvement of South Avenue.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

23 PETITION FOR ANNEXATION OF PORTION OF LAS PALMAS VILLAGE

The City Manager reported that a petition had been filed by Wilbur E. Grant for the annexation of a portion of Las Palmas Village to the city. Councilman Arata introduced

RESOLUTION NO. 10,144-N.S.

which was seconded by Councilman Merrill, referring the petition to the Planning Commission for its study and report, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

Rex E. Gallfus
ATTEST: REX E. GALLFUS, CITY CLERK
4-1-53

April 8, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

Absent: Councilmen: Mayor Marks

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

Invocation was given by Rabbi Solomon A. Shore.

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of March 25, and the same being available for public inspection, and there being no objections, they were approved.

DISCUSS PROPOSED LEGISLATION ASSEMBLY BILL NO. 1-ANNEXATION OF AREAS

The City Manager stated that Assembly Bill #1 (Allen Bill), being considered by the State Legislature, would change the law to provide that when an area was seeking annexation to a chartered city of the class of Modesto that it would not automatically become a part of the city school district, as is now the case, unless the legislative body of the outside school district voted to come into the district.

He stated that a letter had been received from the City of Sunnyvale, asking that the City of Modesto file a protest on the proposed bill "to stop this encroachment upon numerous charter cities."

Superintendent of Schools James H. Corson appeared before the Council and outlined the arguments for and against the bill. He pointed out that the proposed legislation was for the benefit of the City of San Jose, where a large industrial area wished to be annexed to the city so that municipal services could be furnished, but the rural school district in which this area was located wished to have the area remain in its district due to the assessed valuation of the property. He stated that if this law was passed that the City of Sunnyvale would have seven different school districts in the city limits under current annexation proceedings and that the law was primarily being considered to solve problems for a very few cities and that

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it would be a "stop gap legislation."

It was brought out that the proposed legislation was to solve a specific problem and that it appeared to be a violation of the spirit of the state constitution and of the home rule principle of the city charter. Councilman Mellis moved, seconded by Councilman R. Adams, that the Council endorse the home rule principle as provided in the city charter and that any site annexed to the city should automatically become a part of the Modesto City School system, that Assembly Bill #1, in its present form, was objectionable and that the City Attorney be directed to send a letter to the Chairman of the Senate Education Committee, and that a copy be sent to Assemblyman Brown and Senator Donnelly, and that the City of Sunnyvale be advised of the action taken by the Council.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro
Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

7 DISCUSS PROPOSED CIVIL DEFENSE BUDGET FOR 1953-54

The City Manager reported that a letter had been received from Major General W. M. Robertson, Director of Civil Defense, together with a report of the Legislative Auditor, relating to the Civil Defense budget for 1953-54. The Auditor's report recommended substantial cuts in the proposed budget which had been sustained by the Ways and Means Committee. General Robertson asked the city to examine the cuts being applied against the State Civil Defense program to determine the impact upon its own local civil defense structure and the effect on the reduced state support projected by the amended budget.

It was brought out that it was proposed to eliminate 7 of the 10 regional offices and to reduce the staffs in the 3 remaining offices and that it was to the interest of the local organizations that these regional offices be maintained, as they were the main source of direct help to local units setting up the local civil defense program.

Councilman Mellis moved, seconded by Councilman R. Adams, that the legislators be urged to study the civil defense program with the full

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knowledge that the cities must have technical help in setting up local civil defense programs.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

3 GRANT PERMIT TO STANISLAUS COUNTY JERSEY BREEDER'S ASSOCIATION TO HOLD
SPRING SHOW ON 12th STREET, BETWEEN H AND I STREETS

J. K. Fraser, Director and M. E. Fisher, President of the Stanislaus County Jersey Breeder's Association, together the Henry Zimmerman, appeared before the Council. Mr. Zimmerman stated that the association had decided on the date of May 23, 1953 to hold the spring show and sale.

The City Manager stated that the association had agreed, if the Council approved, to hold the show on 12th St. between H and I Streets, and that an opening would be left for ingress and egress to the public parking lot located at 12th and I Streets.

Councilman R. Adams moved, seconded by Councilman M. Adams, that the Stanislaus County Jersey Breeder's Association be granted permit to hold its spring show and sale on 12th St. between H and I Streets, on May 23, and that this portion of 12th Street be closed with the exception of an opening to the public parking lot, subject to the condition that the association will provide adequate insurance and hold the city harmless from any damages for injuries to property or persons resulting from the use of said street for its show.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro
Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

4 VOTE OF COUNCIL NOT TO BE TAKEN ON MOTIONS

The City Attorney pointed out that the charter provided that it was only necessary to take a vote of the Council on resolutions and ordinances and that the chairman could call for the "ayes" and "noes" on motions and then declare the result. A Councilman could request that the Council be polled on the vote if he so desired. It was agreed that this

procedure would be followed in the future.

5 ADOPT POLICY ON CHECKING WITH SCHOOL DISTRICT ON FUTURE ANNEXATIONS

Upon the suggestion of the City Manager, it was moved by Councilman M. Adams, seconded by Councilman Arata, and unanimously carried, that the Council adopt the policy that in the future any annexation involving school districts that it be discussed with representatives of the interested district before any action was taken.

The City Attorney was requested to include this statement of policy in the letter to the Chairman of the Senate Education Committee which was considering AB -1.

6 REQUEST FOR REMOVAL OF TREES-SALAS BROS. MORTUARY

A request of Salas Brothers Funeral Chapel, 419 Scenic Drive, to remove several trees on the east side of their property along High Street, at their own expense, so that they could be replaced with a more desirable type of tree, was held over for investigation.

7 LETTER FROM BOMBERGER BROTHERS RE: BILLBOARD ORDINANCE

A letter from Bomberger Brothers asking that the Council give consideration to limiting the size of signs to 10 square feet, before a permit is required, in the revised billboard ordinance, was read. They stated that signs of a larger size, when improperly erected, are dangerous as well as unsightly. Since the existing ordinance requires members of the real estate profession to limit their signs to 10 square feet, they believed that it would only be fair that this requirement be imposed on all concerns erecting signs in the city.

Mayor Pro Tempore Merrill stated that the committee working on the revising of the billboard ordinance would take this request under consideration. He stated that the committee was holding a luncheon meeting meeting on Monday, April 13 and he asked members of the Council, who were not on this committee, to meet with the committee.

The City Manager showed pictures which had been taken near a restaurant on 10th and K Streets, where a large number of paper signs had been pasted on the fence. He stated that he had requested the City Attorney to advise the companies who had posted these signs that they were not per-

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mitted in this city and ask that they be removed. The pictures were referred to the Billboard committee.

4 REPORT FROM STANISLAUS COUNTY BOARD OF SUPERVISORS RE: GARBAGE SITE

A copy of a Supervisors' order from the County of Stanislaus designating the Laird Slough property as a garbage disposal site, was read and ordered filed.

9 REQUEST FROM CALIFORNIA RELAYS TO DISPLAY BANNERS ADVERTISING THE RELAYS

A letter from the California Relays requesting permission to display street flags beginning May 4 through May 16, advertising the California Relays which will be held on May 16, was read. Permit to erect a large display sign at Burney and LaLoma Street was also requested. They requested that the Fire Department be notified of the action taken by the Council so that the flags can be hung by them on or about May 4th.

The City Manager pointed out that Resolution No. 9433-N.S. established a policy on granting permits to display banners and decorations over the streets and that the California Relays, upon application to the Council, were permitted to display banners.

It was moved by Councilman Arata, seconded by Councilman Annan, and unanimously carried, that permit be granted to the California Relays, to display banners across the city streets from May 4th through May 16, that permit be granted for a display sign at Burney & LaLoma Streets, with the understanding that it should be taken down immediately after the Relays, that the Fire Department assist in installing the banners across the streets, and that said permit be granted subject to the condition that the association provide adequate insurance and hold the city harmless for any damages for injuries to property or persons resulting from the use of said premises for Relay activities.

10 ACCEPT TRAFFIC SIGNALS AT MORRIS & MCHENRY AVENUES

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 10,146-N.S.

which was seconded by Councilman Arata, accepting the contract from the Industrial Electrical Company for the construction of traffic signals

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and street lighting at Morris and McHenry Avenues, as completed, authorizing progress payment of \$1,624.70, and directing the City Clerk to record Notice of Completion with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

11 REPORT ON "SKY-WATCH" TOWER

Fred Curtis reported that the construction of the "Sky-Watch" tower in the Roosevelt Center Park, was progressing satisfactorily and he expressed appreciation for the cooperation of the Council.

12 RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF STANFORD AVENUE

The City Attorney presented a resolution for the consideration of the Council calling for the vacation and abandonment of a portion of Stanford Avenue. This portion of the street would be deeded to the adjoining property owners, Robert C. Parsons and Lloyd G. Overholtzer, who have agreed to curb and gutter it. Councilman Annan introduced

RESOLUTION NO. 823-S.P.
RESOLUTION OF INTENTION NO. 241

which was seconded by Councilman R. Adams, declaring its intention to vacate and abandon that portion of Stanford Ave., lying east of the east line of Columbia Way, setting the date of May 6, at 4:30 P.M. in the Council Chambers as the time and place for the hearing of protests, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

13 REPORT ON REQUEST FOR ANNEXATION OF FREMONT ADDITION FROM THE CITY PLANNING COMMISSION

A report was filed by the Planning Commission on the request for annexation of the Fremont Addition. The City Manager pointed out that the only real problem in this addition was that of adequate water service.

The City Manager pointed out that the problem of inadequate private water systems in areas outside the city would have to be faced

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whenever these areas are annexed to the city. The rating of our water system is cut down due to, 1) the difference in the size and quality of water lines, 2) difference in supply of water, and 3) lack of adequate reserve. He stated that there were several alternatives, 1) not annexing any territory unless the water system is brought up to standard, or 2) when a territory is annexed require the water company to bring it up to standard, 3) the city could buy the system and bring it up to standard or leave the private water system as is and give the area second rate fire protection.

It was suggested by the Council that the owner of the private water company in the Fremont Addition, Bumgardner Water Company, be contacted regarding the possible purchase of the system by the city.

Director of Public Works Ray outlined the problems which would be involved in strengthening the system with cross lines. He stated that it would be necessary to ultimately replace the pipe but that the whole water system would not have to be rebuilt at this time.

It was suggested by the City Attorney that the Council adopt a policy of having a cost analysis prepared on all future annexations so that both the city and the tax payers could know what their obligation would be with respect to furnishing these services. He stated that until such a survey has been made, it cannot be determined whether the cumulative costs of annexation can be handled by the city in the foreseeable future.

It was agreed by the Council that the granting of permission to circulate a petition for annexation of the Fremont Addition should be delayed so that a survey of costs could be made.

14 RESOLUTION CANCELLING CITY TAXES ON PROPERTY PURCHASED BY THE MODESTO IRRIGATION DISTRICT

The City Attorney presented a resolution calling for the cancellation of city taxes on property purchased by the Modesto Irrigation District, for the consideration of the Council. Councilman Annan introduced

RESOLUTION NO. 10, 147-N.S.

which was seconded by Councilman R. Adams, authorizing the Director of Finance to cancel the second installment of 1952-53 property taxes on Block 65, lots 6-8 inc., purchased by the Modesto Irrigation District, which resolution was regularly adopted by the following vote: 4-8-53

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

15 SET DATE FOR HEARING AND ELECTION ON ANNEXATION OF FAIRMONT ADDITION

The City Clerk filed certification of petitions for the annexation of the Fairmont Addition to the City of Modesto, as provided by the Annexation Act of 1913. Councilman Mellis introduced

RESOLUTION NO. 10,145-N.S.

which was seconded by Councilman R. Adams, declaring that it is the intention of the Council to call a special election to be held on June 9, 1953, in the Fairmont Addition for the purpose of submitting to the qualified electors the question whether or not this addition shall be annexed to the City of Modesto, and setting the date of May 6, 1953 at 4:30 P.M. in the Council Chambers of the City Hall, as the time and place for the hearing of protests to the proposed annexation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro
Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

16 REPORT ON WATER PIPE REQUIREMENTS FOR BALANCE OF FISCAL YEAR

The City Manager reported that there was an available balance of \$7,883.00 in the 1952-53 budget for the purchase of water lines and hydrant extension, that a balance of \$8,270.00 could be transferred from the Maze Court Sewer fund, that \$7,420.53 could be appropriated from the Water Bonds fund and \$30,000 from unanticipated water revenue, making a total of \$53,573.53, which could be used as follows:

Wells and pump-----\$11,000.00

Water pipe----- 42,573.53

It was moved by Councilman R. Adams, seconded by Councilman M. Adams, and unanimously carried, that the City Attorney be directed to prepare the necessary documents to make \$37,420.53 available for the improvement of the water system.

It was moved by Councilman Mellis, seconded by Councilman
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R. Adams and unanimously carried that the City Manager take action to transfer the unexpended funds from the Maze Court Sewer fund of \$8,270.00

17 APPROPRIATION TRANSFER FOR PROFESSIONAL SERVICES RELATIVE TO BOND ISSUE

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 10,148-N.S.

which was seconded by Councilman Arata, authorizing the appropriation transfer of \$2,000.00 from the General Reserve to the Public Works Department for professional services for engineering studies related to bond issue and sewer facilities, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

18 LETTER REGARDING WIDENING OF McHENRY AVENUE

The City Manager read letters from Franklin J. Bills, Planning Director and J. G. Meyer, District Engineer of District X, State Division of Highways, relative to widening of McHenry Avenue and the re-routing of U.S. 99. He reported that a letter had also been received from Gordon Whitnall relative to a master plan for streets and highways for the city, copies of which were being provided for members of the Council, and a copy of which is on file with the City Clerk.

19 APPROVE PROPOSED SCHEDULING OF SEWER BONDS

The City Manager stated that a formal approval for the scheduling of \$1,800,000 issue of the proposed sewer bonds would be needed at this time. Councilman Mellis introduced

RESOLUTION NO. 10,149-N.S.

which was seconded by Councilman R. Adams, approving the proposed scheduling of \$1,800,000 issue of the proposed sewer bonds, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

20 ANNEXATION LAWS PROPOSED BEFORE STATE LEGISLATURE REFERRED TO CITY MANAGER

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Proposed changes in annexation laws being considered by the State Legislature were referred to the City Manager for such action as was indicated.

21 YOUTH IN GOVERNMENT DAY

The City Manager stated that he had discussed the matter of participation of both high schools in the Youth in Government Day instead of limiting the activity to the Key Clubs in the high schools, but that due to the late date, the city was proceeding on the program on the same basis as last year, and that the day would be May 6th. It was agreed by the Council that this plan would be satisfactory.

22 REPORT ON NUMBER OF FULL-TIME EMPLOYEES

The City Manager filed a report on the number of full time employees working for the City of Modesto from June 30, 1951 through Dec. 31, 1952, a copy of which is on file in the office of the City Clerk. This report showed a total number of 244 employees as of June 30, 1951, 240 as of Dec. 31, 1951, 235 as of June 30, 1952, and 234 as of Dec. 31, 1952. He stated that "it is worthy of note that with all the additional work, due to annexation of territory, we have been carrying on the city government with fewer employees than when we started in 1951."

23 CHANGE OF ATTORNEY ON ACTION C. E. MCKENZIE vs. CITY OF MODESTO, et al

It was moved by Councilman R. Adams, seconded by Councilman M. Adams and unanimously carried that the City Attorney be authorized to sign a stipulation on behalf of the City substituting Attorney Vernon F. Gant for Chester O. Hansen, in the case of C. E. McKenzie, vs. City of Modesto, et al.

24 LETTER FROM REGIONAL WATER POLLUTION CONTROL BOARD

The City Manager reported on a communication from Joseph S. Gorlinski, Executive Officer of the Central Valley Regional Water Pollution Control Board, relative to the requirements in the Tuolumne River.

25 AUTHORIZE CITY ATTORNEY TO SIGN STIPULATION REGARDING THE DISMISSAL OF THE INJUNCTION SUIT AGAINST THE CITY FOR POLLUTING THE TUOLUMNE RIVER

The City Attorney stated that an acceptable form of the stipulation regarding the dismissal of the injunction suit against the city for polluting the Tuolumne River, had been presented by Mr. Ralph

4-8-53

Scott of the Attorney General's office. He pointed out the minor changes which had been made in the stipulation. It was moved by Councilman Arata, seconded by Councilman Annan and unanimously carried that the City Attorney be authorized to sign the stipulation on behalf of the city.

20 GRANT PERMIT TO MILTON SQUIER AND LEON SQUIER-OPERATE USED CAR LOT

It was moved by Councilman R. Adams, seconded by Councilman Arata, and unanimously carried that permit be granted to Milton Squier and Leon Squier to operate a used car lot at 405 McHenry Ave., providing all requirements of the city ordinances are complied with.

21 CITY MANAGER TO PREPARE ORDINANCE RELATIVE TO LICENSES ON USED CAR LOTS

The City Manager was instructed to have prepared for the consideration of the Council, an ordinance which would provide for the handling of the issuance of licenses for used car lots administratively.

28 REPORT ON COLLECTION OF DELINQUENT TAX

The City Manager reported that collection had been made on a delinquent tax item which covered 14 delinquent years.

29 CLEAR POINT ON DISCOUNT ALLOWED ON WATER BILLS PAID ONE YEAR IN ADVANCE

The City Manager pointed out to the Council that the 5% discount allowed under the water ordinance for advance payment by flat rate water users, was based on the premise that there would be a saving of 11 transactions per year but that under the proposed semi-monthly billing that there would only be a saving of 5 transactions per year. He was asked to make a report on the amounts involved.

30 LETTER FROM NATIONAL BOARD OF FIRE UNDERWRITERS

A communication from the National Board of Fire Underwriters to Fire Chief Jack Wemyss, complimenting him on the program of home inspection for the City of Modesto and for the card which he was distributing for the benefit of baby sitters, was read.

31 REPORT FROM CITY EMPLOYEES' ASSOCIATION ON GROUP INSURANCE

Assistant City Clerk Anne M. Collins reported that at a meeting of the city employees' association, held on April 7, the study for a better type of group insurance had been dropped and that the employees would continue under the California Physician's Service group policy. It

4-8-53

had been the decision of the employees that they did not desire the city's participation in the cost of insurance for the employees.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.


ATTEST: REX E. GAILFUS, CITY CLERK

4-8-53

April 15, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Absent: Councilmen: None

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

Invocation was given by Rev. Donald G. Weston.

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of April 1, and the same being available for public inspection, and there being no objections, they were approved.

HEARING ON ASSESSMENT ROLL OF IMPROVEMENT DISTRICT #1

City Clerk Gailfus read protests from the following

Protest #1 Earl P. Williams, Ralph Malone, C. A. Higbee, Leon L. Lafaille, Walter D. Kienitz, Ivan N. Eklund, John Lewis, Robert Diehl, Mrs. Frank Melchior and Mrs. Frank Rossi, Jr., property owners in Block 933, located between Roseburg and Del Monte Avenues, and Del Rio and Del Ray Avenues, protested that the contractor, Standard Materials, Inc., had left the alley in a poor condition.

Protest #2 Lester G and Freda P. Shull, Harley N. and Evelyn M. Petersen and Laurence E and Pauline E. Grandt, property owners in Block 6011, located between Wellesley and College Avenues and Ulrich and Roseburg Avenues, protested that the contractor had not restored the alley to its former condition.

Protest #3 Leonard J. Utterback, 1120 College Ave., owner of Block 832, lot 4, filed a protest on Assessment #91 for \$178.22, assessed against his property for sewers, since he had previously paid a fee for sewer service sometime ago.

Protest #4 Wilma McFarland owner of lots 6 and 7 in Block 833, protested to the assessment of \$421.26 for her property, since there was only one house on the property

Director of Public Works Ray reported on the action taken on the protests which had been filed as follows:

Protest #1 Letters had been written to all the property owners explaining that the contractor would be required to re-oil and re-surface the alley but that in order to permit an early completion of the improvement district so that sewer service could be given to a number of property owners in the district who badly needed the service, that the contractor had been permitted to file a certified check, covering the cost of re-oiling the alley, with the City. They had also been advised

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that it was too early in the season to do the re-oiling and that it would be approximately the first of May before the re-oiling season began. Mr. Kienitz, who had filed the protest, had called the Public Works office and expressed approval with this solution of the problem.

Protest #2

Each property owner had been called individually and they had verbally withdrawn their protest as soon as they knew that the alley would be placed in its former condition by the contractor as soon as weather permitted.

Protest #3

The assessment roll had been recalculated in the particular portion of the district in which the Utterback property was located and new statements had been sent out.

Protest #4

A letter had been sent to Miss McFarland, a copy of which is on file in the office of the City Clerk, explaining the method used in determining the assessments and advising her that if she did not wish to pay cash the assessment could go to bonds and she would be billed twice a year for the unpaid balance.

The City Manager reported that the estimated cost for the entire improvement district was \$72,418.12, but that the final cost was only \$68,738.39, of which the City is to pay \$1,925.00 for perimeter lights upon the adoption of the roll, and the district \$66,813.39. The average reduction from the original estimated cost in the Maze Court was 8½%, in the College Gardens, 5%, and in the Chapin Tract 2½%. All demands had been paid by the contractor with the exception of the final demand for incidental expenses, which sum of \$4,533.61, would be paid upon the adoption of the assessment roll.

The City Attorney briefly outlined the proceedings which had already been completed on Improvement District #1 and stated that at this time it would be necessary to adopt a resolution approving the table of assessment, as corrected, and a resolution confirming the assessments and overruling protests.

The Director of Public Works stated that a verbal protest had been filed by three property owners in the Maze Court Area, Block 4166, located between Franklin and Sherman Avenues and Locust and Maze Streets, as their property had been assessed for sewers and that they had been connected with the city sewers for a number of years. This had been corrected and the assessments for the area had been revised. He stated that the resolution, prepared for the consideration of the Council accepting the assessment as corrected, included this revision of assessment.

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Councilman R. Adams introduced

RESOLUTION NO. 10,152-N.S.

which was seconded by Councilman Merrill, modifying assessment made and filed by the Superintendent of Streets in the office of the City Clerk, on March 26, 1953, to cover the sums due for the improvement of Improvement District #1, City of Modesto, County of Stanislaus, State of California, that is described in Resolution No. 9903-N.S. of the City Council of the City of Modesto, finding that certain lots of land in the assessment district are not assessed in proportion to the benefits to be received by said lots of land and correcting and modifying said assessment according to a certain table of corrected assessments and directing the Superintendent of Streets to amend and modify said assessment on the face thereof accordingly, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Arata introduced

RESOLUTION NO. 10,153-N.S.

which was seconded by Councilman M. Adams, ratifying and confirming the assessment and the diagram and warrant attached thereto, the proceedings leading up to the same and all acts and determinations of all officers of the City of Modesto in relation to the Improvement District #1, and ordering the City Clerk to deliver said warrant, assessment and diagram to Standard Materials, Inc. the contractor, forthwith upon the payment by him of the incidental expenses due thereon, and declaring that all protests against the assessment be and they are hereby overruled, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ANNEXATION OF BARHAM-ROOSEVELT ADDITION TO CITY

The City Attorney presented an agreement for the consideration of the Council, between Chester A. Barham and the city, which provided for the improvement of the Barham-Roosevelt Addition.

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He also filed a check with the City Clerk from Mr. Barham, in the amount of \$375.00, to cover the cost of purchasing material for a street light to be installed in the subdivision by the city. Councilman Mellis introduced

RESOLUTION NO. 10,154-N.S.

which was seconded by Councilman R. Adams, approving the agreement between Chester A. Barham and the city for the improvement of the Barham-Roosevelt Addition, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman M. Adams introduced

RESOLUTION NO. 10,150-N.S.

which was seconded by Councilman Annan, setting the date of May 20, at 4:30 P.M. at the Council Chambers of the City Hall as the time and place for the hearing of protests on the proposed annexation of the Barham-Roosevelt Addition to the City, providing for the publication of notices, and directing the City Clerk to send written notices to property owners in the area to be annexed, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

3 ANNEXATION OF TSCHANTZ-VAN HORN ADDITION TO CITY

The City Attorney presented a resolution for the consideration of the Council relative to the proposed annexation of the Tschantz-Van Horn Addition to the city. Councilman Annan introduced

RESOLUTION NO. 10,151-N.S.

which was seconded by Councilman Arata, setting the date of May 20 at 4:15 P.M. at the Council Chambers of the City Hall, as the time and place for the hearing of protests on the proposed annexation of the Tschantz-Van Horn Addition to the city, providing for the publication of notices, and directing the City Clerk to send notices to property owners in the area to be annexed

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which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

4 REQUEST FOR CITY SERVICES TO TRACT EAST OF COLLEGE VILLAGE AND CLOVERFIELD
ADDITION-RICHARD WEBER

Richard Weber appeared before the Council and requested sewer service for a tract of land which is not contiguous to the city limits, located east of the College Village and Cloverfield Addition, which is being annexed to the city. He stated that he would be willing to file a legal document agreeing to annex this tract to the city whenever it would legally be possible to do so. The water is being furnished by the Del Este Water Company.

The City Manager suggested that the Council should "think through a policy as to how we can help people who want to be a part of the city and who cannot legally come in." He suggested that the city enter into an agreement with property owners providing that when it could be legally done, they would annex to the city.

It was suggested that the City Manager draft a plan whereby these people not in a position to annex to the city and who would be willing to pay their share of the cost and at the same time be getting sewer service, could do so.

5 NEW MAP TO BE PREPARED FOR CITY

The City Manager reported he had asked the Planning Director and the City Engineer's office to prepare a new map including the new areas in the city."

6 REQUEST FOR SEWER AND WATER SERVICE-R. E. TURNER

R. E. Turner, real estate operator, appeared before the Council regarding his prior request for sewer service for a five acre tract on Coffee Road, adjoining the Downey High School on the south, which is to be purchased by the Gould Clinic for a medical center if this service could be granted. He stated that this territory would request annexation to the city if this service could be granted and that the purchaser planned to spend approximately \$250,000 to improve the property.

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It was moved by Councilman Mellis, seconded by Councilman Arata, and unanimously carried, that the granting of water and sewer service to this tract be approved, providing it is annexed to the city.

7 IRA WOODMAN COMMEND COUNCIL

Ira. Woodman, owner of property in the Fremont Addition, which is being considered for annexation by the city, appeared before the Council. He stated that he was interest^{ed}/in the annexation and wished to commend the Council members on the excellent work they had been doing and to state that he was in accord with their program.

8 LETTERS OF APPRECIATION SENT TO ORGANIZATION PARTICIPATING IN "GET OUT THE VOTE": CAMPAIGN FOR THE GENERAL MUNICIPAL ELECTION

Mayor Marks reported that letters of appreciation were being sent to all 18 organizations which had participated in the "get out the vote" campaign at the recent General Municipal Election, as well as to all the organizations which had gone on record in favor of "Measure A" for sewer improvements.

9 SEWER BOND PROGRAM APPROVED AT THE GENERAL MUNICIPAL ELECTION

It was noted by the Council that at the General Municipal Election, held by the city on April 14, 1953, "Measure A", which provided for a bond issue of \$2,450,000. for enlargement and extension of the city's sewage and industrial waste disposal system was approved by the voters by a preliminary count of 4405 for the measure and 565 against the measure, but that official count on the vote could not be determined until after the 26 absentee ballots had been counted and the vote had been canvassed by the Council at its meeting to be held on April 21.

10 LETTER FROM STOCKTON RECORD RE: RESOLUTION OF COMMENDATION

A letter was received from the Stockton Record, acknowledging receipt of a copy of the resolution adopted by the Council commending the Record for its coverage of the activities of the Modesto City government, which was read and ordered filed.

11 REPORT ON REQUEST OF MILITARY ORDER OF THE PURPOSE HEART^{LE} INC. FOR PERMISSION TO EXHIBIT ANTIQUE AND MODERN FIREAMRS IN THE CITY

The City Manager reported that a letter had been received from the local chapter of the Military Order of the Purple Heart, Inc.

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indicating that it would not sponsor the exhibit of antique and modern fire-arms on the city streets, which had been proposed by the National Field Exhibit section of the National Military Order of the Purple Heart, Inc. It was moved by Councilman R. Adams, seconded by Councilman Annan, and unanimously carried, that the request for permission to exhibit be denied and that Samuel S. Wolfe, tour manager for the National Field Exhibit would be so advised.

12 MODESTO WOMEN'S IMPROVEMENT CLUB ENDORSED SEWER IMPROVEMENT PROGRAM

A resolution adopted by the Modesto Women's Improvement Club, endorsing the sewer improvement program which was approved by the voters at the general municipal election held on April 14, was read and ordered filed.

13 MEETING OF CENTRAL VALLEY DIVISION LEAGUE OF CALIFORNIA CITIES

A communication from John Erreca, President of the Central Valley Division of the League of California Cities, reminding the Council members of the meeting of the League to be held in Lodi, Thursday, April 23, was read and ordered filed.

14 APPROVE PLANS AND SPECIFICATIONS-AUTHORIZE CALLING FOR BIDS ON CONSTRUCTION OF CURB AND GUTTER AT WEST SIDE PARK

Councilman Annan introduced

RESOLUTION NO. 10,155-N.S.

which was seconded by Councilman M. Adams, approving the plans and specifications and authorizing the City Clerk to call for bids, on the furnishing of all materials, labor, tools and equipment and doing all the work involved for the construction of curb and gutter at West Side Park, said bids to be opened at 2:00 P.M. on Monday, April 27, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 CITY MANAGER TO PRESENT REPORT ON FURNISHING SERVICES TO PROPERTY NOT CONTIGUOUS TO THE CITY

Upon the recommendation of Mayor Marks, it was moved by Councilman Mellis, seconded by Councilman R. Adams and unanimously carried that the City Manager make a study and furnish a report to the Council so

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that a policy can be adopted for the furnishing of sewer and water service to property which is not contiguous to the city when the property owners have expressed willingness to annex to the city whenever legally possible.

16 CITY MANAGER TO REPORT ON INDUSTRIAL PLANTS OUTSIDE CITY BEING FURNISHED CITY SEWER SERVICE

It was moved by Councilman R. Adams, seconded by Councilman Mellis, and unanimously carried, that the City Manager be instructed to investigate and bring a report to the Council of the possibility of annexing industrial plants now receiving sewer service from the city, and also on charges for municipal services to such industries, that are contiguous to the city so that the Council may be able to further study and formulate a policy.

17 RESOLUTION AUTHORIZING TRANSFER OF FUNDS TO AIRPORT BUDGET

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 10,156-N.S.

which was seconded by Councilman R. Adams, authorizing the appropriation transfer of \$5,000. from the General Reserve to the Public Works, Airport Division, Capital Outlay for the construction of 10 T Hangars at the Municipal Airport, which resolution was regularly adopted by the following vote:
Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The City Attorney presented a resolution for the consideration of the Council, which provided for the expenditure of \$10,575.86 from the Municipal Airport Gas Tax Fund and \$1,039.22 from the Federal Airport Project Fund for the building of 10 T Hangar units at the Municipal Airport. Councilman R. Adams introduced

RESOLUTION NO. 10,157-N.S.

which was seconded by Councilman M. Adams authorizing the expenditure of the funds as listed above for the building of the 10 T Hangar units at the Municipal Airport, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Director of Finance Lawrence reported that the City Attorney would present an ordinance for the consideration of the Council at the next meeting which would provide for the appropriation of the following funds:

\$4,800 advance hangar rental paid by owners of airplanes
1,600 rental of land at airport

He stated that this revenue had not been anticipated in the 1952-53 budget so it had not been appropriated.

18 AUTHORIZING PROGRESS PAYMENT TO M. J. RUDDY ON HANGARS AT AIRPORT

The City Manager reported that the Director of Public Works had approved a progress payment of \$2700 to M. J. Ruddy & Son for the construction of the foundation for the hangar at the airport, which had been completed. Councilman Annan introduced

RESOLUTION NO. 10,158-N.S.

which was seconded by Councilman Merrill, accepting the contract as completed by M. J. Ruddy & Son, authorizing progress payment of \$2700, and authorizing the recording of Notice of Completion by the City Clerk, with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

19 PAYMENT ON IMPROVEMENT OF VIRGINIA AVENUE AND EIGHTH STREET TO STANDARD MATERIALS, INC.

The City Manager reported that the Director of Public Works had filed a report that the contract for the improvement of a portion of Virginia Avenue and Eighth Street had been completed by the contractor, Standard Materials Inc. Councilman Arata introduced

RESOLUTION NO. 10,159-N.S.

which was seconded by Councilman M. Adams, accepting the contract as completed, authorizing progress payment of \$368.65 and directing the City

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Clerk to record Notice of Completion with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

20 APPROVE LEASE WITH STATE FOR AIRCRAFT TIE-DOWN SPACE AT AIRPORT

The City Attorney presented for the consideration of the Council a lease between the City and the State of California covering the rental of tie-down space for aircraft at the Municipal Airport (National Guard) for a term of one year, ending Dec. 31, 1953, at a rental of \$6.00 per month. Councilman Merrill introduced

RESOLUTION NO. 10,160-N.S.

which was seconded by Councilman Annan, approving lease as presented and authorizing the City Clerk to affix the official seal and attest to the same on behalf of the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

21 RESOLUTION AUTHORIZE EXPENDITURE OF WATER BOND FUND FOR CAPITAL OUTLAY WATER LINES & HYDRANT EXTENSIONS

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 10,161-N.S.

which was seconded by Councilman Annan, authorizing the expenditure of \$7,420.53 from the Water Bond Fund for Capital Outlay, water lines and hydrant extensions, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

22 ORDINANCE APPROPRIATION ADDITIONAL REVENUES FOR USE DURING THE 1952-53 FISCAL YEAR FOR WATER SYSTEM

Councilman Annan introduced

4-15-53

ORDINANCE NO. 1068-N.S.

entitled: "AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR USE DURING THE 1952-53 FISCAL YEAR" and moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

23 ACCEPT GRANT DEED FROM MARIE BELL, PARTIAL RECONVEYANCE FROM THE MODESTO HOLDING COMPANY ON PORTION LOT 1 BLOCK 211-WIDENING OF BURNEY STREET

The City Attorney presented for the consideration of the Council, a grant deed from Marie Bell, and a partial reconveyance from the Modesto Holding Company, on the west two feet of the north 50 feet of the west 110.25 feet of lot 1, Block 211 of the city, to be used by the city in the widening of Burney Street. Councilman Arata introduced

RESOLUTION NO. 10,162-N.S.

which was seconded by Councilman M. Adams, accepting the grant deed from Marie Bell and the partial reconveyance from the Modesto Holding Company on the above described property, and directing the City Clerk to record said deed and reconveyance with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

24 RESOLUTION ACCEPT GRANT DEED FROM VETERANS WELFARE BOARD EXTENSION OF CARLA WAY

The City Attorney presented a grant deed from the Veterans Welfare Board, covering property being purchased by Earl D. Blakely under contract of sale, located in the Northwest Addition, which was recently annexed to the city, for the approval of the Council. He stated that this property was to be used in the extension of Carla Way. Councilman M. Adams introduced

RESOLUTION NO. 10,163-N.S.

which was seconded by Councilman Arata, accepting the grant deed and author-
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izing the City Clerk to record said deed with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

25 ACCEPT DEED OF EASEMENT FROM V. E. & MILDRED E. BARTON--PORTION OF BLOCK 240

The City Attorney presented for the consideration of the Council, a deed of easement from Vachel E. Barton and Mildred E. Barton, on a strip of land 5 feet in width, in Block 240 of the City of Modesto, to be used to extend utilities across the Thorne and Miller property. Councilman Merrill introduced

RESOLUTION NO. 10,164-N.S.

which was seconded by Councilman Annan, accepting the deed of easement and authorizing the City Clerk to record said deed with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

26 CITY MANAGER AND CITY ATTORNEY PREPARE PLAN FOR SECURING RIGHT OF WAY ACQUISITIONS, ETC.

It was agreed by the Council that the City Manager and the City Attorney should prepare a plan for the securing of the right of way acquisitions, easements, etc. and present it to the Council for its consideration.

27 REVISED SCHEDULE FOR BOND REDEMPTION AND CALL PROVISIONS

The City Manager presented for the consideration of the Council a revised schedule for bond redemption and call provisions for the new sewer bond issue, in the amount of \$1,800,000. He stated that payment would start one year earlier than originally anticipated and that this payment would be \$45,000 instead of \$25,000. All bonds due June 1, 1974 and subsequent years would be callable, as set forth in the statement, a copy of which is on file in the office of the City Clerk. He stated

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that this new proposal was proposed "because 30 years is a long time and in 20 years conditions may be so different that city officials facing these problems may need a little leeway." He stated that the Bond Counsel had approved this schedule and also the callable provisions, and that he recommended the proposed schedule. Councilman Mellis introduced

RESOLUTION NO. 10,165-N.S.

which was seconded by Councilman Annan, rescinding Resolution No. 10,165-N.S. adopted by the Council at the regular meeting of April 8, 1953, entitled;

"A RESOLUTION APPROVING SCHEDULE FOR \$1,800,00 ISSUE OF THE PROPOSED SMALLER BONDS", which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

It was moved by Councilman Annan, seconded by Councilman Arata and unanimously carried that the schedule as presented for \$1,800,000 bond issue, with callable feature, be approved.

28 FINAL ADOPTION ORDINANCE NO. 1067-N.S.-RESCIND ORDINANCE NO. 598-N.S.

Ordinance No. 1067-N.S. entitled; "AN ORDINANCE OF THE CITY OF MODESTO REPEALING ORDINANCE NO. 598-N.S. OF THE CITY OF MODESTO ENTITLED "AN ORDINANCE PROHIBITING PARKING AT THE SOUTHWEST CORNER OF MORRIS AND MCHENRY AVENUES IN THE CITY OF MODESTO" having been heretofore introduced and ordered published and printed at the regular meeting of April 1, 1953 Councilman Annan moved, seconded by Councilman M. Adams, that the ordinance be finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

29 REPORT ON REQUEST FOR PERMISSION TO REMOVE TREES-SALAS BROTHERS

Councilman Merrill reported that Councilman Arata and he had investigated the trees on High Street which Salas Brothers had requested permission to remove and that they recommended that these trees be removed at the expense of the applicant and that the city replace with other trees.

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The Director of Public Works pointed out that unless potted trees were used in replanting that it would be impossible to plant new trees at this season of the year.

It was moved by Councilman Merrill, seconded by Councilman Arata and unanimously carried, that the applicant be permitted to remove the trees at this time, at their own expense, and that the city plant a new type of tree during the next planting season.

30 GRANT CITY MANAGER PERMIT TO GRANT REQUEST FOR REMOVAL OF TREES

It was agreed by the Council that the City Manager should be authorized to grant permit to applicants for removal of trees, at the expense of the applicant, whenever in his judgment the trees were a public nuisance or hazard, or were of an undesirable type, and that it would not be necessary for the City Manager to present the request to the Council for formal action.

31 PLAN FOR UNITS OF SEWAGE DISPOSAL PROGRAM

The City Manager stated that since the approval of the bond issue by the voters, the city could proceed with plans for the enlargement and extension of the sewage and industrial waste disposal system. He suggested that two units be considered for immediate construction as follows:

- 1-North section of the west side trunk line.
- 2-Addition to deck aerator

He stated that the plans would probably be completed on unit #1, except for the pumping station, in approximately two weeks. He suggested that plans for unit #2 be prepared immediately so that it could assist the city during this cannery season. Harry Jenks, Consulting Sanitary Engineer agreed that these two units should proceed at once, he stated.

It was agreed by the Council that the City Manager should proceed on this basis. The City Manager stated that he would have the plans and specifications within 2-3 weeks for the approval of the Council and that bids could be called for at that time.

The City Manager stated that a report would be presented to the Council on the other units in the program at an early date so that the plant could be in operation by next Spring.

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32 DISCUSS REBUILD LAKE MODESTO DAM

The City Manager reminded the Council that it had been indicated that the city would, with the assistance of the county, rebuild the dam in Lake Modesto, if the bond issue was successful. He suggested that the committee appointed by the Council proceed with the discussion with the Board of Supervisors so that plans for the rebuilding could be cleared.

Mayor Marks asked the City Manager to arrange a meeting with the various groups and organizations which had expressed interest in the rebuilding of the dam. Councilman Mellis was requested to serve as chairman of the committee by the Mayor.

33 REPORT OF COST OF ALLOWING DISCOUNT FOR ADVANCE PAYMENT ON WATER AND SEWER SERVICE CHARGES

The City Manager stated that the revision of the water and sewer service ordinances would be presented for the consideration of the Council at its next meeting. He stated that a report of the cost of allowing discounts for advance payment on water and sewer service charges had been prepared by the Director of Finance, a copy of which is on file in the office of the City Clerk.

This report indicated that it had cost the city \$3,985 for 1,850 accounts which had been paid annually and semi-annually in advance. or about 20¢ for each bill and collection eliminated by the advance payment privilege. Because of these prepayments the city had saved the expenses of billing and collecting 20,000 separate monthly bills each year.

The City Manager stated that if the city continues the 5% discount under the new schedule of billing, it would be giving the people who pay annually in advance, over 40¢ off for each billing saved. In a 3% discount this would be reduced to about 28¢ for each billing and if a 2% discount, it would amount to about 17¢ each billing and collection saved. He stated that from a strict "cost standpoint" a 5% discount was not justified.

Director of Finance Lawrence stated that it did not seem fair to city or to the "other fellow" who could not afford to pay one year in advance, to continue the 5% discount. There are three basic reasons why water and sewer bills are paid in advance, 1) to avoid the penalty, 2) to

save discount, 3) to save the trouble of paying monthly. He continued, "if you take off the penalty you have eliminated some of the incentive to prepayment and if you reduce the discount you will not have the same number of customers paying annually in advance.

Councilman R. Adams pointed out that under the present rate of discount that about one third of the flat rate customers paid in advance and that this should be encouraged by a continuation of the 5% discount. After Councilmen M. Adams, Annan, Mellis and Mayor Marks expressed their approval of a 3% discount and Councilmen Arata, Merrill and R. Adams expressed their approval of a 5% discount, the matter was laid over for further consideration.

34 MAYOR COMMEND DIRECTOR OF PUBLIC WORKS AND STAFF ON CONDUCT OF PROCEEDINGS ON IMPROVEMENT DISTRICT #1

Mayor Marks commended the Director of Public Works, and his staff, for the "good job" done on the proceedings in Improvement District #1.

Director of Public Works Ray outlined the procedure for the collection of the assessments from the property owners. He stated that payments could be made to the contractor or the City Clerk for a period of 30 days (until May 16) and then bonds are issued for the unpaid assessments.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.


ATTEST: REX E. GAILFUS, CITY CLERK

4-15-53

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 9918 of the Election Code of the State of California, to canvass the returns of the General Municipal Election, which was held on April 14, 1953 in the City of Modesto and the Modesto City School District, for the election of three Councilmen and two Members of the Board of Education.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

After canvassing the returns of said election which had been made out and signed by the election officers, three errors were found on the tally sheets, which were ordered corrected.

ADJOURNMENT It was moved by Councilman Merrill, seconded by Councilman Arata, and unanimously carried, that the meeting be adjourned until 8:00 P.M., April 21, at which time the returns of the Special Municipal Bond Election would be canvassed, as provided by subsection F of Section 2 of Ordinance No. 1064-N.S.

ATTEST: REX E. GAILFUS, CITY CLERK

Adjourned Special Council Meeting
8:00 P.M., April 21, 1953

The Council of the City of Modesto met in adjourned session this date at 8:00 P.M. to canvass the returns of the Special Municipal Bond Election, which was held on April 14, 1953, for the approval of "Measure A" (Municipal Sewage and Industrial Waste Disposal System Improvement), as provided by subsection F of Section 2 of Ordinance No. 1064-N.S.

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

Absent: Councilmen: M. Adams

After canvassing the returns of said election, made out and signed by the election officers, Councilman Merrill introduced

RESOLUTION NO. 10,166-N.S.

which was seconded by Councilman Mellis, a copy of which resolution is hereby marked "Exhibit A" and made a part of these minutes.

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ADJOURNMENT

It was moved by Councilman Annan, seconded by Councilman Arata, and unanimously carried, that the meeting be adjourned until 7:30 P.M., April 22, 1953

ATTEST: REX E. GAILFUS, CITY CLERK

Adjourned Special Council Meeting

7:30 P.M. April 22, 1953

The special adjourned Council meeting having been adjourned until 7:30 P.M. this date, the Council of the City of Modesto reconvened.
Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
Absent: Councilmen: None

As provided by section 9920 of the Election Code of the State of California, the City Clerk administered the oath of office, as prescribed in the State Constitution, and delivered a certificate of election to the following elected officials:

Councilman Merrill L. Adams,

Councilman Robert W. Adams

Councilman David L. Arata

Member of the Board of Education Karl M. Roth

ADJOURNMENT

It was moved by Councilman Merrill, seconded by Councilman Annan, and unanimously carried, that the meeting be adjourned.

ATTEST:  REX E. GAILFUS, CITY CLERK

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULT OF GENERAL MUNICIPAL ELECTION AND OF SPECIAL MUNICIPAL BOND ELECTION CONSOLIDATED THEREWITH, HELD ON APRIL 14, 1953

WHEREAS, the Council of the City of Modesto duly called and ordered held in said City and in Modesto City School District, on Tuesday, the 14th day of April, 1953, a general municipal election to elect municipal officers and members of the Board of Education and duly consolidated with said general municipal election a special municipal bond election for the purpose of submitting to the qualified electors of said City the bond measure hereinafter specified; and

WHEREAS, said consolidated general municipal election and special municipal bond election was held on Tuesday, April 14, 1953, in accordance with law and the proceedings of said Council and the votes thereat received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

1. That the City Clerk of the City of Modesto be, and is hereby, instructed to enter this resolution on the minutes of this Council as a statement of the result of said election.

2. That the whole number of votes cast at said consolidated election was 7684 votes.

(a) That the total number of votes cast for municipal offices at said election in said City was 5126

(b) That the total number of votes cast outside of the city limits of said City in said School District was 2558.

(c) That the total number of votes cast on Measure A at said election in said City was 4995.

3. That the names of the persons voted for and the respective offices to be filled, for which the ballots were cast, and the number of votes given in each precinct and by absentee voters to each of said persons was as follows:

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"Exhibit A"

C A N D I D A T E S

Special
Consolidated
Election
Precinct No.

FOR COUNCILMEN

FOR MEMBERS OF BOARD OF EDUCATION

	<u>Merrill L. Adams</u>	<u>Robert W. Adams</u>	<u>David L. Arata</u>	<u>Hayden L. Logan</u>	<u>Herbert Florcken</u>	<u>Dwight H. Barnes</u>	<u>Forrest Lane</u>	<u>Ian W. Hardie</u>	<u>Karl M. Roth</u>	<u>Esther B. Brack</u>	<u>Raleigh B. Green</u>
1	280	281	244	110				221	175	127	41
2	263	267	226	76				217	167	106	42
3	308	305	278	84				263	180	129	50
4	194	203	176	115				161	118	117	51
5	154	160	157	55				133	89	84	30
6	187	188	184	121				153	128	118	50
7	189	184	162	78				149	107	107	36
8	233	230	206	81				181	125	126	46
9	287	291	267	175				202	156	207	77
10	161	160	154	120				127	90	112	58
11	167	168	170	58				149	116	73	37
12	221	226	194	114				162	136	147	48
13	228	222	208	121				183	123	132	52
14	165	165	145	60				141	63	107	36
15	267	276	272	63	1			238	177	116	39
16	284	268	257	56				243	187	120	44
17	267	270	245	113				227	188	129	47
18	213	205	192	76				172	135	117	33
19	173	181	157	47		1	1	147	89	102	24

C A N D I D A T E S

Special
Consolidated

FOR COUNCILMEN

FOR MEMBERS OF BOARD OF EDUCATION

Special Consolidated Election Precinct No.	Merrill L.	Robert W.	David L.	Havden L.	Herbert	Dwight H.	Forest	Ian W.	Karl M.	Esther B.	Raleigh B.
	<u>Adams</u>	<u>Adams</u>	<u>Arata</u>	<u>Logan</u>	<u>Florcken</u>	<u>Barnes</u>	<u>Lane</u>	<u>Hardie</u>	<u>Roth</u>	<u>Brack</u>	<u>Green</u>
20								76	52	80	22
21								116	76	100	44
22								132	103	120	31
23								73	46	55	24
24								48	33	45	11
25								41	36	28	8
26								73	41	80	33
27								29	16	37	13
28								63	39	46	17
29								74	58	76	28
30								203	125	130	75
31								126	78	104	38
32								235	154	190	73
33								146	89	108	25
34								136	107	76	23
35								59	52	36	18
36								101	74	55	19
Absentee Votes in city	24	24	25	2				19	12	14	3
Absentee Votes outside city								9	6	5	
TOTALS	<u>4265</u>	<u>4274</u>	<u>3919</u>	<u>1725</u>	1	1	1	<u>5228</u>	<u>3746</u>	<u>3661</u>	<u>1346</u>

4. That at said general municipal election the following named persons received the largest number of votes for the following offices, respectively, and were, therefore duly elected to the respective office for which they were respectively candidates, and each of said persons having received the largest number of votes cast for any person for such office is hereby declared to be duly and regularly elected to such office, respectively, for the term commencing April 21, 1953, and the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying his election to the office appearing after his name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California and the Charter of said City, to wit:

MERRILL L. ADAMS	COUNCILMAN
ROBERT W. ADAMS	COUNCILMAN
DAVID L. ARATA	COUNCILMAN
IAN W. HARDIE	MEMBER OF BOARD OF EDUCATION
KARL M. ROTH	MEMBER OF BOARD OF EDUCATION

5. That at said election the following measure for incurring bonded indebtedness was submitted to the electors of said City and that the number of votes given in said City for and against said measure, exclusive of absentee votes was as follows:

	Total Vote "YES"	Total Vote "NO"
<u>MEASURE A:</u> (Municipal Sewage and Industrial Waste Disposal System Improvement)	4405	565
Shall the City of Modesto incur a bonded indebtedness in the principal amount of \$2,450,000.00 for the acquisition, construction and completion of the following municipal improvement, to wit: Improvement of the municipal sewage and industrial waste disposal system, including enlargement and extension of the present sewage and industrial waste disposal plant, industrial and sanitary sewers, pumps, machinery, equipment, apparatus, lands, easements, rights of way, storm bypasses, and other works, property or structures necessary or convenient for improvement of the municipal sewage and industrial waste disposal system of the City of Modesto?		

6. That the number of votes cast in each precinct for and against said measure was as follows:

<u>Precinct</u>	<u>Measure A</u>	
	<u>YES</u>	<u>NO</u>
1	281	41
2	246	33
3	302	34
4	208	35
5	171	13
6	213	38
7	186	34
8	233	29
9	304	60
10	178	36
11	179	24
12	217	51
13	238	43
14	175	14
15	273	27
16	277	21
17	304	16
18	230	10
19	190	6
TOTAL	4405	565

7. That all absent voters' ballots have been duly received and canvassed in time, form and manner as required by law, and the result of the absentee vote for and against said measure is as follows:

ABSENTEE VOTE

Absentee applications filed	26
Ballots returned (total vote cast)	26
Votes rejected (ineligible)	0
Spoiled ballots	0
Ballots counted (regular)	26

<u>Absentee Votes "Yes"</u>	<u>Absentee Votes "No"</u>	<u>Total Absentee Votes</u>
20	5	25

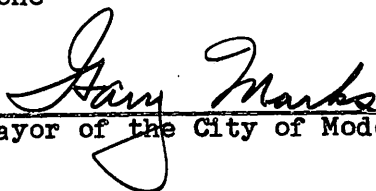
8. That the total number of votes cast at said election for and against said measure submitted thereat, including the foregoing absentee votes, was as follows:

<u>Total Vote For</u>	<u>Total Vote Against</u>
4425	570

9. That more than two-thirds of all of the votes cast at said consolidated special municipal bond election on said measure were in favor of said measure and that said measure was approved.

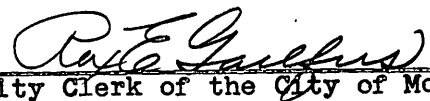
PASSED AND ADOPTED this 21st day of April, 1953, by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
 NOES: Councilmen: None
 ABSENT: Councilmen: None



 Mayor of the City of Modesto, California

ATTEST:



 City Clerk of the City of Modesto, California

CLERK'S CERTIFICATE

I, REX E. GAILFUS, City Clerk of the CITY OF MODESTO, California, DO HEREBY CERTIFY that the foregoing resolution is a full, true and correct copy of a resolution duly adopted at a special adjourned meeting of the Council of said City duly and regularly held at the regular meeting place thereof on the 21st day of April, 1953, of which meeting all of the members thereof had due notice and at which a majority thereof was present; that at said meeting said resolution was introduced by Councilman Merrill and read in full, and was thereupon, upon motion of Councilman Merrill, seconded by Councilman Mellis, adopted by the following vote:


AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in Book _____ of Minutes, at pages _____ to _____, inclusive. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of the City of Modesto this 22nd day of April, 1953.


REX E. GAILFUS
City Clerk of the
City of Modesto,
California

April 22, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Absent: Councilmen: None

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

Invocation was given by Rev. M. J. Amnott.

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of April 8, 1953, and the same being available for public inspection, and there being no objections, they were approved.

RESOLUTION PROVIDE FOR ISSUE OF CITY OF MODESTO 1953-SEWER BONDS

Councilman Mellis introduced

RESOLUTION NO. 10,167-N.S.

which was seconded by Councilman Merrill, providing for the issue of \$2,450,000 principal amount of City of Modesto 1953 sewer bonds and for the issuance of said bonds in series; prescribing the amount, date and form of series A Bonds of said issue and of the coupons to be attached thereto and prescribing the maturities thereof; fixing the maximum rate of interest on the bonds of said issue and authorizing the execution of said bonds and coupons; providing for the levy of a tax to pay the principal of and interest on the bonds of said issue; and directing notice of sale of said series A bonds to be given, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

FRED CURTIS REPORT ON SKY WATCH TOWER

Fred Curtis appeared before the Council and complimented the Council on its prompt action in getting the matter of the sewer improvement program under way. He reported that the telephone would

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be installed in the "Sky Watch" tower located in the Roosevelt Center Park in 2-3 days.

3 CHAMBER OF COMMERCE REQUEST EARLY ACTION ON REBUILDING OF TUOLUMNE RIVER DAM

W. H. Murray, Chairman of the Modesto Chamber of Commerce, Civic Development Committee, appeared before the Council. He stated that the committee and the directors of the Chamber requested that the Council indicate its official approval, at the earliest possible time, of the restoration of the Tuolumne River Dam and to make provisions for the funds necessary to complete this project.

Mr. Murray stated that the Civic Development Committee also requested that the Council make every effort possible to acquire the tract of land which was formerly occupied by the temporary housing units at California and Franklin Avenues, contiguous to the city, for a park site or to cooperate with the County Board of Supervisors in a joint development program of this tract of land so that it could be used for park facilities.

Mayor Marks stated that the Council had set up a committee to meet with the County Board of Supervisors, the Modesto Irrigation District, the Tuolumne River Association and other interested parties, with the idea in mind of joint participation in the reconstruction of the dam at an early date.

Mayor Marks stated that the Council was interested in parks but that this tract was outside the city limits and he suggested that the Chamber direct a letter to the County Board of Supervisors asking consideration for the establishment of a park at this location. He assured Mr. Murray that the city would assist in every way possible.

4 J. A. HAMILTON COMPLIMENT COUNCIL ON SEWER BOND PROGRAM

J. A. Hamilton, from the audience, complimented the Council on its action on the sewer bond program.

5 CITY MANAGER REPORT ON SEWER PROGRAM

City Manager Miller reported on the two units of the sewage and industrial waste disposal system which are under consideration for immediate construction:

- 1-North section of the West side trunk line. The design for the line has been completed and negotiations are underway for a pumping station site.

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2-Extension of deck aerator. Arrangements need to be made with Harry Jenks, Consulting Sanitary Engineer to prepare plans for the deck Aerator extension, as well as the design for the pumping station.

It was moved by Councilman R. Adams, seconded by Councilman M. Adams, and unanimously carried, that the City Manager be authorized to make arrangements with Harry Jenks for the preparation of plans for the extension of the deck aerator and the pumping station and present the agreement to the Council for its approval.

6 DISCUSS MODERNIZING ARCH SIGN ACROSS I STREET "WATER-WEALTH-CONTENTMENT-HEALTH"

Louie F. Hammer, representing the Chamber of Commerce, appeared before the Council and inquired if the city had an allocation in its budget which could be used for the modernizing of the I Street arch sign which reads, "Water-Wealth-Contentment-Health."

He was advised by the Mayor that no allocation was included in this year's budget which could be used for this type of improvement. It was the opinion of the City Attorney that the funds allotted to the Chamber of Commerce for advertising purposes could legally be used for this type of improvement.

It was agreed that the Chamber of Commerce should contact various sign companies to determine the cost of modernizing the sign and prepare a plan for presentation to the Council for its consideration.

7 CLASSIFICATION AND PAY CHANGES-McHENRY LIBRARY PERSONNEL

Robert H. Shelton, Assistant to the City Manager, outlined proposed classification and pay changes for personnel of the McHenry Public Library which had been recommended by Carl Hamilton, Head Librarian, the Board of Library Trustees, and the Personnel Commission. He stated that these changes would reduce some of the long-standing inequities in conditions of employment between city and county employees doing the same work in the same building.

The cost of the establishment of the pay changes would be approximately \$180 per month, which could be financed by an appropriation of unanticipated library tax revenue in an amount to be determined by Director of Finance Lawrence.

W. H. Murray, member of the McHenry Library Board of Trustees

and Carl Hamilton outlined the difficulties encountered in hiring employees due to the inequality in salary ranges between the city and the county.

Mr. Hamilton stated that a study was being made on the percentage of the use of the library by the city and by the county so that the city budget could be reduced to get it in balance.

Councilman Merrill introduced

RESOLUTION NO. 10,169-N.S.

which was seconded by Councilman Annan amending resolution No. 9906-N.S. entitled: "A RESOLUTION ESTABLISHING SALARY SCHEDULES, CLASS OF POSITIONS AND FIXING THE COMPENSATION OF OFFICERS AND EMPLOYEES IN THE CITY SERVICE" to provide for certain changes in classifications and salary ranges, as set forth in the resolution, for personnel of the McHenry Public Library, said changes to be effective as of May 1, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager requested the Librarian to present a report on the progress made on the proposal for consolidating operation of the Library.

4 SALE OF CITY PROPERTY IN BLOCK 588, LOTS 9-12 inc.

The City Clerk reported that five written bids had been received for the purchase of real property owned by the city, Block 588, lots 9-12 inc. These bids were opened, examined and declared by the Council as follows:

<u>BIDDER</u>	<u>AMOUNT</u>	<u>BID ACCOMPANIED BY</u>
H. L. Abel	\$3500.	no bidding check included
Claude D. Bennett	3200.	cashier's check for \$320
Joe Mineni, Jr.	3000.	cashier's check for \$300
George S. Feher, M.D.	3500	cashier's check for \$1000
Ivan A. Hull	6250	cashier's check for \$702.50

As provided by Resolution No. 10,132-N.S., calling for the sale of the above described property, the Mayor called for oral bids.

The highest bid received was from George S. Feher, M.D. for \$9,250.00. It was moved by Councilman Mellis, seconded by Councilman R. Adams, and unanimously carried, that the bid of Dr. Feher be accepted and that the City Attorney be directed to draft an ordinance providing for the sale of the property.

It was moved by Councilman M. Adams, seconded by Councilman Arata, and unanimously carried, that the bidding checks of the unsuccessful bidders be returned by the City Clerk.

9 REQUEST FOR REMOVAL OF TREE-322 JAMES ST. MRS. E. R. KINCAID

The request of Mrs. E. R. Kincaid for removal of a tree at 322 James Street was referred to Councilman Merrill for investigation and recommendation.

10 LETTER FROM MAYOR OF TURLOCK RE: PRACTICE OF HAVING INVOCATION AT COUNCIL MEETINGS

A letter from Mayor E. S. Christoffersen of the City of Turlock suggesting that the City of Modesto adopt the policy of having invocation at its Council meetings, was read. Since this is already the practice of the Council of the City of Modesto, the City Clerk was directed to acknowledge receipt of the letter.

11 LETTER FROM NATHAN LONG: COMMEND COUNCIL

A letter from Nathan Long, complimenting the Council on "the best city government in the State of California", was read and ordered filed.

12 LETTER FROM CALIFORNIA RELAYS

An invitation from the California Relays for the members of the Council to ride in the 1953 "Parade of Songs" which will be held on May 16 was read. The City Clerk was directed to accept the invitation on behalf of the Council.

13 LETTER FROM CHESTER D. NATTINGER-RE: AUDIT OF RECORDS OF CITY FOR 1953

A letter from Chester D. Nattinger offering to audit the records of the City of Modesto for the year ending June 30, 1953 for a sum not to exceed \$750, was referred to the Director of Finance to investigate and report to the Council.

14 AGREEMENT WITH COUNTY FOR ERECTION OF WATCH TOWER IN ROOSEVELT CENTER PARK

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 10,170-N.S.

which was seconded by Councilman Merrill, approving agreement with the County for the erection of a watch tower in Roosevelt Center Park for the use of the Ground Observer Corps now functioning under the direction of the United States Air Forces, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 AUTHORIZE PAYMENT TO ELECTION OFFICIALS-RENTAL OF POLLING PLACES

Upon the recommendation of the City Manager, Councilman Merrill introduced

RESOLUTION NO. 10,171-N.S.

which was seconded by Councilman Annan, approving payment of \$8.00 to each election official and \$5.00 for the rental of polling places, for the general municipal election held on April 14, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

16 RES. OF INTENTION HOLD ELECTION IN NORTH CENTRAL ADDITION

The City Clerk having filed a certificate that the petitions filed for the annexation of the North Central Addition met the requirements of the State Annexation Act of 1913, Councilman R. Adams introduced

RESOLUTION NO. 10,168-N. S.

which was seconded by Councilman Arata, authorizing the calling of a special election to be held on the 16th day of June, 1953 and setting the date of May 20, 1953 at the hour of 4:35 P.M. in the Council Chambers of the City Hall as the time and place for the hearing of protests on the proposed annexation, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

17 PROPOSED AMENDMENT TO ASSEMBLY BILL #1 (ALLEN BILL)

The City Manager reported that a proposed amendment to Assembly Bill #1 (Allen Bill) had been worked out in cooperation with other cities, which would provide that if the resolution required by Sections 35117 or 35306 of the Government Code relating to the annexation of territory, contained a statement that the annexed territory shall become a part of the school district of the city, it would become a part of the city school district if the territory were annexed, and that if no such statement is included in such resolution then no change would be made in the school district boundaries by the annexation. He stated that he had been advised that this proposed amendment had been approved both by the City of San Jose and the City of Sunnyvale, as well as the County Superintendent of Schools. He suggested that the Mayor be authorized to contact Senator Donnelly and request that he present the amendment to the Senate and to support it on behalf of this general area. Councilman Annan introduced

RESOLUTION NO. 10,172-N.S.

which was seconded by Councilman Arata, authorizing the Mayor to contact Senator Hugh P. Donnelly and request him to present this proposed amendment to Assembly Bill #1 on the floor of the Senate and to support the amendment on behalf of this area, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

18 ACCEPT DEED OF EASEMENT FROM JOHN VELTHOEN AND NEIL M. CECIL, ET UX

The City Attorney presented deeds of easement from John Velthoen and Neil M. Cecil for the consideration of the Council. He stated that these deeds were for construction and maintenance of sanitary sewer lines across their properties located in Improvement District #1.

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Councilman M. Adams introduced

RESOLUTION NO. 10,173-N.S.

which was seconded by Councilman Arata, accepting the said deeds of easement and directing the City Clerk to record same with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

19 GRANT CONSENT TO COMMENCEMENT OF PROCEEDINGS TO ANNEX FREMONT ADDITION

The City Manager reported that a meeting had been held with George Bumgardner, owner of the Bumgardner Water Company, serving the Fremont Addition which is being considered for annexation. He stated that Mr. Bumgardner did not wish to sell only that portion of the water system which is serving the Fremont Addition but that he had agreed informally to make reasonable improvements required to provide satisfactory fire protection facilities. He believed an agreement could be worked out with Mr. Bumgardner so that the "fire flow" could be increased, the City Manager stated, and that the Board of Fire Underwriters would be consulted in this regard.

The City Manager suggested that annexation proceedings on the Fremont Addition be approved with the reservation that city services would be furnished "as we are able to provide them." He also suggested that this annexation be the last one approved without a thorough cost analysis being made and without an understanding that city services would be granted within a "reasonable time."

Councilman M. Adams introduced

RESOLUTION NO. 10,174-N.S.

which was seconded by Councilman Annan, granting consent to the commencement of proceedings to annex the Fremont Addition and consenting to the publication by the proponents for annexation of Notice of Intention to circulate petition, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

4-22-53

Noes: Councilmen: None

Absent: Councilmen: None

REPORT ON LOCATION OF NORTH TRUNK SEWER

The City Manager reported that due to the problem of securing easement acquisitions that the location of the north trunk sewer line had been changed. The new route would be to continue north from Kearney Avenue to Orangeburg, on Orangeburg east to Tully; on Tully north to Granger and continuing on north to Briggsmore.

REPORT ON INSTALLATION OF SPRINKLING SYSTEM IN PORTION OF J. M. PIKE PARK

The City Manager reported that sufficient funds had been saved in the budget of the Parks Division from certain authorized purchases which could be used, with the approval of the Council, for the installation of a sprinkling system in a portion of the J. M. Pike Park, so that it could be seeded to lawn this spring. He stated that the cost for this system would be approximately \$1250.00. The Council indicated their approval of this transfer of \$1250 from the Parks Capital Outlay budget to be used for this expenditure.

ORDINANCE PROVIDING FOR ADMINISTRATION OF WATER DEPARTMENT

The City Attorney presented, for the consideration of the Council, an ordinance providing for the administration of the water department. He stated that the discount to be allowed for payment of flat rate water bills one year in advance, had not been cleared by the Council. It was agreed by the Council that the discount should remain at 5% and Councilman R. Adams introduced

ORDINANCE NO. 1069-N.S.

entitled: AN ORDINANCE PROVIDING FOR THE ADMINISTRATION OF THE WATER DEPARTMENT OF THE CITY OF MODESTO, ESTABLISHING RULES AND REGULATIONS AND FIXING RATES TO BE CHARGES FOR THE WATER SERVICE" and moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

4-22-53

Noes: Councilmen: None

Absent: Councilmen: None

23 ORDINANCE RELATING TO THE OPERATION OF THE SEWERAGE SYSTEM IN THE CITY

The City Attorney presented an ordinance for the consideration of the Council relative to the operation of the sewerage system and after discussion, Councilman Merrill introduced

ORDINANCE NO. 1070-N.S.

entitled: "AN ORDINANCE PROVIDING FUNDS FOR THE OPERATION, MAINTENANCE ENLARGEMENT AND EXTENSION OF THE SEWERAGE SYSTEM OF THE CITY OF MODESTO, AND FIXING FEES AND ESTABLISHING REGULATIONS GOVERNING THE FURNISHING OF SEWAGE DISPOSAL FACILITIES AND SERVICES, FIXING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE AND REPEALING CERTAIN ORDINANCES IN CONFLICT HEREWITH", and moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

24 ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR USE DURING THE 1952-53 FISCAL YEAR

The City Attorney presented, for the consideration of the Council, an ordinance appropriating \$6,400.00 additional revenue to be used for capital outlay purposes in the Airport Division. Councilman Mellis introduced

ORDINANCE NO. 1071-N.S.

entitled: "AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR USE DURING THE 1952-53 FISCAL YEAR", and moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

4-22-53

Absent: Councilmen: None

25 AUTHORIZE FILING SUIT FOR COLLECTION OF UNPAID PERSONAL PROPERTY TAXES AND SEWER FEES AGAINST CAN RITE FOOD PRODUCTS

The City Attorney reported unpaid personal property taxes of \$256.70 and industrial sewage service charges of approximately \$840.00 by the Can Rite Food Products Company and recommended that the city file suit for collection. Councilman Mellis moved, seconded by Councilman Arata and it was unanimously carried, that suit be brought for collection of unpaid taxes and sewage service charges against the Can Rite Food Products.

26 SET DATE FOR SUBMISSION OF 1953-54 BUDGET

Upon recommendation of the City Manager, it was moved by Councilman M. Adams, seconded by Councilman Merrill and unanimously carried that the date for the submission of the 1953-54 budget for the City of Modesto, should be set for June 17, 1953.

27 PAINTING OF WATER TANK AT WATER STATION NO. 1-17th & G STREETS

The City Manager reported that quotations had been received for the painting of water tank at Water Station No. 1, 17th & G Streets, and since the bid received would be over \$1500 it would be necessary for the Council to approve the contract with the bidder.

Director of Public Works Ray's recommendation was that the contract be awarded to Speaks Water Tank Repair Company because of their experience with the material specified.

It was moved by Councilman Merrill, seconded by Councilman Arata, and unanimously carried, that the City Attorney be directed to prepare a contract for these services and present it to the Council for its formal approval.

28 MAINTENANCE OF STATE HIGHWAY ROUTES

The City Manager reported that the city had requested the Division of Highways to provide funds for the resurfacing of D Street from Ninth to Fourteenth Street; Grand Street from D to the Board Brock Bridge; L Street from Seventh to Eighth Street, and Maze Boulevard from Franklin to Washington Street.

Previously the Department of Public Works had called for informal bids for such resurfacing of state highway routes, the City Manager stated, and he hoped to proceed on the same basis. It was moved

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by Councilman M. Adams, seconded by Councilman Merrill, and unanimously carried, that the City Manager be authorized to follow this procedure for such resurfacing.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.


REX E. GAILFUS, CITY CLERK

4-22-53

May 6, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

Absent: Mayor Marks

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

Invocation was given by Rev. F. T. Zellmer.

YOUTH IN GOVERNMENT DAY

Mayor Pro Tempore Merrill welcomed the members of the Modesto High School and Downey High School Key Clubs, who served as student officials in all the major positions in the city government for the day.

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the Council meetings of April 15, 21 and 22, 1953, and the same being available for public inspection, and there being no objections, they were approved.

CREATE NEW CLASSIFICATION OF POSITION-SANITARIAN II

City Manager Miller reported that it was the recommendation of the Personnel Board and Health Officer Landquist that a new position to be known as Sanitarian II be created and that a salary range of \$325-395 be established.

Mr. Landquist stated that this new classification had been proposed since it was difficult to secure a qualified state licensed sanitarian to do the required milk inspection work at the salary range established at the present time. Councilman Annan introduced

RESOLUTION NO. 10,176-N.S.

which was seconded by Councilman Arata, amending Resolution No. 9906-N.S. entitled: "A RESOLUTION ESTABLISHING SALARY SCHEDULES, CLASSES OF POSITIONS AND FIXING THE COMPENSATION OF OFFICERS AND EMPLOYEES IN THE CITY SERVICE" to create the new classification of position of Sanitarian II, in Range No. 15, \$325-395, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

3 APPROVAL OF #2 FIRE RATING FOR CITY OF MODESTO

A letter from the Pacific Fire Rating Bureau stating that the Class 2 rate had been approved for the City of Modesto, was read. The new insurance rate is applicable on dwelling policies effective on and subsequent to February 15, 1953, although the rate is effective as of April 15, 1953. The rate on mercantile and industrial properties will remain the same until the buildings can be inspected by the Bureau. The letter pointed out that Modesto was the first inland town to be graded as Class 2.

Councilman R. Adams moved, seconded by Councilman Annan and it was unanimously carried that the City Manager be instructed to prepare an informative bulletin to be sent out to all the citizens in the city advising them of the new Class 2 rate and how to obtain the benefit of the new rate on their dwelling insurance policies.

The City Manager stated that this new rate was obtained as a result of the cooperation of a great many city officials, present and former, and local insurance agents and that Fire Chief Jack Wemyss "was on top of the list." He stated that a great deal of work had also been done by Director of Public Works Ray and the department personnel, as well as Tom Hermida, Building Inspector, Durwood Taylor, Assistant Fire Chief, who had been appointed Chief of the Bureau of Fire Prevention, Charles Viss, City Electrician, City Attorney Allen Grimes, the Police Department and many others, to make this class 2 rate possible. The City Manager stated that he would like to recommend that a pay increase be approved for Chief Wemyss. He stated that the Personnel Board had also approved this recommendation. Councilman Mellis introduced

RESOLUTION NO. 10,177-N.S.

which was seconded by Councilman R. Adams, amending Resolution No. 9906-N.S. entitled: "A RESOLUTION ESTABLISHING SALARY SCHEDULES, CLASSES OF POSITIONS AND FIXING THE COMPENSATION OF OFFICERS AND EMPLOYEES IN THE CITY SERVICE" with respect to the position of Fire Chief to provide that the salary range for the position be Range No. 23, with a range of \$481-584 and that effective May 1, 1953 that Fire Chief Wemyss be paid \$584 per month,

5-6-53

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro
Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

Fire Chief Wemyss expressed appreciation for the cooperation of the people who had made it possible for the City to receive the Class 2 rate and stated "it has been a great honor for me to receive this award on behalf of the people."

Councilman Mellis moved, seconded by Councilman M. Adams and it was unanimously carried that City Manager Miller be given a vote of thanks on behalf of the Council for a "job well done" on the regrading of the city to Class #2 rate.

Councilman Arata moved, seconded by Councilman R. Adams and it was unanimously carried that all other city employees who had worked on the program of obtaining the new rate be commended by the Council.

It was moved by Councilman R. Adams, seconded by Councilman Annan and unanimously carried that the Mayor be authorized, on behalf of the Council and the citizens of the city, to write a letter of thanks to the Board of Fire Underwriters of the Pacific who had been working with the city for the new rate.

REQUEST FOR SEWER AND WATER SERVICES ON PORTION OF FRESNO TRACT

Robert Ford, local real estate operator and S. Pearson, representing the Conow Builders Inc. of Napa, appeared before the Council and requested that sewer and water service be granted to a portion of the Fresno Tract, consisting of approximately 14 acres, located adjacent to the Cloverfield-College Village Addition, which is being annexed to the city. Mr. Pearson stated that his company would be willing to post a surety bond with the city that they would start construction on approximately 125 houses as soon as escrow proceedings are completed. He also stated that his company would agree to annex the tract of land to the city as soon as it could be legally considered.

The City Manager stated that this request raised a question of whether the Council wished to establish a policy of furnish-

ing sewer and water services to developing areas not presently adjacent to the city where the facilities are or can be made available on an economical basis by the city and where the owners agree to annex to the city whenever it is legally possible to do so. He stated that he believed that the city should charge a higher rate for services to such areas. Councilman Mellis moved, seconded by Councilman Annan, and it was unanimously carried that the request for sewer and water service and the request for annexation of this tract of land, when legally possible to do so, be referred to the Planning Commission for study and report.

Charles V. Jeffers, real estate operator stated that he was interested in securing water and sewer service for a seven acre tract of land which was adjacent to the Conow Builders Inc., 14 acre tract of land and that he was interested in having this tract of land annexed to the city also.

It was agreed by the Council that this 7 acre tract should be considered by the Planning Commission at the same time.

5 RESOLUTION CLOSING AND ABANDONING PORTION OF STANFORD AVENUE

The hearing on the proposed closing of a portion of Stanford Avenue, was declared open by Mayor Pro Tempore Merrill. No written or verbal protests were filed. It was determined that all requirements of the Street Vacation Act of 1941, as to posting and advertising, had been complied with. The City Attorney reported that agreements for the installation of curb and gutter had been executed with Robert C. Parsons and Lloyd G. Overholtzer and that Mr. Overholtzer had agreed to pay the costs and expenses incurred by the city in connection with the closing of the street. The hearing was declared closed and Councilman Annan introduced

RESOLUTION NO. 824-S.P.

which was seconded by Councilman M. Adams, closing and abandoning that portion of Stanford Avenue, as set forth in the notice, authorizing the execution of deeds to adjacent property owners and directing the City Clerk to record a certified copy of this resolution with the County Recorder, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor pro
Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

6 HEARING ON ANNEXATION OF FAIRMONT ADDITION

Mayor Pro Tempore Merrill declared the hearing open on the proposed annexation of the Fairmont Addition. The City Clerk reported that no written protests had been filed. There were no oral protests filed. It was moved by Councilman M. Adams, seconded by Councilman Arata and unanimously carried that the hearing be closed.

The City Attorney stated that a resolution calling the special election, naming the polling place and appointing election officials would be prepared for the consideration of the Council for the next meeting.

7 ORDINANCE ANNEXING CLOVERFIELD-COLLEGE VILLAGE ADDITION

Councilman Annan introduced

ORDINANCE NO. 1072-N.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE CLOVERFIELD-COLLEGE VILLAGE ADDITION TO THE CITY OF MODESTO" and moved its adoption and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

8 DISCUSS POLICY ON FURNISHING SEWER AND WATER SERVICE TO LAND NOT CONTIGUOUS TO CITY

The City Manager stated that Richard Weber, who had previously requested water and sewer service for a tract of land not contiguous to the city, located east of the College Village and Cloverfield Addition, which is being annexed to the city, was present at the meeting so that the policy of the Council on the granting of sewer and water service to land which is not contiguous to the city, could be clarified.

The Council could consider furnishing these services,
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the City Manager stated, upon the condition that the property owners agree to annex to the city as soon as possible, that the charge for these services might well be from 150% to 200% of the present charges to those within the city. He suggested that when a territory is annexed and there is an existing water system that this system be brought up to city standard and that if the water company is not willing to do this that the system be purchased by the city. Another point to be considered is that the city should not agree to furnish sewer service to new areas without water service. He suggested that if the Council agreed to this general statement of policy that some indication be made so that Mr. Weber could proceed with the development of his property.

The City Attorney suggested that it might not be wise to establish a precise policy at this time but that the Council could indicate its willingness to consider each application individually under an over-all master plan for the development of the community.

It was agreed by the Council that the installation of additional septic tanks around the city was undesirable but that the Council should not place itself in a position so that the city would be obligated to take in all areas but that each application should be considered separately and that the people in these area should know that they will be required to pay their share of the installation and operation and a higher rate for the services until they are annexed.

It was moved by Councilman Annan, seconded by Councilman M. Adams that the City Manager be authorized to work out a program for the furnishing of city facilities to Mr. Weber and present it to the Council for its consideration.

9 YOUTH IN GOVERNMENT DAY OFFICIALS TAKE OVER COUNCIL MEETING

At this time Mayor Pro Tempore Merrill declared a recess in the regular Council meeting and the Youth in Government day officials from the Modesto High and Downey High Key Clubs took over the meeting. Darrel Evers of the Modesto High Key Club officiating as Mayor.

Ronald Murphy, Assistant to the City Manager, of the Modesto High Key Club, filed a report on the status of the work com-

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pleted on the Youth Center in the Westside Park, since Jan. 1953, when work was resumed, as well as the work now under way. Funds available for the project and the expenditures to date was also included in this report.

Ed Peterson, City Manager, of the Downey High Key Club gave a report on the proposed restoration of the old Dennett Dam and re-establishment of Lake Modesto.

A general discussion was held by the Youth Council and officials on the benefits to be derived from this restoration, both as to recreation facilities and to the improvement of the DO content of Tuolumne River.

A resolution was adopted recommending the restoration of the dam and re-establishment of Lake Modesto and that the cost be shared, to the extent possible, by the County, City and Modesto Irrigation District.

A copy of the minutes of this special student meeting and a list of the student officials, as well as reports by student department heads, are on file in the City Clerk's office.

10 RECONVENING OF COUNCIL

Mayor Pro Tem Merrill called the Council to order again and the regular meeting of the Council proceeded.

11 SUPPLEMENTAL AGREEMENT WITH HARRY JENKS

The City Manager outlined the provisions of a proposed supplemental agreement with Harry Jenks, consulting engineer, for engineering services for the extension to the deck aerator at the city's sewage plant and for the sewage pumping station located at the intersection of Emerald Ave. and M.I.D. Lateral No. 4. Councilman Annan introduced

RESOLUTION NO. 10,178-N.S.

which was seconded by Councilman M. Adams, approving the agreement as presented, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

Councilman M. Adams introduced

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RESOLUTION NO. 10,179-N.S.

which was seconded by Councilman Annan, that the plans and specifications for the construction of deck aerator extension for the sewage and industrial wastes treatment works be approved and that the City Clerk be authorized to call for bids to be opened on May 25, 1953 at 2:00 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

BIDS ON SUBMERSIBLE DEEP WELL TURBINE PUMP

The City Manager reported that informal bids had been received on a submersible deep well turbine pump for Station No. 4, from Stanislaus Implement & Hardware Company on Fairbanks Morse equipment for \$5,546.02 and from Byron-Jackson Company for \$5,553.04 on a Byron-Jackson pump assembly. He stated that the Director of Public Works had recommended that the bid of the local firm, Stanislaus Implement & Hardware Company be accepted. It was brought out in the discussion that the motor in the Fairbanks Morse equipment was Canadian made. The City Attorney stated that Section 4303 of the State of California Government Code provided that contracts should be let to persons who agree to use or supply only such unmanufactured materials as have been produced in the United States.

The Director of Public Works stated that in view of this information that he would withdraw his recommendation to the awarding of the bid to the Stanislaus Implement & Hardware Company. It was moved by Councilman R. Adams, seconded by Councilman Arata, and unanimously carried that the City Attorney be instructed to make a further study to determine if this provision in the State Government Code would apply to the City of Modesto.

LETTER FROM U. S. NAVY RECRUITING STATION

A letter from R. M. Brownlie, Commander, U.S. Navy, expressing appreciation to the Council for providing quarters for the Navy Recruiting substation in the main fire station, was read and ordered filed.

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14 LETTER FROM ESTO B. BROUGHTON RE: REZONING OF DOWNEY AVENUE

A letter from Esto B. Broughton, objecting to the proposed rezoning of Downey Avenue, was read. It was moved by Councilman M. Adams, seconded by Councilman Arata and unanimously carried that the letter be referred to the Planning Commission for its consideration and that the City Clerk acknowledge receipt of the letter and its disposition.

15 LETTER FROM RICHARD BELT RE: DOG BITE

A letter from Richard Belt, 120 Elmwood Avenue, stating his son had been bitten by one of two dogs owned by Mrs. Wilma Johnson, residing at 124½ Elmwood Avenue, was read.

Upon the recommendation of the City Attorney, Councilman Mellis introduced

RESOLUTION NO. 10,180-N.S.

which was seconded by Councilman Annan, setting the date of May 13, 1953 at 8:00 P.M. at the City Hall, as the time and place for a hearing on this complaint, as provided by Ordinance No. 512-N.S. and directing the City Clerk to notify the Poundmaster to make an investigation and to file a report on his findings and to notify Mrs. Johnson and Mr. Belt of the time and place of the hearing, which resolution was regularly adopted by the following vote:

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

16 LETTER FROM MRS. G. A. STIMMANN RE: PAY TO ELECTION OFFICIALS

A letter from Mrs. G. A. Stimmann, 827 6th Street, calling attention to the payment of only \$8.00 by the city for election officials at the general municipal election held on April 14, was read. It was agreed by the Council that the City Clerk should acknowledge receipt of the letter and notify her that consideration of her position would be given in future elections.

17 LETTER FROM MODESTO CHURCH FEDERATION RE: USE MANCINI BOWL FOR SUMMER SUNDAY EVENING SERVICES

A letter from the Modesto Church Federation to the Recreation Dept., requesting permission to use Mancini Bowl for union

Sunday evening services, was considered by the Council. Councilman Annan introduced

RESOLUTION NO. 10,181-N.S.

which was seconded by Councilman M. Adams, granting permit to the Modesto Church Federation to use Mancini Bowl from July 12 to Sept. 6 inc. from 7:30 to 9:30 P.M., with the provision that the City of Modesto will be held harmless from any damages for injuries to property or persons resulting from the use of said premises for union Sunday evening services, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor
Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

18 LETTER FROM H. WEINFLASH RELATIVE TO REMOVAL OF TREE AT 1320 10th STREET

A communication from H. Weinflash to John H. Temple regarding removal of a tree at 1320 10th Street, was read. It was the decision of the Council that the City Clerk should advise Mr. Temple to file a request for the removal of the tree before consideration be given.

19 BIDS ON CURB AND GUTTER CONSTRUCTION AT WESTSIDE PARK

The City Manager reported that bids for the construction of curb and gutter at the Westside Park had been opened on April 27 and that the Director of Public Works had recommended that the low bid submitted by Bruce Ferrel of \$2,668.51 be accepted. Councilman Mellis introduced

RESOLUTION NO. 10,175-N.S.

which was seconded by Councilman R. Adams, accepting the bid of Bruce Ferrel and authorizing the execution of agreement for the completion of the work as set forth in the plans and specifications, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

20 CALL FOR BIDS FOR PAVING MATERIAL

The Director of Public Works stated that the requirements of the city for furnishing and delivering, or for furnishing, delivering and placing paving materials was the same as last year but that the pro-

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posed call for bids would cover the period June 1, 1953 to June 30, 1954, since the prior call for bids covered the calendar year. Councilman R. Adams introduced

RESOLUTION NO. 10,182-N.S.

which was seconded by Councilman Mellis, authoring the calling for bids to be opened on Tuesday, May 19, 1953 at 2:00 P.M., at the office of the City Clerk, which resolution was adopted by the following vote:

Ayes; Councilman: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill
Noes: Councilmen: None

Absent: Mayor Marks

21 AWARD BID ON PAVING MATERIALS FOR RESURFACING OF HIGHWAY ROUTES

The City Manager reported that M. J. Ruddy & Son had submitted the only bid for the furnishing of paving materials and certain items of equipment for the resurfacing of sections of State Highway Routes within the city. Councilman Arata introduced

RESOLUTION NO. 10,183-N.S.

which was seconded by Councilman M. Adams, approving the specifications for the resurfacing of State Highway Routes within the city and accepting the informal bid of M. J. Ruddy & Son for plant mix and for the rental of equipment on the basis submitted, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill
Noes: Councilmen: None

Absent: Mayor Marks

22 CALL FOR BIDS ON SANITARY SEWER TRUNK LINE ON EMERALD & WOODLAND AVENUE

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,184-N.S.

which was seconded by Councilman Annan, approving the plans and specifications for the construction of sanitary sewer trunk line on Emerald and Woodland Avenues, Unit No. 4, and authorizing the calling for bids to be opened at 2:00 P.M. on Monday, June 1, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

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Noes: Councilmen: None

Absent: Mayor Marks

23 PROPOSED BUDGET FOR MAJOR STREETS

The City Manager stated that it would be necessary to submit to the State Department of Public Works, Division of Highways, by May 15th, proposed 1953-54 budget for expenditure of gas tax allocation for major city streets, which included the general maintenance of major city streets, improvement of Tully Road, between Princeton and Cecil Way, Improvement of Washington Street from 8th to Maze, purchase of right of ways for the extension of Sunrise Avenue. The Council indicated approval of the submission of the proposed projects to the Division of Highways.

24 APPROVAL CONTRACT WITH V. J. SPEAKS FOR PAINTING WATER TANK 17-G STREETS

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,185-N.S.

which was seconded by Councilman Mellis, approving the agreement with V.J. Speaks for the painting of the water tank at 17th & G Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

25 FINAL ADOPTION ORD. NO. 1069-N.S.-ADMINISTRATION WATER DEPARTMENT

Ordinance No. 1069-N.S. entitled: "AN ORDINANCE PROVIDING FOR THE ADMINISTRATION OF THE WATER DEPARTMENT OF THE CITY OF MODESTO ESTABLISHING RULES AND REGULATIONS AND FIXING RATES TO BE CHARGED FOR THE WATER SERVICE", having been heretofore introduced and ordered published at the regular meeting of April 22, 1953, Councilman Arata moved, seconded by Councilman M. Adams, that the ordinance be finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

26 FINAL ADOPTION ORD. NO. 1070-N.S. SEWER SERVICE CHARGES

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Ordinance No. 1070-N.S. entitled: "AN ORDINANCE PROVIDING FOR THE OPERATION, MAINTENANCE, ENLARGEMENT AND EXTENSION OF THE SEWERAGE SYSTEM OF THE CITY OF MODESTO, AND FIXING FEES AND ESTABLISHING REGULATIONS GOVERNING THE FURNISHING OF SEWAGE DISPOSAL FACILITIES AND SERVICES, FIXING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE, AND REPEALING CERTAIN ORDINANCES IN CONFLICT HEREWITH", having been heretofore introduced and ordered published at the regular meeting of April 22, 1953, Councilman Arata moved, seconded by Councilman Annan, that the ordinance be finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill
Noes: Councilmen: None

Absent: Mayor Marks

27 ORDINANCE AUTHORIZE SALE OF BLOCK 588, LOTS 9-12 INC.

Councilman Mellis introduced

ORDINANCE NO. 1073-N. S.

entitled: "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO" and moved its adoption and passage to print, which motion being duly seconded by Councilman M. Adams, was carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill
Noes: Councilmen: None

Absent: Mayor Marks

28 RESOLUTION APPROVING AGREEMENT WITH COUNTY FIXING COMPENSATION FOR PERFORMANCE OF PROPERTY TAX FUNCTIONS

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 10,186-N.S.

which was seconded by Councilman Arata, approving the agreement with Stanislaus County fixing compensation for performance of property tax functions and authorizing the execution by the authorized city officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen; M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor
Pro Tempore Merrill
Noes: Councilmen: None

Absent: Mayor Marks

5-6-53

29 ORD. AUTHORIZING PURCHASE OF DEMARTINI PROPERTY FOR SEWAGE PUMPING PLANT SITE

Councilman R. Adams introduced

ORDINANCE NO. 1074-N.S.

entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY FOR USE BY THE CITY OF MODESTO" and moved its adoption and passage to print which motion being duly seconded by Councilman M. Adams, was carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill
Noes: Councilmen: None

Absent: Mayor Marks

30 RESOLUTION APPROVING LEASE WITH W. G. DUNLOP AT AIRPORT

Councilman M. Adams introduced

RESOLUTION NO. 10,187-N.S.

which was seconded by Councilman Arata, approving lease with W. G. Dunlop for rental of hangar at the Municipal Airport for a term of one year from May 1, 1953 at a monthly rental fee of \$100, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill
Noes: Councilmen: None

Absent: Mayor Marks

31 AGREEMENT QUARESMA & CARLSON FOR STREET LIGHT MATERIALS

The City Attorney outlined the provisions of a proposed agreement between the City and John Quaresma and Roy Carlson for the payment of \$5,051.58 by the subdividers to the city to be used by the city for the purchase of street light materials to be installed by the city in the College Center Tract. Councilman Mellis introduced

RESOLUTION NO. 10,188-N.S.

which was seconded by Councilman R. Adams, approving the agreement as presented and authorizing the execution by the authorized city officials which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill
Noes: Councilmen: None

Absent: Mayor Marks

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32 REPORT ON MEETING REGARDING RESTORATION OF TUOLUMNE RIVER DAM

Councilman Mellis reported that he had recently attended a luncheon meeting with representatives of the City, County Recreation Commission and Tuolumne River Park Association. At this meeting representatives of the Park Association indicated their willingness to assist with expediting the program to reconstruct the Tuolumne River Dam and redevelopment of the resulting lake area.

33 OPENING OF SWIMMING POOL AT MODESTO HIGH SCHOOL

The City Manager reported that requests have been filed with the Recreation Department to start the operation of the swimming pool at the Modesto High School, from 1:00 P.M. to 4:00 P.M. on Saturdays and Sundays, beginning May 16, until the schools closed. It was moved by Councilman Arata, seconded by Councilman Annan, and unanimously carried that the City Manager be authorized to make the necessary arrangements with the school authorities to operate the pool at the Modesto High School starting May 16.

34 REQUEST FOR REMOVAL OF TREE--KINCAID, 322 JAMES STREET

The request of Mrs. E. R. Kincaid to remove a tree at 322 James St., was referred to the City Manager.

35 REPORT ON BOND RATING AND BOND SALE

The City Manager reported notification had been received from R. H. Moulton & Company, bond counsel, that Moody's Investors Service had rated the recent sewer bond authorization from A to AA. He pointed out that this rating would mean a saving to the city on interest rate.

Director of Finance Lawrence reported that large adds had appeared in the Daily Bond Buyer and the Weekly Bond Buyer.

36 REPORT BY CITY ATTORNEY ON COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE POLICY

The City Attorney gave a brief report on the cost of the comprehensive public liability and property damage insurance policy which had been in force for three years and which was expiring in June. He outlined the method used in securing the policy and the handling of the claims. He suggested that when a renewal of this coverage is obtained in June that not only the members of the Modesto Insurance Agents'

Association be permitted to bid but all other insurance agents be granted an opportunity to submit a proposal to the city. He also recommended that a change be made in the manner of handling the claims under the new policy and that it be understood that the city would have a right to approve the manner in which the policy is to be serviced and the right to approving the adjusting of the claims. He also suggested that at some appropriate future time some thought be given by the city to secure a deductible form of policy under which the city would handle all claims under a certain amount.

Councilman Mellis moved, seconded by Councilman Arata that the Director of Finance make it known to the Insurance Agents' Association and to other insurance agents that the city is interested in obtaining proposals with respect to comprehensive public liability and property damage insurance.

37 REPORT ON QUESTIONNAIRE SENT OUT TO OTHER CITIES ON APPRENTICESHIP REQUIREMENTS IN BUILDING TRADES

The City Manager reported on the results of a questionnaire which had been sent to northern California Cities on apprenticeship requirements in building trades as requested by the Council at the time of consideration of the proposed 1952 Plumbing Code, a copy of which is on file in the office of the City Clerk. Councilman R. Adams moved, seconded by Councilman M. Adams, and it was unanimously carried, that May 27, at 8:00 P.M. be set as the time for the further consideration of the adoption of the 1952 Plumbing Code and that the City Clerk be directed to send out notices of this time to all interested parties.

38 REPORT ON SIDEWALK MAINTENANCE

The City Manager reviewed the policy which had been in practice for the maintenance of sidewalks in the city and he suggested that the Council consider the consolidation of present ordinances into a new ordinance which would provide that

- 1-The city pay the cost of repairing a sidewalk when the damage is caused by trees on city property or other city facilities or operations.
- 2-The property owner continue to be responsible for the repair of drive-ways crossing sidewalks or for damages to side walks by vehicular traffic.
- 3-The city and property owner should share on a 50-50 basis the cost of sidewalk repairs in other cases
- 4-The City Manager be authorized to make special arrangements to meet special circumstances

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The City Manager and City Attorney were authorized to prepare an ordinance for the consideration of the Council.

39 EXTEND TIME GRANTING PART TIME SERVICE OF DIRECTOR OF PLANNING TO PARKING AUTHORITY

Upon the recommendation of the City Manager, Councilman Arata moved, seconded by Councilman M. Adams, and it was unanimously carried, that the time be extended 60 days from May 1, that Director of Planning Bill's services can be used by the Parking Authority and that the City Manager advise the Authority that his services are essential to the city as planner.

40 COMMENDATION OF FIRE CHIEF WEMYSS

The City Manager stated that May 5 was the fourth year anniversary date of the appointment of Jack Wemyss as Fire Chief and he commended him for the fine loyal work he had done.

41 REPORT BY CITY ATTORNEY ON PACIFIC TELEPHONE & TELEGRAPH COMPANY HEARINGS FOR INCREASE OF RATE

The City Attorney reported that Bruce McKnight, accountant, who had been hired to represent the City at the hearings for rate increase of the Pacific Telephone & Telegraph Company, had advised him that he would file an entire report shortly with the city as to what has transpired at the various hearings.

42 INVITATION TO ATTEND MEMORIAL SERVICES FOR FORMER SUPERINTENDENT OF PARKS J. E. DON CARLOS

The Director of Public Works issued an invitation to the Council to attend memorial services at Enslin Park at 4:00 P.M. on Friday, May 8, for former Superintendent of Parks, J. E. Don Carlos.

ADJOURNMENT

There being no further business to come before the Council the meeting was duly and regularly adjourned at 10:00 P.M.

ATTEST:  REX E. GAILFUS, CITY CLERK

May 13, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P. M. as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Absent: Councilmen: None

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

Silent prayer for divine guidance was held by the Council.

APPROVE AGREEMENT FOR COLLEGE VILLAGE SUBDIVISION--DALTON P. ELLIS

The City Attorney outlined the provisions of an agreement between the city and Dalton P. Ellis on the College Village #2 subdivision.

The City Manager stated that he wished to clear certain points with the Council before the final map and agreement of this subdivision were considered, which were: 1) location of the park area and 2) acreage in park area. He reviewed the discussion by the Council a few months previously when the tract was considered for annexation, at which time it was agreed that the subdividers would furnish a park site equal to or greater than the one approved by the county. The subdividers estimated that the acreage of the park shown on the map presented to the county was approximately four acres. He stated that the acreage in the park proposed at the present time was only 2.6 acres, but the actual acreage of the park shown on the preliminary map was somewhat less.

Dick Williams, real estate operator, and Dalton P. Ellis stated that the acreage of the original park was only an estimated figure and that the present park site, the location of which had been approved by the City Planning Commission, was even larger.

After a discussion was held by the Council on the relative merits of small neighborhood parks, cost of maintenance and community need of this type of park, Councilman R. Adams introduced

RESOLUTION NO. 10,191-N. S.

which was seconded by Councilman Mellis, approving agreement as presented, which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Mellis introduced

RESOLUTION NO. 10,192-N. S.

which was seconded by Councilman Merrill approving the final map of College Village No. 2 and accepting the streets, alleys and easements as shown thereon on behalf of the public for public use; authorizing the City Clerk to certify the map after the fees of \$103 60 for checking, copies of maps, recording and parks and playgrounds have been paid and the subdivider has furnished a bond acceptable to the City Attorney in the amount of \$68,700 in connection with the improvement required; and authorizing the City Manager to execute an agreement with subdivider as required by Section 6.5 of Ordinance No. 1041-N. S. which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ACCEPT DEED FROM RAY STARN FOR EXTENSION OF CARLA AVENUE AND APPROVE DEED FROM CITY TO RAY E. STARN

The City Attorney reported that an error had been made in the description of the territory deeded to the City by Ray E. and Madge E. Starn on the extension of Carla Avenue and that it would be necessary for the city to issue a grant deed, deeding the property back to the Starns, which he presented for the approval of the Council. He also presented a new grant deed from Ray E. Starn and Madge E. Starn deeding the land with correct description to the city for this extension. Councilman R. Adams introduced

RESOLUTION NO. 10,193-N. S.

which was seconded by Councilman Annan, accepting the grant deed from Ray E. and Madge E. Starn, and authorizing the issuance of grant deed to Ray E. and Madge E. Starn, on the extension of Carla Avenue, and authorizing the recording with the County Recorder which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

4 ACCEPT DEEDS FROM WILLIAM STENSAAS AND LOUIS E. RAY EXTENSION OF AMHURST AVE.

The City Attorney presented for the consideration of the Council,
grant deeds from Louis E. Ray and Lucile E. Ray and William McK Stensaas
and Mildred E. Stensaas, relative to the extension of Amhurst Avenue.

Councilman R. Adams introduced

RESOLUTION NO. 10,194-N. S.

which was seconded by Councilman Annan, accepting the grant deeds as pre-
sented and authorizing the recording with the County Recorder, which
resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

4 APPROVE AGREEMENT FOR CAMPUS TRACT NO. 6--RAY E. STARN

The City Attorney presented an agreement between the City and
Ray E. Starn on Campus Tract No. 6 subdivision.

Roy Fredricksen, City Engineer, pointed out that a portion of the
tract, as prepared by the title company and Mr. Starn's Engineer should be
deeded to the city for the extension of Amhurst Avenue. It was agreed by
the Council that the final map could be approved with the provision that
this land be deeded to the city by Ray E. Starn. Councilman Arata intro-
duced

RESOLUTION NO. 10,195-N. S.

which was seconded by Councilman M. Adams, approving the agreement with
Ray E. Starn for the improvement of Campus Tract No. 6, as presented by
the City Attorney, which resolution was regularly adopted by the following
vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

5-13-53

Absent: Councilmen: None

Councilman Annan introduced

RESOLUTION NO. 10,196-N. S.

which was seconded by Councilman Arata, approving the final map of Campus Tract No. 6; accepting the streets, alleys, and easements as shown thereon on behalf of the public for public use; authorizing the City Clerk to certify the map after the fees of \$555 10 for checking, copies of maps, recording and parks and playgrounds have been paid and the subdivider has furnished a bond acceptable to the City Attorney in the amount of \$6300 in connection with the improvement required; authorizing the City Manager to execute an agreement with the subdivider as required by Section 6.5 of Ordinance No. 1041-N. S. and upon the further provision that subdivider Ray Starn agree to deed to the City of Modesto that certain portion of land which is to be used in the extension of Amhurst Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

5 HEARING ON COMPLAINT OF RICHARD BELT AGAINST DOGS OWNED BY MRS. WILMA JOHNSON, 124½ ELMWOOD AVENUE

Mayor Marks declared the hearing open on the complaint filed by Richard Belt, 120 Elmwood Avenue, that his son Robert Belt, aged 3 was bitten by one of two dogs owned by Mrs. Wilma Johnson, residing at 124½ Elmwood Avenue.

The City Attorney reviewed the complaint as filed by Mr. Belt and also read the report filed by Poundmaster Woodrow Lambert, who recommended that the city dog license no. 14 issued to Mrs. Clifford Johnson at 124½ Elmwood Avenue for a black spaniel named "Skippy" be cancelled as this dog was of a vicious nature and that the dog be disposed of "to guard the safety of children in this neighborhood in the future".

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Mrs. Johnson admitted that the dogs were vicious but "Skippy" had never tried to bite anyone before. She stated that the Belt boy had poked sticks at the dog to tease him and that she had told him not to do this. She stated that she had a friend who resided in Riverbank who was willing to take Skippy if the Poundmaster would release him from the pound.

Mrs. Belt questioned whether it could definitely be determined that it was "Skippy" who had done the biting since at the time of the incident Mrs. Johnson had called for the other dog "Trixie" to come into the house. Mrs. Johnson assured the Council that she was certain that it was Skippy and that the reason she had called the other dog was due to the fact if "Trixie" came into the house then "Skippy" would. She asked the Council, if she would agree to confine Trixie to a fenced in enclosure in her yard and would not allow him on the street except on a leash, whether she would be permitted to keep one dog at her home.

The hearing was declared closed at this time by Mayor Marks.

Councilman Merrill moved, seconded by Councilman Arata and it was unanimously carried that Mrs. Johnson be permitted to keep "Trixie" providing she abide by the provisions of the ordinance and keep the dog in a fenced enclosure and only taken out on a leash; pay all the cost for keeping both dogs at the pound; that license no. 14 on Skippy be revoked and that Mrs. Johnson be allowed to turn Skippy over to her friend from Riverbank at the pound on Friday, May 22.

6 BIDS ON SALE OF SEWER BONDS--SERIES A

As this was the time set forth in the notice to bidders for the opening of bids for the sale of "City of Modesto 1953 Sewer Bonds, Series A", in amount of \$1,800,000, the City Clerk reported that three bids had been received, which were opened and referred to the Director of Finance for computation and report later in the meeting. The City Manager stated that the bids submitted were from the American Trust Company, Bank of America, and the First National Bank of Chicago.

INTRODUCE VISITOR TO COUNCIL

The City Manager introduced Will Smith, member of the staff of the League of California Cities, to the Council.

AWARD INFORMAL BID ON SUBMERSIBLE DEEP WELL TURBINE PUMP

Pursuant to referring the question of whether the City of Modesto may purchase for municipal use, under its bid procedure, products or materials produced or manufactured outside of the United States, in view of Sections 4300 through 4305 of the Government Code, to the City Attorney for a ruling, he filed an opinion at this time, a copy of which is on file in the office of the City Clerk, that this portion of the state law is not applicable to the City of Modesto and that it would be possible to purchase either one of the pumps offered.

The Director of Public Works briefly outlined the method used for calling for informal bids on this equipment. He stated that at the time of calling for bids, no official time for opening had been set and that the bidders were not requested to submit a trade-in bid for the old 2 H. P. pump but that one of the bidders, Byron-Jackson Company had subsequently offered to take this pump in on the purchase for \$250 00 making their net bid \$5,303 04 as against the bid of \$5,546 02 submitted by the local firm of Stanislaus Implement & Hardware Company. It was the decision of the Council that the Stanislaus Implement & Hardware Company also be permitted to submit a trade in allowance for the 2 H. P. pump. Mr. S. E. Courtney, representative of this company who was present at the meeting stated that his company would be willing to allow a trade-in allowance of \$250, making the net bid \$5,296 02. A protest was filed by the representative of the Byron-Jackson Company, Elvin Cantoni, on the premise that his company's bid had been exposed. His protest was overruled by the Council and Councilman Merrill introduced

RESOLUTION NO. 10,197-N. S.

which was seconded by Councilman M. Adams, accepting the bid of the Stanislaus Implement & Hardware Company of \$5,296 02, as recommended by the Director of Public Works, which resolution was regularly adopted by the

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following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

4 LETTER FROM MODESTO JUNIOR CHAMBER OF COMMERCE RE: ASSISTANCE OF RADIO
STATION KTRB IN "MARCH OF DIMES DRIVE"

A letter from the Modesto Junior Chamber of Commerce, together with a copy of resolution adopted by the Junior Chamber, relative to the "support and publicity received from Radio Station KTRB in its March of Dimes drive" was read and ordered filed.

9 LETTER FROM STANISLAUS COUNTY HORSEMEN'S ASSOCIATION RE: REQUEST HOLD
STREET PARADE

A request was filed by the Stanislaus County Horsemen's Association to hold a street parade in the business area Sunday, May 24, 1953, in conjunction with the tenth annual rodeo. Councilman Annan moved, seconded by Councilman Arata, and it was unanimously carried, that permit be granted to hold the parade as requested.

10 REQUEST FOR PERMISSION TO REMOVE TREE--ELMER WINGER, 312 PATRICIA LANE

A request was filed by Elmer L. Winger to remove a small Modesto Ash tree located in the parking area at 312 Patricia Lane to permit the construction of a driveway. A report from Superintendent of Parks, Lloyd T. Lowrey, recommending that permit be granted for the removal at the expense of Mr. Winger. It was moved by Councilman Mellis, seconded by Councilman R. Adams, and unanimously carried that Mr. Winger be permitted to remove the tree at his own expense.

11 REQUEST FOR SEWER AND WATER SERVICE--CHURCH OF JESUS CHRIST OF LATTER-DAY
SAINTS

A request was filed by Wayne Hansen, Bishop of the Church of Jesus Christ of Latter-Day Saints for water and sewer service for the church under construction at Orangeburg and College Avenues.

The City Manager stated that this church was located in the Fremont Area now under consideration for annexation to the city, and was

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contiguous to the city. He pointed out that if this request was approved by the Council, 1) should the outside or inside connection fee be charge, 2) should the church be charged a monthly service charge for water and sewer, since churches are exempt within the city. He stated that this same problem should be considered for other requests for sewer and water service on property under consideration for annexation, whether the charge for connection should be at the outside or inside rate and the monthly fees be at the inside or outside rate. It was agreed by the Council that in fairness to the people in the city, that the monthly service charges for these services should be based on the outside rate but that the connection fee should be based on the inside rate providing the petitioners agree to annex whenever legally possible. Councilman Merrill moved, seconded by Councilman M. Adams, and it was unanimously carried, that sewer and water service be granted to the Church of Jesus Christ, Latter-Day Saints, with the connection fees to be based on the city rates and that a charge be made for sewer and water services on the outside city rate until such time as the property is annexed to the city and at which time no charge will be made for these services.

AWARD OF BID ON SALE OF "CITY OF MODESTO 1953 SEWER BONDS, SERIES A"

Director of Finance Lawrence reported at this time on the summary of bids received for the City of Modesto 1953 Sewer Bonds, Series A (\$1,800,000) as follows:

<u>Name of Bidder</u>	<u>Net Interest Cost to City</u>
American Trust Company and Associates	\$1,080,987 50
Bank of America and Associates	956,871 50
The First National Bank of Chicago and Associates	993,604 00

He stated that 27 houses had participated in these three bids. The interest rate would be 2.8778 on the lowest bid submitted by Bank of America.

Mr. Joe Tyler of R. H. Moulton & Co. gave a short talk on the bond market and stated that due to the fact that the City of Modesto had

been given an AA rate, it had been possible to get a better interest rate.

Councilman Annan introduced

RESOLUTION NO. 10,190-N. S.

which was seconded by Councilman Merrill, accepting the bid of the Bank of America for \$1,800,000 par value of said bonds, as set forth in resolution authorizing the Treasurer of the city to deliver bonds to said purchaser, upon payment of the purchase price, directing the City Clerk to return the bidding checks to the unsuccessful bidders and to cause to be lithographed a sufficient number of blank bonds and coupons, which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AUTHORIZE PAYMENT OF CLAIM--ORRICK, DAHLQUIST, HERRINGTON & SUTCLIFFE

Councilman Merrill introduced

RESOLUTION NO. 10,198-N. S.

which was seconded by Councilman R. Adams, approving the claim of Orrick, Dahlquist, Herrington & Sutcliffe for \$3,600 00 as provided by agreement, for the preparation of proceedings for the authorizing of \$2,450,000 principal amount of "City of Modesto 1953 Sewer Bonds" and proceedings for the issue and sale of, and to examination and report on \$1,800,000 principal amount of Series A of said bonds, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager reported that he would submit a report to the Council shortly of the proposed schedule of construction indicating the amount of funds needed immediately and amounts of money to be reinvested for specific terms. He recommended that all funds which the city does

not need immediately should be reinvested.

4 LETTER FROM WAYNE MAYHEW & CO. RE: AUDIT OF CITY ACCOUNTS

A letter from Wayne Mayhew & Company relative to the auditing of the City accounts for the fiscal year ending June 30, 1953, was read. Also a report from Fred Lawrence, Director of Finance. Mayor Marks appointed a committee composed of Councilmen Mellis, Chairman, Merrill, Arata, R. Adams, to make a recommendation to the Council on the employment of an independent auditor.

5 REPORT ON REQUEST TO REMOVE TREE AT 1320 10th STREET, JOHN H. TEMPLE

A report on the request of John H. Temple to remove a Sycamore tree at 1320 10th Street was filed by Lloyd T. Lowrey. He recommended that since the trees in front of this location are too large and will eventually cause damage to the sidewalk, that permit be granted to remove the two trees at the owner's expense.

Councilman Merrill moved, seconded by Councilman Annan, and it was unanimously carried, that permit be granted to remove the two Sycamore trees in front of 1320 10th Street, at the owner's expense.

6 APPROVE PROPOSED 1953-54 BUDGET FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS

Upon the recommendation of the City Manager, Councilman Arata moved, seconded by Councilman Annan, and it was unanimously carried, that the proposed budget for expenditure of gas tax allocation for major city streets be approved and that it be submitted to the State Department of Public Works, Division of Highways.

7 EXTEND TIME FOR INSTALLATION OF TAXICAB METERS

Director of Finance Lawrence reported that he had been advised by the taxicab operators that delivery of taxicab operators that delivery of taxicab meters could not be made by the company so that they could be installed before May 15 as required by Resolution No. 10,119-N. S. Councilman Annan introduced

RESOLUTION NO. 10,199-N. S.

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which was seconded by Councilman M. Adams, extending the time for the installation of taximeters in taxicabs operating in the city until July 1, 1953, and that Director of Finance Lawrence check with the taxicab company to determine the approximate date delivery can be made, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

18 CALL SPECIAL ELECTION ON FAIRMONT ADDITION TO CITY

Councilman Merrill introduced

RESOLUTION NO. 10,189-N. S.

which was seconded by Councilman Annan, calling a special election to be held on the 9th day of June, 1953, pertaining to the annexation of the Fairmont Addition to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

19 GRANT PERMIT CIRCULATE PETITION FOR ANNEXATION ON FREMONT ADDITION

Councilman Mellis introduced

RESOLUTION NO. 10,200-N. S.

which was seconded by Councilman Arata, acknowledging receipt of a copy of notice of intention to circulate petitions to annex territory to the City of Modesto and approving the circulation of petition in the Fremont Addition, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AUTHORIZE REFUND OF PROPERTY TAXES ERRONEOUSLY COLLECTED--H. E. HOLDREN

Upon the recommendation of the Director of Finance Councilman M. Adams introduced

RESOLUTION NO. 10,201-N. S.

which was seconded by Councilman R. Adams, authorizing the refund of \$2 70 to H. L. Holdren, being property tax erroneously collected for years 1949-50 and 1950-51, since the householder's exemption of \$100 00 had not been allowed, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT OF STATE REGIONAL WATER POLLUTION CONTROL BOARD, CENTRAL VALLEY REGION

A copy of the California State and Regional Water Pollution Control Boards entitled: "Water Pollution Control, Progress Report for 1950 through 1952" was ordered filed.

REPORT ON PAYMENT MADE ON IMPROVEMENT DISTRICT #1

A report was filed on the collection made on Improvement District No. 1 assessments, by the Director of Finance, a copy of which is on file in the office of the City Clerk, which indicated that as of May 12, \$6,604 10 had been paid to the city which represented 9.8% of the assessment of \$66,813 39. He requested the press to notify the public that May 16th was the final date payment could be made to the city office.

SEWER SERVICE GRANTED TO 451 COFFEE ROAD--WALTER H. PINGLE

The City Manager reported that sewer service had been granted to Walter H. Pingle at 451 Coffee Road. Petition for annexation had been filed before service had been granted.

REQUEST OF ELMO WILSON FOR CURB CUT 1121 NEEDHAM AVENUE

A request was filed by Elmo Wilson for a change in curb cut at 1121 Needham Avenue. It was moved by Councilman Mellis, seconded by Councilman Annan, and unanimously carried, that curb cut be granted to

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applicant as approved by the Director of Public Works.

REPORT BY WILL SMITH ON BILLS BEING CONSIDERED BY THE STATE SENATE AND LEGISLATURE

Will Smith of the League staff reported on bills being considered by the state legislature. Councilman R. Adams introduced

RESOLUTION NO. 10,202-N. S.

which was seconded by Councilman Mellis, opposing the passage of Assembly Bill 817, relative to county, city, and state sales tax which will be considered by the Assembly Revenue and Taxation Committee on May 21 and that a copy be sent to the chairman of the committee and to Assemblyman Ralph M. Brown, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Arata introduced

RESOLUTION NO. 10,203-N. S.

which was seconded by Councilman Merrill, opposing Senate Constitutional Amendment No. 26 which would subject to ad valorem taxation counties, cities and districts municipally owned property on the basis that these are public agencies set up to serve the people in these areas on the basis that they do not pay taxes which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager reported that ABl841, which would authorize counties to establish taxing areas for the purpose of financing municipal services in urban unincorporated areas had passed in both houses and was before the Governor for signature.

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The City Manager reported on the status of pending legislation (AB-1 and S. B. 623) which would change the law to provide that when an area was seeking annexation to a chartered city such as Modesto that it would not automatically become a part of the city school district as is now the case.

He stated that the proposed amendments to AB-1 presented to Senator Donnelly to introduce in the Senate had not met with his approval and he had declined to introduce them; did not meet the approval of Sunnyvale or Modesto and he recommended that the City of Modesto urge the assemblyman from this district to request that the bill be referred back to the committee. That Senator Thompson had introduced the Amendments; that SB-623 had recently been amended to incorporate AB-1 as it read before the Thompson Amendments and, as it read at the present time.

Councilman Mellis introduced

RESOLUTION NO. 10,204-N. S.

which was seconded by Councilman R. Adams, authorizing the Mayor to contact Assemblyman Ralph M. Brown at once by telephone and urge action that SB-623 in its present form, be referred to committee and also authorize the Mayor to contact other cities and urge them to contact their representatives and that telegram confirming the telephone requests be sent out, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 10:00 P. M.

ATTEST:  REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 4:00 p. m., as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Arata, Mellis, and Mayor Marks.

Absent: Councilmen: Annan, Merrill.

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

The invocation was given by Rev. Bernard Den Ouden.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meeting of May 6, 1953, the same being available for public inspection, and there being no objections, the minutes were approved.

REQUEST FOR SEWER AND WATER SERVICES TO McHENRY VILLAGE SHOPPING CENTER AND TO BRIGGSMORE TRACT (FORMERLY KNOWN AS WEBBER TRACT)

Mr. Douglas S. St. John appeared before the Council in support of two written communications read aloud by the City Manager--one from McHenry Village, Inc., and one from Coddling Homes--requesting extension of water and sewer services to the McHenry Village Shopping Center and to the Briggsmore Tract (formerly known as Webber Tract), respectively, the services to the shopping center being desired on or before September 1, 1953, anticipated opening date of the first phase of the center. Both letters stated the companies' desire to have these areas annexed to the city at the earliest possible date, and confirmed their understanding that, pending such annexation, service rates would be higher than those established inside the city.

The City Manager stated that Public Works Department reports indicated the entire area there could be served with water by extension of a 10-inch water main along the north side of the canal, through the Briggsmore Tract, and across to McHenry. He advised that the installations of pipes and hydrants in McHenry Village meet requirements of the Board of Fire Underwriters and that the company has agreed to provide a plot for installation of a city pumping station in the future. He stated the area just to the south is not now in the city, but there are indications that formal proceedings to annex may be started soon.

With regard to sewers, Public Works Director Ray advised it would be possible to serve the areas in question by construction of a line, already

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included in the sewage program, which would extend along Granger from the line on which bids will be called for May 27. He described briefly this current project, which is planned to relieve the overloaded condition of lines to the north and to serve eastward areas as needed.

The impossibility of providing sewer service to McHenry Village by the requested date, September 1, was discussed, Mr. St. John stressing his company's willingness to build temporary interim facilities if assured of city services in the near future. The general subject of provision of these services to areas not yet contiguous to the city but which would agree to annex when possible was discussed, and it was agreed by the Council that such a policy would be of long-range benefit to the city. It was recognized, however, that water and sewage fees to outside customers would have to be substantially higher than to city residents.

Public Works Director Ray advised that McHenry Village is putting in its own water lines, requiring only one metered 8-inch connection to the city water line and therefore no city maintenance or services beyond that point.

Councilman Mellis moved, seconded by Councilman Arata, that the request for extension of sewer and water services to the McHenry Village Shopping Center at the earliest possible time be approved, subject to clearance by the Planning Commission and execution of a formal agreement between the City and the owner company, which motion was unanimously carried.

With regard to service requested for the Briggsmore Tract, it was pointed out that annexation proceedings for that area may be initiated by the individual home owners concerned, but that impetus to such proceedings might result from consideration of the rate reductions thereby achievable.

Councilman R. Adams moved, seconded by Councilman Dan Mellis, that the extension of sewer and water services to the Briggsmore Tract as soon as practicable be approved, subject to clearance by the Planning Commission and execution of a formal agreement between the City and the owner company, which motion was unanimously carried.

2
INQUIRY RE: POSSIBLE EXTENSION OF SEWER AND WATER SERVICES-LAWRENCE
ROBINSON & SONS

City Manager Miller read a letter from Lawrence Robinson and Sons inquiring about the possibility of extension of city water and sewer services to their plant located between Coolidge and Granger Avenues. An industrial sewage problem is involved and the Director of Public Works has requested more specific information as to the volume of waste.

Councilman Mellis advised the Council of Mr. Robinson's desire that this area become a part of the city. With respect to annexation generally, the City Manager stated it should be made clear to all outside areas interested in annexation that the city cannot guarantee to them immediately a No. 2 fire rating. Each area will be studied for possible improvements in fire protection but their accomplishment will take time, and much depends upon the water service available in each area.

3
COMMUNICATION FROM P. S. BOMBERGER

Mayor Marks read to the Council a letter from P. S. Bomberger protesting delay in receipt of information requested re; income and expenses of off-street parking lots.

Planning Director Bills pointed out that costs of acquisition and improvements had been furnished Mr. Bomberger immediately, but that operating costs had to be compiled by the Finance Department, operating under pressure engendered by concurrent bond-selling and budget preparation activities, and he believed the resultant delay was not undue. Mr. Bills repeated, however, his belief that there is need for separate accounting and separate record-keeping for the Parking Authority. Mayor Marks reported that the subject of such separation had been discussed at a recent meeting of the Council with the Planning Commission, that consideration was being given to all factors of the situation, and that the problem would be resolved soon. The Council expressed its opinion that the Planning and Finance Departments had operated in an efficient and satisfactory manner and instructed Mayor Marks to reply to Mr. Bomberger on this basis explaining the delay.

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4 RESOLUTION AUTHORIZING LIBRARIAN TO ENTER INTO AGREEMENT WITH GRAMONT CORPORATION FOR PLACING COINTYPERS IN MUNICIPAL LIBRARY

Librarian Hamilton explained the proposed placement of Cointypers in the Library for public use, the machines of a noiseless type, to be operated on a vending-machine basis, 20 per cent of their accrual to be paid to the City, maintenance to be taken care of by the Gramont Corporation, the City reserving the right to require their removal at any time. Councilman Arata introduced

RESOLUTION NO. 10,206-N.S.

which was seconded by Councilman M. Adams, authorizing Librarian Hamilton to enter into the agreement as presented, which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Merrill

5 HEARING ON ANNEXATION OF TSCHANTZ-VAN HORN ADDITION

Mayor Marks declared the hearing open on the proposed annexation of the Tschantz-Van Horn Addition. The City Clerk reported that no written protests had been filed. There were no oral protests filed. The hearing was declared closed. Councilman Mellis introduced

ORDINANCE NO. 1076-N.S.

entitled, "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE TSCHANTZ-VAN HORN ADDITION TO THE CITY OF MODESTO" and moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

6 HEARING ON ANNEXATION OF BARHAM-ROOSEVELT ADDITION

Mayor Marks declared the hearing open on the proposed annexation of the Barham-Roosevelt Addition. The City Clerk reported that no written protests had been filed. There were no oral protests filed.

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The hearing was declared closed. Councilman M. Adams introduced

ORDINANCE NO. 1075-N.S.

entitled, "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE BARHAM-ROOSEVELT ADDITION TO THE CITY OF MODESTO" and moved its adoption and passage to print, which motion, being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

7 HEARING ON SPECIAL ELECTION-NORTH CENTRAL ADDITION

Mayor Marks declared the hearing open on the proposed special election for annexation of the North Central Addition to the City of Modesto. The City Clerk reported that no written protests had been filed. No oral protests were made. A suggestion that more than two polling places be assigned was discussed but not acted upon. The hearing was declared closed. Councilman Arata introduced

RESOLUTION NO. 10,205-N.S.

seconded by Councilman Mellis, calling for a special election to be held on the 16th day of June, naming the polling places and appointing election officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

4 LETTER FROM CENTRAL VALLEY EMPIRE ASSOCIATION

An invitation to Modesto officials to attend the Central Valley Empire Association meeting in Fresno on May 26, was discussed, and it was agreed that Councilman Mellis and Planning Director Bills would try to attend. Councilman R. Adams outlined the trophy award planned at the meeting.

9 LETTER FROM THE MODESTO CHAMBER OF COMMERCE

A letter from John H. Fairweather, of the Modesto Chamber of Commerce, was read, commending the Council's action on the Lake Modesto project and urging further cooperation on this and on the

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recommended development of park facilities at California and Franklin Streets. The City Manager advised that city and county planning officials have been asked by the City-County Committee to work together on the park plan, but since the area in question is outside the city the decision rests primarily with county authorities. The city's willingness to cooperate in any way was expressed. In the matter of Modesto Lake, Councilman Mellis advised that the city is working with the county and with representatives of the Tuolumne River Association, the latter having been in contact with state agencies to enlist their possible assistance. Councilman Mellis reported that some of the County Supervisors had expressed to him their desire to meet soon with city officials to consider mutual programs.

10 DISCUSSION OF ASSEMBLYMAN BROWN'S BILL REGARDING PUBLIC MEETINGS OF LOCAL GOVERNMENTAL AGENCIES

Councilman R. Adams stated it was his belief that AB339 was good legislation, and the other Councilman concurred. It was pointed out that in Modesto all meetings of local governmental agencies (Council, Library Board, Planning Commission, Parking Authority, etc) were open to the public

and that although they were not always publicized in the newspaper 24 hours in advance most of them were held on regular dates easily ascertained by anyone interested in attending. The City Manager stated that public business should be transacted publicly. Councilman R. Adams introduced

RESOLUTION NO. 10,207-N.S.

which was seconded by Councilman Arata, endorsing Assembly Bill 339 which requires meetings of local governmental agencies to be publicly conducted, urging that the Senate Committee on Governmental Efficiency reconsider its action on this bill and give it a "do pass" recommendation, and instructing the City Clerk to transmit a copy of this resolution to the Senate Committee on Governmental Efficiency, to Senator Hugh Donnelly, to Assemblyman Ralph M. Brown, and to the League of California Cities, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

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11 REJECT BIDS FOR PAVING MATERIALS

The City Manager reported that two bids had been received on paving materials, one of which had not been accompanied by a certified check as required. Public Works Director Ray advised that the one without a check was low by enough to save the city from \$2,000 to \$3,000 a year. In discussion by the Council of whether to accept the higher bid, which was the only one qualified or reject both bids and re-advertise, it was brought out that both bidders were reputable firms, that the failure to include the check had been an error and that some modification of the bid invitation notice might be in order to empower the Council to "waive irregularities" in bids received. Further consideration is to be given to this possibility. Councilman Mellis introduced

RESOLUTION NO. 10,208-N.S.

which was seconded by Councilman Arata, that the bids be rejected at this time and be called for again, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

12 ACCEPTANCE OF GRANT DEED FROM RAY AND MADGE STARN (CAMPUS TRACT NO. 6)

The City Attorney presented a grant deed from Ray and Madge Starn, covering half a strip of road in the northeast corner of the Campus Tract no. 6 subdivision for the approval of Council. He stated that receipt of this deed was the condition upon which the final subdivision map of this tract had been approved by Council. Councilman Arata introduced

RESOLUTION NO. 10,209-N.S.

which was seconded by Councilman M. Adams, accepting the grant deed and authorizing the City Clerk to record said deed with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

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13 APPROVAL OF PROJECT AGREEMENT ON GAS TAX EXPENDITURES FOR YEAR 1953-54

The City Attorney presented for approval of the Council, Memorandum of Agreement between the State and the City for expenditure of gas tax allocation on major city streets in Modesto for the fiscal year 1953-54, and the resolution contained therein, said agreement authorizing the projects previously approved informally by the Council (Sunrise Avenue from Scenic Drive to Morris Avenue, Washington Street from Maze Boulevard to 8th Street, and Tully Avenue from Princeton Avenue to Cecil Way). The Director of Public Works outlined to Council the current status of street improvement work, citing the heavy engineering load on the sewer program as a delaying factor. He advised that bids will be called for before June 30 on the improvement of Tuolumne Boulevard from Merced to Paradise Avenue and that right of way negotiations are now under way for the extension of Sunrise Avenue from Morris to Lucern. Improvement of Tully from U.S. 99 to Coldwell Avenue will complete the projects now pending. Mayor Marks suggested that the intersection at Downey and 19th Street, merited attention, and the Director of Public Works advised that this work would have to be let to contract because of the pressure of other work for city forces. There was some discussion of other street improvement projects needed. Councilman M. Adams introduced

RESOLUTION NO. 10,210-N.S.

which was seconded by Councilman Arata, approving the Memorandum of Agreement for expenditure of gas tax allocation on major city streets and authorizing the Mayor to sign it on behalf of the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

14 FINAL PAYMENT AUTHORIZED FOR CONSTRUCTION OF CONCRETE FOUNDATION FOR HANGAR UNITS AT MUNICIPAL AIRPORT

Councilman R. Adams introduced

RESOLUTION NO. 10,211-N.S.

which was seconded by Councilman Mellis, authorizing final payment of
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\$900. to M. J. Ruddy and Sons for construction of concrete foundation for hangar units at the Municipal Airport, as the 35 day lien period required by the contract has expired and no claims have been filed against the contractor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

15 FINAL PAYMENT AUTHORIZED FOR PAVING OF VIRGINIA AVENUE AND 8th STREET

Councilman Mellis introduced

RESOLUTION NO. 10,212-N.S.

which was seconded by Councilman Arata, authorizing final payment of \$5,912.12 to Standard Materials, Inc., for the paving of Virginia Ave. and 8th Street, as the 35 day lien period required by the contract has expired and no claims have been filed against the contractor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

16 FINAL ADOPTION OF ORDINANCE NO. 1073-N.S. SALE OF REAL PROPERTY BELONGING TO THE CITY OF MODESTO

Ordinance No. 1073-N.S., entitled: "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO", having been heretofore introduced and ordered published and printed at the regular meeting of May 6, 1953, Councilman M. Adams moved, seconded by Councilman Mellis, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

17 FINAL ADOPTION ORDINANCE NO. 1074-N.S. PURCHASE OF REAL PROPERTY FOR USE BY CITY OF MODESTO

Ordinance No. 1074-N.S. entitled " AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY FOR USE BY THE CITY

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OF MODESTO", having been heretofore introduced and ordered published and printed at the regular meeting of May 6, Councilman R. Adams moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan, Merrill

14 REPORT OF PLUMBING COMMITTEE ON PROPOSED PLUMBING ORDINANCE

Councilman M. Adams, Chairman, reported for the Council Plumbing Committee that discussions had been held with the Master Plumber's Association and it had been found more information would be needed. The Committee requested a 30 day extension of time, permitting further study and the receipt of additional facts before submission of their report to the Council. Councilman M. Adams moved, seconded by Councilman R. Adams, that final action on the plumbing ordinance be deferred for approximately thirty days, which motion was unanimously carried.

19 REPORT ON BIDS RECEIVED FOR AUDITING OF CITY BOOKS

Councilman Mellis reported bids had been received from three accountants for auditing the city's books for the fiscal year 1952-53. Low bid, in the amount of \$750, was submitted by Chester D. Nattinger, who performed the same service for the city last year. Council discussed the feasibility of a long-term contract covering such audit in the interest of securing continuous audits, but were advised by the City Attorney that Charter provisions require Council to employ an auditor "at the beginning of each fiscal year". It was moved by Councilman Mellis, seconded by Councilman Arata, and unanimously carried that the City Attorney be authorized to draw up an agreement with Mr. Nattinger to audit the city's books for a period of one year for a sum not to exceed \$750.

20 REPORT ON STATUS OF PROPOSED CONSOLIDATION OF LIBRARY SERVICES

Librarian Carl Hamilton reported that Ed Hane, County Administrator and Mr. Kenneth Ables, Chairman of the County

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Board of Supervisors, had been asked to meet with Mayor Marks and City Manager Miller for discussion. Mr. Hamilton also advised the Council that the Board of Supervisors generally would welcome more frequent attendance by city officials of County Board meetings.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 5:42 P.M.


ATTEST: REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Ordinance No. 1042 N.S.

Present; Councilmen: N. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

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

Invocation was given by Rev. F.B. Loper, of the College Avenue Congregational Church.

RESOLUTION GIVING NOTICE OF PROPOSED ANNEXATION OF LA SOMBRA ADDITION TO CITY: FIXING TIME AND PLACE FOR HEARING OBJECTIONS TO PROPOSED ANNEXATION

City Attorney Grimes presented a resolution for the consideration of the Council relating to the proposed annexation of La Sombra Addition to the City of Modesto. Councilman R. Adams introduced

RESOLUTION NO. 10,213-N.S.

which was seconded by Councilman Mellis, setting the date of July 1, 1953 at 4:15 P.M. in the Council Chambers as the time and place for the consideration of the petition for the annexation of LaSombra Addition to the City of Modesto, authorizing the City Clerk to publish the resolution as required by law and to send written notices to persons to whom land within the territory proposed to be annexed is assessed in the last equalized county assessment roll, which resolution was regularly adopted by the following vote

ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT ON SEWER SERVICE FOR BARTON OAKS TRACT

Director of Public Works Ray reported that a survey was being made of the problems involved in furnishing sewer service to the Barton Oaks tract, located east of the city limits.

REQUEST FOR CHANGE IN RATES FOR TRANSIENT OPERATORS OF PEST CONTROL AT AIRPORT

Darrell I. Olsen and W. G. Dunlop, operating pest
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control companies at the Municipal Airport appeared before the Council to request that the ordinance regulating rates for operators of past control aircraft be amended to protect the local operators so that it would not be possible for a transient operator to operate from the Municipal Airport 2-3 months during the crop dusting season at the same rate as the local year round operators. After a discussion by the Council, Mayor Marks appointed a committee composed of Attorney Grimes, City Manager Miller, Councilman R. Adams, Harry Sham, Airport Manager and Councilman Arata to investigate and report to the Council at the next meeting, the possibility of adopting legislation which would adequately cover the situation.

The Council was invited to visit the municipal airport and inspect the installations of the local "Dusters."

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the Council meeting of May 13, and the same being available for public inspection, and there being no objections, they were approved.

LETTER FROM MODESTO JUNIOR CHAMBER OF COMMERCE

A letter from the Modesto Junior Chamber of Commerce requesting that the Council take into consideration, when applications for permits for carnival type entertainment are received, that the Junior Chamber will be holding its Community Fair this year on July 7-11 incl. at the 99 Stadium Parking lot, was read and ordered filed.

LETTER FROM DELTA SIERRA EDUCATIONAL TELEVISION CORPORATION

A letter from Fred C. Beyer, Vice President of the Delta-Sierra Educational Television Corporation requesting cooperation of the city in connection with the filing of an application by the Delta Sierra Educational Television Corporation with the Federal Communications Commission for Channel No. 42, was read. The letter stated that it would be necessary to file this application not later than May 29, in order to anticipate the final deadline date of June 2 on which its allocation expires. A letter from the City, expressing interest in Channel 42 and an indication of the type of use which the city might make of the channel and an indication of the number of people in the city organization to be

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served by this channel, was requested. A discussion was held by the Council on the possible use which the city could make of this channel, such as broadcasting campaigns for the betterment of the city, street improvement programs, Council meetings, Youth in Government day, etc. A suggestion was made that a request be filed with the Federal Communications Commission for additional time to consider all the phases involved in the operation of the Channel. It was agreed by the Council that it was interested in the educational type of programs on television but that until additional information could be secured on the method of operation, financing, etc., no decision could be made. Councilman R. Adams moved, seconded by Councilman Merrill, and it was unanimously carried that Mayor Marks communicate with Mr. Beyers and advise him that since the final deadline date of June 2 for the filing of this application would not give sufficient time for the Council to be properly informed as to all the implications involved in connection with the application, that no action would be taken by the Council until further study could be made.

LETTER FROM STANISLAUS COUNTY BAND

A letter from the Stanislaus County Band requesting consideration of the Council for the allocation of \$1200. in the 1953-54 budget, was read. The City Manager gave a report on the allocations made in prior years. Councilman Mellis moved, seconded by Councilman Merrill and it was unanimously carried that the request of the Stanislaus County Band for \$1200. for summer concerts be placed in the 1953-54 budget for consideration.

A request for the payment of the balance budgeted for the current year of \$600. was filed by the Band. It was moved by Councilman Mellis, seconded by Councilman M. Adams, and unanimously carried, that a warrant in the amount of \$600. be drawn as requested.

The City Manager suggested that a meeting be held with representatives of the Fourth of July Committee and representatives of the Band relative to the participation of the band in Fourth of July parade without a fee being paid by the committee.

LETTER FROM MRS. RALPH H. SPENCER RELATIVE TO PROTEST TO WATER METER

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A letter from Mrs. Ralph H. Spencer protesting to the requirement that a water meter be installed on property where more than one living quarters is built, was read and referred to the Director of Finance for study and report.

8 LETTER FROM ASSEMBLYMAN RALPH M. BROWN

A letter from Assemblyman Ralph M. Brown, acknowledging receipt of a copy of the resolution adopted by the city on Assembly Bill No. 339 was read and ordered filed.

9 LETTER FROM STATE REGIONAL WATER POLLUTION CONTROL BOARD

A letter from the State of California Regional Water Pollution Control Board, Central Valley Region relative to the resolutions adopted by the Board covering conditions to be maintained in the Tuolumne River, was referred to the City Manager to check.

10 LETTER FROM BOARD OF FIRE UNDERWRITERS OF THE PACIFIC

A letter from the Board of Fire Underwriters of the Pacific, acknowledging receipt of a letter from Mayor Marks expressing appreciation for the service given by the engineering staff in assisting the City of Modesto to obtain the National Board Class 2 Grading Classification, was read and ordered filed.

11 LETTER FROM MODESTO HIGH SCHOOL KEY CLUB- RE: YOUTH IN GOVERNMENT DAY

A letter from Skipper Ballew, Secretary of the Modesto High School Key Club, expressing appreciation to the Council and Department Heads for the courtesies extended to them in the Youth in Government Day, was read and ordered filed.

12 AWARD BID ON EXTENSION OF DECK AERATOR

Tabulation of bids received for the extension of the Deck Aerator for sewage and industrial wastes treatment works were distributed to the Councilmen by the Director of Public Works. He stated that he recommended that the bid be awarded to Ke-Ston & Muny, as their bid was the lowest. Councilman Annan introduced

RESOLUTION NO. 10, 214-N.S.

which was seconded by Councilman M. Adams, accepting the bid of Ke-Ston & Muny for \$16,750. as this was the lowest bid received and authorizing the entering into an agreement with the successful bidders for the com-

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pletion of the work, which resolution was regularly adopted by the following vote;

Ayes: Councilmen : M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Nees; Councilmen: None

Absent: Councilmen: None

13 LETTER FROM OFFICE OF THE ATTORNEY GENERAL RELATIVE TO SUIT AGAINST CITY

A letter from Ralph W. Scott, Deputy, in the office of the Attorney General, stating that the terms in the stipulation covering the injunction suit pending against the City of Modesto and others for the pollution of the Tuolumne River would be carried out as soon as the office of the Attorney General had been advised of the fulfillment of the conditions by the City, was read.

The City Attorney stated that under the terms of the stipulation the case may be dismissed when the city lets the initial contract for the improvement under the bond issue and since the bid awarded to Ke-Ston & Muny for the extension of the Deck Aerator was the first contract, that a motion would be in order to notify the Attorney General of this action. It was moved by Councilman M. Adams, seconded by Councilman Arata, and unanimously carried, that the City Attorney be authorized to send the necessary information to the office of the Attorney General so that the case of People vs. City of Modesto, et al, could be dismissed.

14 APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR SANITARY SEWER TRUNK LINE ON ORANGEBURG, TULLY & BRIGGSMORE AVENUES

The Director of Public Works outlined the plans for the construction of a sanitary sewer trunk line on Orangeburg, Tully & Briggsmore Avenues, giving the approximate amounts and types of materials involved in the project. He stated that the call for bids provided that "the right to waive any informalities or minor irregularities in a bid would be reserved." After a discussion by the Council of the possibility of damaging the bid procedure by adding such reservations, it was decided to leave the clause in providing that it be understood that only minor errors which would not affect the bid in any substantial sense would be waived.

The City Manager expressed approval of the "terrific job" the
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Public Works Department was doing. He stated that this was the ideal time to call for bids and that a much better price could be received for the work and that it would mean a substantial saving to the city.

Councilman M. Adams introduced

RESOLUTION No. 10,215-N.S.

which was seconded by Councilman Mellis, approving the plans and specifications and authorizing the calling for bids for " the construction of sanitary sewer trunk line on Orangeburg, Tully and Briggsmere Avenue," in accordance with the procedure contained in SECTION 1307 of the city charter, said bids to be opened at 10:00 A.M., Monday, June 29, 1953 in the office of the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF A SEWAGE PUMPING PLANT FOR EMERALD AVENUE TRUNK SEWER

The Director of Public Works outlined the plans and specifications for the construction of a sewage pumping plant for the Emerald Avenue trunk sewer. Councilman Arata introduced

RESOLUTION NO. 10,216-N.S.

which was seconded by Councilman Merrill, approving the plans and specifications and authorizing the calling for bids for the said construction, in accordance with the procedure contained in section 1307 of the City Charter

said bids to be opened on June 29 at 2:00 P.M. in the Council Chambers, which resolution was regularly adopted

by the following vote:

Ayes; Councilmen M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

CALL FOR BIDS FOR STREET LIGHTING MATERIALS

Councilman Merrill introduced

RESOLUTION NO. 10,217-N.S.

which was seconded by Councilman Annan, accepting the specifications and

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authorizing the calling for bids for furnishing electrical equipment (street lighting materials), in accordance with the procedure contained in section 1307 of the City Charter, said bids to be opened on June 15 1953 at 2:00 P.M. which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The Director of Public Works stated that funds to purchase this equipment had been paid to the city by subdividers in lieu of purchasing the material themselves. Lights are to be installed in various subdivisions.

17 INSTALLATION OF WELL AT AIRPORT

The City Manager stated that it was proposed to install a 7" water well at the airport which would eliminate the necessity of buying water, which would be a material savings to the city. Although official action is not required by the Council, the City Manager requested that the Council indicate its approval. It was moved by Councilman M. Adams, seconded by Councilman Arata, and unanimously carried that the work on the drilling of the water well at the airport proceed as proposed.

18 REPORT FROM COUNCILMAN R. ADAMS ON "FLY-IN" MEETING TO BE HELD IN MODESTO

Councilman R. Adams reported that the Modesto Airmen's Association were sponsoring a state wide "Fly-In" meeting in Modesto which had been tentatively set for August 16th. He stated that it was planned to present each person landing at the airport, a box of Faye Elberta Peaches, through the cooperation of the California Peach Grower's Association.

19 INTRODUCE GUESTS OF COUNCIL

The City Manager introduced Mr. and Mrs. H. W. Shelton, parents of Assistant to the City Manager Robert H. Shelton, who were visiting in Modesto, to the Council.

20 APPROPRIATION TRANSFER OF FUNDS FOR CAPITAL- WATER LINE EXTENSION

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Upon the recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 10,218-N.S.

which was seconded by Councilman Annan, approving the appropriation transfer of \$14,400 from the Public Works Department, Street and Sewage Disposal budget to the Water Department for the purchase of water line extension materials to serve McHenry Village, which resolution was regularly adopted by the following vote:

Ayes; Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

21 REPORT ON TRAFFIC AT INTERSECTION 8th St. KANSAS AVE. STATE HIGHWAY

The Director of Public Works stated that a study was being made of the traffic conditions at the intersection of 8th Street, Kansas Avenue and the North 99 Highway/ by the State Division of Highways. The possibility of establishing a channelization system for the control of traffic at this intersection is being considered by the state.

22 RESOLUTION REFER PETITION FOR ANNEXATION OF HUDSON-UCCELLO ADDITION TO PLANNING COMMISSION

Councilman Merrill introduced

RESOLUTION NO. 10,219-N.S.

which was seconded by Councilman Arata, referring the petition for annexation of the Hudson-Uccello Addition to Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote;

Ayes: Councilmen M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes; Councilmen: None

Absent: Councilmen: None

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23 RESOLUTION APPROVING AGREEMENT WITH JOE MINENI JR. ET UX ON CAMPUS TRACT NO. 4

The City Attorney presented an agreement for the consideration of the Council between the City of Modesto and Joe Mineni, Jr. and Nina Mineni, husband and wife, for the improvements of the Campus Tract No. 4. Councilman Annan introduced

RESOLUTION NO. 10,220-N.S.

which was seconded by Councilman Arata, approving agreement and authorizing the execution of same, which resolution was regularly adopted by the following vote

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

24 RESOLUTION APPROVING FINAL MAP OF CAMPUS TRACT #4

Councilman R. Adams introduced

RESOLUTION NO. 10,221-N.S.

which was seconded by Councilman Mellis, approving the final map of Campus Tract No. 4, submitted by Joe Mineni, Jr. and Nina Mineni, husband and wife and accepting the streets, alleys and easements as shown thereon, on behalf of the public for public use and authorizing the City Clerk to certify the map after the fees in the amount of \$340.10 for checking, copies of maps, recording, and parks and playgrounds have been paid and a bond or a cash deposit in the amount of \$1700. acceptable to the City Attorney, has been posted, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

25 MAYOR REPORT ON LUNCHEON WITH OFFICIALS OF NORRIS THERMADOR PLANT

Mayor Marks reminded the Council of the luncheon meeting to be held with officials of the Norris-Thermador plant at the Country Club on Wednesday, June 3, 1953.

26 COUNCIL TO HAVE REPRESENTATIVE AT CHAMBER OF COMMERCE MEETINGS AND INVITATION ISSUED TO CHAMBER OF COMMERCE TO HAVE REPRESENTATION AT COUNCIL MEETINGS

Mayor Marks stated that it had been recommended by the President of the Chamber of Commerce that the Council be represented at the bi-monthly luncheon meetings of the Chamber which are held on the first and third Mondays. He recommended to the Council that an invitation be

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issued to the Chamber to send a representative to the meetings of the Council, since many of the problems confronting both organizations were of mutual interest. He suggested that representation from the Council at the Chamber meetings should rotate. It was moved by Councilman Merrill, seconded by Councilman Annan, and unanimously carried that the Chamber of Commerce be invited to appoint a member of their organization to attend each Council meeting and that the Council accept the invitation of the Chamber of Commerce to send representation to its bi-monthly meetings.

27 MEETINGS WITH STANISLAUS COUNTY BOARD OF SUPERVISORS

A proposed joint meeting with the Board of Supervisors of Stanislaus County to discuss mutual problems of the city and county was discussed. It was moved by Councilman Mellis, seconded by Councilman Arata and unanimously carried that the City Manager be instructed to arrange a dinner meeting with the Board for either June 8 or 9 at which time the mutual problems that face the city and county would be discussed.

27 REPORT ON SALES TAX AUDIT

The City Manager reported on the sales and use tax audit made by the state of the accounts of the City of Modesto for the past three years. He stated that there was due the State an amount of \$458.40, plus \$55.74 interest, making a total claim of \$514.41. An endeavor to have the interest charge waived had not been successful.

Director of Finance Lawrence was directed to check and report to the Council the matter of cooperation between the state and city on sales tax audits.

29 REPORT BY CITY MANAGER ON LEGISLATION AFFECTING CITIES

The City Manager reported on legislation affecting cities before the State Legislature.

He stated that Assembly Bill 1, on annexation, had been passed and signed by the Governor and was now effective.

The bill on county services to urban areas had been passed and he had written for a copy of the bill as passed.

City Attorney Grimes reported on Senate Bill 1100, relating to the disposition of court fines and forfeitures. He stated that

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the proposed bill, as amended would establish a revised formula for the distribution of fines and forfeitures received by municipal and justice courts, based upon the relation of income to costs to cities during the 1949, 1950 and 1951 calendar years and that it was consistent with the assurances given the cities regarding the distribution of fines and forfeitures when the court reorganization program was being proposed and debated and that it provided a fair and equitable formula for the distribution of such fines and forfeitures. Councilman Mellis introduced

RESOLUTION NO. 10,222-N.S

which was seconded by Councilman Merrill, supporting the adoption of Senate Bill 1100, as now amended and directing the City Clerk to transmit a copy of this resolution to the Chairman of the Senate Judiciary committee, the Chairman of the Assembly Judiciary Committee, Senator Hugh P. Donnelly, Assemblyman Ralph M. Brown and the League of California Cities, which resolution was regularly adopted by the following vote:

Ayes: Councilman: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Upon the recommendation of the City Manager, Councilman Merrill introduced

RESOLUTION NO. 10,223-N.S.

which was seconded by Councilman Annan, opposing the passage of Assembly Constitutional Amendment 58 which provides for the assumption by counties of all fire protection functions in the counties and the transfer of city fire departments to counties, on the basis that such a transfer of fire fighting function would be a waste of public funds and a reduction of the fire fighting efficiency now obtained by city fire departments, and that the City Clerk be directed to transmit a copy of this resolution to the Chairman of the Committee on Constitutional Amendments, Senator Hugh P. Donnelly and Assemblyman Ralph M. Brown, and the League of California Cities, which resolution was regularly adopted by the following vote:

Ayes: Councilmen M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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30 HIGHWAY PROGRAM

It was the suggestion of the City Manager that the Council should indicate to our legislators that they should do whatever reasonably could be done this year to step up our highway program. Councilman M. Adams moved, seconded by Councilman Arata and it was unanimously carried that Mayor Marks be authorized to write a letter to Senator Hugh P. Donnelly and Assemblyman Ralph M. Brown urging action on a highway program.

It was suggested that a footnote should be added to these letters opposing adoption of Assembly Constitutional Amendment 23, which would authorize the Legislature to enact laws for a uniform procedure governing the form of and the time and manner of filing claims with all political subdivisions, since this would be a "foot in the door" proposal leading to state regulation of municipal exemptions and claims requirements now in effect.

No action was taken by the Council on Senate Bill 1178 which provides that any wine or brandy held for the purpose of further processing, ageing or improving of quality is subject to taxation only once.

31 MEETING WITH HERBERT A. OLSON

The City Manager introduced Herbert A. Olson of the Public Administration Service who was reviewing the progress which has been made since the 1951 report on the administrative organization of the City of Modesto and evaluating the changes which have been made.

He stated that he planned on staying in Modesto for a few days and that he had already interviewed a number of the department heads and he would have a report to make on his observations shortly. It was decided that the Council should meet with Mr. Olson, Thursday, May 28 at 7:15 P.M. at the Mayor's house for an informal discussion. Representatives of the press were invited to attend, also.

32 REPORT ON BUDGET HEARINGS

The City Manager reported that budget hearings were underway and invited any member of the Council who were interested to participate in the hearing.

33 REPORT BY CITY ATTORNEY ON HEARINGS FOR RATE INCREASE BY PACIFIC TELEPHONE AND TELEGRAPH COMPANY

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The City Attorney presented each Council member a copy of the summary of the rate hearings to date of the Pacific Telephone & Telegraph Company rate increase application No. 33935, submitted by Bruce McKnight, certified public accountant, who had been hired by the Council to represent the City of Modesto at the above rate hearings.

34 DISCUSS POLICY ON GRANTING PERMIT TO MERCHANTS TO USE LOUD SPEAKER OUTSIDE BUILDINGS FOR PLAYING OF MUSICAL RECORDINGS

The City Attorney stated that a request had been filed by a merchant in the downtown area to place a loud speaker immediately outside the entrance to his place of business for the purpose of playing musical recordings only. He outlined the provisions of Ordinance No. 392-N.S. which provides that,

"It shall be unlawful for any firm----upon any of the streets, etc. within the city to make or cause any loud, unusual or discordant sounds or noises such as may tend to cause public annoyance or menace the public comfort or welfare."

He stated that it would be a matter of policy of the Council whether this would be an infraction of the ordinance. He suggested that this be referred to the Chamber of Commerce or the Retail Merchants Association for their recommendation. It was moved by Councilman R. Adams, seconded by Councilman Annan and it was unanimously carried that the City Attorney be authorized to refer this matter to the Retail Merchants Association for its recommendation.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 10:15 P.M.

ATTEST:  REX E. GAILFUS, CITY CLERK

Council Meeting

June 3, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P. M., as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Absent: Councilmen: None

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

Invocation was given by Rev. Guy L. Bradley of the Baptist Temple Church.

REQUEST OF USED CAR DEALERS FOR LEGISLATION REGULATING HOURS OF OPERATION

Elmo Wilson was spokesman for a group of used car dealers, who appeared before the Council, requesting that the Council adopt legislation to require uniform closing hours for used car dealers in the city. He stated that their new organization represented approximately 98% of the used car dealers in the city. New car dealers were also organized, he stated, and 100% of these dealers belonged to their organization, which had also gone on record as approving the closing on Sunday and holidays but that they were not represented at this meeting. He suggested that this could be accomplished by requiring that the license fee charged be based on the number of days operated.

Mayor Pro Tempore Merrill stated that it was his opinion that this was a problem of industry and not government and that each industry should get together and work out these problems and come up with its own program.

City Attorney Grimes stated that the only way to regulate this problem by law would be to have a general Sunday closing law for the entire City of Modesto. If a regulatory ordinance was adopted for used car dealers only, he questioned if it would not be ruled by the courts as being discriminatory.

Mel Cardwell stated that the used car dealers would meet and clear up certain matters and come before the Council at a later date.

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2 REQUEST FOR EXTENDED PARKING PRIVILEGES TO AMPUTEES, PARAPLEGICS AND POLIO VICTIMS--DISABLED AMERICAN VETERANS

Jack Parrish, local representative of the Disabled American Veterans, appeared before the Council and presented a communication from George E. Hollister, Chairman Parking Committee of the State Department of the Disabled American Veterans, together with a sample copy of an ordinance, to be considered by the Council, which would provide for special parking privileges to amputees, paraplegics, and polio victims.

Councilman Mellis pointed out that the City of Modesto had provided a free parking lot at 15th and I Streets which could be used and recommended that this matter be considered by the Parking Authority.

The City Attorney commented that this request was for parking privileges on the streets and not on parking lots and that it was a proper matter to be considered by the Council.

Since the request was "new business", it was agreed that further consideration should be given before any decision was made. The City Manager was directed to send copies of the letter and sample ordinance to each Councilman for his study.

3 LETTER OF APPRECIATION FOR PARTICIPATION OF THE COUNCIL IN THE 1953 PARADE OF SONGS FROM CALIFORNIA RELAYS

A letter from the California Relays, expressing appreciation for the participation of the Council in the 1953 Parade of Songs, was read and ordered filed.

4 LETTER FROM STANISLAUS JERSEY BREEDERS ASSOCIATION

A letter from the Stanislaus Jersey Breeders Association expressing appreciation for the interest and assistance of the Council in its recent Jersey Show, was read and ordered filed.

5 LETTER FROM ASSEMBLYMAN RALPH M. BROWN RE AB3320

A letter from Assemblyman Ralph M. Brown to Mayor Marks acknowledging receipt of telegram urging opposition to AB3320, which covered annexation problems, was read and ordered filed.

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6 REPORT ON COST OF HANGARS CONSTRUCTED AT MUNICIPAL AIRPORT

The City Manager reported that the cost of the hangar recently completed at the Municipal Airport was \$23,795 45 which was almost \$9,000 00 less than the bid received of \$32,349 00 for the same type of hangar. He commended the supervision of Airport Manager Harry Sham, Director of Public Works Ray and Councilman R. Adams, on the construction.

7 REPORT BY CITY ATTORNEY ON PROPOSED AMENDMENT OF ORDINANCE REGULATING RATES AT MUNICIPAL AIRPORT

The City Attorney reported that the committee, appointed by the Mayor to confer on the possibility of adopting legislation to regulate the local Duster operators at the Municipal Airport, had met and that a draft of an amendment to Ordinance No. 891-N. S. had been sent out to each Councilman for his consideration.

8 LETTER FROM STATE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO ALLOCATION OF FEDERAL FUNDS TO LOCAL HEALTH DEPARTMENT

A letter from the State Department of Public Health stating that if the cuts in the Federal budget, as passed by the House on the Grant-In-Aide funds as presently being considered by the Senate Subcommittee on Appropriations, are included in the Federal budget as finally passed, that there will be a substantial reduction in the Federal funds available to the states for the support of their public health programs, was read. Health Officer Landquist reported that it would amount to a loss of income to the City of Modesto of approximately \$800 per year.

After a general discussion, it was decided that no action should be taken by the Council.

9 AWARD BID FOR CONSTRUCTION OF SANITARY TRUNK SEWER ON EMERALD-WOODLAND AVE.

A tabulation of the five bids received for the labor equipment and material necessary for the construction of "Sanitary Sewer Trunk Line on Emerald and Woodland Avenues, Unit No. 4" which had been opened on Monday, June 1, at 2:00 P. M. was presented to each member of the Council for their consideration. It was the recommendation of the Director of Public Works that the bid of \$136,272 00 of the Stockton Construction

Company be accepted as it was the lowest bid received. Councilman Annan introduced

RESOLUTION NO. 10,224-N. S.

which was seconded by Councilman M. Adams, accepting the bid of the Stockton Construction Company as it was the lowest bid received and authorizing the execution of a contract for the completion of the work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill

Noes: Councilmen: None

Absent: Councilmen: Arata and Mayor Marks

Mayor Marks and Councilman Arata arrived at this time.

10 AUTHORIZE SALE OF LOT 21-24 BLOCK 36

The City Attorney reported that, as directed by the Council, quiet title action had been brought to clear the title to lots 21-24 in Block 36 so that the property could be sold by the city, and that judgment had been recorded. He stated that it would be in order to adopt a resolution providing for the sale of the property and he presented a proposed resolution for the consideration of the Council. Councilman Mellis introduced

RESOLUTION NO. 10,225-N. S.

which was seconded by Councilman R. Adams, declaring the intention of the City of Modesto to sell the above described property on the 17th day of June, 1953, in the Council Chambers at 4:30 P. M. under the conditions set forth in the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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11 AUTHORIZE FINAL PAYMENT TO INDUSTRIAL ELECTRIC COMPANY ON CONTRACT FOR TRAFFIC SIGNALS AT McHENRY AND MORRIS AVENUES

A report was filed by the Director of Public Works that a final payment of \$2,166 67 was due the Industrial Electrical Company for the installation of traffic signals at McHenry and Morris Avenues. He stated that the 35 day lien period had expired, as required by the contract, and that no claims have been filed against the contractor. Councilman M. Adams introduced

RESOLUTION NO. 10,226-N. S.

which was seconded by Councilman Annan, authorizing the payment of \$2,166 67 to the Industrial Electrical Company, as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

12 REPORT ON PROPOSED DIGESTER AND PLANT HEAD WORKS--SEWER PLANT

The City Manager suggested that the plans for the proposed digester and plant head works at the sewer farm should be completed at once. He stated that this was a project on which the plans have been practically completed and that by going to bid now, it could be completed in time to get it underway in advance of the next summer's critical season. These plans would be completed by Harry Jenks. Councilman M. Adams moved, seconded by Councilman R. Adams, and it was unanimously carried that the plans outlined by the City Manager for the proposed digester and plant head works at the sewer farm be carried out.

13 AUTHORIZE EXTENDING CONTRACT WITH HARRY N. JENKS

The City Manager reported that the contract for general services with Harry N. Jenks for general services would expire shortly and he

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recommended that the contract be amended to provide for continuing service on the same basis and on the basis that either party could cancel it by 30 days. A discussion was held on the advisability of extending the contract for one year only and have it come up each year for consideration by the Council. It was moved by Councilman Merrill, seconded by Councilman Mellis and unanimously carried that the contract be amended to extend for a period of one year and that it include a clause whereby either party may cancel the contract upon 30 days written notice.

14 REACTIVATE SEWER COMMITTEE

Mayor Marks stated that with the approval of the Council he would like to reactivate the sewer committee to work with the City Manager and Department of Public Works regarding the determination of industrial rates, cost of service outside the city, and sewer service to plant who had pre-mised to annex to the city. This committee is composed of Councilmen M. Adams Chairman, Lyndall Merrill, Clifford Annan, and Dan Mellis.

15 CITY ATTORNEY REPORT THAT LETTER SENT TO ATTORNEY GENERAL'S OFFICE RE DISMISSAL OF SUIT PEOPLE vs CITY OF MODESTO ET AL

The City Attorney reported that, as directed by the Council he had written a letter to the Attorney General advising that the initial contract for the improvement under the bond issue had been awarded, as provided in the stipulation and that word should be received shortly from that office regarding the dismissal of the suit of "People vs City of Modesto et al."

16 REQUEST FOR CURB CUT BY WEILAND BROTHERS

The City Manager reported that draft of an ordinance for the granting of curb cut permits by the Public Works Department which also included the maintenance of driveways, etc. would be completed shortly for the consideration of the Council but that in the meantime it is still necessary for the Council to approve requests for curb cuts. A request was filed by Wieland Brothers for the relocation of a driveway at 610 Seventh Street. It was moved by Councilman M. Adams, seconded by

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Councilman Annan that permit be granted to Wieland Brothers to relocate the curb cut in front of building under construction for Mr. Varni at 610 Seventh Street under the supervision of the Director of Public Works.

1 PAYMENT TO SPEAKS WATER TANK REPAIR COMPANY FOR CLEANING AND PAINTING STATION NO. 1, TANK 17TH AND G STREETS

The Director of Public Works reported that the painting of the City's 100,000 gallon water tank, located at 17th and G Streets had been completed to his satisfaction by the Speaks Water Tank Repair Company and he recommended that payment of \$2,548.00 be made as provided by the agreement. It was moved by Councilman R. Adams, seconded by Councilman Mellis and unanimously carried that the work be accepted and that payment as recommended by the Director of Public Works be made in accordance with provisions of the agreement.

8 REPORT ON ANNEXATION OF HUDSON-UCCELLO ADDITION

The City Manager stated that a report had been filed by Franklin J. Bills, Director of Planning, on the proposed annexation of Hudson-Uccello Addition. It was suggested by the Planning Commission that in order to provide for the development of Sutter Avenue as an eighty foot street, the owner of the property within this proposed addition, which is adjacent to Sutter Avenue, be asked to dedicate an additional 10 feet of right of way to the City. V. L. Barton, Agent for the owners who was present at the meeting, stated that the owner of this portion of the property would be willing to dedicate the 10 foot right of way and that he would obtain a letter indicating his willingness.

19 DISCUSSION OF SEWER AND WATER SERVICE TO BARTON OAKS SUBDIVISION

The Council discussed the furnishing of water and sewer service to the Barton Oaks subdivision, which is adjacent to the city on the southeast, with V. E. Barton, the subdivider.

Mr. Barton stated that it was planned to build 33 homes in this subdivision and since it was not considered economically feasible to annex

to the city so that sewer service could be furnished as the cost would be excessive, that it was planned to use septic tanks. He stated that this was due to the slope of the land and that it had been estimated by the city that to furnish sewer service to this subdivision that it would cost approximately \$15,000 which would make the cost per lot approximately \$450. He stated that he could not meet competition in selling these lots at that cost. Although none of the lots had been sold as yet, he expressed willingness to discuss alternate methods of sewerage of the subdivision if the cost involved were not excessive.

It was brought out in the discussion that the sewer lines which had been built by the city to serve adjacent city land had been too shallow to serve the entire Barton Oaks. but that a certain number of lots could be served.

Various methods of furnishing sewer service to this subdivision were discussed by the Council. The Director of Public Works stated that the feasible way to sewer this subdivision would be by the installation of the major trunk line through the La Loma district but that would depend on the interest of the people in this district on annexing to the city. Mr. Barton stated that he would like to have time to check further with Mr. Ray on some of the alternate plans which had been prepared by the Public Works Department and which he had not had time to investigate as yet.

Mr. Barton advised the Council, when asked by the Mayor, that he had entered into an agreement with the Del Este Water Company for water service for the subdivision and that they had already started work. He was not certain whether the construction would meet the requirements of the Board of Fire Underwriters for fire protection if the subdivision was taken into the city at a later date. Councilman Mellis pointed out that the people would not be able to enjoy the low city fire rate if the construction did not meet the requirements.

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Mayor Marks stated that he wanted it to be a matter of record that the Council had done everything in its power to cooperate with Mr. Barton in the furnishing of sewer and water to this subdivision. Mr. Barton expressed his appreciation of the cooperation and the work of the Public Works department in endeavoring to try and work out a solution of the problems of furnishing these services.

APPROVE AGREEMENT FOR WATER AND SEWER SERVICES FOR McHENRY VILLAGE INC.

The City Attorney presented a proposed agreement between the City of Modesto and McHenry Village Inc. for city water and sewer services for the consideration of the Council. Councilman Mellis introduced

RESOLUTION NO. 10,227-N. S.

which was seconded by Councilman R. Adams, approving the agreement and authorizing the execution, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

DISCUSSION OF RECREATION BUDGET

The City Manager presented to each Councilman a copy of a summary of the proposed 1953-54 Recreation Department Budget, together with a copy of a report from the Director of Finance regarding County participation in the 53-54 Recreation budget. He stated that it was necessary to consider this budget at this time since it must be presented to the County Recreation Commission by Friday, June 12, for consideration. He stated that the reason for the greater expenditure in the proposed budget over the previous year was due to the fact that the maintenance and operation of the Maddux Youth Center, which would be completed shortly, was included and that amounts had been placed in the budget for the Softball League, Basketball League activities as well as the Recreation Program for the El Vista School.

He stated that the reason the Softball League and Basketball League items had been included in the budget was due to the uncertain basis on which the programs had previously been operated. Funds had been collected by the various leagues from sponsors, participants and various activities and turned over to Lee Brooks, Recreation Director, who would deposit them. He stated that he could not authorize the Director of Recreation to continue handling funds in the name of the city in this manner. Councilman Mellis pointed out that with the city underwriting finances of these organizations the question would be, "what assurance would the city have that the teams would collect the money through special events, etc.?"

The City Manager stated that this year the entrance fee had been set at \$30 00 but that next year it should be raised to meet the expenses, possible to \$60 or \$75, or the activities dropped from the recreation program, unless the city wished to make up the difference.

The City Manager stated that the proposed method could be given further study and that the amounts included in the budget for financing the Softball League and Basketball League could be deleted if the Council wished.

The Director of Recreation pointed out that when the schools granted permission to the city to use their athletic fields, it was with the idea that they would look to the city for payment of the electric light bills for the games since this was not included in the school budgets.

The City Manager pointed out that it was proposed in this year's budget to request assistance from the county for one-half the cost of construction of the Junior College restrooms in the soft ball field, as well as the construction of the Junior College softball field, which would be approximately \$2500 and one-half the net operating cost which would be \$16,937 00.

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Mayor Marks appointed a committee of Councilmen L. Merrill, R. Adams, and Mellis to review the budget as proposed. Councilman Annan moved, seconded by Councilman M. Adams, and it was unanimously carried that the committee be authorized to present a report to the County Recreation Commission for its consideration.

Leo Hammett, member of the Recreation Commission appeared before the Council and expressed appreciation on behalf of the Commission for the support the Council has given to the recreation program in the community.

22 REQUEST FOR CHANGE IN ORDINANCE REGULATING PALMISTRY IN CITY

A request from George Merino, 165 Alma Street, San Jose, for a change in the ordinance regulating palmistry in the city so that the annual fee would be \$300 annually instead of \$500 per month and with certain other provision required with the filing of an application, was referred to the City Manager for study and recommendation.

23 REPORT BY PLANNING COMMISSION ON TRAFFIC CONDITION ON ORANGEBURG AVENUE

A proposal for the improvement of the traffic conditions on Orangeburg Avenue by the Planning Commission was presented. The City Manager was instructed to send copies of the report to the Council members for their study.

24 REFER REQUEST FOR ANNEXATION OF GRANGER ADDITION TO PLANNING COMMISSION

A request was filed by Mrs. Carl Soderstrom, John W. Harrity, and Mrs. Richard Lamoreaux for consent to commence proceedings to annex an addition to the city, which is bound on the north by the Modesto Irrigation District #3 canal, west by the Tidewater Southern railway, south by Orangeburg Avenue and east by McHenry Avenue. Councilman Annan introduced

RESOLUTION NO. 10,228-N. S.

which was seconded by Councilman Merrill, referring the request for consent to annex certain inhabited territory to the City of Modesto (Granger Addition) to the Modesto City Planning Commission for its report or recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AGREEMENT APPROVED FOR AUDITING CITY ACCOUNTS FOR YEAR ENDING JUNE 30, 1953

The City Attorney presented for the consideration of the Council agreement between the City of Modesto and Chester D. Nattinger, Certified Public Accountant, for the auditing of the records for the year ending June 30, 1953, as provided by Section 1306 of the Charter of the City. He stated that this agreement provided for 14 copies of the report and that the charge for the audit was the same as last year \$750. Councilman M. Adams introduced

RESOLUTION NO. 10,229-N. S.

which was seconded by Councilman Arata, approving the agreement as presented and authorizing the execution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Attorney pointed out that the City Charter provided in Section 1306 that "The Council shall employ at the beginning of each fiscal year, an independent certified public accountant-----" and that it would seem to be in order to comply with the charter to take care of the fiscal year 1953-54 that an auditor should be appointed at this time to provide a continuing audit throughout the year. Mayor Marks appointed Councilmen Arata, R. Adams, and Mellis as a committee to investigate this matter. It was moved by Councilman M. Adams, seconded by Councilman Arata and it was unanimously carried that the committee be authorized to investigate the hiring of a certified public accountant for the next fiscal year.

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26 APPOINTMENT OF COMMITTEE TO STUDY INSURANCE

Mayor Marks appointed a committee to study the insurance program of the city of Councilman D. Mellis, chairman, Annan, Arata, and Councilman R. Adams agreed to sit in on the meetings in an ex-officio capacity.

27 REPORT BY CITY ATTORNEY ON COMPREHENSIVE LIABILITY INSURANCE

The City Attorney reported that a meeting had been held with the City Manager and Director of Finance regarding the renewal of the Comprehensive Liability Insurance policy which expires on June 27. He stated that the companies submitting bids had been advised to present their bids by June 15 so that the committee could evaluate them by June 24.

He suggested that the insurance committee could go over the program for securing bids for this insurance with the idea of forming a program for securing bids for future insurance policies. He suggested that it might be possible to secure a temporary rider on this coverage or a short term policy until future investigation could be made. He also suggested that the committee could consider the procedure for handling of insurance claims against the city.

It was agreed that the insurance committee should meet in the Council Chambers on Thursday, June 4, at 11:00 P. M.

28 EXTEND DATE FOR SUBMISSION OF 1953-54 BUDGET TO COUNCIL

The City Manager reported that a meeting had been held with the Citizen's Advisory Committee on the budget. He suggested that further study be made and that the time for submission of the budget to the Council be extended for another month. It was moved by Councilman Mellis, seconded by Councilman M. Adams that the date for submission of the 1953-54 budget to the Council be set for July 22.

29 AUTHORIZE READVERTISE POSITION OF ACCOUNTANT IN NEW RANGE

The Assistant to the City Manager, reported on the unsatisfactory results attained in securing recruits for the position of

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Accountant in the Finance Department at a salary range of \$317-386, as provided in the present classification system. Although wide advertising coverage had been given to the position, only two qualifying applications were received.

The Director of Finance outlined the duties of the position and stated that this position would be provided for in the new budget and the position could be filled as of July 1. He stated that he had planned to have the new accountant audit accounts for sales tax and mill license to determine if returns are being made properly.

The City Manager recommended that the Council authorize the readvertising of this position at a range the top step of which would not exceed \$458 per month. Councilman Annan moved, seconded by Councilman M. Adams and it was unanimously carried, that the position of accountant be readvertised with a maximum salary not to exceed \$458 per month.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 6:45 P. M.


ATTEST: REX E. GAILFUS, CITY CLERK

6-3-53

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Absent: Councilmen: None

The pledge of allegiance to the flag was given by all those present
Invocation was given by Rev. John Becker of the Geneva Presbyterian Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meeting of May 20, 1953, the same being available for public inspection, and there being no objections, the minutes were approved.

REPRESENTATIVE FROM CHAMBER OF COMMERCE

Mayor Marks introduced Sid Losher, representing the Chamber of Commerce, who expressed appreciation for the invitation from the Council to the Chamber of Commerce to have one of its members present each week at the Council meetings. He stated that this would work for better cooperation between the two bodies.

AUTHORIZE CALLING FOR BIDS FOR OFFICIAL ADVERTISING FOR FISCAL YEAR ENDING JUNE 30, 1954

Upon the recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 10,231-N.S.

which was seconded by Councilman Arata, authorizing the calling for bids for the publication of the official advertising of the City for the fiscal year ending June 30, 1954, in accordance with the procedure contained in section 1311 of the City Charter, said bids to be opened on Monday, June 22, 1953 at 2:00 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Merrill

3 ACCEPT DEED FROM ROY L. HUDSON & IVY JOE HUDSON (PORTION SUTTER STREET)

A deed from Roy L. Hudson and Ivy Joe Hudson for a ten foot strip of land to be used in the development of Sutter Street as an 80 foot street, was presented to the Council for its consideration. City Attorney Grimes stated that the dedication of this property to the city for this purpose had been the recommendation of the Planning Commission in the proposed annexation of the Hudson-Uccello Addition to the City. Councilman Annan introduced

RESOLUTION NO. 10,232-N.S.

which was seconded by Councilman M. Adams, accepting the deed as presented and directing the City Clerk to record said deed with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

4 RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE HUDSON-UCCELLO ADDITION AND FIXING TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION

The City Attorney presented a resolution to the Council for its consideration relating to the proposed annexation of the Hudson-Uccello Addition. Councilman Annan introduced

RESOLUTION NO. 10,230-N.S.

which was seconded by Councilman Mellis, giving notice of the proposed annexation of the Hudson-Uccello Addition to the City of Modesto and fixing the time of 4:30 P.M. on July 15, 1953 in the Council Chambers of the City Hall, as the time and place for hearing objections to the proposed annexation, providing for the publication of notice and mailing of written notice to property owners and other interested parties, which resolution was regularly adopted by the following vote;

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

5 LETTER FROM MODESTO CHAMBER OF COMMERCE RE: APPRECIATION COOPERATION OF CITY IN ASSISTING THE STANISLAUS JERSEY BREEDERS ASSOCIATION

A letter from the Modesto Chamber of Commerce expressing appreciation to the Council for its cooperation in assisting the Stanislaus Jersey

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Breeders Association to hold its 1953 Spring Show on a major city street on May 23, was read and ordered filed.

6 LETTER FROM SINGLETON & PORTER REQUEST PERMIT ESTABLISH USED CAR LOT

A request was filed by Singleton & Porter for permission to establish a used car lot at 1409-10th St. A letter from Wm. J. Silva Co. to Singleton & Porter, temporarily extending the use of the sanitary facilities at their lot at 1405 Tenth Street, since these facilities were not available at 1409 Tenth Street, was also filed with the request. Agreement to install the necessary facilities at 1409 Tenth street, if they kept the lot longer than six months, was included in the request by Singleton & Porter. Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried, that permit be granted to said applicant under the conditions set forth in the request.

Councilman Merrill arrived at this time.

7 LETTER FROM CHAMBER OF COMMERCE RE: SIDEWALK AREA IN COMMERCIAL DISTRICT

A letter was read from the Chamber of Commerce requesting that legislation be adopted to regulate the public walk-ways in the commercial areas of the city to require that sidewalk areas be constructed from the curb to the building or that grass be planted from the sidewalk to the curb so that the unsightly condition of weeds growing in this area could be controlled. They cited the specific locations of

Tenth Street from G South and North on K
Eleventh Street from J Street north
Eleventh Street from G South
H Street from 8th to First
Instances East of Eleventh Street on I, J, and H Streets

City Manager Miller stated that he had personally investigated certain spots in the commercial district which were unsightly.

It was the decision of the Council to refer the communication to the City Manager, City Attorney and Public Works Department, to investigate and report to the Council at an early date.

8 LETTER FROM MODESTO COUNCIL OF PARENTS AND TEACHER RE: SAFETY MEASURES TO BE INSTALLED BEFORE STREET OPENED TO HIGHWAY TRAFFIC IN NORTHERN SECTION OF CITY

A letter was read from Mrs. Alice L. Martel, Safety Chairman of the Modesto Council of Parents and Teachers, requesting that the Council give consideration to the safety and welfare of school children in the

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event a thoroughfare is opened in the northern section of the city to highway traffic. It was requested that all safety measures, such as sidewalks, traffic lights and proper marking be installed.

It was agreed by the Council that a letter be written to the Modesto Council of Parents and Teachers, advising that it is a primary concern of the Council to do whatever it was in its power to do in this regard and that a copy of the report made by the Planning Commission relative to a program for traffic control and pedestrian safety on Orangeburg Avenue also be enclosed with the letter.

The City Manager suggested that instead of starting on a program for the improvement of streets, sidewalks and traffic regulations in a larger area, that consideration be given instead to a program for a specific elementary school area on the basis recommended by the Citizen's Committee and that this program be sponsored jointly by the city, county Modesto Irrigation District and schools. A program could be set up for each elementary school area and the specific problems for each area be worked out jointly. Let the people in each area decide if they wish to put in these improvements for their children's safety and increase the valuation of their property, he stated. He expressed the belief that it was the responsibility of the city to propose the program, furnish the mechanics and set up the necessary steps to reach a decision. He stated that he had conferred with James H. Corson, Superintendent of City Schools, and school authorities are also concerned about these problems.

Action on this program should be started as soon as possible so that arrangements can be completed before the start of school next fall, City Manager Miller stated.

Councilman Mellis recommended that the city pay a portion of the cost for the improvement of sidewalks and that the schools should accept some of the responsibility. Councilman Merrill stated that it was "up to the city to accept responsibility to lead the way." It was generally agreed by the Council members that each school area should be given an opportunity, area by area, to "cure" this problem and that the recommendations of the street committee of the Citizens' Advisory Committee be given consideration.

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It was moved by Councilman Arata, seconded by Councilman M. Adams and unimously carried that a program be started by the City of Modesto, as soon as possible, on a joint basis with the governing agencies, Modesto Irrigation District, Board of Education and Board of Supervisors, to improve sidewalks, streets and traffic regulations in the elementary school areas in and around the city.

9 LETTER FROM INTERNATIONAL CITY MANAGERS' ASSOCIATION RE: ANNUAL CONFERENCE OF THE ASSOCIATION IN LOS ANGELES, SEPT. 20-24, 1953

An invitation to the Council to be represented by the City Manager at the 39th Annual Conference of the International City Manager's Association, to be held in Los Angeles, Sept. 20-24, 1953, was read.

City Manager Miller stated that he planned to attend this conference.

10 CALL FOR BIDS FOR SEWER TRUNK LINE ON GRANGER AVENUE

Plans and specifications for the construction of "Sanitary Sewer Trunk Line on Granger Avenue between Tully and McHenry Avenues", were presented to the Council for its consideration by Director of Public Works Ray.

The City Manager stated that the McHenry village would be served by this proposed sewer line. Councilman Merrill introduced

RESOLUTION NO. 10,233-N.S.

which was seconded by Councilman Annan, approving the plans and specifications for the proposed construction of the sewer trunk line and authorizing the calling for bids, in accordance with the procedure contained in Section 1307 of the City Charter, said bids to be opened at 2:00 P.M. on Monday, July 6, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

11 REPORT BY CITY ATTORNEY ON DISMISSAL OF SUIT AGAINST CITY BY STATE, POLLUTION OF TUOLUMNE RIVER

The City Attorney reported that he had received a letter from the office of the State Attorney General advising that the terms of the
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stipulation entered into by the city and the state have been fulfilled and that a request for the dismissal without prejudice of the case of People vs. City of Modesto, et al, relating to the pollution of the Tuolumne River, would be filed with the County Clerk.

12 REPORT BY CITY MANAGER ON REQUIREMENTS FOR TUOLUMNE RIVER FROM REGIONAL WATER POLLUTION CONTROL BOARD

The City Manager reported that revised requirements covering conditions to be maintained in the Tuolumne River received from the Regional Water Pollution Control Board have been checked by Director of Public Works Ray and have been approved by him. He stated that these revised requirements are now in effect for this summer canning season.

13 DISCUSS PROPOSED AMENDMENT TO AIRPORT ORDINANCE COVERING TRANSIENT COMMERCIAL SERVICES

The City Attorney reported that a proposed amendment to the airport ordinance covering transient commercial services had been drafted and sent to members on the Council temporary committee, and that he had been advised by Airport Manager Sham that it was satisfactory to the members of the committee and to him. He outlined the proposed amendment to the Council. Councilman Mellis moved that the ordinance be adopted.

Airport Manager Sham suggested that some provision should be included in the ordinance which would define "fixed base operator" and "transient operator." The Council committee concurred in this suggestion.

A discussion was held on whether the charge of \$90.00 per month for the privilege of using the airport should not be pro-rated if the operator operated less than a month. It was agreed by the Council that the charge should be \$90.00 per month or a portion thereof.

Councilman Mellis withdrew his motion for the adoption of the ordinance as presented by the City Attorney and moved, seconded by Councilman Arata, and it was unanimously carried, that the City Attorney be instructed to redraft the ordinance for the further consideration of the Council along the lines discussed.

14 RESOLUTION APPROVING AIRPORT HANGAR LEASE WITH NATHAN J. PROVINCE

The City Attorney presented a proposed renewal of a lease with Nathan J. Province, dba Pacific Aircraft Service, for the rental of airplane hangar at the Municipal Airport for a term of one year from the 1st day of July, 1953, at an annual rental of \$1200. He stated that these provisions were the same as the previous lease. Councilman R. Adams introduced

RESOLUTION NO. 10,234-N.S.

which was seconded by Councilman M. Adams, approving the renewal of the lease as prepared by the City Attorney and authorizing the execution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 CALL FOR BIDS FOR PAVING MATERIALS FISCAL YEAR 1953-54

Upon the recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 10,235-N.S.

which was seconded by Councilman Arata, authorizing the calling for bids for furnishing and delivering, or for furnishing, delivering and placing paving material in accordance with the specification on file in the office of the Director of Public Works and in accordance with the procedure contained in Section 1307 of the City Charter, said bids to be opened at 10:00 A.M. on Tuesday, June 30, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

16 RESOLUTION APPROVING EXTENSION OF AGREEMENT WITH HARRY JENKS

As directed by the Council, the City Attorney presented for its consideration an agreement extending the June 4, 1953 agreement between the City and Harry Jenks, Consulting Sanitary Engineer, for a term of one year, commencing June 4, 1953, and providing for the termination of 6-10-53

of the agreement by either party at any time by giving 30 days' written notice to the other party. Councilman Merrill introduced

RESOLUTION NO. 10,236-N.S.

which was seconded by Councilman Arata, approving the extension of agreement as presented and authorizing the execution of same, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

17 RESOLUTION AMENDING RESOLUTION NO. 10,044-N.S. ESTABLISHING SPECIAL PARKING ZONE IN FRONT OF WASHINGTON SCHOOL ON WASHINGTON STREET

The City Manager stated that at the Council meeting of Dec. 10, 1952 Resolution No. 10,044-N.S. was adopted which established a special parking zone in front of the Washington School. Both the Chief of Police and the parties concerned have now agreed that a change in the location of the special parking zone would be desirable and better for all concerned. The City Attorney read the resolution as prepared and Councilman M. Adams introduced

RESOLUTION NO. 10,237-N.S.

which was seconded by Councilman Arata, amending Resolution No. 10,044-N.S., revising the location of the special parking zone established in front of the Washington School on Washington Street, as recommended by the Police Department, at a location set forth in the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

18 DISCUSS CONTRACT WITH E. R. WENDLER FOR REMOVAL OF LEAVES

The City Manager reported that a contract had been drafted for the removal of leaves in the City of Modesto, which was agreeable to both Mr. E. R. Wendler and to the city. This agreement which was to be for a term of five years, called for an annual payment to Mr. Wendler of \$3600. and required a performance bond of \$4,000. However Mr. Wendler had not been able to secure this bond.

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The City Manager stated that he wished to discuss with the Council the possibility of writing the contract for a period of one year only and without the requirement of a performance bond. He pointed out that the cost to the city for this work would be approximately \$10,000. The work covered a period of approximately 3 months, which would mean a savings of \$2,000. per month. He stated that it was worth the risk of having to pick up the work if he failed to complete the contract satisfactorily.

The City Attorney pointed out that the fact that he could not secure the bid was indicative of his limited financial resources and that he is operating on a limited amount of funds and equipment. The contract as drafted would call for three progress payments. If the work did not meet the satisfaction of the city and it would be necessary to take the work over, the problem would be to determine what was owed Mr. Wendler.

Director of Public Works Ray stated that it would be necessary to revise the contract as to the basis of payment if it was written for one year. He stated that Mr. Wendler had completed a contract with the City of Turlock satisfactorily last season. The reason that the bonding companies were reluctant to write a bond was because they did not know anything about this type of business.

It was agreed by the Council that the City Manager should proceed with the drafting of a contract for one year, which would be sound and protect the city sufficiently and bring it back to the Council for its consideration.

19 CITY MANAGER CALLS ATTENTION TO TRIMMING OF TREES ON H STREET

The City Manager called the Council's attention to the program now underway by the Parks Department, on the trimming and cleaning up of the trees on H Street.

20 ACCEPT CONTRACT FROM BRUCE FERREL FOR CURB AND GUTTER CONSTRUCTION AT WESTSIDE PARK

Regular estimate No. 1 and final for the construction of curb and gutter at Westside Park for the amount of \$2,707.38 by contractor Bruce Ferrel, was presented to the Council by the Director of Public Works; Acceptance of the contract as completed and payment of \$2,030.54 to the

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contractor, being 75% of the contract price as provided in the contract, was recommended as well as the filing of a notice of completion with the County Recorder. Councilman Merrill introduced

RESOLUTION NO. 10,238-N.S.

which was seconded by Councilman Annan, accepting the contract as completed, authorizing payment of \$2,030.54 to contractor Bruce Ferrel and authorizing the City Clerk to file notice of completion with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

21 RESOLUTION AUTHORIZING PAYMENT OF \$9,414.50 TO M. J. RUDDY & SON FOR PAVING MATERIALS AND EQUIPMENT RENTAL ON RESURFACING OF STATE HIGHWAY ROUTES IN THE CITY

A report was filed by the Director of Public Works on completion of the resurfacing of State Highway Routes in the city by M. J. Ruddy & Sons. Payment of \$9,414.50 is due at this time for the furnishing of plant mixed asphaltic surfacing material and the rental of certain pieces of equipment. The highway routes resurfaced were:

L Street, between 7th and 8th Street,
Maze Boulevard from Franklin to Washington Street,
D Street from 9th to 14th,
Grant Street from D to Dry Creek Bridge

The Director of Public Works requested that payment be made so that the billing could be made to the State Division of Highways, not later than June 15th. Councilman Arata introduced

RESOLUTION NO. 10,239-N.S.

which was seconded by Councilman M. Adams, authorizing payment of \$9,414.50 to M. J. Ruddy & Son as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

22 APPROVAL OF AGREEMENT WITH CODDING HOMES FOR SEWER & WATER SERVICE TO BRIGGSMORE TRACT

The City Manager presented for consideration of the Council an agreement between the City and Coddling Homes for the furnishing of sewer and water services to the Briggsmore Tract located north of the M.I.D. Lateral #3 and approximately 660 feet west of the east line of McHenry Avenue, consisting of approximately 9 acres. He stated that this subdivision includes 36 homes sites. The water line which would serve this tract would be the same as the one serving the McHenry Village Tract, recently granted service by the Council. Annexation at the earliest possible time has been requested by the owner of this tract of land, he stated. Councilman Mellis introduced

RESOLUTION NO. 10,240-N.S.

seconded by Councilman R. Adams, approving the agreement as presented and authorizing execution of same, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

23 REPORT FROM COUNTY BOUNDARY COMMISSION ON GRANGER ADDITION

The City Manager reported that a report had been received from the County Boundary Commission approving the boundaries of the Granger Addition, proposed to be annexed to the City of Modesto, as to definiteness and certainty.

24 REQUEST FOR FUNDS FROM STANISLAUS COUNTY FOURTH OF JULY CELEBRATION

A letter from the Stanislaus County Fourth of July Celebration Committee requesting a contribution of \$1,000 to be used for the purchase^{of} fireworks, insurance and parade prizes in connection with the Fourth of July celebration this year, was read. The City Manager stated that the usual contribution was \$500 and that the amount allowed would be included in the 1953-54 budget.

Councilman Annan expressed himself in favor of the Council doing everything possible to finance a "great big Fourth of July celebration in the city," so that the people in the surrounding vicinity would get in the habit of coming to Modesto to celebrate the Fourth.

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Councilman Merrill stated, "it means good will for merchants and we should do everything we can."

Councilman Arata recommended the granting of \$500 as in former years and "see what the county gives them."

It was agreed by the Council that it would be desirable to have a representative from the committee at the next Council meeting to explain their program.

It was moved by Councilman Mellis, seconded by Councilman Annan and it was unanimously carried, that \$500 be provided in the 1953-54 budget to be used for the 1953 Fourth of July celebration and that the Committee be requested to send a representative to the next meeting of the Council to outline the program and to discuss the matter of additional contribution by the city.

25 RESOLUTION AUTHORIZING PAYMENT ON AUDIT ON COMPREHENSIVE LIABILITY POLICY AND APPROVING APPROPRIATION TRANSFER

The City Manager reported that the audit for the 1951-52 comprehensive public liability and property damage policy, in the amount of \$1,544.19, was due and payable. It would be necessary at this time to authorize payment and to approve an appropriation transfer of \$1,045.00 from the general reserve to automobile insurance, \$500 for public liability insurance, \$545. Councilman R. Adams introduced

RESOLUTION NO. 10,241-N.S.

seconded by Councilman Merrill, authorizing appropriation transfer of \$1,045.00, from the general reserve as outlined above and authorizing payment of \$1,544.19 to the Modesto Insurance Agent's Association for the audit of the general liability policy, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

26 SPECIAL COUNCIL MEETING ON TUESDAY, JUNE 16, 1953

Councilman Merrill introduced

RESOLUTION NO. 10,242-N.S.
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which was seconded by Councilman Annan, providing for the holding of a special Council meeting on Tuesday, June 16 at 4:00 P.M., for the canvassing of ballots of the special election held on June 9 for the annexation of the Fairmont Addition to the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

27 REQUEST OF CHAMBER OF COMMERCE FOR PAYMENT OF CLAIM

The City Manager reported that a request had been filed by the Chamber of Commerce for the payment of claim which he had not had time to check out. It was agreed by the Council that this request should be referred to the City Manager for study and report to the Council.

28 TERMS OF MEMBERS EXPIRING ON BOARD OF TRUSTEES OF McHENRY LIBRARY

The City Manager reported that the term of E. R. Utter on the Board of Library Trustees had expired on February 1, 1953 and that the term of C. S. Browne would expire on the same board as of July 1, 1953.

Mayor Marks suggested that each Councilman submit three names for these appointments for the consideration of the Council.

29 REPORT ON SALE OF SEWER BONDS, SERIES A

Director of Finance Lawrence reported that funds had been received this date from the Bank of America for the sale of \$1,800,000 of 1953 sewer bonds, series A.

30 REPORTS

The City Manager reported that copies of a report filed by the Public Administration Service were being mailed to the Councilmen and the press.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 9:15 P.M.

ATTEST:


CITY CLERK

The Council of the City of Modesto met in special session pursuant to election Code 9918 to canvass the ballots of the special election held on Tuesday, June 9, 1953 for the annexation of the Fairmont Addition to the City of Modesto.

Present: Councilman R. Adams, Annan, Arata, Mellis and Mayor Marks

Absent: Councilmen: M. Adams and Merrill

DETERMINE RESULT OF ELECTION HELD IN THE FAIRMONT ADDITION FOR ANNEXATION OF SAID TRACT TO THE CITY OF MODESTO

Mayor Marks declared the meeting open for the canvassing of the ballots cast at the election held on June 9, 1953 in the Fairmont Addition for annexation of said tract to the City of Modesto. After the returns were canvassed by the Council and found to be correct and the absentee ballots had been opened, Councilman Mellis introduced

RESOLUTION NO. 10,243-N.S.

which was seconded by Councilman Arata, entitled,

"A RESOLUTION DETERMINING THE RESULT OF AN ELECTION HELD IN THE FAIRMONT ADDITION FOR ANNEXATION OF SAID TRACT TO THE CITY OF MODESTO"

which read as follows:

"WHEREAS, a special election was held on the 9th day of June, 1953, in the Fairmont Addition, near the City of Modesto, County of Stanislaus, State of California, and contiguous to the city limits of said City, and which territory is particularly described as follows, to-wit:

All that certain real property and territory located in the Southeast one-quarter of Section 20, and the Southwest one-quarter of Section 21, Township 3 South, Range 9 East, M.D.B & M., in the County of Stanislaus, State of California, and particularly bounded and described as follows, to-wit:

Beginning on the existing City limits at the Northeast corner of Lot 3 of Block 706 of the City of Modesto; thence Northerly 30 feet to a point on the center line of Griswold Avenue; thence Easterly 5 feet to a point on the west line of McHenry Avenue and 25 feet west of Southeast corner of Lot 2 as said Avenue and Lot 2 are shown on the map of Mission Grove Tract in Volume 8 of Maps at Page 50, Stanislaus County Records; thence along the west line of McHenry Avenue and 25 feet Westerly

from and parallel to the Section line common to said Sections 20 and 21 Northerly to the Southerly line of Roseburg Avenue, said Southerly line of Roseburg Avenue being 20 feet Southerly from the East-West one-quarter Section line of said Section 20; thence Easterly along said Southerly line at Roseburg Avenue, 20 feet South of and parallel to the East-West one-quarter Section line of said Section 20 and 21 to the Westerly line of Sunrise Avenue, said Westerly line of Sunrise Avenue being 20 feet Westerly at the North-South one-quarter Section line of said Section 21; thence Southerly along the Westerly line of Sunrise Avenue, 20 feet West of and parallel to the said North-South one-quarter Section line of said Section 21 to the Southerly right of way line of the Modesto Irrigation District Lateral No. 4 and the Northerly limits of the City of Modesto; thence Westerly along the Northerly City limit line of the City of Modesto to the point of beginning, and

WHEREAS, the said City Council of the City of Modesto finds after due examination that due notice of said election was published in the Turlock Daily Journal, a newspaper of general circulation printed and published outside the City of Modesto, but in Stanislaus County, California, which said notice appeared in said newspaper on May 15th, 22nd, 29th and June 5th., all in the year 1953, and that prior to said publication in said newspaper, a date was set giving due notice that owners of property in said Fairmont Addition could appear before said City Council on the 6th day of May, 1953, to protest holding of said election; and it further appearing to the said Council and the said Council so finds that all other requirements of the Annexation Act of 1913 and all other requirements of the Election Laws of the State of California have been duly and regularly followed and that all of the procedures adopted and employed in the annexation proceedings and in the holding of said election are proper and legal, and

WHEREAS, the City Council of the City of Modesto is now sitting as a Canvassing Board to canvass the results of said election and has received all of the returns of said election and finds that the same are now in proper form, and have opened and canvassed the same and ascertained the result of said election as hereinafter stated, and

WHEREAS, after the holding of said election, the election officers thereof delivered to and deposited with the Clerk of this Council the ballots, tally sheets, and returns of said election, and it appearing and the Council so finding that the proposition submitted

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at said election was whether or not such territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the entire bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of said election,

NOW THEREFORE, BE IT RESOLVED, CERTIFIED, AND DECLARED BY THE COUNCIL OF THE CITY OF MODESTO that the said Special Election held in said territory to determine whether or not said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the entire bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of said election was regularly called, held, and conducted as required by law; that the proper and complete returns thereof have been made and received by said Council; that the same have been properly canvassed; that from the returns so canvassed as aforesaid it appears and the Council so finds that at said special election the total number of votes cast at the polls was and is two hundred twenty (220); that the number of votes cast at said polls in favor of annexation was and is eighty two(82); that the number of votes cast at said polls opposed to annexation of said territory was and is one hundred thirty seven (137); that the number of votes cast at said polls which were voided was and is one (1).

That said City Council sitting as such Canvassing Board further finds that the measure, to-wit, "Shall the Fairmont Addition be annexed to, incorporated in, and made a part of the City of Modesto, and the property therein be subjected to taxation equally with the property within the City of Modesto to pay the entire bonded indebtedness of the City of Modesto outstanding or authorized at the date of the election held to determine whether or not said property shall be annexed to the

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City?" failed to receive a majority of the votes cast for annexation and that therefore said measure did not carry, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Merrill

2 AUTHORIZE PAYMENT TO ELECTION OFFICIAL AND RENTAL OF POLLING PLACES

Councilman Annan introduced

RESOLUTION NO. 10,244-N.S.

which was seconded by Councilman Mellis, authorizing payment of \$8.00 to each election official serving at the special election held on July 9 for the annexation of Fairmont Addition to the city and the payment of \$5.00 for the rental of the polling place, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Merrill

ADJOURNMENT

There being no further business to come before the Council, the meeting and duly and regularly adjourned at 4:30 P.M.

ATTEST:


City Clerk

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Council Meeting

June 17, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Absent: Councilmen: None

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

Invocation was given by Rev. W. H. Cox of the First Missionary Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meetings of May 27 and June 3, the same being available for public inspection, and there being no objections, the minutes were approved.

REQUEST FOR SEWER AND WATER SERVICE TO 24 ACRE TRACT WEST OF COLLEGE VILLAGE ADDITION-ROBERT K. FORD.REALTOR

Robert K. Ford, Realtor, appeared before the Council on behalf of Lance Ellis, who has secured an option on a 24 acre tract, west of the College Village Addition, adjoining Tully Road. Water and sewer services for this tract are requested. The property is now in escrow and it will be approximately 2 months be^{fore} transfer has been completed, at which time application will be made by Mr. Ellis for annexation to the city, he advised. Mr. Ford was requested by the Council to submit a letter to the City Manager formally requesting these services and also requesting annexation of the tract, for the consideration of the Council.

Mr. Ford stated that the 24 acre tract east of the College Village Addition, purchased by Conow Company, would also desire water and sewer services and would request permission to annex to the city.

2) REPRESENTATIVE OF CHAMBER OF COMMERCE

Mayor Marks introduced George Ground Jr. to the Council, who was present to represent the Chamber of Commerce.

3) FRED S. CURTIS REQUEST TRIMMING OF SHRUBS AT JOHN MUIR PARK

Fred S. Curtis, 618 Ashby Ave., requested consideration of
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the Council for the trimming of the shrubs in the John Muir Park so that the park would be more open to passing cars of the Police Department and to observation of the people in that area so that it would be a safer place where children could play.

Mayor Marks expressed appreciation to Mr. Curtis for calling this matter to the attention of the Council and indicated that the people in the area of the park would be contacted to determine what kind of park would be most useful for that area.

H REQUEST FOR PERMISSION TO REMOVE TREE AT 409 SCENIC DRIVE-E. I. DEXTER

A request filed by E. I. Dexter to remove a 10 inch Sycamore tree at 409 Sycamore in order to construct a driveway, was held over until such time as the Council had inspected the location of the proposed driveway.

S REQUEST FOR WAIVING REQUIREMENT OF POSTING OF BOND AS PROVIDED BY ORDINANCE NO. 821-N.S.-HOLIDAY STUDIOS

A letter from Holiday Studios, 4830 Eleanor Way, Santa Clara, requesting that the requirement of Ordinance No. 821-N.S.(regulation of the photography business) for the posting of a \$250 bond be waived, as they would be operating through the local Gambles Western Auto Supply Store, was read.

The City Clerk was instructed to notify the company that their request would not meet the requirements of the ordinance and that if they wished to appear before the Council on their own behalf at a later meeting, arrangements could be made.

b INVITATION TO PARTICIPATE IN THE FOURTH OF JULY PARADE

An invitation for the Council to participate in the coming Fourth of July parade was received from the Fourth of July Celebration Committee. The City Clerk was directed to notify the Committee that those members of the Council who would be in the city at that time would ride in the parade.

7 ORDINANCE PROHIBITING BEGGING IN THE CITY OF MODESTO

City Attorney Grimes presented a proposed ordinance prohibiting begging in public streets or places in the City of Modesto for the consideration of the Council. He stated that this ordinance had been requested by the Chief of Police, as well as the Deputy District Attorney,

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who prosecuted violation of state laws within the city.

City Manager Miller recommended that the ordinance be adopted, as he felt that there was no justification for begging in the city as there were agencies, all of which are supported by the citizens, to take care of these people. Councilman Merrill introduced

ORDINANCE NO. 1077-N.S.

entitled: "AN ORDINANCE PROHIBITING BEGGING IN PUBLIC STREETS OR PLACES IN THE CITY OF MODESTO" and moved its adoption and passage to print, which motion was duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

8 SALE OF CITY PROPERTY IN BLOCK 36, lots 21-24 (SIXTH STREET)

At this time the meeting was declared open for the consideration of bids for the sale of city owned property in Block 36, lots 21-24 inc., as provided by Resolution No. 10,225-N.S. The City Clerk reported that one bid had been received from the Veterans of Foreign Wars, which was opened, examined, and declared by the Council to be, \$1500. As provided by aforesaid resolution the Mayor called for oral bids.

Oral bids were received both from Veterans of Foreign Wars and J. Guadalupe Becerra. The highest bid received was \$24.00, from the Veterans of Foreign Wars. It was moved by Councilman Mellis, seconded by Councilman Annan, and unanimously carried, that the bid of the Veterans of Foreign Wars be declared the highest bid received and that the City Attorney be instructed to prepare an ordinance providing for the sale of the property to said bidder.

9 REQUEST FOR ADDITIONAL CONTRIBUTION FOR FOURTH OF JULY CELEBRATION

Don Lapan, representing Bill Bates, and Henry Zimmerman, who have headed the Fourth of July Celebration Committee for many years, appeared before the Council to discuss financing this year's celebration.

Mr. Zimmerman stated that due to the practically depleted reserve fund, it would be necessary to raise funds from other sources.

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The celebration is the largest of its kind and draws 50/60,000 people to the city he stated. The committee has been hampered in the past in putting on the program due to the fact that it has been underfinanced and could not offer large enough cash prizes to attract participation of some of the larger organizations and band units. Guarantee of a portion of the transportation cost only of some of these larger organizations has been given by the committee in the past. Payment for participation in the parade has been made to only one band, the Stanislaus County Boys' Band. Collections from merchants this year have been much smaller and it has become necessary to look to other sources to raise the funds. The County, City and Modesto Irrigation District are being asked to raise their usual donations and he asked that the city increase its contribution from the usual \$500 to \$1000. In the past governmental contributions have been less than one-half of the actual cost of the celebration, he stated. He commented that he believed that the City, County and Modesto Irrigation District should underwrite two-thirds of the estimated \$4/5,000 cost of the program. The employee staff of both the Stanislaus Implement & Hardware Company and KTRB have been spending a great deal of time in soliciting contributions from the merchants. Contributions have not been requested from the Modesto Chamber of Commerce or the Merchants Bureau since this would be "back-tracking", as the merchants have been individually asked to contribute.

Councilman Mellis reported that he had contacted the Boys' Band, as requested by the Mayor, and that many of the children participating in this band were financially unable to buy their uniforms or instruments and that this source of income should continue, since this was practically the only means the band had in securing the necessary finances to carry on.

John Fairweather of the Chamber of Commerce stated that he believed the Merchants Association or the Chamber would look with "favor" on a request from the committee to contribute but that neither organization had been approached by the committee.

Mr. Zimmerman stated that if the city increased its donation this year and the committee had sufficient funds to build up a reserve fund for next year, that future contributions request^{ed} from the city would be less.

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Councilman Annan suggested that the Council could match whatever the County and M.I.D. contributed, up to \$1000. He stated that "if each the County and M.I.D. contributed \$1000. we would expect the merchants to get behind this thing and raise a minimum of \$2000."

The City Manager suggested that an organization be formed to sell membership tickets for this celebration which could be placed in the window of a store or on a windshield of a car and that each member pay \$5 to join, thus securing the community responsibility, as well as a better means of securing contributions.

Don Lapan stated that the suggestions of the Council would be discussed with the committee which was meeting tonight and that they would report the decision to the Council at its next meeting.

The advisability of using public funds for this type of project was also considered by the Council.

10 AWARD BID FOR FURNISHING ELECTRICAL EQUIPMENT AND MATERIALS

Tabulation of the 7 bids received for the furnishing of street lighting materials which had been opened on Monday, June 15 at 2:00 P.M. were presented to each Councilman for his consideration, by Assistant Director of Public Works Fredricksen.

The City Manager stated that bidders were permitted to bid on any or all of the 5 items covered in the proposal form and that awards were to be made on the basis of price and delivery date of each item.

The low bidders by item number were as follows:

Items 1 and 2	Taper Tube Pole Company	\$3,971.50	Del. 4 weeks
Item 3	G. E. Electric Supply Co.	2,546.00	Del. 45 days
Items 4 and 5	Modesto Electric Co.	810.83	Del. at once
		<u>\$7,308.33</u>	

Councilman Mellis introduced

RESOLUTION NO. 10,246-N.S.

which was seconded by Councilman M. Adams, accepting the lowest bids as listed above, as recommended by the Public Works Department, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

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Noes: Councilmen: None

Absent: Councilmen: None

The City Manager stated that the specifications permitted an increase in the quantities of 20% and that due to the fact that the prices are excellent, that he recommended that the quantities be increased the allowed 20%. It was moved by Councilman Mellis, seconded by Councilman Annan, that the City Manager be permitted to proceed with the purchase of the additional 20%.

AUTHORIZING CALLING FOR BIDS ON TRAFFIC ISLANDS AT MAZE BLVD., FIFTH, L, AND WASHINGTON STREETS

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 10,247-N.S.

which was seconded by Councilman Annan, authorizing the calling for bids for the furnishing of all materials, labor, tools and appliances and the doing of all the work involved in the construction of traffic islands at Maze Blvd., Fifth, L, and Washington Streets, said bids to be opened at 10:00 A.M. Monday, July 6, 1953, at the office of the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ORDINANCE AMEND ORD. 891-N.S. AIRPORT REGULATION (TRANSIENT OPERATORS)

The City Attorney presented for the consideration of the Council an ordinance amending Ord. No. 891-N.S. (rules and regulations for the use of the Municipal Airport), which would provide for the regulation of transient commercial operators at the airport. Councilman R. Adams introduced

ORDINANCE NO. 1078-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 891-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE USE AND CONDUCT OF MODESTO MUNICIPAL AIRPORT, DECLARING VIOLATIONS OF SAID RULES AND REGULATIONS TO BE A MISDEMEANOR AND PROVIDING PUNISHMENT THEREFORE AND FIXING LANDING, RENTAL AND OTHER FEES TO BE PAID FOR USING SAID AIRPORT AND PROVIDING

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FOR THE COLLECTION OF SAID FEES AND REPEALING ORDINANCES NO. 321-N.S., 328-N.S., 519-N.S., 795-N.S., and 800-N.S. of THE CITY OF MODESTO', as AMENDED BY ADDING ITEM 17 to SECTION 2 of SAID ORDINANCE", and moved its adoption and passage to print, which motion being duly seconded by Councilman Mellis, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

13 RESURFACING OF J STREET AND McHENRY AVENUE

The City Manager reported that the resurfacing of D Street had been completed more economically than anticipated and that with the balance of state funds from the project, together with additional funds to be secured from the State for the improvement of highways in the city, arrangements have been set up with the State Division of Highways to resurface J Street from Ninth to Needham and McHenry Avenue from Needham to Stoddard Ave. The estimated cost of this resurfacing would be approximately \$14,885.00 and the work would be completed by the city before July 1 and the State would reimburse the City. It was moved by Councilman Mellis, seconded by Councilman R. Adams that the City Manager be authorized to proceed with the work as outlined.

14 RESOLUTION AUTHORIZING CHANGE IN LOADING ZONE IN FRONT OF HOTEL HUGHSON

The City Attorney presented, for the consideration of the Council, a resolution extending a loading zone on the north side of J Street between 10th and 11th Streets in front of the entrance to Hotel Hughson Councilman Merrill introduced

RESOLUTION NO. 10,248-N.S.

which was seconded by Councilman Annan extending the loading zone along the north side of J Street from a point beginning 68½ ft. from the property line on the east side of 10th St. and ending 117' from the property line on the east side of 10th St., and directing the Director of Public Works to mark the zone in accordance with the provisions of this resolution, and rescinding Resolution No. 10,114-N.S., which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 USE OF
REPORT ON/ TAXICAB STAND AT CORNER OF TENTH & J STREETS BY YELLOW CAB COMPANY

The City Manager reported that the use of the taxicab stand at the corner of 10th and J Streets by the Yellow Cab Company had been checked for a ten hour period and that a cab had used the space only seven times during that period about 5 minutes a time and suggested that such use did not justify a taxicab stand at this location. It was agreed that the owner of the taxicab should be notified to appear before the Council to discuss this matter.

16 INVESTIGATE POSSIBILITY OF PARKING IN FRONT OF THEATRES DURING THE TIME THE THEATRES ARE CLOSED

At the suggestion of Councilman Annan, Police Chief Neel was requested to investigate the possibility of the use of the parking spaces in front of the theatres by the general public during the times that the theatres are closed.

17 LETTER FROM CITY PLANNING COMMISSION RE: DRAFTING OF ZONING ORDINANCE

A letter from the City Planning Commission requesting that the Council designate one of its members to participate in the discussions on the development of the new zoning ordinance for the city, was read. Mayor Marks appointed Councilman R. Adams to represent the Council at these meetings.

18 RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE AND CITY AUDITOR TO HAVE ACCESS TO THE SAFE DEPOSIT BOX LEASED BY THE CITY AT THE ANGLO CALIF. BANK

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 10,249-N.S.

which was seconded by Councilman M. Adams, authorizing the leasing of a safe deposit box from the Anglo California National Bank and authorizing Rex E. Gailfus, City Clerk and Auditor and Fred W. Lawrence, Director of Finance, to have access to said box, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

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Noes: Councilmen: None

Absent: Councilmen: None

19 AUTHORIZE PAYMENT OF \$2000 to CHAMBER OF COMMERCE

The City Manager stated that a claim for \$2,250.00 had been received from the Chamber of Commerce, \$2,000.00 of which was for expenditures as provided by agreement between the City and Chamber and \$250.00 for the "get out the vote" campaign, which had been conducted by the Junior Chamber of Commerce, and which had been allocated by the Council at the regular meeting of April 1, 1953. Councilman R. Adams introduced

RESOLUTION NO. 10, 249A-N.S.

which was seconded by Councilman Arata, allowing claim of \$2000.00 to the Chamber of Commerce as provided by agreement, which resolution was regularly adopted by the following vote;

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager stated that an appropriation transfer of \$250.00 from the general reserve, would be prepared for the consideration of the Council, to be used to pay the claim of \$250.00 from the Junior Chamber of Commerce for the "get out the vote" campaign as agreed by the Council.

20 CONSIDERATION OF REVISED PROCEDURE FOR PREPARATION OF AGENDA OF COUNCIL MEETINGS

The City Manager stated that it was the normal practice to set a reasonable time for the closing of the agenda for council meetings so that it may be prepared for distribution to the members prior to the meeting. He suggested that 2:00 P.M. on Tuesdays prior to the regular Wednesday Council meetings, be established as the closing hour. He also suggested that generally the matters on the agenda be cleared before consideration be given to persons appearing at the meeting without previous arrangements.

A discussion was held by the Council and it was agreed that only matter be considered which had been placed on the prepared agenda except those of an emergency nature and if there is no objection of all the members, other matter could be considered. It was moved by Councilman Mellis, second-

ed by Councilman Arata, and unanimously carried, that the City Attorney be instructed to prepare a resolution to establish the procedure for the preparation of the agenda.

21 RESOLUTION COMMENDING THE STAFF OF THE LEAGUE OF CALIFORNIA CITIES

Councilman R. Adams introduced

RESOLUTION NO. 10,250-N.S.

which was seconded by Councilman Mellis, commending the staff of the League of California Cities for outstanding services rendered at the 1953 General Session of the Legislature of the State of California, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

22 RESOLUTION COMMENDING ASSEMBLYMAN RALPH M. BROWN FOR HIS SERVICES

Councilman Mellis introduced

RESOLUTION NO. 10,251-N.S.

which was seconded by Councilman Arata, commending the Honorable Ralph M. Brown for his services as State Assemblyman representing Stanislaus County in the 1953 General session of the State of California, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

23 REPORT ON ELECTION FOR ANNEXATION IN THE NORTH CENTRAL ADDITION

The City Clerk reported that at the annexation election held on June 16, 1953, in the North Central Addition, that there were 727 registered voters, 461 votes were cast at the election, 311 for the annexation and 150 opposed and that the percentage of votes cast was 64.6%. There are 4 absentee ballots to be opened when the vote is canvassed on Tuesday, June 23.

The City Manager stated that police and fire protection had been authorized for this addition immediately after the election. Single family homes being served with city water at present will be placed on flat rates as of July 1.

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The City of Modesto is credited by the state with the number of registered voters, times 3, which would increase the population in the city by this annexation, by 2171 persons. Consideration of arrangements for the taking of a special census by the Department of Commerce, Bureau of Census, was discussed by the Council. The City Manager suggested that this be delayed until after the annexation elections under consideration in the Fremont and Granger Additions. He also stated that other cities in the area are considering having a special census taken and perhaps arrangements could be made jointly with these cities at a savings in the cost of the census.

24 REPORT ON COMPREHENSIVE PUBLIC LIABILITY & PROPERTY DAMAGE INSURANCE

Councilman Mellis reported that 5 bids had been received for the comprehensive general liability and property damage insurance, with the lowest bid being \$8,729.40 from Gidding Brothers, representing Phoenix Indemnity Company. He suggested that this bid be accepted on the condition that the city has the right to approve the adjuster and servicing agent. Councilman Mellis introduced

RESOLUTION NO. 10,252-N.S.

which was seconded by Councilman Arata, accepting the bid of the Phoenix Indemnity Company, as set forth above, upon the condition that the city has the right to approve the selection of the insurance adjuster and servicing agent, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Mellis reported that the insurance companies were very much impressed with the efforts of the city to keep the accidents at a minimum and he also commended the City Manager for the safety program being conducted.

City Manager Miller stated that he wished to pass a lot of credit for this safety program to a lot of people and particularly Assistant to the City Manager Shelton and Bernice Mitchell, as well as Mr. Brownson of the State Compensation Insurance Fund, who had assisted the city in the program.

Councilman M. Adams asked what the accident incidence was over a period of years and the City Manager stated that a report would be prepared by the Council.

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25 RESOLUTION COMMENDING THE MODESTO CHAPTER OF THE JUNIOR CHAMBER OF COMMERCE

The City Manager reported that a resolution welcoming the International Junior Chamber of Commerce at its convention being held in San Francisco, was adopted by the State Assembly recently but when it was considered by the State Senate, 10 senators voted against the adoption. He stated that he was attending a dinner on Friday, June 19 of the local chapter and he asked permission of the Council "to go and report to them that we do not consider them a subversive organization." Councilman Mellis introduced

RESOLUTION NO. 10,245-N.S.

which was seconded by Councilman Arata, instructing the Mayor and City Manager to attend the installation dinner of the Junior Chamber of Commerce and commend the local Junior Chamber of Commerce on its excellent work which it is doing for the community, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 6:30 P.M.

ATTEST:


CITY CLERK

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Council Meeting

June 23, 1953

The Council of the City of Modesto met in special session, pursuant to section 9918 of Article 5 of the Election Code of the State of California, to canvass the ballots of the special election held on Tuesday, June 16, 1953 for the annexation of the North Central Addition to the City of Modesto.

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

Absent: Councilmen: R. Adams, M. Adams and Merrill

AUTHORIZE PAYMENT TO ELECTION OFFICIALS AND RENTAL OF POLLING PLACES

Councilman Arata introduced

RESOLUTION NO. 10,254-N.S.

which was seconded by Councilman Annan, authorizing payment of \$8.00 to each election official serving at the special election held on June 16 for the annexation of North Central Addition to the city and the payment of \$5.00 for the rental of the polling places, which resolution was regularly adopted by the following vote:

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

Noes: Councilmen: None

Absent: Councilmen: R. Adams, M. Adams and Merrill

DETERMINE RESULT OF ELECTION HELD IN THE NORTH CENTRAL ADDITION FOR ANNEXATION OF SAID TRACT TO THE CITY OF MODESTO

Mayor Marks declared the meeting open for the canvassing of the ballots cast at the election held on June 16, 1953 in the North Central District for annexation of said tract to the City of Modesto. After the returns were canvassed by the Council and found to be correct and the absentee ballots had been opened, the following resolution was introduced:

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A RESOLUTION DETERMINING THE RESULT OF AN ELECTION HELD IN THE NORTH CENTRAL ADDITION FOR ANNEXATION OF SAID TRACT TO THE CITY OF MODESTO.

WHEREAS, a special election was held on the 16th day of June, 1953, in the North Central Addition, near the City of Modesto, County of Stanislaus, State of California, and contiguous to the City limits of said City, and which territory is particularly described as follows, to-wit:

All that certain real property situated in the County of Stanislaus, State of California, described as follows:

Beginning at the Northeasterly corner of the existing limits of the City of Modesto at the intersection of the South line of Fairmont Avenue with the West line of McHenry Avenue, said point being 25 feet West of the East line of Section 20, Township 3 South, Range 9 East; Mount Diablo Base and Meridian; thence along said West line of McHenry Avenue, 25 feet Westerly and parallel to said East line of Section 20, North 2310 feet, more or less, to the intersection thereof with the South line of Orangeburg Avenue as said McHenry and Orangeburg Avenues are shown on map of Mensinger Tract No. 4 recorded in Volume 14 of Maps at Page 68, Records of Stanislaus County; thence along the Southerly boundary of said Orangeburg Avenue Westerly 635.19 feet to the Easterly boundary of Mensinger Tract No. 2 according to the map thereof filed in Volume 11 of Maps at Page 30, Records of Stanislaus County; thence along the Easterly boundary of said Mensinger Tract No. 2, Southly 10 feet to the Southerly line of Orangeburg Avenue as shown on said Map of Mensinger Tract No. 2.; thence along said Southerly line of Orangeburg Avenue Westerly 659.59 feet to the Westerly boundary of said Mensinger Tract No. 2 and the Easterly boundary of Monaco Tract as said Monaco Tract is shown on the Map thereof filed in Volume 11 of Maps at Page 67, Records of Stanislaus County; thence continuing along the Southerly line of Orangeburg Avenue as shown on said map of Monaco Tract Westerly 660.00 feet to the intersection thereof with the centerline of Enslin Avenue, said centerline of Enslin Avenue being the Westerly line of said Monaco Tract and the Easterly line of the James Tract as said James Tract is shown on the map thereof filed in Volume 11 of Maps at Page 68, Records of Stanislaus County; thence continuing along the Southerly line of Orangeburg Avenue as shown on said map of James Tract Westerly 660.00 feet to the intersection thereof with the Westerly line of said James Tract said Westerly line being also the Easterly line of the right of way of the Tidewater Southern Railroad and

the North-South 1/4 section line of said Section 20; thence along said 1/4 section line North 10 feet to a point 20 feet South of the centerline of Orangeburg Avenue said centerline being the Northerly East-West 1/4 1/4 section line of said Section 20; thence Westerly at a distance 20 feet Southerly and parallel with said centerline of Orangeburg Avenue to a point on the Westerly line of said right of way of the Tidewater Southern Railroad said point also being the Northeast corner of Block 6050 of the City of Modesto; thence along the existing limits of the City of Modesto as follows: Southerly to the South line of Griswold Avenue, Easterly to the East line of Magnolia Avenue, Northerly to the South line of Fairmont Avenue, and Easterly to the point of beginning, and

WHEREAS, the said City Council of the City of Modesto finds after due examination that due notice of said election was published in the Turlock Daily Journal, a newspaper of general circulation printed and published outside the City of Modesto, but in Stanislaus County, California, which said notice appeared in said newspaper on May 22nd, 29th, June 5th and 12th, all in the year 1953, and that prior to said publication in said newspaper, a date was set giving due notice that owners of property in said North Central Addition could appear before said City Council on the 13th day of May, 1953, to protest holding of said election; and it further appearing to the said Council and the said Council so finds that all other requirements of the Annexation Act of 1913 and all other requirements of the Election Laws of the State of California have been duly and regularly followed and that all of the procedures adopted and employed in the annexation proceedings and in the holding of said election are proper and legal, and

WHEREAS, the City Council of the City of Modesto is now sitting as a Canvassing Board to canvass the results of said election and has received all of the returns of said election and finds that the same are now in proper form, and have opened and canvassed the same and ascertained the result of said election as hereinafter stated, and

WHEREAS, after the holding of said election, the election officers thereof delivered to and deposited with the Clerk of this Council the ballots, tally sheets, and returns of said

election, and it appearing and the Council so finding that the proposition submitted at said election was whether or not such territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the entire bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of said election,

NOW, THEREFORE, BE IT RESOLVED, CERTIFIED, AND DECLARED BY THE COUNCIL OF THE CITY OF MODESTO that the said Special Election held in said territory to determine whether or not said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the entire bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of said election was regularly called, held, and conducted as required by law; that the proper and complete returns thereof have been made and received by said Council; that the same have been properly canvassed; that from the returns so canvassed as aforesaid it appears and the Council so finds that at said special election the total number of votes cast at the polls was and is four hundred sixty one; that the number of votes cast at said polls in favor of annexation was and is three hundred eleven; that the number of votes cast at said polls opposed to annexation of said territory was and is one hundred fifty; that the total number of votes cast at each special precinct and the total number of votes cast at each special precinct in favor of annexation and the total number of votes cast at each special precinct opposed to annexation were and are as follows:

	<u>Total votes cast</u>	<u>In favor of Annexation</u>	<u>Opposed to Annexation</u>
Special Election Precinct No. 1	302	188	114
Special Election Precinct No. 2	159	123	36

Said City Council, sitting as a canvassing board further finds that there were cast at said election a number of absentee ballots or votes; that the total number of absentee votes so cast was and is four (4) that the

number of said absentee ballots or votes cast in favor of said annexation was and is 4; that the total number of absentee ballots or votes opposed to said annexation was and is none; that the total number of votes, both absentee and those votes cast at the polls at said election was and is Four hundred sixty five (465); that the total number of votes, both absentee and those cast at the polls in favor of the annexation of said territory to the City of Modesto was and is Three hundred fifteen (315); that the total number of votes, both those cast at the polls and absentee opposed to said annexation was and is One Hundred Fifty (150);

That said City Council sitting as such Canvassing Board further finds that the measure, to-wit, "Shall the North Central Addition be annexed to, incorporated in, and made a part of the City of Modesto, and the property therein be subjected to taxation equally with the property within the City of Modesto to pay the entire bonded indebtedness of the City of Modesto outstanding or authorized at the date of the election held to determine whether or not said property shall be annexed to the City?" received a majority of the votes cast for annexation and that therefore said measure carried.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 23rd day of June, 1953 by Councilman Mellis, who moved its adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the resolution adopted by the following vote:

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

Noes: Councilmen: None

Absent: Councilmen: M. Adams, R. Adams, Merrill

3 DISCUSS TRAINING PROGRAM FOR ELECTION INSPECTORS

City Attorney Grimes suggested that the city conduct a training program for election inspectors who serve at the General Municipal Elections. He pointed out that the program could be conducted on a volunteer basis and suggested that some compensation for attendance be considered. During the discussion it was suggested that the County also participate in the program. It was agreed by the Council that the City Attorney give consideration to preparing and conducting a training program for election inspectors who serve at city elections.

6-23-53

ADJOURNMENT

There being no further business to come before the Council,
the meeting was duly and regularly adjourned at 4:15 P.M.

ATTEST: *Patricia Gailford*
CITY CLERK

Council Meeting

June 24, 1953

The Council of the City of Modesto met in regular session this date as provided by Ordinance No. 1042-N.S. at 7:30 P.M.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Absent: Councilmen: None

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

A few moments of silent prayer for divine guidance was observed by the Council.

REPORT ON REQUEST OF E. I. DEXTER FOR REMOVAL OF TREE AT 409 SCENIC DRIVE

City Manager Miller reported on the request of E. I. Dexter for permission to remove a tree at 409 Scenic Drive to construct a driveway for a new building under construction in Block 580, lots 20-21. He presented a plan for the construction of the driveway which would not require the removal of the tree and which would permit access to the property.

Mr. Dexter stated that he planned off street parking for approximately 25 cars. It is planned, he stated, to enlarge the building in a few years which would entail additional expense in building a new driveway since the driveway as proposed by the City Manager could not be used.

The City Manager presented a plan for the improvement of traffic conditions at this location which would prohibit parking of cars at the curb on this side of Scenic Drive for a considerable distance. It was agreed by the Council that since this was in the business district and the future plans of the city for the improvement of traffic would prohibit the parking of cars in front of this property, that permit be granted to remove the tree. It was moved by Councilman Mellis, seconded by Councilman R. Adams and unanimously carried, that permit be granted to Mr. Dexter to remove the 10 inch Sycamore tree in front of 409 Scenic Drive at his own expense.

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Councilman Mellis moved, seconded by Councilman R. Adams that permit granted to Mr. Dexter on Oct. 1, 1952 for a 10 foot curb cut at 409 Scenic Drive, providing that he pay the cost incurred by the city in the moving of the fire hydrant, be rescinded, and that he be granted permit for a curb cut at the new location as recommended by the Department of Public Works.

2 REQUEST FOR CURB CUT MILK PRODUCERS ASSOCIATION

A request from the Milk Producers Association for a curb cut to extend an existing driveway at their plant in Block 52, lots 26-27, 510 Ninth Street, was considered.

A report was submitted by City Engineer R. E. Fredricksen, stating that a pole to be used for a street light, was in the center of the proposed driveway. Mr. Saathoff of the Milk Producers had been contacted and had agreed that their plans could be adjusted to permit the pole to remain as long as they were given permission to make a 16 foot cut in the curb to the southeast of the pole. It was moved by Councilman Arata, seconded by Councilman M. Adams, and unanimously carried that permit be granted for a curb cut as recommended by the Public Works Department.

3 LETTER FROM SOUTHERN PACIFIC COMPANY RE: CONSTRUCTION OF SIDING AT SALIDA

A letter from A. M. McCann, Superintendent of the Southern Pacific Company, dated June 22, was read, advising that the siding at Salida had been extended and placed in service on May 25 and that an "earnest attempt to avoid meeting freight trains at Modesto and thus provide additional assistance in our efforts to prevent blocking of crossings would be made."

4 CONSIDER BIDS RECEIVED FOR OFFICIAL ADVERTISING FOR CITY FOR YEAR ENDING JUNE 30, 1954

The City Manager reviewed the three bids received for the official advertising for year 1953-54. He stated that the Modesto Tribune was a Friday publication and that the Modesto Journal had agreed to publish on Thursday, if awarded the bid. The bid of the Modesto Tribune of \$.88 for the first insertion per columninch and \$.88 for subsequent insertions, was the lowest bid received.

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There was some question as to the value of legal advertising in bringing matters before the public and it was pointed out that some city charters provide for posting in lieu of publishing.

Councilman Mellis moved, seconded by Councilman Arata and it was unanimously carried that the City Attorney be instructed to prepare a report for the City Council on the interpretation of the provision in the Charter of the City of Modesto and the implication of it and that he seek additional information from the League of California Cities to determine if the Council has the right to award the bid for official advertising on any basis other than the lowest bid.

5 INTRODUCTION OF ORDINANCE AUTHORIZE SALE OF CITY PROPERTY IN BLOCK 36, LOTS 21-24 Inc.

Councilman M. Adams introduced an ordinance being
ORDINANCE NO. 1079-N.S.

entitled: "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO" (Block 36, lots 21-24 inc. to Veterans of Foreign Wars) and moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call ordered published and printed by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

6 ADOPTION OF ORDINANCE ANNEXING NORTH CENTRAL ADDITION TO THE CITY

City Attorney Grimes presented an ordinance for the consideration of the Council providing for the approving of the annexation of the North Central Addition to the City of Modesto. Councilman Mellis moved the adoption and passage to print of

ORDINANCE NO. 1080-N.S.

entitled: "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS NORTH CENTRAL ADDITION TO THE CITY OF MODESTO", which motion being duly seconded by Councilman R. Adams, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

6-24-53

Noes: Councilmen: None

Absent: Councilmen: None

7 APPROVE PLANS AND SPECIFICATIONS, AUTHORIZE CALLING FOR BIDS ON IMPROVEMENT OF TUOLUMNE BLVD. BETWEEN MERCED AVE. AND SUTTER STREET

Plans and specifications for the improvement of Tuolumne Blvd., between Merced Ave. and Sutter St. were presented for the consideration of the Council. Councilman Annan introduced

RESOLUTION NO. 10,255-N.S.

which was seconded by Councilman Arata, approving the plans and specifications and authorizing the calling for bids, said bids to be opened in the office of the City Clerk, Monday, July 20, 1953 at 2:00 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

8 RESOLUTION APPROVING AMENDMENT TO AGREEMENT WITH HARRY N. JENKS

The City Attorney presented an amendment to the agreement with Harry Jenks, Consulting Sanitary Engineer for the consideration of the Council, which would provide for progress payments in the event the city constructed any units of sewage disposal facilities presently designed by Mr. Jenks, rather than payment upon completion of the construction as was called for in the original contract.

The City Manager stated that the proposed amendment would provide that 80% would be payable on the date when the contract(s) for any project was let, 10% payable when 50% of the total cost of any project had been paid to the contractor and the remaining 10% would be due upon the completion and acceptance of said contract. Councilman Annan introduced

RESOLUTION NO. 10,256-N.S.

which was seconded by Councilman M. Adams, approving the amendment to the agreement as presented by the City Attorney, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

6-24-53

9 SET DATE FOR HEARING ON REQUEST OF HOLIDAY STUDIO TO OPERATE IN CITY WITHOUT POSTING BOND REQUIRED FOR TRANSIENT PHOTOGRAPHERS

The request of Holiday Studio of Santa Clara for the waiving of the bond requirement of Ordinance No. 821-N.S., regulating the business of photography in the city, was reconsidered by the Council. The City Clerk was directed to notify the petitioner that it was the general agreement of the Council that the requirements of the ordinance should be enforced, and the date of July 1, at 4:00 P.M. was set as the time for the Studio to appear before the Council for a hearing on the request.

A group of local photographers who were present at the meeting stated that "we will reserve any words until the Council is ready to take any action."

10 ACCEPT DEED FROM LOUIS A SCHWARK ET UX AND ELIZABETH ZIMMERMAN-WIDENING OF RAMONA AVENUE

Deeds covering property outside the city, which is part of the project for widening of Ramona Avenue, from Louis A and Ruth L. Schwark and Elizabeth Zimmerman, were present^{ed} to the Council for its consideration by the City Attorney. He commented that these property owners expected the same consideration from the city as was given to other property owners along this street, that is, that the entire street be oiled by the city. It was brought out in the discussion which followed that the property owners on this street wished to annex to the city and that the city was obtaining 30 feet right of way without cost. Councilman Arata introduced

RESOLUTION NO. 10,257-N.S.

which was seconded by Councilman Merrill, accepting the deeds as presented and authorizing the recording of same with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

11 REQUEST FOR ANNEXATION OF PROPERTY AT CORNER OF COFFEE ROAD AND FAIRMONT AVENUE-CHARLIE CARABAJAL

A request of Charlie Carabajal for annexation of his property on the southwest corner of Fairmont Ave. and Coffee Road, across from
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Downey High School, and a request for sewer and water service for this property, was considered by the Council. It was moved by Councilman Mellis, seconded by Councilman M. Adams and unanimously carried, that the request for annexation be referred to the Planning Commission for its report and recommendation.

12) RESOLUTION AUTHORIZE REFUND OF OVERPAYMENT OF SALES TAX TO RAY STARN

City Clerk & Auditor Gailfus reported that a claim filed by Ray Starn for \$144.41, plus interest of \$6.39, total \$150.80, covering overpayment on sales tax for a period from July 1, 1950 through March 31, 1953, had been checked by him and found to be in order. Whether the claim should be allowed, or disallowed, with or without interest was a consideration of the Council.

The City Attorney stated that this overpayment was due to the fact that Mr. Starn had paid sales tax on labor employed in his business and that an audit made by the state was the basis used for request of refund from the city. He stated that ^{if} the tax was paid erroneously or illegally collected, that a taxpayer is entitled to interest unless the Council determines that the overpayment was made intentionally or by reason of carelessness in which event it shall not allow any interest. Councilman Mellis introduced

RESOLUTION NO. 10,258-N.S.

which was seconded by Councilman Arata, allowing the claim of \$144.41 only and denying the claim for interest of \$6.39, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

13) RESOLUTION CREATING A PURCHASING REVOLVING FUND FOR THE CITY OF \$2,500.00

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,259-N.S.

which was seconded by Councilman Merrill, creating a purchasing revolving fund for the City of Modesto and authorizing the transfer of \$2500.00 to
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said fund from the General Reserve of the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

14 RESOLUTION APPROPRIATION TRANSFER FROM LIBRARY GENERAL RESERVE TO LIBRARY DEPARTMENT

Upon the recommendation of the City Manager, Councilman Merrill introduced

RESOLUTION NO. 10,260-N.S.

which was seconded by Councilman Annan, authorizing appropriation transfer of \$310.00 from the Library General Reserve to Library Salaries & Wages-regular, to cover increase in salaries and wages of library personnel, effective May 1, 1953, approved by the Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 APPROPRIATION TRANSFER OF \$3,300.00 FROM GENERAL RESERVE TO FINANCE

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 10,261-N.S.

which was seconded by Councilman Annan, authorizing appropriation transfer from the General Reserve to Finance Department for salaries and wages, regular \$2500.00 and extra help \$800.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

16 APPROPRIATION TRANSFER OF \$250. FROM GENERAL RESERVE TO MISCELLANEOUS UNCLASSIFIED-"GET OUT THE VOTE" CAMPAIGN FOR SEWER BOND ISSUE

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 10,262-N.S.

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which was seconded by Councilman R. Adams, approving the appropriation transfer of \$250.00 from the General Reserve to Miscellaneous or Unclassified to cover payment to the Chamber of Commerce for the "Get out the vote" campaign for the sewer bond issue, which was conducted by the Junior Chamber of Commerce during the April 14, 1953 election, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

17 APPROPRIATION TRANSFER OF \$349.00 FROM GENERAL RESERVE TO RECREATION DEPARTMENT FOR PAYMENT OF CAMP MODESTO CLAIMS FOR YEAR 1951

The City Manager reported that bills in the amount of \$348.81 for expenses incurred in connection with the 1951 camping program sponsored by the City Recreation Commission still remained unpaid;

Patchetts Bus & Transportation Co.	\$125.00
S. Gumpert & Co. (groceries)	119.75
Central Valley Grocers	104.06
	<u>\$348.81</u>

He stated that this camp was discontinued on the basis that the city did not have the help, time or funds to operate it. 83% of its use was by people outside the city and outside the county. Arrangements have been made with the Farm Bureau to take over camping equipment owned by the city in payment of a rental bill for use of the Bureau's camp at Pinecrest in the amount of \$261.00 for the 1951 season, pending approval by the Council. Councilman Annan introduced

RESOLUTION NO. 10,263-N.S.

which was seconded by Councilman M. Adams, authorizing the appropriation transfer of \$349.00 from the General Reserve to the Recreation Department for payment of the aforesaid outstanding obligations and authorizing the transferring to the Farm Bureau of camping equipment, (mattresses, cots, etc) providing the obligation of \$261.00 for rental of camp be cancelled by the Bureau, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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The City Manager reported that vendors have been advised that no purchases are authorized by the city unless a signed requisition is presented at the time of purchase.

18 CONSIDER CANCELLATION OF TAXI STAND AT TENTH AND J STREETS-YELLOW CAB CO.

As agreed at the last meeting of the Council, Sam Secreto, operating the Yellow Cab Company, appeared before the Council to discuss the possibility of cancellation of the permit to operate from the parking space on the northwest corner of 10th & J Streets, adjoining Hotel Hughson.

Police Chief Neel reported on the recent check made for a 10 hour period on a Saturday by the Police Department, it was indicated that the parking space had been used by the taxi company, only 7 times for approximately 34 minutes.

A discussion was held by the Council whether the limited use of this parking space in the congested business area would justify the continuation of the taxicab stand. Chief Neel commented that Mr. Reese Wherry, operating Hotel Hughson, had indicated his approval of the use of the reserved loading zone in front of the entrance to the hotel to pick up taxi customers. It was suggested that an alternate parking space be allocated to the taxi company in an area less congested.

Mr. Secreto stated that he was operating 3 taxicabs at present and planned on purchasing an additional cab. He stated that this was the slow season in the taxicab business and that due to the requirements of the taxicab ordinance, cruising was prohibited and he objected to releasing this stand. It was moved by Councilman Merrill, seconded by Councilman Arata and unanimously carried that the City Manager and Police Chief try to work out a solution to this problem with Mr. Secreto which would meet with the satisfaction of everybody.

19 REPORT ON INVESTMENT OF BOND FUND

A report of investments of proceeds of 1953 Sewer Bond funds, as of June 17, 1953, was filed with the Council by the Director of Finance a copy of which is on file in the office of the City Clerk.

20 REPORT ON SAFETY PROGRAM FILED BY ASSISTANT TO THE CITY MANAGER SHELTON

A report was filed with the Council by Robert Shelton, Assistant

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to the City Manager; on the city safety program, a copy of which is on file with the City Clerk. It was moved by Councilman Annan, seconded by Councilman M. Adams, and unanimously carried, that Robert H. Shelton, Assistant to the City Manager and Bernice Mitchel, be commended for the exceptional work that they have performed for the city.

21 CITY MANAGER REPORT ON TRAFFIC IN CITY

The City Manager reported that there had been no fatal traffic accident in the city so far this year. He urged that the people in the community make a special effort, starting now before the Fourth of July, to keep up this outstanding record. He stressed the importance of assistance from the press and radio in urging the public to carry this record of safety forward. He cited a number of problems on which he requested cooperation from the public in correcting, double parking, manner of driving on Tenth Street, observation of pedestrian right of way and elimination of jay walking.

22 REPORT ON CHECK LIST ON SUBDIVISION

The City Manager presented copies of a "check list" prepared by the City Attorney, Director of Planning and Public Works Department, on procedure for subdivision of land in the city, in accordance with Ordinance No. 1041-N.S., to the Council members.

23 APPROPRIATION TRANSFER GENERAL RESERVE TO RETIREMENT-CITY'S CONTRIBUTION

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,264-N.S.

which was seconded by Councilman Annan, authorizing appropriation transfer of \$2500.00 from the General Reserve to Retirement, to cover the additional cost of city's contribution to the State Employees' Retirement Fund, due to salary adjustments during the fiscal year and eligible members earnings, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

24 ADDITIONAL CONTRIBUTION TO FOURTH OF JULY COMMITTEE

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Councilman Annan suggested that an additional contribution of \$250.00 be made to the Fourth of July Celebration Committee, making a total of \$750.00, providing that a factual report be rendered by the committee to the city and that the committee in the future get a greater participation from the merchants. He stated that he had been advised by the committee that a change would be made in the future on the method of financing and promoting the whole program.

Mayor Marks expressed the opinion that when public funds are contributed that the Council had an interest in securing broader participation. Councilman Annan introduced

RESOLUTION NO. 10,265-N.S.

which was seconded by Councilman Arata, authorizing the appropriation of \$750.00 in the 1953-54 budget to be used for the 1953 celebration; commending Wm. H. Bates and Henry Zimmerman of the Fourth of July Committee, who have been active in the past years in promoting this celebration, asking the committee to submit to the city a report on the source of income as well as expenditures; suggesting that a plan be developed under which there would be broader participation of the community, and indicating to the committee that the appropriation of \$750.00 was to be for this year's celebration only, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

At this time members of the Fourth of July Committee appeared at the meeting.

The City Manager outlined a plan to secure more merchant participation in the program, through paid membership in the committee and each member contributing being allowed a sticker to post in his place of business.

Mr. Bates expressed appreciation to the Council for its contribution and stated that participation this year among the merchants was better but that expenses were higher.

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Mayor Marks stated that he doubted that the celebration should be financially supported by governmental agencies to the extent of two-thirds of the cost and that the project should be mainly supported by the merchants.

The committee requested assistance from the fire department in installing the street banners. The City Manager stated that the city's aerial ladder truck, which had formerly been used for this work, was in the bay area for repairs since the fire 2 rate secured by the city required that the truck be repaired and not used for this type of work in the future, but promised cooperation.

Don Lapan, member of the committee, outlined the plans for the participation of organizations in the parade.

25 APPOINT COMMITTEE ON INVESTIGATION OF JOHN MUIR SCHOOL BUILDING

Councilman Mellis stated that he had been asked by Rex M. Ingersoll, scout executive, whether the old John Muir school building would be available for meetings of organizations in the city and that he had advised him that the city had purchased the property with the idea that it be used temporarily for city offices. He recommended that some action be taken by the Council to secure the services of a competent person to make a survey of the building to determine the use it could be put to, so that it would be used and not deteriorate.

Councilman Arata and Councilman Merrill urged ^{that} immediate action be taken to this end.

Councilman Mellis stated that he had discussed the matter with Architect George Hilburn and that he had offered to inspect the building without charge, to determine what improvements would be necessary before it could be used by the city, but that he believed that a fee should be paid Mr. Hilburn for his work.

Councilman M. Adams suggested that the City Manager be authorized to select some qualified person to check into this matter.

The City Manager stated that the staff of the Public Works Department could not make this study at this time due to prior commitment on other projects. He called the attention of the Council to the survey

made by the City Attorney on the building of a city hall. He suggested that in order to get the work done someone, competent in that field, be assigned to the work to determine what the building could be used for.

A suggestion that the League of California Cities be contacted was made by Councilman M. Adams.

A discussion was held by the Council on whether the city "would be just as well off if the City Hall remained at the present location." It was agreed by the Council that a study be made to determine the approximate cost before any decision was made. Mayor Marks appointed a committee, composed of Councilmen R. Adams, Dan Mellis and Annan, with the suggestion that the scope of the committee would be to investigate the practicality of the use of the old John Muir school building as a temporary city hall, both as regard to economy and the public convenience and necessity.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 10:15 P.M.

ATTEST:


CITY CLERK

6-24-53

Council Meeting

July 1, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Absent: Councilmen: None

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

Invocation was given by Rev. Joe Prichard of the First Methodist Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meetings of June 10 and 16, the same being available for public inspection, and there being no objections, the minutes were approved.

PETITION FILED BY PROPERTY OWNERS IN COLLEGE CENTER RE: WATER STANDING IN FRONT OF PROPERTY

R. L. Knowles, 1217 Del Rey, filed a petition signed by property owners in the College Center District, being a portion of the Northwest addition recently annexed to the city, requesting that the condition created by the collecting of irrigation water from the lawns and rain in this area be corrected.

Director of Public Works Ray stated that this condition was due to 1) low point in grade of the street, 2) lack of storm drains in the area, 3) hardpan in that area which prevented the water from draining off into the soil.

City Manager Miller stated that the Director of Public Works had prepared a list of approximately 50 places in the city where similar conditions existed but that this was one of the worst. He stated that there were 3 or 4 which were so bad that it is planned, if there are no objections, to cut them into the sanitary sewer line, even though the sewers were overloaded with drainage. He pointed out that this was poor engineering but "you cannot ask the people to endure this." He commented that "we are going to have to take this action on an overloaded line and it will probably be necessary to build a portion of the Roseburg sewer line. We

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are still not solving this problem and will not solve it until storm drains are installed."

Mayor Marks stated that in Turlock and Merced arrangements had been made with the Turlock Irrigation District and Merced Irrigation District, to use the ditches for storm water. He suggested that the City Manager and Director of Public Works contact the Modesto Irrigation District regarding this problem.

Councilman M. Adams urged that prompt consideration be given to the program of improvement districts to solve these problems. The City Manager stated that it should be cleared out first with the M.I.D. whether the ditches could be used so that the engineering could be based on the assurance that the irrigation ditches could be used, as this would call for a different type of system.

It was moved by Councilman Arata, seconded by Councilman Merrill and unanimously carried, that the City Manager and Director of Public Works be instructed to make a check with the Modesto Irrigation District.

The City Manager asked for the cooperation of the press and radio in presenting to the people the problem the city is faced with when water is allowed to run in yards for long period causing the yard to be flooded, as well as the streets and gutters. He pointed out that this was an infraction of the ordinance and that arrangements are being made to so notify people who were continually doing this.

HEARING ON LASOMBRA ADDITION

Mayor Marks declared the hearing open on the proposed annexation of the LaSombra Addition to the City of Modesto. A report was filed by the City Clerk that notices had been mailed to persons owning land within the area and that no written protests had been filed. There being no oral protests filed, the Mayor declared the hearing closed.

Councilman Annan introduced

ORDINANCE NO. 1082-N.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE LA SOMBRA ADDITION TO THE CITY OF MODESTO", and moved its adoption and passage

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to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

3 CONSIDER REQUEST BY GEORGE MERINO FOR CHANGE IN ORDINANCE REGULATING PALMISTRY

A request from George Merino, 165 Alma Street for the amendment of Ordinance No. 704-N.S. regulating palmistry in the city was considered by the Council. Attorney A. M. Frad outlined the proposed amendment which would provide for an annual fee of \$300 instead of the present monthly \$500.00 fee, for the filing of a \$1000 bond, for proof of 5 years satisfactory business record in the state and for finger printing of applicants and investigation by the Police department.

When asked by Councilman Mellis, Chief Neel stated that this type of operation create some problems if it is not properly controlled.

Attorney Frad pointed out that entertainment similar to palmistry had recently been held at the local Strand Theatre and that "some people demand this form of entertainment and that if the people would not support this type of business in Modesto, then it could not operate." The proposed regulations outlined in the request by Mr. Merino, would provide for the proper regulation, as well as "keep out the fly-by-nighters." He listed the license fees required by various cities which ranged from \$100 per year to \$150 per quarter.

Rev. Joe Prichard, when asked by the Council regarding his ideas on the request, stated that he would "not like to see this thing come in this city, that it would be a form of entertainment which permitted the milking of the public and that it would be of no service to the people."

Councilman R. Adams stated that he believed the present ordinance was prohibitive from the standpoint of license fee and that he would like to offer for discussion of the Council consideration of lowering the license fee to \$300 per quarter.

On motion by Councilman Merrill, seconded by Councilman R. Adams,

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it was voted unanimously that due to the lack of knowledge that the Council has at hand, that the request be held over for two weeks for further study.

4 PRESENTATION OF CERTIFICATE TO CITY EMPLOYEES COMPLETING SUPERVISORY COURSE

Assistant to the City Manager Shelton reported on the 20 weeks Evening supervisory course recently completed by 17 city employees at the/Junior College. The course had been divided into 6 sections, with an attendance of 200 students, one section of which he had conducted and which had been attended by 16 of the employees. Elements of supervision were discussed, which included methods of job improvement, job instruction and job relations.

Mayor Marks presented certificates to the following city employees and congratulated them on behalf of the Council, on their completion of the course:

Edward J. Ames	Chief Pump Operator
Oliver E. Bauche	Equipment Operator II
Merton E. Bowen	Assistant Superintendent of Parks
Elmer F. Horan	Police Sergeant
Wilbur S. Junk	Superintendent of Sewage Disposal Plant
Leroy A. McFarland	Administrative Assistant of Public Works
Joseph F. Mitchell	Machine Shop Foreman
Robert H. Morton	Police Sergeant
William P. Rifenberg	Machinist
Meryl R. Sayers	Auto Mechanic II
Willard F. Stambaugh	Purchasing Clerk
Charles Viss	Chief Electrician
Elmer S. Wade	Public Works Leaderman
Abe L. Walsh	Water Service Foreman
Alvin C. Walts	Street Foreman
Chester C. Watson	Construction Foreman
James C. Neel	Chief of Police

5 LETTER FROM PIGEON HOLE PARKING OF CALIFORNIA

A letter from the Pigeon Hole Parking of California relative to the solution of parking problems, was read and ordered referred to the Parking Authority.

6 AWARD BID ON SANITARY SEWER TRUNK LINE ON ORANGEBURG, TULLY & BRIGGSMORE

Tabulation of the 4 bids received for the construction of the sanitary sewer trunk line on Orangeburg-Tully & Briggsmore Avenues, which had been opened at 10:00 A.M. June 29, in the office of the City Clerk, were distributed to the Council members for their consideration. The City Manager stated that the lowest bid of \$85,140 90 submitted by Stolte

Inc. of Monterey had been recommended for acceptance by the Director of Public Works as it was well under the Engineer's estimate. Councilman Mellis introduced

RESOLUTION NO. 10,267-N.S.

which was seconded by Councilman M. Adams, accepting the bid as recommended by the Director of Public Works and authorizing the execution of contract for completion of the work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AWARD BID ON SEWAGE PUMPING PLANT FOR EMERALD AVENUE TRUNK SEWER

Tabulation of the 7 bids received for the construction of the sewage pumping plant for Emerald Avenue Trunk Sewer, which had been opened at 2:00 P.M. June 29, in the office of the Director of Finance, were distributed to the Council members for their consideration. The City Manager stated that the lowest bid of \$49,252.00, with an additive alternate of \$6,451.00, making a total of \$55,703.00, received from Stolte Inc. of Monterey had been recommended for acceptance by the Director of Public Works as it was under the consulting engineer's estimate. Councilman M. Adams introduced

RESOLUTION NO. 10,269-N.S.

which was seconded by Councilman Arata, accepting the bid of \$55,703.00 (including the additive alternate), from said Stolte Inc. and authorizing the execution of contract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AWARD BID FOR OFFICIAL ADVERTISING FOR YEAR 1953-54

The City Manager reviewed the bids received for official advertising for the fiscal year 1953-54, which had been considered by the Council at its last regular meeting and which had been held over for an opinion from

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the City Attorney as to whether the contract must be awarded to the bidder submitting the lowest priced bid in order to comply with the requirements of Section 1311 of the City Charter, or if other factors should be taken into account.

Attorney Grimes filed copies of his opinion and the opinion of the legal counsel of the League of California Cities with the City Clerk which stated that the Council is invested with discretionary power as to which is the lowest responsible bidder having regard to the quality and adaptability of the service to the particular requirement of its use and that it may take into consideration not only the price but the amount of circulation of the newspaper, the speed of the publication of the legal notices and the accuracy of their publications and other similar factors.

Mayor Marks pointed out that the Council in calling for bids did so under the provisions outlined in the charter and only conditions pertaining to the bid, such as space, type and the cost of the bids were included. In succeeding years those other factors could be included when calling for bids. Councilman R. Adams introduced

RESOLUTION NO. 10,266-N.S.

which was seconded by Councilman Annan, accepting the bid of The Modesto Tribune for the official advertising for the fiscal year 1953-54, as it was the lowest bid received, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AWARD BID ON PAVING MATERIALS FOR FISCAL YEAR 1953-54

The City Manager reported that only one bid had been received for the furnishing and placing paving materials on city streets during the fiscal year 1953-54. This bid, which was from M. J. Ruddy & Son, had been opened at 10:00 A.M., June 30, and the Director of Public Works had recommended its acceptance if minor irregularities could be waived. Councilman Arata introduced

RESOLUTION NO. 10,270-N.S.

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which was seconded by Councilman M. Adams, waiving the minor irregularities and accepting the bid of M. J. Ruddy & Son and authorizing the execution of contract for completion of the work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None.

○ DISCUSSION ON CIVIC CENTER

Mayor Marks called attention to the model of a civic center for the City of Modesto which was on exhibition in the Council Chambers and which had been prepared by the Planning Department at the request of the City Manager. He asked the City Manager and Director of Planning Bills to explain the proposed plan to the Council.

The City Manager stated that the possibility of a new city hall was discussed several months ago and it was considered at that time that before a new city hall was considered that an over-all plan for a civic center should be cleared out. He explained that the top part of the model showed the existing land use, which had been discussed at the conclusion of a joint meeting of the Council and Parking Authority by Gordon Whitnall Parking Consultant; the middle section showed the proposed tentative design for all governmental agencies; and the bottom section showed the location of the existing governmental functions.

Councilman Mellis questioned whether the project had been properly authorized by the Council and whether the time used in the preparation could have been better spent on more important work. At the time the purchase of the John Muir school property was discussed, he stated, consideration was given to the possibility of using the property as a temporary city hall.

The City Manager stated that the records would show that this work had been properly authorized. It is not too late for this city to have a civic center if preliminary steps are taken. Through a plan for a civic center an area can be protected for that type of future development. "I would like to recommend to you for your serious consideration

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and also for the consideration of the community that we start working on a civic center plan now. Whether you wish to proceed with it or take it under consideration for study is your decision."

Mayor Marks pointed out that it was the job of the Council and the Planning Commission to "more or less chart these things ahead." He reminded the Council that this study had been authorized at the time the Attorney was directed to investigate the plans used by other cities in building city halls. He commended the plan as a "good beginning" and that it would be up to the people of Modesto to decide if they wished a civic center.

Director of Planning Bills stated that the civic center plan as represented by the model was in no sense final or official, but was merely a preliminary and tentative proposal which could be used as a starting point for discussion of the subject.

Councilman Annan stated that "nobody in this room knows whether it is feasible to go out to the John Muir School building or try to develop a civic center but a preliminary report will be submitted by the committee shortly, after the study has been completed." He commended Director of Planning Bills for preparing the model and recommended that it be put in a location where it would be properly protected.

The City Manager stated that the relationship between this over-all civic center plan and John Muir school building being used as a temporary city hall, is remote. This plan is for a long period of time--whether the public would want this kind of development in the city is to be determined later. He raised the questions--"What kind of city will this be in 15-20 years when the population will be 100,000? Where are our public buildings going to be?" He stated that within the next 4-5 years the decisions as to whether the city is to have an over-all civic center plan must be made.

REPORT OF COMMITTEE ON INVESTIGATION OF JOHN MUIR SCHOOL BUILDING

Mayor Marks stated that the committee appointed to investigate the feasibility of using the John Muir school building as a temporary city hall had contacted G. N. Hilburn, Architect, to go over the site
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check as to size, and to report to the committee whether the present building could be used as to its location, size, and economy.

A letter from Mr. Hilburn outlining the scope of investigation to be conducted by his office was read. Location of the site as to population center, its accessibility from all points of the city was being plotted and thought was being given as to its use as a complete civic center parking, and if an auditorium be constructed, the rapid disposal of traffic. Tentative fee charges, subject to approval by the City Council, would involve

- 1-No charge in preliminary discussion as to the feasibility of the project.
- 2-If the Council desires to develop the project in preliminary drawings as to a complete civic center or any part thereof the charge would be $1\frac{1}{2}\%$ of the estimated cost of building proposed.
- 3-Upon development of complete plans and specifications and supervisions of work, the complete charge to be 8% of cost of building until the building project is completed, subject to term and conditions as may be worked out between the City of Modesto and this office. The $1\frac{1}{2}\%$ for preliminary drawings as above noted in paragraph no. 2 is to be a part of the 8% as noted in item 3 hereof.

Councilman R. Adams stated that "the committee felt that the Council should be aware of the first phase of the investigation as outlined by Mr. Hilburn's letter. What his answer might be, none of us know. If his answer was not favorable--that would end it. If his answer would involve phase 2 and the cost involved was undesirable as far as city uses as a temporary city hall---that would end there. If the cost involved was such that future consideration should be given, then many phases would be involved. More particularly, John Muir building use as a city hall or a temporary hall, as weighed against other civic uses. All phases should be brought before the Council and the people. I agree with Mr. Miller, wholeheartedly, that the investigation of the John Muir building as far as the committee is concerned, has nothing to do with a civic center plan."

12 REQUEST FROM VARIOUS ORGANIZATIONS TO USE OLD JOHN MUIR SCHOOL BUILDING

A letter signed by representatives of the American Red Cross, Young Men's Christian Association, Boy Scouts of America and Girl Scouts of America, proposed that the Council give these organizations a long-term lease at a nominal cost and that the organizations assume

the responsibility of remodeling and maintaining the old John Muir school building at no expense to the city, was read. It was moved by Councilman M. Adams, seconded by Councilman Annan and unanimously carried, that letters be sent to these four organizations assuring them the Council will consider this matter when the time is opportune.

13 CONTRACT WITH E. J. WENDLER FOR LEAF REMOVAL

The City Manager reported that since the previous consideration of a contract for leaf removal with E. J. Wendler, by the Council, he had contacted Mr. Wendler and that he was prepared to get additional equipment if the Council approved the contract. He outlined the terms of the proposed contract and after a discussion by the Council with Mr. Wendler on the dates of payment, provisions of the contract if the work is not performed satisfactorily, number of time leaves are to be pick^{ed}/up and type of equipment to be used, Councilman Annan introduced

RESOLUTION NO. 10,271-N.S.

which was seconded by Councilman M. Adams, approving contract as outlined and authorizing the execution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Mr. Wendler stated that he had offered to enter into a contract with the City of Turlock for the removal of leaves with the understanding that he would only operate Saturdays and Sundays in that city, since he planned to operate in Modesto, Monday through Friday. He stated that he planned to cover the whole City of Modesto at least once a week and that in areas where the leaves were exceptionally heavy that he would endeavor to cover these areas twice a week.

14 FINAL ADOPTION ORDINANCE NO. 1077-N.S.-PROHIBITING BEGGING

Ordinance No. 1077-N.S. entitled: "AN ORDINANCE PROHIBITING BEGGING IN PUBLIC STREETS OR PLACES IN THE CITY OF MODESTO" having been heretofore introduced and ordered printed and published at the regular meeting of June 17, 1953, Councilman M. Adams moved, seconded by Council-

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

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 FINAL ADOPTION ORD. NO. 1078-N.S. (REGULATE TRANSIENT COMMERCIAL OPERATORS AT MUNICIPAL AIRPORT)

Ordinance No. 1078-N.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 891-N.S. OF THE CITY OF MODESTO ENTITLED 'AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE USE AND CONDUCT OF MODESTO MUNICIPAL AIRPORT, DECLARING VIOLATIONS OF SAID RULES AND REGULATIONS TO BE A MISDEMEANOR AND PROVIDING PUNISHMENT THEREFOR, AND FIXING LAND, RENTAL AND OTHER FEES TO BE PAID FOR USING SAID AIRPORT AND PROVIDING FOR THE COLLECTION OF SAID FEES AND REPEALING ORDINANCES NO. 321-N.S. 328-N.S., 519-N.S., 795-N.S. and 800-N.S. OF THE CITY OF MODESTO', AS AMENDED, BY ADDING ITEM 17 TO SECTION 2 OF SAID ORDINANCE", having been heretofore introduced and ordered printed and published at the regular meeting of June 17, 1953, Councilman R. Adams moved, seconded by Councilman Mellis, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

16 ORDINANCE PROVIDING FOR APPROPRIATION OF FUNDS FOR PAYMENT OF USUAL CURRENT EXPENSES DURING INTERIM PERIOD UNTIL ADOPTION OF BUDGET

Councilman Arata moved the adoption of

ORDINANCE NO. 1081-N.S.

entitled: "AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF THE USUAL CURRENT EXPENSES OF THE CITY OF MODESTO" and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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1) ORDINANCE AMENDING ORDINANCE NO. 514-N.S. (LICENSING OF USED CAR DEALERS)

Councilman Annan moved the introduction of.

ORDINANCE NO. 1083-N.S.

entitled; "AN ORDINANCE AMENDING ORDINANCE NO. 514-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE REGULATING THE BUSINESS OF DEALING IN USED MOTOR VEHICLES, DEFINING A USED MOTOR VEHICLE DEALER, PROVIDING FOR THE LICENSING OF SUCH DEALERS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE' BY AMENDING SECTION 4 THEREOF AND BY ADDING SECTION 10A THERETO" and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

18) RESOLUTION GRANTING CONSENT TO COMMENCEMENT OF PROCEEDINGS TO ANNEX GRANGER ADDITION

A letter from Director of Planning Bills notifying that the request, referred by the Council to the Planning Commission, for permission to commence annexation proceedings submitted by residents of the proposed Granger Addition, was considered and approved by the Commission on June 30, 1953. A copy of the report presented to the Commission by the Director of Planning was filed with the Council. Councilman Merrill introduced

RESOLUTION NO. 10,268-N.S.

seconded by Councilman Annan, consenting to the commencement of annexation proceedings in connection with said inhabited territory in accordance with the Annexation Act of 1913, provided the petition for annexation contains the request that the question to be submitted to the electors residing in the territory shall be whether said territory shall be annexed to the City of Modesto and the property therein subjected to taxation after annexation equally with the property within the city to pay the bonded indebtedness of the city for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the filing of the petition for annexation, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

19 REPORT ON MEETING WITH SCHOOL OFFICIALS

The City Manager reported that Bob Shelton and he had attended meetings with the City Superintendent and County Superintendent of Schools relative to the effect of school district boundaries on annexation of territory to the city. Mr. Shelton met today with these officials and representatives of the Sylvan School district on the same matter.

20 REPORT ON INSTALLATION OF METERS IN TAXICABS BY POLICE CHIEF NEEL

Police Chief Neel reported that all taxicabs operating in the city had complied with the requirements of Resolution No. 10,199-N.S. by installing meters in their taxicabs as of July 1, 1953, with the exception of E. M. Lester, operating the Modesto Cab Company.

It was agreed by the Council that no further extension of time for such installation be granted and that the City Manager and Police Chief should enforce the requirements of the resolution by discontinuing the operation of all taxicabs which are not installed with meters.

21 REPORT ON "PARKING IN FRONT OF THEATRES"

Police Chief Neel reported that pursuant to the request of the Council, he had investigated the possibility of the use of the parking area, by the general public, in front of theatres in the city during the time they were closed. He cited the City of Berkeley where this had been permitted and worked out satisfactorily. He suggested that this area could be made available to passenger cars and trucks for loading and unloading zones.

Councilman Annan raised the question whether it would be possible to permit parking for an established length of time when the shows were not on and the City Manager stated that 1) the city needs more loading zones, 2) it would be difficult to control limited time parking unless a meter was installed which would cause confusion during the time the shows were on.

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A discussion was held by the Council on the marking to be installed on the curb and the type of sign to be installed and it was agreed that the City Manager should make a further study on this matter and submit a specific recommendation to the Council.

22. REQUEST FOR REMOVAL OF TREES ON CORNER OF McHENRY & FRANCIS AVENUES-
CARL HEERMAN

A request for permission to remove two trees in front of a proposed real estate and insurance office to be located on the southeast corner of McHenry and Francis Avenues, 608 McHenry Avenue, by Carl Heerman was held over for investigation by the City Manager and members of the Council.

23. ACCEPT DEED OF EASEMENT FROM GUY W. THORNE AND W. ELIZABETH THORNE

The City Attorney presented a utility deed of easement from Guy W. and W. Elizabeth Thorne, being a portion of Blocks 236 and 240, for the consideration of the Council. Councilman Annan introduced

RESOLUTION NO. 10,272-N.S.

seconded by Councilman Arata, accepting deed of easement and authorizing the recording with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

24. REQUEST FOR AUTHORITY TO ADVERTISE FOR YOUTH CENTER SUPERVISOR HELD OVER

Councilman Merrill moved, seconded by Councilman and it was unanimously carried, that the request for authority to advertise for a Youth Center Supervisor, at a salary range of \$268-325, be taken under advisement. The City Manager reported that any action must be contingent on action taken by the Stanislaus County on its recreation program.

25. REPORT BY CITY ATTORNEY ON UTILITY CASE -CITY OF PETALUMA vs. PACIFIC TELEPHONE & TELEGRAPH COMPANY

The City Attorney reported that a 180 page brief had been submitted to the court on the utility case, City of Petaluma vs. Pacific Telephone & Telegraphy Company, relating to the right of cities to collect franchise from the P.T & T Company to do business in the city.

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26 REPORT BY CITY ATTORNEY ON MUNICIPAL CODE

The City Attorney reported that he had completed approximately one half of the work on the completion of a municipal code for the City of Modesto.

21 REPORT ON BOND MARKET-LETTER FROM R. H. MOULTON & CO.

The City Manager read a letter from R. H. Moulton & Company, relating to the comparable offering yield on the City of Modesto bonds, as compared with similar yield on the State and City of Los Angeles Bonds. The City Manager pointed out that the sale of the city bonds at the early date resulted in a great savings to the city and Director of Finance Lawrence was directed to report at a later date on the approximate amount of savings which resulted.

26 CLARIFICATION OF TERM ON COMPREHENSIVE GENERAL LIABILITY AND PROPERTY DAMAGE INSURANCE POLICY ACCEPTED BY THE COUNCIL

The City Manager reported that he wished to clear the record to show that the bid accepted on comprehensive General Liability and Property Damage insurance from Giddings Bros. on June 17, was for a term of one year and not for a term of three years as provided in the previous policy.

29 LETTER FROM ARTHUR LEE-REQUEST SELL MERCHANDISE AT LEGION PARK ON SUNDAYS DURING THE SUMMER MONTHS

A request from Arthur Lee, disabled veteran for permission to sell peanuts, popcorn and snow cones at the Legion Park each Sunday during the summer months was referred to the City Manager for investigation.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 6:30 P.M.

ATTEST:


 CITY CLERK

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July 8, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Absent: Councilmen: None

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

The invocation was given by Rev. N. Gosselink of the Community Reformed Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meeting of June 17, the same being available for public inspection, and there being no objections, the minutes were approved.

REPORT FROM COMMITTEE ON PROPOSED ANNEXATION OF LALOMA AREA

Representatives from a committee of approximately 35 property owners in the LaLoma area, proposing annexation to the city, appeared before the Council. Phil Humphreys spokesman for the group reported on the recent house to house campaign conducted by the committee to determine the interest of the property owners in annexation. He stated that at a recent meeting of the committee, it was reported that 1473 individual contacts had been made, of these 300 were opposed to annexation, 301 undecided and 872 in favor and that 272 contacts had been made since the meeting with a majority showing interest in the proposed annexation. "We are calling on you folks for your help, guidance and assistance in our undertaking so that we can add the value of our residence to the City of Modesto", he stated.

Mr. Humphreys outlined a general description of the boundaries of the area.

Mayor Marks assured the representatives of the committee that the city was ready to help in any way it could.

The members of the committee brought up some of the most common questions which were asked while they were canvassing the area.

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R. A. Meadows of the committee stated that sewers would be the deciding factor in the area which he canvassed since most of the homes had been built for over 5 years and the people wanted sewer service. He stated that he had been asked, "how long will it be before we can get sewer service."

The Council answered this question by stating that it would normally be approximately a year to 18 months before sewer service would be provided if action was started promptly.

C. G. Lowry of the committee stated that one of the questions asked him constantly was whether there would be another fire station established in the area.

The City Manager stated that running time tests to this area had recently been conducted by the fire department and that the actual running time had been less than 4 minutes. He pointed out that the important factor in fire protection was not how close a station is but how fast the men and trucks can get there. If this area was in the city, two trucks would be immediately dispatched and if needed three or four more trucks could be dispatched.

Mayor Marks pointed out that there would be an immediate reduction in the fire insurance rates for the area when it was annexed due to the protection of a full time fire department but that it would not be reduced to the class 2 rate of the city until an investigation had been made by the Board of Fire Underwriters to determine the necessary requirements to bring the area into the class 2 rate.

M.M. Shelly of the committee informed the Council that the Empire Fire district had principally been financed by donations from property owners. He stated that he believed that most of the property owners would be very happy for the city to take over their interest in the assets of the Empire Fire District.

The City Manager reported that a meeting had recently been held with members of the annexation committee and commissioners of the Empire Fire District and that the city had offered to meet with them again if they wished.

Mr. Phil Humphrey stated that as soon as the legal descrip-

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tion had been completed and had been approved by the County Boundary Commission, request for annexation would be filed with the Council.

2 DISCUSS ANNEXATION PROGRAM

Councilman Annan brought up the point that it would be best if the Council finished each annexation as "we move along and not just give them a lick and a promise and go into the next one. We should tell the people who request that certain areas be annexed, that they will have to wait their turn if there are other annexations ahead of them. It would not be advisable to give the impression that everything is going to get done in a hurry."

The City Manager recommended to the Council that the city should not accept any further requests for major annexation until "we have had a chance to get ourselves squared away. Our first obligation is to the people in the city and to those areas we have already annexed."

It was generally agreed by the Council that all further annexation requests should be considered not only along the lines whether it is economically feasible but also along the lines of whether it is practical to annex the territory in the immediate future.

3 LETTER FROM ASSEMBLYMAN RALPH M. BROWN

A letter was read from Assemblyman Ralph M. Brown acknowledging receipt of and expressing appreciation for the resolution adopted by the Council commending him on his representation of the City of Modesto at the recent legislative session.

4 REPORT ON REQUEST FOR REMOVAL OF TREES-CARL HEERMAN

The City Manager reviewed a report made by Superintendent of Parks Lloyd T. Lowrey of his investigation of the two maple trees at the southeast corner of McHenry and Francis Avenues, which Carl Heerman had requested permission to remove so that a parking area could be provided for his real estate office.

Councilman Merrill stated that he had also investigated the trees and that since this was becoming business property, he moved, seconded by Councilman Arata, and it was voted unanimously that permit be granted to Mr. Heerman to remove the two trees at his own expense as recommended by the Superintendent of Park.

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5
ACCEPT BID OF STOLTE INC. OF MONTEREY ON CONSTRUCTION OF SANITARY SEWER TRUNK LINE ON GRANGER AVENUE BETWEEN TULLY & MCHENRY AVENUES

Tabulation of the five bids received for the construction of a sanitary sewer trunk line on Granger Avenue between Tully and Mc Henry Avenues, which had been opened at 2:00 P.M. on Monday, July 6th, was presented to the Council for its consideration by Assistant Director of Public Works, Roy Fredericksen. The lowest bid by Stolte, Inc. of Monterey of \$47,878.80 had been recommended for acceptance by Marvin Ray, Director of Public Works. The bid was below the Engineer's estimate. Councilman M. Adams introduced

RESOLUTION NO. 10,273-N.S.

which was seconded by Councilman Arata, accepting the bid of Stolte Inc. of Monterey of \$47,878.80 and authorizing the execution of contract agreement for completion of the project, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

6
ACCEPT BID ON TRAFFIC ISLANDS-MAZE BLVD., FIFTH, L AND WASHINGTON STREETS

Tabulation of the two bids received for the construction of traffic islands at Maze Blvd., Fifth, L and Washington Streets, which had been opened at 10:00 A.M. Monday, July 6th, was presented to the Council for its consideration by the Assistant Director of Public Works. The low bid of \$968.00 of the Standard Materials Inc. was below the engineer's estimate. The Director of Public Works recommended that the bid be accepted. Councilman Arata introduced

RESOLUTION NO. 10,274-N.S.

which was seconded by Councilman Merrill, that the bid of Standard Materials Inc. be accepted and the execution of contract agreement for completion of the project be authorized, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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The City Manager stated that a detailed map of the proposed improvements of the intersection of 19th St., Downey Avenue and H Street, was being prepared and that he would have a report for the Council at the next meeting.

FINAL ADOPTION ORD. NO. 1079-N.S. SALE OF CITY PROPERTY IN BLOCK 36- LOTS 21-24 inc. (VETERANS OF FOREIGN WARS)

Ordinance No. 1079-N.S. entitled: "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO"(Block 36, lots 21-24 Inc. Veterans of Foreign Wars), having been heretofore introduced and ordered printed and published at the regular meeting of June 24, 1953, Councilman R. Adams moved, seconded by Councilman Merrill, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

CONSIDERATION OF ORDINANCE GOVERNING COUNCIL ORGANIZATION

The City Attorney presented an ordinance providing for the time, place and procedure for conducting meetings of the Council for the consideration of the Council.

In the discussion on Section 1-Regular meetings it was agreed that the meetings should continue to be held on the first and third Wednesday at 4:00 P.M. and on the second and fourth Wednesday at 7:30 P.M. and that no meeting would be held on the fifth Wednesday of a month.

Section 2-Special meetings: The City Attorney stated that this was probably the first ordinance by a chartered city to voluntarily include the provisions of the Brown Anti-Secrecy bill. The ordinance requires that whenever a special meeting is called, both the Council members and the local newspapers, radio or television stations which have requested^{notices} are to be notified at least 24 hours in advance of the meeting. He stated that from his interpretation of the Brown Bill it would not apply to freeholder charter cities and that the inclusion in the ordinance would be voluntary on the part of the Council.

A discussion was held by the Council whether this provision
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would prohibit the informal meeting of members to discuss city problem. It was considered that it would not prohibit these meetings since no decisions were made at the meeting and that they could not be called special meetings.

City Attorney Grimes stated that section 6 which provided that the City Clerk call the roll of the members before proceeding with the business of the Council had not been done in the past but that it was good procedure.

Section 8 providing for the Order of Business may not work out as anticipated and changes may be necessary, the City Attorney stated. A discussion was held by the Council on the manner and time at a meeting an oral request, which had not been placed on the agenda, should be considered. It was deemed by the Council to be unfair to allow a person to be heard at the meeting before another person who had complied with the requirements was heard.

City Manager Miller pointed out that at times it would be necessary for the Council to consider a matter out of order if a petitioner was present at the meeting. It was agreed that the procedure should be sufficiently flexible to assure efficient handling of city business and good "public relations."

Mayor Marks stated that the policy of the Council on new business had been to hold it over for a period of one week to make a study so that the Council could investigate or the City Manager could submit a report. It was brought out in the discussion that since the new closing time for matters to be placed on the agenda of 2:00 P.M. Tuesday had been established, many matters could be cleared prior to the meeting and reports submitted and since the Council had been notified that certain matters would be considered, as they had received copies of the agenda the day before that it seemed unnecessary to continue this practice of holding new business over for a week.

The City Attorney pointed out that this could be done if considered advisable. However he suggested that minor matter could be disposed of easily and other matters needing further consideration be held

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over for study. The City Manager suggested to the Mayor that when advisable, he could advise petitioners "that matters such as these, we refer to the City Manager for investigation and report."

Section 10-Rules of Debate: The City Attorney pointed out that the ordinance provided that the Mayor may move, second and debate from the chair. He stated that this was a departure from the existing rule but that the charter provides that the Mayor is a member of the Council and that he has this right.

Subsection d of Section 10-Privilege of Closing debate. This provides that the Councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. The City Manager stated that this requirement was desirable since it is possible that a general discussion from people in the audience may ensue and the Mayor could close the discussion except for the Council and then let the Councilman who moved the adoption close the debate.

Section 10, subsection (g) Synopsis of Debate. This provides synopsis of the discussion on any question may be entered into the minutes if the presiding officer, with consent of the Council, directs the Clerk to do so. The City Manager asked the Council if the method of preparation of the minutes met with the approval of the Council. It was agreed by the Council that all the discussion should not be included in the minutes but that a brief summary and explanation of the matters discussed would be valuable.

Section 20, subsection C Prior approval by Administrative Staff: providing that the City Manager should examine and approve for administration all ordinances, resolutions and contract documents, would limit the power of the City Attorney since he could not place an ordinance on the agenda which had not been approved by the City Manager so far as affecting administration. It was suggested that the wording "approved by the City Manager" be modified and the City Attorney was directed to submit a suggested change of wording by the next meeting.

The adoption of the ordinance was held over for one week.

9 REPORT ON WEED REMOVAL ON PARKWAYS AND CONSTRUCTION SIDEWALK AREA TO CURB

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The City Manager stated that the request of the Chamber of Commerce for information regarding the removal of weeds from parkways and for the adoption of legislation to provide for the installation of full sidewalk areas in the business district from the building to the curb line and for the requirement of property owners to keep the area between the curb and sidewalk clear of weeds, had been investigated. He stated that under an existing ordinance the property owner is responsible for maintenance of the area and he had contacted Mr. Fairweather and would work with him on a program to have the areas cleaned up. The suggestion has been made, the City Manager stated, that as an interim measure full sidewalks only be required in the business district where buildings have been constructed. It was agreed, after discussion by the Council, that a further study should be made before legislation was adopted requiring the construction of a full sidewalk area in the business district.

10 REPORT ON REQUEST OF ARTHUR LEE TO SELL MERCHANDISE

The Superintendent of Parks recommended against granting a permit to Arthur Lee to sell merchandise in the Legion Park on Sundays during the summer months because, 1) if you let one vendor in you have to let them all in, and the parks would be over-run with vendors; 2) the parks would be cluttered with papers and debris from the merchandise sold; 3) people do not like to be solicited for sales when they are in the parks. Councilman Annan moved, seconded by Councilman Merrill and it was voted unanimously that permit be denied applicant to sell in Legion Park.

11 REPORT ON SAVINGS MADE BY CITY ON SALE OF BONDS

Pursuant to the request of the Council, Director of Finance Lawrence filed a report, a copy of which is on file in the office of the City Clerk, showing the savings to the City of Modesto due to the early date of the sale of the sewer bonds as compared to the sale of bonds by the State of California and the City of Los Angeles. The report indicated that the City of Modesto saved \$66,500, as compared to the sale of the state bonds and \$216,125, as compared to the sale of the City of Los Angeles bonds having the same Moody rating as the bonds recently sold by the City.

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12 REPORT ON LETTER WRITTEN TO MRS. RALPH H. SPENCER

The City Manager reported on the letter sent to Mrs. Ralph H. Spencer relative to the requirements of the city ordinances on water meters, by the Director of Finance. Mrs. Spencer had filed a protest to the installation of a meter on her multi-family residential property.

13 AUTHORIZE SIGNING OF RELEASE ON RENTAL OF BASEMENT OF FIRE STATION BY THE UNITED STATES NAVY

A request from the District Public Works office of the Twelfth Naval District for the execution of a release under agreement No. NOY(R) 43353 for the use of a portion of the basement in the main fire station, 610 11th Street of the City of Modesto by Navy Recruiting substation, was considered. The City Manager stated that the premises had been left in good order and recommended that the release be executed. Councilman Mellis introduced

RESOLUTION NO. 10,275-N.S.

which was seconded by Councilman R. Adams, authorizing the execution of the special release by authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

14 REPORT ON TRAFFIC SAFETY PROGRAM LAID OVER

The report on traffic safety program conducted by the City of Modesto scheduled for this meeting was laid over due to the absence of Police Chief Neel.

15 CONSIDERATION OF ITEMS NOT INCLUDED ON AGENDA

The City Manager asked for and received consent from the Council to consider three items which had not been placed on the agenda due to the time element and which were considered of importance to the operation of the city.

16 ALLOW CLAIM OF R. H. MOULTON & COMPANY

Councilman Arata introduced

RESOLUTION NO. 10,276-N.S.

which was seconded by Councilman Annan, authorizing payment of claim of
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R. H. Moulton & Company of \$2,213.20, for financial consulting service in the sewer bond program, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AUTHORIZE PURCHASE OF PENT-A-VATE

Councilman R. Adams introduced

RESOLUTION NO. 10,277-N.S.

which was seconded by Councilman Annan, authorizing the purchase of 130 bbls, 3900 gallons of Pent-a-vate to be used at the sewer plant for this season, at a price of 90¢ per gallon, making a total cost to the city of \$3,510.00, plus tax, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager advised the Council that by authorizing this large purchase, a savings of 10¢ per gallon could be effected.

PETITION FROM LOCAL PLUMBERS

Councilman Merrill moved, seconded by Councilman Annan and it was voted unanimously, that the petition filed by local Master Plumbers requesting that the Council adopt the amendments to the 1952 Plumbing Code (as adopted by the Western Plumbing Officials Association) pertaining to the mechanical provisions of said code, be referred to the Council committee on this subject.

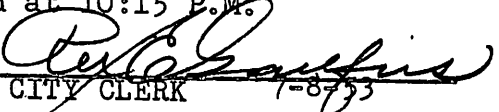
REPORT FROM COMMITTEE ON JOHN MUIR SCHOOL BUILDING

Councilman R. Adams reported progress was being made on the investigation of the proposed use of the old John Muir school building and that a report would be filed shortly with the Council.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 10:15 P.M.

ATTEST:


CITY CLERK

July 15, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Absent: Councilmen: None

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

The invocation was given by Rev. John W. Watson of the First Baptist Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meetings of June 23 and 24 and July 1, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM LEAGUE OF CALIFORNIA CITIES

A letter from the League of California Cities acknowledging receipt of a copy of the resolution adopted by the City of Modesto commending the League on its outstanding work in Sacramento during the 1953 session of the Legislature, was read.

REQUEST FROM CITY OF SPOKANE FOR COPY OF PRELIMINARY ZONING ORDINANCE

A letter from the City of Spokane requesting a copy of the preliminary draft of the City of Modesto Zoning Ordinance was read. The sending of the copy of the preliminary draft of the ordinance and copy of the report prepared by the City Planning Commission, was approved by the Council.

INTRODUCE CHAMBER OF COMMERCE REPRESENTATIVE TO COUNCIL

Mayor Marks introduced Richard Lyng, President of the Chamber of Commerce, who was present at the meeting to represent the Chamber.

LETTER FROM MODESTO EMPLOYEES' ASSOCIATION RE: GENERAL SALARY SITUATION

The City Manager read a letter which he had received from the Modesto City Employees' Association in which the Association had outlined

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the reasons it had gone on record recently in favor of at least a 5% general salary increase and suggesting that the following points be considered during the next fiscal year:

1. A complete and adequate classification survey of all city positions by a competent organization, such as the State Personnel Board.
2. In conjunction with this survey, salary ranges be established where they should be, taking into consideration the fact that the economic situation might not allow paying the highest potential step in the range upon its adoption.

Assistant to the City Manager Shelton outlined the study being made at the present time to eliminate inequities in the various classes of positions in the city. He stated that the study was also taking in consideration the salaries paid by the County, School, and private employers so that the similar study made last year could be brought up to date. Participating in the study are the Manager, Department heads, Personnel Commission, and representatives of the employees.

The City Manager introduced representatives of the Employees' Association, M. R. Sayers, W. F. Stambaugh, and Aileen Miller to the Council.

Mr. Sayers stated that it was the desire of the employees to receive a living wage for the work that is done, and that the quality of the work would increase if an employee felt that he was receiving an adequate wage, thus the city would reap more for the extra money paid him.

It was agreed by the Council that the representatives should notify the association that the Council would take the matter under consideration.

5 REQUEST OF GEORGE MERINO FOR AMENDMENT TO PALMISTRY ORDINANCE LAID OVER

At the request of Attorney A. M. Frad, who was unable to be present at the meeting, the request of George Merino for an amendment to the Palmistry Ordinance was laid over until such a time as the Attorney asks the matter be replaced on the agenda.

6 APPROVE PLANS & SPECIFICATIONS, AUTHORIZE CALL FOR BIDS ON DIGESTER AND HEAD WORKS AT SEWER PLANT

Plans and specifications for the construction of Sewage and Industrial Wastes Treatment Works, comprising comminutor-detritor structure,

sludge digester, digester control house and appurtenances having been completed by Harry N. Jenks, Consultant Sanitary Engineer, were presented to the Council for its consideration.

The City Manager reported that the Council sewer committee had met with the City Manager and engineers and agreed that the construction of this unit of the sewer improvement program should be undertaken at this time. He stated that this was the first major project on the plan for the ultimate treatment for industrial waste and that the construction of the main plant would be next considered. He stated that the office of Claude Kennedy, Engineering Consultants, had agreed to work with the city during the next few months doing experimental work with a new idea for the disposition of sludge.

Councilman M. Adams of the Council sewer committee stated that he had reviewed the plans and specifications and recommended to the rest of the Council that the plans be approved as prepared and presented.

Harry N. Jenks briefly outlined the advantages of the proposed type of design as set forth in the plans and specification. He stated that the sludge could be dried and used locally for fertilizer which could be sold commercially as other cities are now doing and thus create a source of income for the city. He stated that the gas produced could be used to heat the plant or for power for the plant.

Marvin Ray stated that if the construction of the Digester proceeds on schedule that it will be completed about March, 1954.

Councilman Mellis stated that the city cannot afford to loose any more time, the community has suffered for years and introduced

RESOLUTION NO. 10,279-N. S.

which was seconded by Councilman R. Adams, approving the plans and specification and authorizing the calling for bids for furnishing all materials, labor, and services for the construction of sewage and industrial wastes

treatment works, comprising comminutor-detritor structure, sludge digester, digester control house and appurtenances, said bids to be opened at 2:00 P. M. Monday, August 10, 1953, in the Council Chambers, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

HEARING ON PROPOSED ANNEXATION OF HUDSON-UCCELLO ADDITION

City Attorney Grimes stated that the hearing on the proposed annexation of the Hudson-Uccello Addition scheduled for 4:30 P. M. at this meeting would not be in order since the publication of the notice had not been done as prescribed by law and recommended that the Council adopt a new resolution setting up a new hearing time. Councilman R. Adams introduced

RESOLUTION NO. 10,278-N. S.

which was seconded by Councilman M. Adams, rescinding Resolution No. 10,230-N. S. adopted by the Council on June 10, 1953, and setting the hour of 4:30 P. M. of August 19, 1953, in the Council Chambers as the new time for the consideration of the petition for the annexation of the Hudson-Uccello Addition to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

DISCUSSION ON PROPOSED SYSTEM OF SEWER SERVICE CHARGES

Councilman Annan stated that at the joint meeting held on Tuesday, July 14, of the members of the Council and representatives of various local industrial concerns, a proposed system of sewer service charges which has been worked out by the Public Works Department had been considered.

The engineer, representing these companies, had contended that if the proposed schedule was put into effect, it would increase the sewer service charge for the industries, approximately 400%. He commented that the impression he had gained from the meeting was that it would take considerable time for the industries to agree on the basis to be used for the sewer service charge and that he would like to suggest that the Council adopt interim legislation which would provide that the maximum charge could not be more than double the previous charge and thus industries would be safeguarded from unfair overcharges. He stated that the industries represented at the meeting had agreed that the present sewer service charges were low and they expressed willingness to accept an increase of 25% in the rate. Mr. Annan expressed the hope that the establishment of some type of increased rate would not be delayed too long by the Council since all the canneries were operating at present and the city needed the additional revenue to retire the bonds.

The City Manager pointed out that under the proposed ordinance that some industrial users whose charges were inequitable at present would pay less. He also stressed the importance of immediate action on the increase in the rate since the sewer bonds have already been sold and the city must have sufficient revenue to retire the bonds, pay the interest and principal but he suggested that two things should be considered, 1-this proposed schedule had not been presented to all the local industries, 2-the Council did agree at the meeting to meet again with the industries for further discussion before any final action was taken.

Legally it would be possible to adopt an emergency ordinance, the City Attorney stated, which would be effective immediately but this would eliminate the possibility of referendum on the matter which should be considered. He also brought up the point that some consideration should be given to the working out of the schedule for "Class B Premise" the sewage from which has

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1. A B.O.D. not exceeding 300 p.p.m. by weight, or
2. A suspended solids content not exceeding 350 p.p.m. by weight

since many details would have to be worked out by the Public Works Department and they would be asked many questions which they would need to have the answers for.

Mr. Jenks pointed out that if the various industries would agree on what its type of B.O.D. and solids might be that there would be no difficulty in using the formulae as outlined in the proposed system of sewer service charges but that the first thing to determine should be whether industry has any serious objection to the basis on which the charge would be made in terms of content of waste. He suggested that conferences might be held between the chemists of the various industries and the engineer to determine the basis.

The City Manager asked and was assured by the Council that the general consensus of the Council was that the legislation to be prepared by the City Manager and City Attorney for presentation to the Council for its consideration was to include the following changes in charges based on the proposed system of sewer service charges prepared by the Public Works Department dated June 22, 1953, which had been discussed with the industries:

- A. "Class A Premise"--no change on residential units inside city
- B. "Class B. Premise"--you have asked us to prepare an ordinance under which this class would be charged at the rate set forth in the schedule after checking with the engineer.(bring both 1 and 2)
- C. "Class C. Premise"--interim measure. The rate is to be increased and a limit to be set. Use B as basis, with some adjustment.
- E. Rates for users outside the incorporated city limits should be increased to approximately three times the rate for users in the city both for residential and industrial users.

Councilman Mellis suggested that possibly contract agreements could be worked out with the various industries on the basis to be charged for sewer service. It was agreed that handling the matter by legislation would be more desirable.

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Councilman R. Adams commented that after checking with the Public Works Department he had determined that in various instances the city was subsidizing industry two-thirds on their sewer service charges. On the area contiguous to the city no problem was presented because the industries can be annexed but in cases where the plants are not contiguous, it is unfair for the city to subsidize them two-thirds for their sewers or for any other city service.

APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE CALLING FOR BIDS FOR SANITARY SEWER TRUNK LINE IN ROSEBURG AVENUE

Plans and specifications for the furnishing of all materials, labor, and services for the construction of sanitary sewer trunk line in Roseburg Avenue from Tully Avenue to McHenry Avenue were presented by the Director of Public Works to the Council for its consideration. Councilman M. Adams introduced

RESOLUTION NO. 10,280-N. S.

which was seconded by Councilman Arata, approving the plans and specifications as presented by the Director of Public Works and authorizing the calling for bids, to be opened at 2:00 P. M., Monday, August 3, 1953, in the Council Chambers, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

SET DATE FOR MEETING OF COUNCIL AND COMMITTEE FROM CHAMBER OF COMMERCE RE: OFF STREET PARKING

John Fairweather, Manager of the Chamber of Commerce asked the Council to meet with the off-street parking committee of the Chamber and the Parking Authority on Tuesday, July 21 at 8:00 P. M. to consider the report of the committee which has recently been presented to the Chamber on off street parking. He requested and was granted the use of the City Council Chambers for the meeting.

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The City Manager stated that the report which is currently being prepared for the Parking Authority by its staff on this problem, will be presented shortly to the Parking Authority and then to the Council.

Mayor Marks pointed out that these two reports will have to be considered by the Council entirely separate before any consideration could be given to any recommendations.

SUGGESTED WORK PROGRAM PRESENTED BY PLANNING DEPARTMENT

A "Suggested Work Program for 1953-54", which includes a master plan for streets and highways, was presented by the Planning Department, a copy of which is on file in the office of the City Clerk for the consideration and study of the Council. The City Manager stated that he would like to have any suggestions of the Council for any amendments to the proposed work program.

NEW MAP FOR CITY OF MODESTO

The City Manager reported that a new up to date map of the City would be completed shortly.

REPORT ON REQUEST OF CHAMBER OF COMMERCE FOR CITY TO ACQUIRE COUNTY PROPERTY AT CALIFORNIA AND FRANKLIN STREETS TO BE USED FOR PARK PURPOSES

The City Manager reported that the recent request of the Chamber of Commerce that the city acquire the land formerly used by the Stanislaus County and Housing Authority for temporary housing units at California and Franklin Avenues for additional park area had been checked with the County.

The City Manager stated that at a recent meeting with the City Director of Planning and the Superintendent of Park, it had been the decision that until the city has an over-all park plan, "we should not grab at everything that comes along as a park."--that a park area should fit logically into a park plan. He suggested that the county be asked to withhold decision until an over-all park plan had been completed by the City and County. Councilman M. Adams moved, seconded by Councilman Annan and it was unanimously carried that both the Chamber of Commerce and the County be advised that the city is willing to work with them on the basis that a study be made of this site as to its relationship to the park program of

the city and that a request be filed with the County that this property should not be used for any other purpose until it can be cleared both with the City and Chamber of Commerce.

INTRODUCTION OF ORDINANCE PROVIDING FOR PROCEDURE FOR CONDUCTING MEETINGS OF THE CITY COUNCIL

The City Attorney reviewed the changes which had been made in the proposed ordinance providing for the time, place, and procedure for conducting meetings of the Council, as follows:

Section 1 provides that the meetings for the purpose of canvassing returns not held on a regular Council meeting date shall commence at the hour of 4 o'clock P. M.

Section 20, subsection c was reworded to read as follows:

"All ordinances, resolutions and contract documents, before presentation to the Council, shall have been approved as to form and legality by the City Attorney or his authorized representative, and, where substantive matters of administration are involved, shall have been examined for administration by the City Manager or his authorized representative, who shall advise the Council of his recommendations thereon."

Section 20, subsection d, paragraph (g) Roll Call Vote was changed to read as follows:

"A roll call vote shall be taken upon the passage of all ordinances and resolution and be entered upon the journal of the proceedings of the Council. Upon the request of any member, a roll call vote shall be taken and recorded on any vote. Whenever a recorded or roll call vote of the Council is in order, the City Clerk shall call the names of the members in alphabetical order, except that the name of the Presiding Officer shall be called last."

The City Attorney explained the procedure to follow if a Councilman wished to vote last. Councilman Arata introduced

ORDINANCE NO. 1084-N. S.

entitled: "AN ORDINANCE PROVIDING THE TIME, PLACE AND PROCEDURE FOR CONDUCTING MEETINGS OF THE CITY COUNCIL OF THE CITY OF MODESTO" and moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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FINAL ADOPTION OF ORDINANCE NO. 1083-N. S. AMEND ORD. NO. 514-N. S.
REGULATE BUSINESS OF USED CAR

Ordinance No. 1083-N. S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 514-N. S. OF THE CITY OF MODESTO ENTITLED: "AN ORDINANCE REGULATING THE BUSINESS OF DEALING IN USED MOTOR VEHICLES DEFINING A USED MOTOR VEHICLE DEALER, PROVIDING FOR THE LICENSING OF SUCH DEALERS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE" BY AMENDING SECTION 4 THEREOF AND BY ADDING SECTION 10A THERETO." having been heretofore introduced and ordered printed and published at the regular meeting of July 1, 1953, Councilman Merrill moved, seconded by Councilman Annan, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

INTRODUCTION OF ORDINANCE AUTHORIZING LEASING OF AIRPLANE HANGAR SPACE TO CERTAIN INDIVIDUALS

The City Attorney outlined the provisions in a proposed ordinance authorizing the leasing of airplane hangar space in Hangar No. 4 recently completed by the city to Darrell Olson, C. R. Maino, A. Vincent, William Osterberg, Milton Squire, Keith Semmens, E. V. Falk, and Clyde McPherson. Councilman Annan moved the adoption of

ORDINANCE NO. 1085-N. S.

entitled: "AN ORDINANCE AUTHORIZING THE LEASE OF AIRPLANE HANGAR SPACE AT THE MODESTO MUNICIPAL AIRPORT AND AUTHORIZING THE EXECUTION OF LEASE AGREEMENTS IN CONNECTION THEREWITH" and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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APPROVE AGREEMENT FOR SEWER AND WATER SERVICE FOR CAROLAND MANOR

The City Attorney presented for the consideration of the Council an agreement with Lance E. Ellis and Carol L. Ellis, subdividers, for sewer and water service for the 24 acres tract of land which they have agreed to purchase known as Caroland Manor and located north of the Modesto Irrigation District Lateral #3 and east of Tully Avenue. He outlined the provisions set forth in agreement which are to be carried out by the subdividers namely, annexation of tract to the city at the earliest practicable time, construction of sewer laterals, construction of improvements in the tract are to be in accordance with provisions of subdivision Ordinance No. 1041-N. S. such as street lights and deposit for park area. Councilman R. Adams introduced

RESOLUTION NO. 10,281-N. S.

which was seconded by Councilman Annan, approving the agreement as presented and authorizing the execution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVE LEASE FOR RENTAL OF OFFICE BUILDING AT MUNICIPAL AIRPORT TO ROBERT PHILLIPS

The City Attorney outlined the provisions of a proposed lease with Robert Phillips dba Phillip's Dusters for the rental of the office building #2 at the Municipal Airport for a term of one year beginning July 1, 1953, at a monthly rental of \$25 00. Councilman Annan introduced

RESOLUTION NO. 10,282-N. S.

which was seconded by Councilman M. Adams, approving the lease as presented and authorizing execution, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

BRIDGE

REPORT ON INSPECTION OF SEVENTH STREET/OVER TUOLUMNE RIVER

A communication from Oliver Deatsch, County Surveyor and Road Commissioner, stating that the bridge across the Tuolumne River at Seventh Street had been checked by the Division of Highways and it was determined that the bridge was safe for the present loading, as posted. It was suggested by the State that the bridge be properly checked again in about two years.

CITY ATTORNEY TO PREPARE AGREEMENT FOR SEWER AND WATER SERVICE FOR LAWRENCE ROBINSON PROPERTY

A request for sewer service for their plant at 1600 McHenry Avenue and an expression of willingness to annex the property to the city at the earliest possible time was filed by Lawrence Robinson & Sons.

It was agreed by the Council that the City Manager and City Attorney work out an agreement with the applicant similar to other agreements for this service previously approved by the Council and present it to the Council for its consideration.

PLANS FOR IMPROVEMENT OF INTERSECTION 19TH-DOWNEY

Plans for the improvement of the intersection of 19th and Downey Street, which includes the deeding of certain property to the city by the Modesto City School to widen the intersection, were reviewed and approved by the Council.

REFER PETITION FOR ANNEXATION OF WEST DOWNEY ADDITION TO CITY PLANNING COMMISSION

A petition filed by Charlie and Marian Carabajal for annexation of the West Downey Addition to the City, together with the approval of the boundaries as to definiteness and accuracy of the County Boundary Commission were considered by the Council. Councilman Arata introduced

RESOLUTION NO. 10,283-N. S.

which was seconded by Councilman R. Adams, referring the petition to the

Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Director of Planning Bills reported that the original request of Mr. Carabajal had been for a strip of land 150 feet on Fairmont and 300 feet on Coffee Road but that he had been asked by the Planning Commission and had agreed to include all his property at this location, 330 feet on Coffee Road and 660 feet on Fairmont. Mr. Bills stated that this was the first instance of pre-planning of an area, -- "where the city is doing something ahead of time instead of catching up afterwards." Mr. Carabajal understands that the sewer service extended to him is for commercial development and not for service to subdivide and develop all the area, he stated.

REFER REQUEST FOR ANNEXATION OF BRIGGS-WHITMORE ADDITION TO PLANNING COMMISSION

A petition filed by Joseph J. Conow, President of Conow Builder, Inc. for the annexation of a portion of the Fresno Tract, consisting of approximately 24 acres, adjoining the College Village-Cloverfield addition on the east recently annexed to the city, together with the County Boundary Commission's approval of the boundaries as to definiteness and accuracy, was considered by the Council. Councilman Mellis introduced

RESOLUTION NO. 10,284-N. S.

which was seconded by Councilman M. Adams, referring the petition to the Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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REPORT ON HEARINGS ON COUNTY RECREATION BUDGET

The City Manager read a report from Director of Recreation Lee Brooks relating to the hearings he had attended of the Board of Supervisors on the County Recreation Budget. The report stated that the decisions made by the Board were as follows:

The amount allocated to the city will probably be near \$14,000 00. The amount requested by the city was \$17,393
 (Note: This is the amount of the request to the county for operation only. It does not include the amount requested for capital improvement. Total request to county was \$19,893.00) and the amount allowed 1952-53 by the county was \$14,309

An amount of \$500 will be spent for each county park where a matching amount is made by the local area. This sum can be used for capital improvement. No provision has been made for allocation of funds for parks within cities

An additional amount of about \$10,500 will be spent directly by the county on the upkeep of county parks

A county recreation department will be established

No action has been taken by the Board on our requests for capital outlay, softball fields, or Dennett Dam.

The City Manager stated that a fair basis of operating the library jointly by the City and County had not yet been achieved. After a general discussion by the Council it was agreed that the best approach to solving the problems was to meet with the Board to clear each problem, one at a time. A suggestion was made by the City Manager that since other cities in the county had the same problems, that the City join with them to solve them as well as work individually. Councilman R. Adams moved, seconded by Councilman Arata and it was unanimously carried that the City Manager and Mayor be authorized to represent the Council at meetings with the Board of Supervisors and with other cities to discuss mutual budget problems.

REPORT BY POLICE CHIEF NEEL ON TRAFFIC SAFETY PROGRAM

Police Chief Neel reported on the traffic safety program being conducted by the Police Department. He stated that Modesto, at the present time, is in number one position in the United States as far as traffic fatalities are concerned since to date there has been no traffic deaths in the city limits since January 1st. Engineering enforcement and education

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are the three primary factors in traffic safety. He pointed out that all the officers are being trained to be traffic officers as well as patrolmen. Six of the officers are attending a special course of training at Berkeley, making the drive there and back on their own time, he stated, and it is planned that the education they receive will be passed on as rapidly as possible to other officers who, because of work schedule, cannot attend. These men are being trained in accident investigation and also in the issuance of citations. An accident report file has been developed which breaks down the accident as to intersection which will aid the engineering staff to determine the type of traffic regulation to install, such as stop signs, etc. These reports are also spotted on a map for an immediate picture of the situation as ^{to} the general type of accident at various intersection. Slide rules to compute skid marks laid down at an accident will be used to aid in court cases.

Ninth Street is the worst street in town as far as number of accidents and Ninth and H Streets is the worst intersection--25 accidents over a six months period. Last month on Ninth Street, 245 citations were given of which 179 were for going through red lights. One officer full time and one-half time of another officer have been assigned to Ninth Street.

Chief Neel cited the wonderful job the Junior Traffic Patrol and the reserve police officers were doing. To help curb jay walking, circulars which had been donated by Automobile Association were being distributed and request for a public address system to patrol the down-town area had placed in the 1953-54 budget. He expressed the hope that a safety council would be established soon as well as a traffic school devoted to violators since it would be a great aid in the traffic program to have such organizations. The Modesto Bee has agreed to publish articles relating to traffic problems in the near future. Officers of the Cannery Union have agreed to work with the Police to improve the traffic condition near the canneries. While accidents on Tenth Street have not been a great problem, a number of

complaints of racing, loud noise from exhaust and mufflers, have been received. Also cars pulling from parking spaces and drivers opening car doors in the lane of traffic are a problem. An officer has been assigned to this street to control these infractions.

Mayor Marks commended the Police Department on the fine traffic safety program being conducted. Councilman R. Adams moved, seconded by Councilman Mellis and it was unanimously carried that the Mayor be authorized to write a letter of commendation to the officers who were attending the training course in Berkeley.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 6:45 P. M.


ATTEST: REX E. GAILFOS, CITY CLERK

July 22, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 1042-N.S.

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

Absent: Councilmen: M. Adams

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

The invocation was given by Rev. Teman Johnson of the Trinity

Baptist Church.

FINAL ADOPTION ORDINANCE NO. 1084-N.S. PROCEDURE FOR CONDUCTING MEETINGS OF THE CITY COUNCIL

Ordinance No. 1084-N.S. entitled: "AN ORDINANCE PROVIDING THE TIME, PLACE AND PROCEDURE FOR CONDUCTING MEETINGS OF THE CITY COUNCIL OF THE CITY OF MODESTO", having been heretofore introduced and ordered printed and published at the regular meeting of July 15, 1953, Councilman Merrill moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

FINAL ADOPTION ORDINANCE NO. 1085-N.S. AUTHORIZE LEASE OF AIRPLANE HANGARS TO CERTAIN INDIVIDUALS

Ordinance No. 1085-N.S. entitled: "AN ORDINANCE AUTHORIZING THE LEASE OF AIRPLANE HANGAR SPACE AT THE MODESTO MUNICIPAL AIRPORT AND AUTHORIZING THE EXECUTION OF LEASE AGREEMENT IN CONNECTION THEREWITH", having been heretofore introduced and ordered printed and published at the regular meeting of July 15, 1953, Councilman Arata moved, seconded by Councilman Annan, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

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Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

ANNUAL REPORT ON ACTIVITIES FILED BY THE MODESTO CHAMBER OF COMMERCE

As provided by the agreement between the City of Modesto and the Modesto Chamber of Commerce, dated June 11, 1952, the annual report on activities of the Chamber was filed with the Council. The report was ordered filed in the office of the City Clerk.

REQUEST FOR FUNDS FOR 1953-54-CHAMBER OF COMMERCE

A request was filed by the Chamber of Commerce for an appropriation of \$7,000 in the city's 1953-54 budget. This request was \$750.00 in excess of the 1952-53 request and was allocated as follows:

Junior Chamber of Commerce (California Relays Committee)	\$750.00
Retail Merchants Bureau	2,875.00
Modesto Chamber of Commerce	3,375.00

A discussion was held by the Council on the possibility of allocating funds direct to the Junior Chamber and also, due to the efforts of the Council in keeping expenses to a minimum, whether the allocation to the Chamber should not be less than in the past years. Councilman Arata moved, seconded by Councilman Merrill and it was voted unanimously that the City Manager be instructed to submit a report to the Council on the annual budget of the Chamber of Commerce and the annual contribution made to the Chamber of Commerce by the city for approximately the past ten years.

It was agreed by the Council that investigation be made by City Manager Miller on the possibility of entering into a separate contract with the Junior Chamber of Commerce for allocation of funds.

DISCUSSION ON PROPOSED SYSTEM OF SEWER SERVICE CHARGES

Mayor Marks briefly reviewed the events which had transpired to

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date relating to the proposed adoption of an ordinance regulating the discharge of waste into the industrial waste system. The proposed system of sewer/^{service}charges which had been presented to the representatives of industries attending the meeting held jointly with the Council on July 14, he stated, were merely for study, with the thought that another meeting would be held in approximately two weeks to work out the final rates. In the meantime, he continued, it had been suggested by one of the Councilmen, at a recent Council meeting, that since it had been indicated at the joint meeting that considerable time would elapse before a rate schedule completely agreeable to both the Council and industry could be completed, that interim legislation be adopted, increasing the existing rates but providing that the maximum charge could not be more than double the previous rates. This provision, Mayor Marks stated, has been included in the ordinance which was presented to the Council for its consideration at this meeting by the City Attorney. (Copies of the ordinance were also distributed to industrial representatives.)

Mayor Marks indicated that the city was willing and anxious to continue to underwrite a portion of the cost for sewage disposal for subsidizing the canning industry as it has been doing in the past but this must not work a hardship on the city tax payers. He cited the additional cost to the city due to the increased interest rate. "We do not want to place any hardship on you operators, he stated, but we do ask that you realize how much it is costing to put this thing over." He pointed out that the present rates were working a hardship on some of the industries and that it was expedient that a program be adopted to relieve these inequities.

The City Manager pointed out that when the bond issue was presented to the people that they were assured of two things; 1) no increase in residential sewer rates, 2) no increase in property tax. \$1,800,000 of these bonds have been sold and the money for the payment of interest and redemption of

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bonds, must be in the budget for this year, he stated. "The budget is before the Council tonight for consideration and this must be taken into account in figuring the finances of the city," he stated.

H. D. Buxton, spokesman for the group of industrialists cited the interest and cooperation given by the Modesto Processors' Association, which had been formed at the time the injunction suit was filed against the city and certain processors by the State Fish and Game Commission, in the program of the city for the improvement of sewage disposal facilities and the recent bond issue. He stated that it was the intention of the association to continue cooperating with the city but that they were not clear about the proposed system of sewage service charges. He asked how much money would be needed from industry by the city for the 1953-54 fiscal year. He suggested that a committee be appointed from the Council to study the proposed rates along with a committee from the processors, and he indicated that the processors would be willing to make any rates, which were agreed on, retroactive to August 1, 1953.

Phil Johnson, Associate Engineer distributed copies of a report which had been prepared by the Public Works Department, dated July 22, 1953, to the Council and members of the group, showing the existing and expected future condition with regard to costs of waste disposal and income from the sewer service charges under the existing ordinance, (A copy of which report is on file in the office of the City Clerk). This report indicated that the estimated income for the year 1952-53 from industrial sewer service charges was approximately \$33,700 and the total industrial costs, \$111,400.

The Council indicated that the amount desired from industry for 1953-54 fiscal year was approximately \$66,000, which would result in the doubling of the amount received from industry.

(NOTE: 1953 Sewer Bond obligations will increase total sewer costs sharply during the next two years. Total costs allocable to industrial sewer disposal are estimated to be \$130,000 during 1953-54, when it is necessary to pay only the interest on the new bonds, and \$166,800 in 1954-55 when principal payments on the new bonds start.)

Charles Mitchell, manager of Flotill Cannery, stated that his company was in the midst of its busy season and it would be difficult to install meters on either the water line or sewage line. He also cited the difficulty which would be involved in securing the B.O.D. or S.S. of the sewage due to the constant changing of fruit and vegetables being processed. He expressed approval of changing of the minimum charge of \$2.00 charged industry, since the minimum fee for a single house was 85¢.

The City Manager stated that he wanted to make it clear for the record that at the last Council meeting the question of sewage service rates was raised and discussed and it was agreed that an ordinance should be prepared for the Council's consideration. The ordinance presented tonight, he stated, is merely a draft of a proposed ordinance containing the ideas based on the formula discussed at the joint meeting and it is just an effort to get it in a more precise form.

City Attorney Grimes outlined the procedure for the adoption of an ordinance by the city as established by the Charter and explained that even if the ordinance was introduced tonight, that it could be amended before final adoption and could not become effective before August 20. At the suggestion of the Council the City Attorney proceeded to read the ordinance so that any questions regarding any sections could be discussed.

The City Manager pointed out that the proposed draft of the ordinance not only included rates for industrial sewers but for other types, particularly outside rates for industries and residences. He stated that "under this proposed ordinance the worst that could happen to anyone inside the city would be to pay twice the rate that was charged last year."

Horace Button, Manager of Floden & Button, turkey processors, protested to the proposed doubling of rates due to the fact that the rate charged turkey processors under the present ordinance was inequitable. He

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cited amounts quoted by Engineer O'Connel, representing the Modesto Processor's Association at the joint meeting, on the cost for the processing of peaches of 15¢ a ton, as compared to the charge for processing turkeys which was approximately 37¢ a ton.

Martin Mitchel, representing the Milk Producers' Association, stated that the investment in the industrial sewer plant was based largely on a sewage capacity to handle the peak load during the three months period when the plant was being used by everybody. He pointed out that his company had a constant 12 months period load, and should be given some consideration in the rate.

The City Attorney pointed out that section 14 of the proposed ordinance would take care of such special cases.

Section 7, Rules and regulations, subsection (c), was discussed. This section provides that whenever the load factor formula is applicable the value of B.O.D. and S.S. to be used in the formula shall be the averages of four daily composite samples taken at reasonable intervals during the billing period. A composite sample shall consist of at least 8 individual samples taken at approximate hourly intervals over an eight hour period.

Mr. Button requested that a longer period of time be established since at his plant it would take four hours to clean up after the closing of operations and that during this four hour period almost pure water was being discharged into the sewer.

Mr. Buxton stated that it would be impossible to determine this year just what the B.O.D. and S.S. of a plant would be but that next year records would be available. If adopted, the ordinance could not be properly enforced he stated. The City of Hayward which has a similar ordinance he stated, did not have enough history as to the effect its ordinance would have and it was unable to determine just what additional funds would be

raised. Inequities in the present rate system could be worked out and that his organization would be willing to set down and work them out with the Council committee and city officials. He expressed opposition to the adoption of the ordinance because it would be difficult to rescind the ordinance once it was adopted and that there should be a "meeting of minds" before the ordinance was actually put into effect.

The City Manager stated that there were three problems to be considered; 1) the problem with which the city is faced - additional funds to finance the program, 2) that there are inequities in the present system which are working a hardship on some industries, 3) the problem of collecting the amounts due the city. "We accept the responsibility for that. It comes back to the simple fact that the city is confronted with the need for additional funds. These men have agreed that they are willing to pay more than they are paying at the present time---the question is, how should it be divided among the people concerned?"

Councilman Merrill suggested that the present sewer service charge be increased 25% as of August 1st, the amount agreed on by the representatives of industry at the joint meeting, and that later on it could be adjusted, retroactive to the same date after it was agreed on by both the Council and industry.

Mr. Button stated that he had not agreed to the 25% increase and this would not be an equitable way to handle his problem.

Mayor Marks asked the representatives if they would be willing to be charged at the same rate as the East Modesto Industrial District operators were being charged by the Modesto Terminal Company. Mr. Button quoted the rates used by ^{the} company based on sewage discharged, as being

First	500,000 cu. ft.	\$250.00
Second	" "	200.00
Each additional	" "	150.00

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Councilman R. Adams suggested that a committee be appointed by the industrial representatives and that this committee meet with a committee from the Council, or even all the Council, to "thrash this thing out as rapidly as possible, bearing in mind some long range program." He stated that there was one thing which should be understood and that was that industries located outside the city, served by the city, should have to pay a substantially higher sewer service rate.

The City Attorney pointed out the danger of establishing retro-active rates if the final rate was based on the load factor or gallonage discharge or intake, since there would be no records to base the charges on.

Councilman Mellis stated that the business of establishing the rates and regulations for sewage service was a complicated business and that the city had experienced engineers who were qualified to do this and suggested that they be authorized to assist the committee on these problems.

The City Manager stated that the city administrative staff would proceed immediately on the problem of special cases which should be handled so that this information would be available for the committee to consider at a special meeting of the Council, if the Council desired.

LETTER FROM RICHARD GRAVES, EXECUTIVE DIRECTOR OF LEAGUE OF CALIFORNIA CITIES

A letter from Richard Graves, Executive Director of the League of California Cities, acknowledging receipt of and expressing appreciation for the resolution of commendation adopted by the Council on the outstanding work of the League in Sacramento during the 1953 session of the Legislature, was read and ordered filed.

ACCEPT BID OF GEORGE REED FOR IMPROVEMENT OF TUOLUMNE BOULEVARD

Tabulation of the four bids received for the improvement of Tuolumne Boulevard, between Merced and Sutter Streets which had been opened in the office of the Director of Finance at 2:00 P.M. July 20, 1953, were presented to the Council for its consideration, by Director of Public Works

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Ray. The low bid, submitted by George Reed in the amount of \$22,595.50, was recommended for acceptance by the Director of Public Works. This bid was below the engineer's estimate. Councilman Annan introduced

RESOLUTION NO. 10,285-N.S.

which was seconded by Councilman Arata, accepting the bid of George Reed of \$22,595.50, as it was the lowest bid received, and authorizing the execution of contract agreement for the completion of the work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

REFER REQUEST OF BOYCE ASHFORD FOR SEWER & WATER SERVICE TO PLANNING COMMISSION

The request of Boyce Ashford for sewer and water service for a 30 acre tract of land situated north of the Ellis Tract (Cloverfield-College Gardens addition), had been investigated by the Public Works Department the City Manager stated and it had been determined that all this area could be served by sewer trunk lines planned for the northern section of the city and by building deeper sewer lateral lines. This is the limit of distance for which the major sewer trunk lines are designed and the question is, he stated, "how far do you want to reach out?" He suggested and the Council concurred that before any decision was made that the Public Works Department check out the grade in that area to determine how far "we can reach." "If we draw a line and say, this is as far as sewer service can be furnished and no farther." Councilman Merrill moved, seconded by Councilman R. Adams and it was voted unanimously, that the request for sewer and water service by Boyce Ashford, be referred to the City Planning Commission for report and recommendation.

PRELIMINARY 1953-54 BUDGET FOR THE CITY OF MODESTO PRESENTED TO THE COUNCIL

The preliminary budget for the fiscal year 1953-54 of the City of Modesto was presented to the Council by the City Manager. Portions of the

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budget message were reviewed by the City Manager. He stated that in view of the position taken by the county on allocation to the recreation program, it would be necessary to reconsider the recreation budget. The library budget also has been set up on a minimum basis because the county had refused to accept responsibility for a larger share in the operation of the library. Unless an equitable basis can be worked out, he stated, for the joint operation, he would recommend that the City operate its own library and ask the county that the people of the city be relieved from the payment of the county library tax.

The budget is based on existing salaries he stated. The study which has been made on salaries by the Personnel Office indicates without any question that the city salaries are low. An approximate amount of \$50/55,000 has been put in the budget which could be used to raise the general wage level and to reduce partially the inequities between classes. He outlined the proposed plan for a 44 hour week for the personnel of the Police Department and for the hiring of two policewomen to operate the three wheeler motorcycles.

At the suggestion of the City Manager, Councilman Arata moved, seconded by Councilman Merrill, and it was voted unanimously that the City Manager be authorized to purchase immediately the specialized equipment included in the budget for the reconstruction of oiled streets, consisting of a grid roller, paving ripper and equipment trailer so that the street program could get under way.

The City Manager stated that he would obtain the assessment figures for the property in the City of Modesto and report to the Council the effect the reassessment program carried on by the county would have.

Councilman Arata introduced

RESOLUTION NO. 10,286-N.S.

which was seconded by Councilman R. Adams, setting the date of August 5, 1953

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at 4:30 P.M. in the Council Chambers of the City Hall, as the time and place for a public hearing upon the proposed budget for the fiscal year 1953-54, at which time and place all persons interested in said budget will be given an opportunity to be heard, and authorizing the publication of the notice of public hearing which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

It was agreed by the Council that this meeting be adjourned until 7:30 P.M. July 29 to discuss the budget before the public hearing on August 5.

ALLOW REFUND OF TAXES ERRONOUSLY COLLECTED GERTRUDE WILHELM

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 10,287-N.S.

which was seconded by Councilman Mellis, authorizing refund of \$20.35 to Gertrude Wilhelm for taxes erroneously collect for year 1951-52 on improvements on block 342, lots 1 and 2, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

GRANT PERMIT TO THE CITY CLERK TO TAKE VACATION PERIOD AUGUST 10-24

It was moved by Councilman Arata, seconded by Councilman R. Adams, and it was voted unanimously, that permit be granted to Rex E. Gailfus, City Clerk, to take his annual vacation during the period August 10-24-1953.

DISCUSS METHOD TO BE USED IN SALLARY ADJUSTMENTS

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The City Manager stated that all classifications in the city positions examined by the personnel office were low, some much lower than others. It is proposed that a minimum general increase be given to all employees; that an additional increase be given to those classifications which were further out of line; and that a classification survey be authorized at once which will be used as a basis for next year's salary plan.

Councilman Mellis recommended that a flat increase be given to each employee rather than a 5% increase based on the salary paid, so that the employee in the higher bracket would not receive a larger increase. He stated that complaints had been filed with him by certain employees on the unfairness of this manner of salary adjustments and also that certain employees working on the same job doing the same work were being paid at different rates.

The City Manager stated that the proposed adjustment was based, and he recommended that it be based, on the job rather than an over-all flat salary adjustment for each employee. He pointed out that the range system provided for salary increases to each employee/^{were} based on his ability to do the work, as well length of service. It is much more difficult to replace an employee in the supervisory class than in the unskilled labor class, he stated and cited the city's recent experience in replacing trained employees when it had been necessary to increase the salary ranges before competent employees could be hired. "A flat increase tends to wipe out the relationship of the classifications and ranges," he stated.

City Attorney Grimes contended that if the 5% proposed increase was a "cost of living" increase that Councilman Mellis' suggestion of a flat increase for each employee would be a more equitable method of adjustment.

Assistant to the City Manager Shelton explained that adjustments made in the salary ranges last year did not bring the ranges up to the

proper rate and that this year "we are faced with the same problem and we want to get them more nearly up to the level in which they belong." He stated that statistics did not indicate that the cost of living had increased 5% during the past year but more nearly only 2% and that the proposed adjustments were to raise the general wage level and to reduce partially the inequities between certain classes. He stated that the estimated cost for the proposed adjustments was approximately \$50,000 to \$55,000; that a 5% increase was proposed for 49% of the employees; a 7½% for 40% and the balance to special cases. Classes for which no increase is indicated includes most department heads, other administrative personnel and classes for which new ranges have recently been established.

ADJOURNMENT

It was moved by Councilman Mellis, seconded by Councilman Annan, and it was voted unanimously that the meeting be adjourned until 7:30 P.M. Wednesday, July 29.


ATTEST: REX E. GAILUS, CITY CLERK

July 29, 1953

The Council of the City of Modesto met in adjourned session this date at 7:30^{P.M.}/as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks.

Absent: Councilmen: None.

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

The invocation was given by Rev. Arthur Brohm, Jr., of the Grace Lutheran Church.

REPORT BY MAYOR MARKS ON TELEGRAMS AND PHONE CALLS REGARDING CANNERY STRIKE SITUATION

Mayor Marks advised that he had wired and also talked by telephone to representatives of both the cannery workers and the processors, urging them to do everything they could to resolve their differences speedily, and that to this end he had also contacted federal conciliation officers, President Eisenhower, representatives of this area in Congress, and Secretaries of Labor and Agriculture. He had received replies from the processors' organization in Oakland, from Senator Kuchel, and from Senator Wm. Knowland.

DISCUSSION OF CAPITAL IMPROVEMENT ITEMS PROPOSED FOR INCLUSION IN THE 1953-54 BUDGET

City Manager Miller reported that at the meeting of the Citizens Advisory Committee the night before a list of proposed capital improvement items budgeted, costing \$1,000 or more, had been presented and discussed. A question had been raised as to the necessity for the addition of the law library. With regard to the additional items proposed for inclusion in the budget, the committee had been generally in favor of purchasing the fire truck and had agreed that additional items needed for the water system were essential.

The Council discussed alternate methods for spreading the approximate \$21,000 cost of the fire truck over a two-year period, Councilman Merrill suggesting that a given amount be set aside in this year's budget and that the truck be ordered this year for delivery next

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year when the balance needed can be included in the next fiscal year's budget. City Manager Miller pointed out that the amount of the purchase price which could be ear-marked for the truck this year might well depend upon what was done about other budget items, and suggested that at least ten or twelve thousand dollars be set aside now, with the time of purchasing to depend upon the availability of other funds. City Attorney Grimes advised a lease-purchase arrangement might be possible.

Other items considered favorably by the Council included: rest room and tool house addition at Enslin Park, \$3,000; rest room and tool house at new John Muir Park, \$6,000; City Hall reserve, additional \$25,000; new well, Pump Station #17, \$13,800; stand-by gas engine for water wells, \$9,000; parking shed - Corporation Yard, \$3,500; extension of golf building, \$4,000 or \$5,000; canal crossing of Lateral #3, \$6,000; right-of-way for improvement of intersection at 7th and B, \$5,000.

REPORT ON STREET PROGRAM

City Manager Miller reported, with respect to the equipment needed for the proposed reconditioning of oiled streets, that a roller had been purchased and delivered and the concrete weights for its operation were now being prepared. He said the most economical means of obtaining a ripper was being investigated and that used trailers were being checked into, together with the possibility of building our own, and that a \$4,000 saving in the sum allotted to street equipment had already been achieved. He distributed copies of a report prepared by the Director of Public Works, dated July 22, covering equipment and methods for street reconstruction. Mr. Miller recommended that highest priority in this program be given to heavily traveled oiled streets warranting reconstruction and that first preference be given to streets within the older section of the city. A tentative list of streets to be considered, prepared by the Public Works Department, was read. It was moved by Councilman Merrill, seconded by Councilman Annan, and unanimously approved, that Sierra Drive from Roselawn to Sunset, and K Street from 4th to 7th be authorized as the first two reconstruction projects.

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4 REPORT ON POSSIBLE USE OF CANALS FOR STORM DRAINAGE

City Manager Miller reported that Mr. Plummer, of the M.I.D., had been contacted on this suggestion and he had agreed that their engineers would work with city engineers to explore its feasibility.

5 DISCUSSION OF RECREATION BUDGET

City Manager Miller explained changes necessary in the recreation program because of county cuts in the city's request, and Director of Finance Lawrence and Recreation Superintendent Brooks outlined the means by which these necessary savings had been achieved, including deletion of Youth Center activities and supervisory personnel for the Center, deletion of some seasonal activities, and curtailment of others. Mayor Marks emphasized that it was not the desire of the Council to cut recreational activities, but that it was unfair to city taxpayers to ask them to continue to pay more than their share of such costs for the entire area.

There was considerable discussion of how best to make the facilities of the Youth Center available to local youth without city funds to finance such operation, and it was moved by Councilman Mellis, seconded by Councilman Arata, and unanimously approved that the administrative staff be asked to work out a plan whereby various interested youth organizations might jointly assume the responsibility for the development of a program and provision of professional supervision of Youth Center activities--to be available to all young people in the community.

6 REPORT ON PROPOSED SALARY PLAN FOR CITY EMPLOYEES

Read aloud were an excerpt from the minutes of the Personnel Commission meeting of July 28, 1953, which indicated approval of the plan as proposed, and a letter from the City Employees Association approving the salary proposal and expressing appreciation for the spirit of harmony maintained throughout discussions. Councilman Arata voiced the Council's like appreciation of the cooperative attitude of city employees.

It was pointed out that the salaries proposed were based on a 40-hour week and that consideration was being given to making those hours effective for clerical help who now work a 37½-hour week.

Councilman Lyndall Merrill left the meeting at this time.

7 DISCUSSION OF LIBRARY BUDGET

Mayor Marks stated that since the city is paying 48 per cent of the library costs for the entire county it must face the fact, although reluctantly, that it may be necessary to separate from the county completely and operate a city library. Librarian Hamilton advised that stringent cuts had been made in the budget wherever possible, and cited savings effected. He advised that he personally was not in favor of separation, but that in the event the city should decide such a procedure was necessary the most feasible course appeared to be to set the first of the year as a deadline by which time to have reached a mutually satisfactory agreement with the county or, failing that, to withdraw. It was pointed out that the city of Turlock pays about one dollar per capita for library services while the city of Modesto pays approximately two.

OTHER BUDGET ITEMS DISCUSSED

Councilman Mellis inquired as to the kind of typewriter requested in the City Attorney's budget, and it was agreed that he and Attorney Grimes would check this out together at another time.

Two other items cited by City Manager Miller as important for inclusion were the proposed additional tree trimming crew and trash pick-up crew. Mr. Miller reported that in answer to some complaints he would like to make it clear that the city was doing its best to "get on top of the street maintenance problem and the trash pick-up problem". Councilmen were advised that Public Works crews were already "stretched thin" by the increased areas to be served, and that if the La Loma area annexes to the city the trash pick-up operations will have to be expanded. He commented that the trash pick-up privilege was being abused by some and the scope of the whole program was in need of clarification, and that a draft of an ordinance with this in view was being prepared for consideration within the near future. He felt that with proper organization and regulation of trash pick-up operations the city might be able to serve a much larger area for approximately the present cost of operations.

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Possible additional sources of revenue were discussed, it being agreed that a special census for determination of population for gas tax funds should not be made until after the La Loma area makes its decision regarding annexation. Councilman Mellis suggested a possible increase in business license fees, and Attorney Grimes advised that the proposed use tax ordinance was ready for Council consideration. Director of Finance Lawrence reported no answers received from the Chamber of Commerce regarding the bulletin on the use tax mailed to merchants by the Chamber at the city's request. It was pointed out that industrial sewage rates will bring increased revenue which cannot yet be included in this budget because the rates are not yet decided upon, and that the proposed new auditing program will increase receipts of revenue to which the city is already entitled. Mr. Lawrence called attention to the fact that revenue estimates in all cases were, in his judgment, conservative, and asked for any suggestions on this part of the budget.

Since it had not yet been possible to give all the budgets the careful itemized analysis which some had received, it was agreed that departmental budget hearings would be continued throughout the next week and that no final decisions would be made by the Council until the formal budget hearing on August 5.

COMMUNICATION FROM C. D. NATTINGER

Councilman Dan Mellis read a letter from Mr. C. D. Nattinger relative to inner-organization of Finance Department and duties of new accountant proposed, and suggesting the possibility of the abolition of the position of City Auditor through a charter amendment at some future date. No definite action was taken.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned at 9:55 p.m.

ATTEST:


CITY CLERK

August 5, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Ordinance No. 1042-N.S.

Present: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: M. Adams and Annan

Also Present: Richard Lyng, President of the Chamber of Commerce

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

Invocation was given by Rev. A. P. Gregory of the Church of God.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meetings of July 8 and 15, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MAYOR GORDON G. DUNN OF CITY OF FRESNO

A letter was read from Mayor Gordon G. Dunn of the City of Fresno which had been received by Fire Chief Jack Wemyss, expressing appreciation for the offer of cooperation and support, during the emergency in the City of Fresno on July 10, by the City of Modesto, and ordered filed.

LETTER FROM W. S. SCOTT RE: PARKING NEAR STORE 13-H STREETS

A letter from W. S. Scott, operating a drug store at the corner of 13th and H Streets, regarding parking regulations on city streets, was read and referred to Police Chief Neel.

REQUEST FOR REMOVAL OF WALNUT TREE AT 608 McHENRY AVENUE

A request was filed by Carl Heerman, 608 McHenry Ave., for permission to remove a walnut tree at this location since it was interfering with the visibility of a neon sign recently installed.

Councilman Merrill stated that he had investigated this tree at the time request had been filed by Mr. Heerman for the removal of two other trees and since this was in a business zone he recommended and moved that permit be granted for the removal of the tree at the expense of the petitioner without further investigation by the Council, which was seconded by Councilman Mellis

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and unanimously carried.

Councilman Merrill stressed the fact that the granting of permit for removal of this tree without investigation by the Council should not establish a precedent.

OFFER OF WOMEN OF THE MOOSE TO ASSIST IN SOLICITING FOR FUNDS FOR FURNISHING YOUTH CENTER

Mrs. Virgil White, 115 Rue DeYoe, spokesman for a group from the Women of the Moose, appearing before the Council, stated that their organization was interested in obtaining authority from the Council to solicit for furniture to be used at the Youth Center in the Westside Park.

City Attorney Grimes stated that certain legal requirements should be worked out before formal approval was given by the Council but that an indication of general approval could be expressed at this time.

City Manager Miller stated that other organizations had expressed their willingness to help in this project and recommended and the Council concurred that a meeting be held of all the organizations and a program be worked out.

AUTHORIZE CALLING FOR BIDS ON STREET LAMPS FOR YEAR 1953-54

Upon the recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 10,291-N.S.

seconded by Councilman R. Adams, authorizing the calling for bids for incandescent, fluorescent and Mercury Vapor Lamps for municipal lighting for a period of one year beginning July 1, 1953. Said bids are to be opened in the office of the City Clerk at 2:00 P.M. August 18, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

ACCEPT BID ON SEWER TRUNK LINE ON ROSEBURG BETWEEN TULLY AND McHENRY AVENUES

A copy of the Tabulation of the seven bids received for the construction of a sanitary sewer trunk line on Roseburg Avenue between Tully and McHenry Avenues, which had been opened at 2 P.M. on August 3, was distributed

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to each Councilman by Director of Public Works Ray. He recommended that the low bid of \$40,603.48 submitted by Stolte Inc. be accepted. He stated that the bid was under the engineer's estimate. Councilman Mellis introduced

RESOLUTION NO. 10,289-N.S.

seconded by Councilman Arata, accepting the bid of Stolte Inc. for the construction as stated above, as this bid was the lowest bid received, and authorizing the execution of agreement for completion of the work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

INTRODUCTION OF ORDINANCE REGULATING CURB CUTS

The City Attorney presented an ordinance for the consideration of the Council providing regulations covering the cutting of curbing and sidewalks and installation of driveways. Councilman Arata moved the introduction of

ORDINANCE NO. 1086-N.S.

entitled: "AN ORDINANCE PROVIDING REGULATIONS COVERING THE CUTTING BREAKING OR REMOVAL OF CURBING AND SIDEWALKS, AND THE INSTALLATION OF DRIVEWAYS, PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND REPEALING CERTAIN ORDINANCES" and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

INTRODUCTION OF ORDINANCE REGULATING THE CONSTRUCTION AND REPAIR OF SIDEWALKS, DRIVEWAYS, ETC.

The City Attorney presented an ordinance regulating the construction, repair and maintenance of sidewalks, driveways and driveway approaches, together with a resolution authorizing the city to repair or share in the cost of repairing sidewalks damaged by city street trees or other city facilities or operations for the consideration of the Council. He stated that the basic

change from the existing ordinances was that the provisions of the state law governing the procedure for repairing sidewalks and driveways were included. Councilman Mellis introduced

ORDINANCE NO. 1087-N.S.

entitled: "AN ORDINANCE REGULATING THE CONSTRUCTION AND REPAIR OF SIDEWALKS, DRIVEWAYS, DRIVEWAY APPROACHES, CURBS AND CURBS AND GUTTERS IN THE CITY OF MODESTO: REQUIRING THE REPAIR AND MAINTENANCE OF SIDEWALKS, DRIVEWAYS AND DRIVEWAY APPROACHES THEREIN: AND ADOPTING A PROCEDURE FOR THE ACCOMPLISHMENT OF SAID WORK," and moved its passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

Councilman R. Adams introduced

RESOLUTION NO. 10,292-N.S.

which was seconded by Councilman Arata, authorizing the repair and/or participation in the repair by the city, after investigation by the Director of Public Works, of sidewalks, including sidewalks across driveways, where damage is caused by trees on city property or other city facilities or operations, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

INTRODUCTION OF ORDINANCE PROVIDING FOR USE TAX

The City Attorney presented and briefly outlined the provisions of an ordinance prepared for the consideration of the Council providing for the levying of a use tax. The City Manager stated that copies of the proposed ordinance had been sent to the Chamber of Commerce for distribution among merchants and no opposition had been expressed. He pointed out that the proposed use tax would make the city sales tax more uniform and would be more equitable for the merchants within the city. Councilman Mellis introduced

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ORDINANCE NO. 1088-N.S.

entitled: "AN ORDINANCE ESTABLISHING AND LEVYING A SALES AND USE TAX ON RETAIL SALES OF TANGIBLE PERSONAL PROPERTY WITHIN THE CITY OF MODESTO, PROVIDING FOR PERMITS TO RETAILERS, PROVIDING FOR THE COLLECTION AND PAYMENT OF SUCH TAXES, AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF." and moved its passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

CONSIDERATION OF PROPOSED ORDINANCE ON SEWER SERVICE CHARGE

H. D. Buxton reported on the meeting held by the committee from the Council and Industry to consider the revision of the sewer service charges. He stated it had been agreed by the committee that: 1) The present method should be continued this year with the understanding that a study be made during the year on the whole problem relating to the basis of charges so that an equitable and satisfactory method could be determined. 2) The present sewer service rate for industrial operators should be increased 50%, retro-active to August 1st.

Mayor Marks stated that the committee had also agreed each industrial concern would be given its choice for the interim as to the method of rates; volume and strength of sewage as set forth in the proposed ordinance or the present rate plus 50%.

The Director of Public Works stated that this would not present a problem for the department providing that once the choice had been made that it would be continued throughout the current season.

Martin Mitchel, representing the Milk Producers Association, asked that the study which would be made during the year by the city, give full consideration to the fact that some industries use the sewers throughout the year and not just for a seasonal period.

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When Councilman R. Adams indicated that the rates agreed on by the committee were for industries within the city only, M. G. Stark, manager of Barium Products Ltd, stated that it had been his understanding that the suggestion of the committee was to apply to all industries during the interim period. It was agreed by the Council that since there was an existing agreement with the company for this service that further deliberations would be conducted with the company so that an equitable rate could be agreed on.

Mayor Marks suggested that a letter be sent to each industrial concern using the city sewers, advising them of the decision of the committee on the rates to be used for the interim period and also that a representative from the Public Works Department would be calling on them in the near future and request their cooperation.

Councilman Merrill introduced A. Merrill, who had recently been appointed manager of the Milk Producer's Association, who expressed willingness to cooperate with the city. He pointed out that the proposed study by the city would involve considerable work and expressed hope that the "right kind of answer would turn up" so that his company could make certain decisions which would involve methods in savings on the sewer service charge and whether it would pay to operate within the city. He pointed out that a portion of the cost of operating the industrial waste plant should be paid out of the general funds of the city.

H. Button of Floden & Button stated his company would operate on the rate as set forth in the proposed ordinance, based on volume and strength of sewage.

Councilman Mellis moved, seconded by Councilman Arata and it was unanimously carried that the City Attorney be instructed to prepare an ordinance for the consideration of the Council which would include the domestic and commercial sewer service rates inside the city and outside the city (which would be three times the rates within the city); that the rates for industrial service for the interim period, be based on the present rates, plus 50%; that a provision be included which would grant industrial concerns

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the right to choose between the interim rate or the volume and strength of sewage and that industrial rates for concerns outside the city shall be considered separately.

DISCUSSION ON ADOPTION OF BUDGET FOR YEAR 1953-54

Mayor Marks declared the hearing open on the proposed budget for the City of Modesto for the fiscal year 1953-54 and asked for oral protests from the audience. No protests were filed.

A discussion was held by the Council with Lew Graham, representing the Junior Chamber of Commerce, Oscar Cowan, Retail Merchants Bureau, Sid Loshier and Dick Lyng, Chamber of Commerce relative to the request filed by the Chamber for an appropriation of \$7,000.00 (which included the amount of \$750 requested by the Jr. Chamber for the California Relays program). It was agreed that the appropriation for the Jr. Chamber should be considered separately. Councilman Mellis suggested that the request of \$750 for the Jr. Chamber could be appropriated in the general reserve and disbursed upon the filing of a claim by the Jr. Chamber.

The City Attorney cautioned against the use of this method of handling budgetary appropriations except in special circumstances, since the actual amount in the general reserve would be difficult to determine if items to be expended were included.

Director of Finance Lawrence suggested and the Council concurred that a special reserve fund be established for the appropriation of \$750 and that the Jr. Chamber file a claim when the funds were actually needed.

A report on the appropriations made to the Chamber of Commerce for the past 5 years was discussed and a suggestion was made by Councilman R. Adams that the appropriation for the current year be cut \$2000.

Mr. Lyng and Mr. Cowan voiced their reluctance to this suggestion. Mr. Lyng stated that due to the action of the Board of Supervisors in allocating funds for the establishment of a county chamber only, at the expense of the Modesto Chamber of Commerce; the difficulty in increasing chamber membership at this time; and the impossibility of raising funds from other types of

enterprises that it would make it difficult for the Chamber, if the appropriation was reduced.

Mr. Cowan outlined the plans of the Retail Merchants for the purchase of a new type of Christmas lights at a cost of approximately \$3000, which will be installed on street electroliers, instead of repairing the old stringer type. Various types of sales by the merchants were also scheduled.

SALARY DISCUSSION FOR 1953-54 BUDGET

Councilman Mellis stated that after checking with other cities and the county, it had been determined that City Attorney Allen Grimes was underpaid and introduced

RESOLUTION NO. 10,293-N.S.

which was seconded by Councilman R. Adams, increasing the compensation of the City Attorney from \$725 per month to \$800.00 per month, effective August 1, 1953 and repealing the provisions of Resolution No. 9907-N.S. insofar as they are in conflict herewith, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

Since the last meeting of the Council, the City Manager stated, several changes in the proposed plan of salary ranges had been made which Assistant to the City Manager Shelton outlined as follows:

Assistant-City Manager (new title)	Increase to Range 22
Construction Inspector I (new class)	Increase to Range 17
Construction Inspector II (new class)	Increase to Range 20
Chief Building Inspector	Increase to Range 19
Building Inspector	Increase to Range 13
Library Clerk I	Add one step to former county range
Service Librarian	Add one step to former county range
Library Janitor	Add one step to former county range

Mr. Shelton stated that the estimated cost of salary adjustments for all positions is \$41,282. An amount of \$1,000, in addition to the amount contained in the proposed budget, is estimated to be necessary to cover the cost of retirement contributions by the city. Correction of errors in and

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omissions from the Salaries and Wages totals in the proposed budget amount to \$12,398.

Councilman R. Adams introduced

RESOLUTION NO. 10,290-N.S.

which was seconded by Councilman Arata, establishing salary schedules, classes of positions and fixing the compensation of officers and employees in the city service, effective as of August 1, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

DISCUSSION ON SOURCES OF REVENUE TO BALANCE BUDGET

The City Manager filed a report for the further consideration of the Council on items which had been included in the budget message, and favorable considered by the Council at the July 29 meeting for inclusion in the final 1953-54 budget as follows:

Rest room and tool house addition, Enslin Park	\$ 3,000
Rest room and tool house, new John Muir	6,000
1250 G.P.M. pumper fire engine	21,000
City Hall Reserve (additional)	25,000
New Well, pump station #17	13,800
Stand-by gas engine for water wells	9,000
Parking shed 26' x 80' Corporation Yard	3,500
Roof for steam cleaner-Corporation Yard	1,800
Extension of Golf building	4,500
Canal crossing-lateral #3	6,000
	<u>\$93,600</u>

A report on possible reductions in 1953-54 budget from various departments, total \$18,650, was also filed.

Possible sources of revenue to balance the budget if these items were included was discussed, with the City Manager suggesting that additional revenue from the use tax; proposed increase in sewer service charges for industrial plants and the reduction of the general reserve could be considered. A suggestion by the Mayor that the general license fee be increased from \$10 a year to \$25.00 per year, received the objection from Mr. Lyng that this would not give consideration to the size of a store.

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It was pointed out that the budget as submitted provided for the operation of the city but that in order to provide for many important capital improvement projects, additional sources of revenue would have to be worked out. Mayor Marks suggested that the sales and use tax be increased one-half cent, with the provision that the revenue obtained from the increase be used strictly for a capital improvement program.

Councilman Mellis suggested that the Council appoint a commission to study the whole park and recreation program with the idea of creating a new recreation district comprising the entire Modesto School District and that a board composed of representatives from the city, school and county be appointed to administer the program. Cost of the program could be shared with the school paying 35%, county 35% and city 30%.

After a discussion on the priority of items to be considered for inclusion in the final budget, the following items were approved.

1250 GPM. Pumper fire engine (total cost \$21,000 to be purchased on a lease-purchase basis)	\$ 5,250.00
City Hall reserve (additional)	25,000.00
New Well, pump station #17	13,800.00
Extension of golf building	4,500.00
	<u>\$48,550.00</u>

which would be financed with revenue from the following sources:

Sales and Use Tax	\$12,000.00
Savings in budget (report filed by City Manager)	18,650.00
Increased charge for industrial sewers	10,000.00
Reduction in general reserve	7,900.00
	<u>\$48,550.00</u>

Willingness to serve on a committee composed of representatives from the whole Modesto area, to consider ways and means for a capital improvement program was expressed by representatives from the Chamber of Commerce.

Councilman Merrill introduced

ORDINANCE NO. 1089-N.S.

entitled: "AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1954 AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS"

and moved its adoption, which motion being duly seconded by Councilman Arata,

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was upon roll call carried by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

Councilman Merrill left the meeting at this time.

ACCEPT EASEMENTS L. B. SCHLINGHEYDE ET UX FOR WELL AND WATER PIPE LINE

The City Attorney presented for the consideration of the Council easements for the purpose of constructing and maintaining a well and water lines in the College Avenue Tract to serve the Cloverfield tract. The payment of \$150.00 to the grantor as severance damages due to damage to trees in the construction of the well and pipe lines was discussed. Councilman R. Adams introduced

RESOLUTION NO. 10,294-N.S.

seconded by Councilman Mellis, accepting the easement, authorizing payment of \$150.00 to grantor and authorizing the recording with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams, Annan and Merrill

ACCEPT EASEMENT FROM SOUTHERN PACIFIC COMPANY CONSTRUCTION OF SEWER LINE UNDER RAILROAD AT WOODLAND AVENUE

The City Attorney presented for the consideration of the Council, an easement between the city and the Southern Pacific Company for the construction of a sewer trunk line under the railroad at Woodland Avenue.

Councilman Mellis introduced

RESOLUTION NO. 10, 295-N.S.

seconded by Councilman Arata, accepting the easement and authorizing the recording with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams, Annan and Merrill

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REFER REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX LA-LOMA YOSEMITE ADDITION TO CITY PLANNING COMMISSION

A request for consent to commence proceedings to annex LaLoma-Yosemite Addition to the city was filed by property owners together with a copy of the map and approval of description of the territory by the County Boundary Commission. Councilman R. Adams introduced

RESOLUTION NO. 10,296-N.S.

seconded by Councilman Arata, referring the request to the Modesto City Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams, Annan and Merrill

RESOLUTION APPROVING CIRCULATION OF ANNEXATION PETITION (GRANGER)

Councilman Mellis introduced

RESOLUTION NO. 10,297-N.S.

seconded by Councilman Arata, acknowledging receipt of the copy of notice and accompanying statement and receipt of affidavit of publication for the annexation of the Granger Addition to the City of Modesto and approving the circulation of the petition for annexation within the territory, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams, Annan and Merrill

Councilman Merrill returned to the meeting at this time.

SET DATE AND PLACE FOR HEARING OBJECTIONS TO PROPOSED ANNEXATION OF THE BRIGGS-WHITMORE ADDITION

A report from the Planning Commission recommending the annexation of the Briggs-Whitmore Addition together with a copy of the report filed with the Planning Commission by the Planning Technician on the addition were considered by the Council. Councilman R. Adams introduced

RESOLUTION NO. 10,288-N.S.

seconded by Councilman Merrill, setting the date of Sept. 10, at 8:00 P.M.

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in the Council Chamber of the City Hall, as the time and place for the hearing of protests on the proposed annexation, and authorizing the required publication of the resolution in the Modesto Tribune and Turlock Daily Journal, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

REPORT BY CITY ATTORNEY ON MEETING WITH PROPONENTS FOR ANNEXATION OF FREMONT ADDITION TO CITY

The City Attorney reported that he and other city officials had met on Friday, July 31 with proponents for the annexation of the Fremont addition and indications were that the program would be getting under way shortly.

APPROVE AGREEMENTS WITH COUNTY FOR RECREATION PROGRAM

Councilman Arata introduced

RESOLUTION NO. 10,298-N.S.

which was seconded by Councilman R. Adams approving and authorizing execution of agreement with Stanislaus County for participation by the county in community recreation in the amount of \$14,456.00 for the fiscal year 1953-54, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

Councilman Arata introduced

RESOLUTION NO. 10,299-N.S.

which was seconded by Councilman Merrill, approving and authorizing execution of agreement with Stanislaus County for participation in the recreation program in the Bret Harte unincorporated area in the amount of \$1,488.00 for the fiscal year 1953-54, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

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AUTHORIZE PAYMENT TO STANISLAUS COUNTY FOURTH OF JULY CELEBRATION COMMITTEE

It was moved by Councilman Merrill, seconded by Councilman R. Adams and unanimously carried that payment of \$750.00 be authorized to the Stanislaus County Fourth of July Celebration at Modesto Committee, as budgeted in the 1953-54 budget.

DENY CLAIM FOR REFUND ON PERSONAL PROPERTY TAXES-CHARLES F. RHYNO

A claim for refund of \$72.06 filed by Charles F. Rhyno on 1953 personal property taxes assessed on farm machinery outside the city was explained by the Director of Finance. The City Attorney stated that inasmuch as the claim did not rest upon any of the grounds specified in section 5096 of the Revenue and Taxation Code that the claim should be denied by the Council. It was moved by Councilman R. Adams, seconded by Councilman Mellis and unanimously carried that the claim be denied, and that the City Attorney so notify the claimant.

APPROVE EXECUTION OF AGREEMENT WITH McNAUGHTON LIBRARIES, INC.

Councilman Mellis introduced

RESOLUTION NO. 10,300-N.S.

seconded by Councilman R. Adams, authorizing the Librarian of the McHenry Public Library to enter into an agreement on behalf of the City with McNaughton Libraries, Inc. covering the establishment of a library rental service in the McHenry Public Library on the terms and conditions outlined in the letter from said company dated July 14, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUS, CITY CLERK

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The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 1084-N.S.

Roll Call of the Council was taken by the Acting City Clerk.

Present: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: M. Adams and Annan

Also present: O. A. Sullivan, representing the Chamber of Commerce.

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

Invocation was given by Rev. F. T. Zelmer of the Free Methodist

Church.

APPROVAL OF MINUTES

Upon the recommendation of City Manager Miller, Councilman R. Adams moved, seconded by Councilman Merrill, and it was unanimously carried, that the following note be added to the minutes of the meeting of July 15, (page 14, line 7) after the words, "The amount requested by the city was \$17,393"

(Note: This is the amount of the request to the county for operation only. It does not include the amount requested for capital improvement. Total request to county was \$19,893.)

The City Manager recommended that the minutes of July 22 be corrected to read as follows: (page 4, beginning at line 23)

"This report indicated that the estimated income for the year 1952-53 from industrial sewer service charges was approximately \$33,700 and the total industrial costs, \$111,400.

"The Council indicated that the amount desired from industry for 1953-54 fiscal year was approximately \$66,000, which would result in the doubling of the amount received from industry." and that the following note be added:

(Note: 1953 Sewer Bond obligations will increase total sewer costs sharply during the next two years. Total costs allocable to industrial sewer disposal are estimated to be \$130,000 during 1953-54, when it is necessary to pay only the interest on the new bonds, and \$166,800 in 1954-55 when principal payments on the new bonds start.)

Councilman Arata moved, seconded by Councilman R. Adams and it was unanimously carried that the minutes be approved as corrected.

Council members having received copies of the minutes of the meeting of July 29, and the same being available for public inspection, and there being no objections, the minutes were approved.

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PRESENTATION AND COMMENDATION OF POLICE OFFICERS UPON COMPLETION OF POLICE TRAINING COURSE AT UNIVERSITY OF CALIFORNIA

Mayor Marks on behalf of the Council commended the following police officers, presented by Police Chief Neel, for having recently completed the special courses in criminal laws, procedure and investigation, at the 12th Annual California Technical Institute of Peace Officers' Training at the University of California in Berkeley; Lieutenant John Meier, Acting Inspector Leland J. Murphy, Patrolmen Allen D. Holmes, Theodore G. Hanke, Howard David, Don H. Watson, Charles D. Stevens and Allen Simms (absent on vacation). The majority of the officers attended on their own time, traveling to Berkeley each day and returning in time to go to work on their regular schedule of 2:00 P.M. to 10:00 P.M., Chief Neel stated.

The City Manager also commended the officers on the completion of the course.

LETTER FROM JOSEPH C. TYLER EXPRESSING APPRECIATION FOR COOPERATION OF CITY

A letter was read and ordered filed from Joseph C. Tyler of the R. H. Moulton & Company, expressing appreciation for the cooperation of the Council on the recent bond proceedings handled by his company for the City of Modesto.

LETTER FROM PAUL'S REXALL DRUGS REQUEST PERMIT COLLECT WATER AND SEWER BILLS FOR CITY AT ROOSEVELT SHOPPING CENTER

A request filed by Paul R. Evey, dba Pauls's Rexall Drugs, that the city enter into a contract agreement for the collection of sewer and water bills at his #2 store located at 1031 Orangeburg Avenue (Roosevelt Shopping Center) was considered by the Council and held over for further investigation.

Mr. Evey stated that other utility companies were well pleased with his collection service, that this service would cause less congestion in the business area and that it would be a convenience for the customers.

Mayor Marks questioned the advisability of the plan and stated that he did not believe that ^{such} an arrangement would be in the public interest and welfare. He recommended that each Councilman study the proposal for a week and that a decision would be made at the next Council meeting.

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LETTER FROM MODESTO CITY SCHOOLS RE: COMPLETION OF COLLEGE UNITS BY CHIEF BUILDING INSPECTOR THOMAS J. HERMIDA

A letter from the Modesto Evening Junior College to the City Manager advising that Chief Building Inspector T. J. Hermida had completed 13½ Junior College units during the 1952-53 school year was read. Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried, that the Mayor write a letter of commendation to Mr. Hermida.

LETTER FROM California Highways Commission RE POLICY OF STATE ON PROCEDURE IN ADOPTION OF ROUTINGS OF FREEWAYS

A letter from the California Highway Commission together with a copy of a resolution adopted by the Commission outlining its policy with relation to procedure in the adoption of routings or major relocation of freeways, on the State Highways System, was read and ordered filed. The letter stated that written notice to the Council would be given in adequate time so that a public hearing could be held by the Commission, if the Council deemed it advisable.

ACCEPT BIDS ON SEWAGE & INDUSTRIAL WASTES TREATMENT WORKS

A copy of the tabulation of the nine bids submitted on the construction of the Sewage and Industrial Wastes Treatment Works, which had been opened at 2:00 P.M., August 10, in the office of the Director of Public Works, was distributed to each Councilman. The low bid submitted by Ke-Ston & Muny of Davis in the amount of \$164,300.00 was below the Engineer's estimate. Recommendation that this bid be accepted was made by Director of Public Works Ray. Councilman Merrill introduced

RESOLUTION NO. 10,302-N.S.

seconded by Councilman Arata, accepting the bid of Ke-Ston & Muny of \$164,300 as it was the lowest bid received and authorizing execution of the contract for completion of the work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

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ADOPTION (FINAL) ORDINANCE NO. 1086-N.S. REGULATION CURB CUTS

Ordinance No. 1086-N.S. entitled: "AN ORDINANCE PROVIDING REGULATIONS COVERING THE CUTTING, BREAKING OR REMOVAL OF CURBING AND SIDEWALKS, AND THE INSTALLATION OF DRIVEWAYS, PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND REPEALING CERTAIN ORDINANCES" having been printed and published as required by the Charter of the City, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

ADOPTION (FINAL) ORDINANCE NO. 1087-N.S. REGULATION CONSTRUCTION OF SIDEWALKS

Ordinance No. 1087-N.S. entitled: "AN ORDINANCE REGULATING THE CONSTRUCTION AND REPAIR OF SIDEWALKS, DRIVEWAYS, DRIVEWAY APPROACHES, CURBS AND CURBS AND GUTTERS IN THE CITY OF MODESTO: REQUIRING THE REPAIR AND MAINTENANCE OF SIDEWALKS, DRIVEWAYS AND DRIVEWAY APPROACHES THEREIN, AND ADOPTING A PROCEDURE FOR THE ACCOMPLISHMENT OF SAID WORK." having been printed and published as required by the Charter of the City, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried and finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

ADOPTION (FINAL) ORDINANCE NO. 1088-N.S. SALES AND USE TAX

Ordinance No. 1088-N.S. entitled: "AN ORDINANCE ESTABLISHING AND LEVYING A SALES AND USE TAX ON RETAIL SALES OF TANGIBLE PERSONAL PROPERTY WITHIN THE CITY OF MODESTO, PROVIDING FOR PERMITS TO RETAILERS, PROVIDING FOR THE COLLECTION AND PAYMENT OF SUCH TAXES AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF", having been printed and published as required by the Charter of the City, Councilman Mellis moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and finally adopted by the following vote:

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Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

CONSIDER PROPOSED ORDINANCE RELATING TO INDUSTRIAL AND COMMERCIAL SEWER SERVICE CHARGES

The City Attorney presented copies of a proposed ordinance for the consideration of the Council relating to commercial and industrial sewer service charges, which included the tentative conclusions discussed at the Council meeting of August 5th on the commercial and industrial rates, together with alternate provisions relating to commercial users inside the city which provided for schedules based on water and/or sewage discharged.

He pointed out some of the changes and additions included in the new ordinance, which were discussed by the Council and Industrialists. Section 1-Definitions: Subsections (n) Residential user, (p) Commercial user, (q) Outside user, had been added. Subsection (l) Industrial user had been changed to include "Industrial user, Class I Premise and Class II Premise.

The City Manager stated the committee had agreed that certain types of businesses, such as laundries, cleaning of clothes, grading of beans through a machine, would be classed as industrial under the definition of industrial user.

Mr. H. D. Buxton, spokesman for the industrialists suggested that consideration be given in the study to be conducted for final determination of commercial and industrial rates, ^{to} the basis of the nature and amount of pollution going into the sewer.

The City Attorney pointed out that the ordinance defined a commercial user, as one who was not an industrial or a residential user. Such operations as hotels, motels, restaurants, butcher shops and any other service for resale, are defined as commercial users.

The City Attorney stated that Section 6-Sewer Service Charges, subsection (c) Commercial user inside city, provided that the rate shall equal 50% of the bi-monthly water bill, provided that all water used on the premises is from city facilities. If any or all water used by any commercial user is

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from other than city facilities, such water shall be metered at the user's expense and the sewer service charge shall include an amount equal to 50% of the charge which would be made, were such water from city facilities.

Section 7-Rules and regulations, sub-section (b) provides that once the basis of payment has been elected by the industrialists, it must be used throughout the existence of the section of the ordinance establishing the rates.

Section 11-Effective date of sewer service charges provides that the sewer service charges imposed on industrial users shall apply retroactively commencing on and after August 1, 1953 and on commercial users shall apply retroactively, commencing with water consumed on and after Sept. 1, 1953. He explained that the difference in dates was determined by the date the water meters were read and billed.

Section 16-Termination date provided that the rate schedules for industrial users in sub-sections (e) (f) and (g) of section 6, terminated as of May 31, 1954.

The City Manager stated that under this proposed ordinance there will be one charge for each user, either commercial or industrial, and that there will be ^{no} separate commercial charge on an industry.

A discussion was held on the termination date May 31, 1954, and the Mayor pointed out that during the interim period, facts would be assembled by both the city and industrialists to enable the city to adopt an ordinance agreeable to both. Mr. Buxton pointed out that it was the responsibility of industry to get the facts to "present their case" at the time the sections of the ordinance relating to industry are redrafted.

Representatives of industrial concerns present expressed satisfaction with the ordinance as redrafted, but Mr. Buxton asked for a delay of one week so that he could report back to industrial concerns who were not present at the meeting.

Mayor Marks stated that out of courtesy to the industrial concerns who were unable to be present at this meeting that the adoption of the ordinance be reconsidered at 4:30 P.M. August 19.

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Councilman Annan arrived at the meeting at this time.

REPORT OF CHANGES IN THE PRELIMINARY BUDGET

The City Manager presented a summary of changes in the preliminary budget approved by the Council at the last meeting. Three minor items remained to be cleared by the Council, he stated.

- 1-Appropriation of \$100 for Youth in Government Day be deleted
- 2-Appropriation for Chamber of Commerce be reduced by \$250
- 3-Appropriation of \$280 for Drive-up Book return to be included in final budget

Items one and two were approved by the Council for deletion and reduction in the final budget. Councilman Annan moved, seconded by Councilman Merrill and it was unanimously carried that the purchase of the Drive-up Book return be withheld until further investigation by the Council and that the City Clerk be authorized to so notify Librarian Carl Hamilton but that the amount remain in the final budget. Councilman Annan agreed to check with the Library Board and Librarian Hamilton further regarding this purchase.

ESTABLISHING LOADING ZONES IN FRONT OF THEATERS DURING TIME NOT OPEN TO PUBLIC

A resolution establishing loading zones in front of the theatres in the city during the time no performance was in progress was presented by the City Attorney for the consideration of the Council.

Since the Esquire Theatre is no longer in operation, the City Manager suggested that this space be metered for parking until such time as it is again operating as a theatre.

Councilman Annan demurred at the suggestion that only loading and/or unloading be allowed and recommended that these areas be also used for parking by the general public at such times no performance was in progress. He asked that a new resolution be prepared after clearing with the Chief of Police which would permit this type of parking.

A general discussion was held by the Council and the suggestions offered that this type of parking would not be satisfactory due to the enforcement angle, and that additional loading and/or unloading zones were needed and would be of more benefit to the general public. Councilman R. Adams

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introduced

RESOLUTION NO. 10,303-N.S.

which was seconded by Councilman Mellis, establishing loading and/or unloading zones in front of the Covell, Esquire, Strand and State Theatres, as set forth in the resolution, during the time the theatres were not open to the public, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: Annan

Absent: Councilmen: M. Adams

DISCUSS NAME FOR PARK AREA NEAR ROOSEVELT JUNIOR HIGH SCHOOL

The City Manager pointed out that the newly acquired park area near the Roosevelt Junior High School had not been formally named by the Council. Mayor Marks appointed Councilmen R. Adams, Chairman, Annan and Arata as a committee to consider the naming of the park.

REPORT BY MAYOR ON CALL FROM PHIL DAVIES RE: FURNISHING MADDUX YOUTH CENTER

Mayor Marks reported on a telephone call from Phil Davies regarding donation for furnishing the Maddux Youth Center in Westside Park. He stated that he had advised Mr. Davies that the City would be happy to confer with him at any time regarding any donation which his parties would be willing to make but that the city was not asking for donations from him and that the city could handle the furnishing of the center.

SALE OF BUILDING IN PARK AREA IN WEIL COLONY

A resolution declaring the intention of the city to sell for removal, the house, garage and utility building, chicken house and shed located on the park area recently acquired by the city in the Weil Colony, adjoining the Roosevelt Junior High School was presented to the Council for consideration. Provisions for the receiving of sealed proposals and the calling for oral bidding after the opening of said bids under certain conditions, was included in the resolution. It was agreed that bids would be considered on any or all of the buildings. Councilman Arata introduced.

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RESOLUTION NO. 10,301-N.S.

seconded by Councilman Merrill, authorizing the calling for bids for the sale of any or all of the buildings at said location. Said bids to be considered at 8:00 P.M. August 26, 1953 at the City Council Chambers, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

TRANSFER OF RESERVE FOR SALARY ADJUSTMENTS TO DEPARTMENTAL APPROPRIATIONS

Upon the recommendation of the City Manager Councilman Merrill introduced

RESOLUTION NO. 10,304-N.S.

which was seconded by Councilman Arata, approving appropriation transfer of \$42,602 from Reserve for salary adjustments to Departmental budgets for salaries and wages \$42,282 and to General Reserve \$320, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

REQUEST OF HERSHEL I. LAWRENCE TO OPERATE THREE ADDITIONAL TAXICABS

A request of Hershel I. Lawrence dba Emitty's Taxi, now operating three taxicabs, for permission to operate three additional taxicabs was considered by the Council.

City Attorney Grimes outlined the procedure for the granting of additional permits as provided by Ordinance No. 1053-N.S., investigation and report to the Council by the Police Chief, public hearing to determine whether the public convenience and necessity require the proposed taxicab service. Councilman Mellis introduced

RESOLUTION NO. 10,305-N.S.

seconded by Councilman Arata, setting the date of 8:30 P.M. August 26 in the Council Chambers as the time and place for the public hearing on the
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request for permit to operate three additional taxicabs by said applicant, Hershel I. Lawrence, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

REPORT ON ENFORCEMENT OF HOUSING STANDARDS

The Council viewed a group of pictures of a substandard house taken by the Health Department. The City Manager stated that these were presented so that the Council could see the type of conditions which the city administrative staff were ^{constantly} striving to correct. He pointed out that five departments, Health, Police, Fire, City Attorney and the Building Inspector were involved in some cases of this nature.

ACCEPT EASEMENT FROM MODESTO IRRIGATION DISTRICT located on the right of way of lateral No. 3.

An easement from the Modesto Irrigation District granting to the city the right to operate a well, pump and appurtenances on the right of way of the District's lateral No. 3 was presented by the City Attorney for consideration of the Council. He pointed out that one provision of the easement was that if the District required the use of the land, the city would be required to remove its facilities within 90 days after notification. It was brought out in the discussion that the city was securing this easement without cost and that the possibility of the District requiring this property was remote. Councilman Annan introduced

RESOLUTION NO. 10,306-N.S.

seconded by Councilman Merrill, accepting the easement and authorizing the recording with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

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REPORT ON STUDY OF SEWER SERVICE AREA NORTH OF LATERAL #3

The City Manager stated that the study of sewer service area north of Lateral #3 was not yet completed by the Public Works Department, but that it would be submitted to the Council for its consideration at an early date.

REPORT ON PROPOSED CHANGES IN PROCEDURE FOR PARK RESERVATION

Reports from Lloyd Lowrey, Superintendent of Parks, Lee Brooks, Director of Recreation and Marvin Ray, Director of Public Works regarding the present system for park reservations for private and public picnics and parties, together with suggestions for the improvement of the system, were read, copies of which are on file with the City Clerk.

The City Manager suggested and the Council concurred that no change be made in the present system for the current season but that Superintendent of Parks Lowrey work up a plan for the consideration of the Council to start in the early part of next year.

REPORT ON PROPOSAL OF WOMEN OF THE MOOSE TO ASSIST IN FURNISHING YOUTH CENTER

Assistant City Manager Shelton reported on a meeting held on August 12, which he had attended along with Councilman R. Adams, Director of Recreation Brooks, City Manager Miller, and Mrs. Virgil White, representing the Women of the Moose, to discuss the program for the furnishing of the Youth Center in Westside Park. It was agreed that the Women of the Moose, along with other organizations who had expressed interest, should "spear head" the project. This group could determine what is needed and what would properly fit into the building, type of program, etc. Recommendation that no program for solicitation of funds, etc. be authorized until needs and type of program have been determined, was suggested by the group.

Councilman R. Adams stated that a qualified person should work with Mr. Brooks so that "the proper thing to fit in the proper places is assured."

Mayer Marks suggested that individual persons or organizations should be given an opportunity to contribute funds for the furnishing of one room.

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Councilman Annan moved, seconded by Councilman Merrill and it was unanimously carried that the program as outlined by the Assistant Manager, on this program, and authorization to proceed/be approved.

DISCUSS PAYROLL CONTRIBUTION FOR UNITED CRUSADE FOR CITY EMPLOYEES

The City Manager reported that representatives from the United Crusade had contacted his office regarding a payroll deduction plan for handling municipal employees' contributions for this year's drive. He suggested that if this plan was approved by the Council it should be with the reservation that it be only for this United drive.

The thought that this was a decision to be made by the employees rather than the Council was advanced. The employees should be informed that it was not the desire of the Council to "high pressure" them but that if the plan was approved that it be understood that it was simply to make it more convenient for them to "spread out" their contributions in small payments over a longer period of time.

Councilman Merrill moved, seconded by Councilman R. Adams, and it was unanimously carried that the employees be informed that should they desire to donate to the United Crusade by a payroll deduction system the city administrative staff has been authorized to cooperate with them.

APPROVE VACATION OF TWO WEEKS FOR CITY MANAGER

Upon the request of the City Manager, Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried that the City Manager be allowed to take two weeks vacation during the next three weeks period, dates to be at his convenience.

DISCUSS ATTENDANCE OF CITY ATTORNEY TO NIMLO CONFERENCE

Attendance of the City Attorney to the National Institute Municipal Law Officers conference in Washington D.C. on September 14-16 expenses for which had been included in the 53-54 budget, was considered by the Council.

The City Attorney outlined the benefits to be gained by the city in sending a representative to the conference; contact with staff of the Attorney General's office in matters relating to federal taxes, meeting with
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city attorneys of other cities and exchange of ideas and experiences, etc.

Whether, in the line of reducing expenses for the city, the attendance should be authorized was discussed. It was agreed that the decision should be delayed for one week until further consideration could be given to the matter.

REPORT OF INCIDENT AT MUNICIPAL GOLF COURSE BY COUNCILMAN MERRILL

Councilman Merrill reported an incident which he had observed of an employee of the Golf Professional driving a private automobile over the golf course at 8:30 P.M., August 11 and questioned the advisability of this procedure due to the damage to the greens.

It was agreed that a report of the incident be made by the Superintendent of Parks for the Council.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Annan, and it was unanimously carried that the Council meeting be adjourned.

ATTEST: Anne M. Collins
ANNE M. COLLINS, ACTING CITY CLERK

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1084-N. S.

ROLL CALL OF COUNCIL

Roll Call of the Council was taken by the Acting City Clerk as follows:

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

Absent: Councilmen: M. Adams

Also present: Knox Newell, Administrator of the City of Oakdale

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

Invocation was given by Rev. Dale Sherwood of the First Christian Church.

REQUEST OF MODESTO MODEL RAILROAD CLUB USE PORTION BASEMENT OF MANCINI BOWL

A request for permission to use a portion of the basement of the Mancini Bowl for a location for the new Modesto Model Railroad Club was discussed.

Fire Chief Wemyss stated that unless one additional exit was built in the basement and proper exit lights placed over both exits, he recommended that this request be denied.

D. W. Myers, President of the Club stated that it was difficult to secure a meeting place for the club due to the fact that a large space would be required. A great deal of interest had been shown in the membership of the club--young boys of high school age as well as adults have attended the meetings.

Superintendent of Parks Lowrey voiced his objection to the plan since it would involve several sets of keys, as valuable equipment of the Parks Department and Recreation Department was stored in the basement, and the construction of a partition would be required. Also, he considered that it was a large area to be set aside for a small group.

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City Attorney Grimes pointed out that the legal restrictions on the use of the Bowl should be checked. Councilman Annan moved, seconded by Councilman Arata and it was unanimously carried that the City Attorney be instructed to investigate the restrictions for the use of the Bowl, and report to the Council at the next meeting before steps are taken to consider the request of the club.

Mr. Meyers stated that the way the club was organized, no one, including the officers will have any hold on any of the property of the club and that it will be the same as the property of the City.

COMMUNICATION FROM THE COUNTY OF STANISLAUS RE: PARTICIPATION IN THE COST OF INSTALLATION OF TRAFFIC SIGNALS AT COLDWELL AND HIGHWAY 99

Copy of a resolution adopted by the Stanislaus County Board of Supervisors approving the participation in the cost of installing automatic traffic control signals on U. S. Highway 99 at the intersection of the Southern Pacific Railway Company, right of way, at Coldwell Avenue-Woodland Highway crossing, to the extent of \$364 00 and \$14 00 per year for the cost of operation of the luminaries, was read. By order of the Council, the City Manager was directed to write a letter to the Board expressing the appreciation of the Council on behalf of the people of Modesto, for the cooperation thus shown by the county in helping to alleviate traffic problems at this location.

MAYOR AUTHORIZED TO WRITE LETTER OF COMMENDATION TO GRACE COVELL---BUILDING DOUBLE DECK PARKING STATION ON 12TH BETWEEN J AND K STREETS

Upon recommendation of the Mayor, Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried that a letter of commendation be sent to Grace Covell for her efforts to relieve the parking situation in the business district by building the double deck parking station on 12th Street between J and K Streets.

REFER PETITION FOR ANNEXATION OF CAROLAND MANOR TO MODESTO PLANNING COMMISSION (UNINHABITED TERRITORY)

A petition was filed by A. W. and Lee Viola Winning for annexation of Caroland Manor, located north of the city limits, adjoining the

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Cloverfield-College Village addition recently annexed to the city,
Councilman Arata introduced

RESOLUTION NO. 10,308-N. S.

which was seconded by Councilman Annan, referring the petition for annexation to the Modesto City Planning Commission for report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

ACCEPT BID OF INDUSTRIAL ELECTRICAL COMPANY ON MUNICIPAL LAMPS FOR YEAR 1953-54

Tabulation of the four bids received for the furnishing of incandescent, fluorescent, and Mercury Vapor Lamps, for the fiscal year 1953-54, which had been opened at 2:00 P. M. August 18 in the office of the Director of Public Works, was presented by Director of Public Works Ray for the consideration of the Council.

Recommendation that the bid of the Industrial Electrical Company of Modesto be accepted due to the fact that the city would have a local source of supply and that consideration be given to local enterprise when considering bids submitted, was made by Director of Public of Works Ray. Councilman Annan introduced

RESOLUTION NO. 10,309-N. S.

which was seconded by Councilman Arata, accepting the bid of the Industrial Electrical Company of Modesto, as recommended by Director of Public Works Ray, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

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ORDINANCE FIXING RATE OF TAXATION FOR CITY OF MODESTO FOR THE FISCAL YEAR 1953-54

An ordinance fixing the rate of taxation in and for the City of Modesto for the fiscal year 1953-54 was presented to the Council for its consideration by the City Attorney. Councilman Annan moved the introduction and adoption of

ORDINANCE NO. 1090-N.S.

entitled "AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1953-54" and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

FURTHER CONSIDERATION OF REQUEST OF PAUL EVEY FOR CONTRACT FOR COLLECTION OF SEWER AND WATER BILLS AT STORE #2 IN ROOSEVELT CENTER

The request of Paul Evey for a contract with the city for the collection of water and sewer bills, at a charge of 5¢ per bill, at his store #2 located in the Roosevelt Shopping Center, was further considered by the Council.

Mayor Marks reported on an informal poll which Councilman Merrill and he had conducted at a Board of Directors meeting of the Chamber of Commerce which they had attended. The advisability of such a contract was questioned by the majority of the members attending the meeting, he stated.

Councilman Mellis expressed the opinion that this was a budgetary matter and that the expense was not included in the 53-54 budget.

The City Manager pointed out that other requests would be received at other locations for similar contracts and suggested that if it was to be a policy of the Council that a survey of the costs and savings involved should be made for the information of the Council before such a policy was established.

Councilman R. Adams moved, seconded by Councilman Arata and it was unanimously carried that the request of Paul Evey be denied and that the Mayor

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be authorized to write a letter to Mr. Evey expressing the appreciation of the Council for his interest and courtesy in offering this service for the convenience of the people in the city and that if in the future such a policy was established for the collection of city bills, that his offer would be considered.

HEARING ON PROPOSED ANNEXATION OF HUDSON-UCCELLO ADDITION (UNINHABITED TERRITORY) TO THE CITY OF MODESTO

As provided by Resolution No. 10278-N.S. adopted by the Council on July 15, setting the hour of 4:30 P.M. on the 19th day of August, 1953 in the Council Chambers of the City Hall for the public hearing of protests to the proposed annexation of the Hudson-Uccello Addition, the Mayor declared the hearing open.

No oral protests were filed. A statement from the City Clerk was read advising that no written protests had been filed and that the notice of proposed annexation had been published in accordance with the legal requirements and notices sent to property owners. The hearing was declared closed by Mayor Marks. Councilman Mellis moved the introduction and adoption of

ORDINANCE NO. 1091-N.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE HUDSON-UCCELLO ADDITION TO THE CITY OF MODESTO" and passage to print, which motion being duly seconded by Councilman Merrill, it was upon roll call carried and the ordinance was ordered published and printed by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

FURTHER CONSIDERATION OF ORDINANCE RELATING TO INDUSTRIAL AND COMMERCIAL SEWER SERVICE CHARGE

H. D. Buxton, representing industrialists, stated that the proposed ordinance relating to industrial and commercial sewer service charges presented at the meeting of August 12 had been discussed by the industrialists and had met no objection.

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The City Manager stated that minor changes and corrections had been added to this ordinance, which the City Attorney outlined.

Section 1-Definitions - Subsection (a) Industrial plant, had been deleted, as it was defined in subsection (o) Industrial user.

Subsection (j) Person, county and school districts had been included.

Section 6, subsection (c) Commercial user, inside city, makes it clear that the user has obligation to install the meter facilities which are to be approved by the Director of Public Works.

Section 6, subsection (g) Industrial user, alternate rate had been changed to include additional types of products and a provision that rates for products or processes other than those specified shall be on a comparable basis which shall be fixed by resolution, had been added.

Section 6, subsection (j) had been added which provided

"Anything to the contrary herein stated notwithstanding, the City Council shall have the power to establish by agreement or resolution the rates to be charged for providing sewer services to governmental agencies at rates different than those heretofore set forth and on a basis that is fair and equitable to all parties concerned."

Under this section, the City Attorney stated the Council could establish charges for schools if desired. He recommended that the revisions dated August 17, 1953, outlined in Sections 1 and 6 be substituted for the same sections in the draft dated August 12, 1953. Councilman Merrill moved the introduction of

ORDINANCE NO. 1092-N.S.

with the revisions outlined in Sections 1 and 6 by the City Attorney, dated August 17, 1953 entitled: "AN ORDINANCE REGULATING THE DISCHARGE OF SANITARY SEWAGE AND INDUSTRIAL WASTES INTO THE INDUSTRIAL WASTE SYSTEM AND/OR SANITARY OF THE CITY OF MODESTO: PRESCRIBING RULES, REGULATIONS AND SCHEDULE OF CHARGES FOR THE RECEIVING AND TREATMENT AND DISPOSAL OF SANITARY SEWAGE AND INDUSTRIAL WASTES: PROVIDING FOR MEANS OF COLLECTION OF SUCH CHARGES AND FOR ENFORCEMENT MEASURE IN CASE OF NON-PAYMENT OF SAID CHARGES OR FOR CERTAIN VIOLATIONS: PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE AND OF CHARGES HEREUNDER: AND

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REPEALING CERTAIN ORDINANCES OR SECTIONS THEREOF." and passage to print, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

REPORT OF COMMITTEE ON NAMING OF NEW PARK AREAS

Councilman R. Adams reported that the committee appointed by the Mayor to consider the naming of the new park area near the Roosevelt Junior High had contacted a number of people and that the most help was received from County Treasurer Ed Whitmore, member of the Native Sons, who suggested that the Council adopt a policy of naming future parks after individuals who have been long standing citizens of the community and done outstanding service for the community. A suggestion that Mr. Whitmore, as a member of the Native Sons, submit a list of names of citizens of the community who since have passed on, so that the committee could further consider the proper naming of the park, had been made by the committee, he stated.

An offer to participate in the dedication of the park area near the Roosevelt Junior High, after the name had been selected, had been offered by Mr. Whitmore on behalf of the Native Sons. One name suggested for this park area had been Broughton in honor of J. R. (Dick) Broughton. Councilman Mellis gave a brief resume of the life and public service of Mr. Broughton.

Councilman R. Adams stated that additional names would be submitted to the Council for its consideration before a final name was decided on.

FURTHER CONSIDER ATTENDANCE OF CITY ATTORNEY TO NIMLO CONFERENCE

A suggestion was made by the Mayor that the attendance of the City Attorney to the National Institute of Municipal Law Officers in Washington D. C. September 14-16 be studied by the Council for an additional two weeks period. The Council concurred on this suggestion and the date of September 2 was set as the time for final consideration.

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DISCUSS ESTABLISHMENT OF METER ZONE IN FRONT OF FORMER ESQUIRE THEATRE

The City Manager suggested that the space in front of the unoccupied Esquire Theatre be metered. It was agreed by the Council that the City Manager should check with the owner to determine if arrangements had been made for the renting of the building as a theatre in the near future and if not that a resolution be drafted and presented to the Council for its consideration at the next meeting.

DISCUSS LOADING ZONES ESTABLISHED IN FRONT OF THEATRES BY RESOLUTION NO. 10,303-N.S.

Councilman Annan suggested that the public be notified that the loading and unloading zones established by Resolution No. 10,303-N.S. in front of theatres during the time the theatres were not open to the public, would also permit the loading and/or unloading of passengers from cars.

DISCUSS CHANGING PARKING AND LOADING ZONES ON 10th STREET BETWEEN C AND B STREETS

The City Manager reported that it would be necessary for the Public Works Department to make a survey of the area on 10th Street, between C and B Streets before a resolution could be drafted for the consideration of the Council on the changing of parking and loading zones.

DISCUSS ESTABLISHING SHORT TERM METER ZONES ON BUSY CORNERS IN BUSINESS DISTRICT

The City Manager stated that a number of requests had been made for installation of short term meters at certain busy intersections in the business district. A request had been received from Bradbury Cleaners for the installation of a short time limit on the southwest corner of 10th and L Streets. If the Council approved a study would be made of a number of intersections where they would be helpful. It was agreed by the Council that such a study would be advantageous. Councilman Annan left the meeting at this time.

DISCUSS PARKING PROBLEM OF ISOLATED STORES IN RESIDENTIAL AREA

The City Manager stated that operators of isolated stores established in the residential area, where no limit on parking is in force, were handicapped in getting in and out of their stores and parking facilities were limited for customers. He pointed out that there was a problem of enforcement

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when limited parking was established and stated that further checking on this problem would be done. A recommendation had been made by the inter-departmental Traffic Committee that two hour parking be established on 14th Street between I and G which would relieve the situation for a furniture store established at 724 14th Street.

REPORT ON REQUEST FOR ESTABLISHMENT OF A CROSS WALK ON McHENRY AVENUE

The City Manager reported that a request for the establishment of a cross walk on McHenry Avenue directly north of Jones Street had been checked with the State but had been denied.

DISCUSS INSTALLING METERS ON L STREET BETWEEN 9th AND 11th STREETS

The City Manager reported that a suggestion had also been made by the Inter-departmental Traffic Committee that meters be installed on L Street, between 9th and 11th Streets.

PROGRESS REPORT ON PROGRAM FOR YOUTH CENTER

Mayor Marks reported that he had recently had lunch with Phil Davies who had indicated the intention of his clients to contribute funds for the furnishing of the Youth Center.

The City Manager reported on a meeting held recently with representatives of the organizations most active in the youth program. The best type of program for the community and the youth in the community to be established for the building was discussed.

Weekly meetings will be held to discuss the program and a joint meeting with the groups planning the program for the furnishing of the center, is planned. The program is to be outlined and approved by the Council, before any action is taken on it.

At the suggestion of the City Manager, Mayor Marks appointed Councilmen Mellis and R. Adams to meet with the groups at the weekly meeting.

The City Manager reported that a donation had been received from Mrs. H. R. Briggs to be used in the furnishing of the Youth Center.

FIRE PREVENTION BUREAU REPORT ON HOME FIRE PREVENTION PROGRAM

Copies of the report from the Fire Prevention Bureau on the Home

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Fire Prevention Program just completed were distributed to the Council members. This report stated that 1022 man hours were spent by all five engine companies in this program.

The City Manager read a letter from Jay W. Stevens, Secretary-Treasurer of the Pacific Coast Inter-Mountain Association of Fire Chiefs, acknowledging receipt of a copy of the report and stating that "the work was not only well planned but well carried out---and will pay big dividends in the future."

The City Manager stated that representatives from the Board of Fire Underwriters of the Pacific were in the city last week and expressed^{pleasure} that the city was continuing its program of improvements even though it had attained a No. 2 fire rating.

REPORT ON COMPARISON BETWEEN THE TAXI FARES PRIOR AND SUBSEQUENT TO INSTALLATION OF METERS

Copies of a report from the Chief of Police to the City Manager giving examples of comparative taxi fares charged under the systems prior and subsequent to installation of meters were distributed to each Councilman.

REPORT ON INCIDENT AT MUNICIPAL GOLF COURSE-EMPLOYEE OF GOLF PROFESSIONAL USING PRIVATE AUTOMOBILE ON FAIRWAYS

A report filed by Superintendent of Parks Lowery on an incident which occurred on August 12 at the Municipal Golf Course when an employee of the Golf Professional drove a private car over the fairways, was considered. It was agreed that no further report be made to the Council but the City Manager asked Mr. Lowery to further investigate certain phases of the incident.

REPORT BY COMMITTEE ON USE OF JOHN MUIR SCHOOL BUILDING

Councilman Mellis reported that phase #1 of the report on the use of the old John Muir School building had been completed by architect Hilburn and he requested that all the Council members who had not previously done so, view the plans.

The City Manager stated that a report was being prepared on the floor space needs of the various departments in the City Hall. He reported

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that a representative of the owner of the Esquire Theatre had discussed the matter of either leasing or selling the former theatre building to the city for use as a City Hall. It was agreed by the Council that the city was not interested at the present time.

RESOLUTION GRANT RESIDENTS OF THE LA LOMA-YOSEMITE AREA PERMISSION TO CIRCULATE PETITIONS FOR ANNEXATION

A letter, together with a copy of a report, filed by the Modesto City Planning Commission recommending that permit be granted for the circulation of petitions for annexation of the La Loma-Yosemite Addition to the City of Modesto, was read. The City Manager briefly outlined the report and pointed out important factors for the residents of the area who were present at the meeting.

Councilman Arata recommended that a time schedule be established so that the election could be held prior to March 1, 1954, so that the property would be on the 54-55 tax roll.

Phil Humphreys, spokesman for the group of residents, stated that the petitions, signed by the required number of persons residing in the area, would be filed with the Council for its consideration within 10 days after the legal date for circulation.

The City Manager recommended and the Council concurred that any further major annexations be deferred until it could be determined by a study that the city can "handle them." If other annexations are requested, they will have to be considered with the understanding that "we have to take them as we can get at them."

Councilman Mellis stated that the La Loma-Yosemite area was really a part of the "heart" of the city and regardless of the problems presented, he approved giving them the right to commence proceedings.

Mayor Marks introduced

RESOLUTION NO. 10,310A-N.S.

seconded by Councilman Mellis, consenting to commencement of proceedings to annex inhabited territory designated as the La Loma-Yosemite Addition to the City of Modesto under the Annexation Act of 1913, which resolution was

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regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

AUTHORIZE PAYMENT OF CLAIMS OF BUD VICKERY AND ROBERT SANTISTEVEN FOR SALARY DURING MILITARY LEAVE

The claims of city employees Bud Vickery and Robert Santisteven for salary during military leave taken in 1950 and 51 were explained by Assistant Manager Robert Shelton. He stated that the legality of these claims had been checked by the City Attorney and approved, a copy of his conclusions on the claims was filed with the City Clerk. After consideration of the circumstances involved, Councilman Mellis introduced

RESOLUTION NO. 10,307-N.S.

seconded by Councilman Merrill, allowing claim of Robert Santisteven for \$112.64, for period June 25, 1950 to July 9, 1950 and \$205.83 to Bud Vickery for periods June 25, 1950 to July 9, 1950 and June 17, 1951 to July 1, 1951, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

PROTEST TO THE INSTALLATION OF METER ON SWIMMING POOL BY O. B. FREESE-660 Geer Court

A protest to the installation of a meter on his swimming pool located at 660 Geer Court was filed by O. B. Freese, since he had a filtered type pool and it would be necessary to pay the regular flat rate for his residence and the minimum rate for the metered pool. He suggested that all water service to his house and pool be metered, which would be read once a year and an annual charge be made according to the use, or an established minimum, whichever was applicable, and that the property owner be required to place a \$50.00 deposit with the city subject to the final billing.

It was agreed by the Council that the City Manager and the engineering department make a further investigation and report to the

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Council and that installation of meter be held up.

AUTHORIZE PROGRESS PAYMENT TO THE STANDARD MATERIALS INC. FOR CONSTRUCTION OF TRAFFIC ISLANDS, MAZE "L" FIFTH & WASHINGTON STREETS AND ACCEPT PROJECT AS COMPLETED

A report filed by the Director of Public Works that the contract had been completed by the Standard Materials Inc. on the construction of the traffic islands at Maze, L, Fifth & Washington Streets and that a progress payment of \$726.67 was due and payable. Councilman Arata introduced

RESOLUTION NO. 10,306A-N.S.

which was seconded by Councilman Merrill, accepting the contract as completed by said company, authorizing recording of Notice of Completion with the County Recorder, and progress payment of \$726.67, as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried that the Council meeting now in session be adjourned.

ATTEST: Anne M. Collins
ANNE M. COLLINS, ACTING CITY CLERK

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August 26, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Ordinance No. 1084-F S.

Roll call of the Council was taken by the City Clerk

Present: Councilmen: R. Adams, Arata, Mellis and Mayor Marks

Absent: Councilmen: M. Adams and Merrill

Also present: James Corson, Superintendent of Schools

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

Invocation was given by Rev. Arthur Brohm, Jr., of the Grace Lutheran Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meetings of August 5th and the same being available for public inspection, and there being no objections, the minutes were approved.

Councilman Merrill arrived at this time.

PETITION FILED BY RESIDENTS PROTESTING TO OPENING OF WEST ORANGEBURG AVENUE AND REQUESTING SAFETY MEASURES FOR TULLY ROAD AND WEST ORANGEBURG

A petition signed by 1025 residents in the John Fremont School district was filed by Douglas Sutter, protesting to the widening and opening of West Orangeburg Avenue onto North 99 Highway and requesting that safety measures necessary for the protection of school children using Tully Road and West Orangeburg Avenue as a means of getting to and from school be established as follows:

Four-way stop signs at West Orangeburg Ave. intersection with Tully Road and intersection with College Avenue.

Limiting of West Orangeburg Avenue to two lanes of travel.

Construction of wide and adequate shoulders on Tully Road and Orangeburg Avenue so that children may ride bicycles in safety.

Establishment and posting of proper speed limit zones in the vicinity of both schools, particularly upon Tully Road and West Orangeburg Avenue which are presently posted as 35 mile per hour zones.

Plans of the County Planning Commission, which had been approved by the County Board of Supervisors to develop West Orangeburg

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Ave. as a perimeter street to connect with the Old Oakdale Road and with a bridge to be constructed across Beard Brook, had prompted the Parent-Teacher's Association and Dad's Club of the Fremont School to formalize the petition for presentation to the County and City.

All safety measures suggested in the petition were informally approved by the County when it was recently presented to the Board of Supervisors, with one exception--construction of sidewalks. Since this would involve the development of an improvement district with the property owners paying for the cost of the sidewalks, the County would not be in a position to undertake this improvement, Mr. Sutter stated.

Mayor Marks stated that the unfavorable conditions on Tully Ave. in the vicinity of the school area where children walked and rode their bicycles to and from schools was of deep concern to the Council. School authorities had been contacted and signified their willingness to cooperate with the city in solving some of the problems.

The City Manager pointed out that these conditions were not confined to the Fremont and Junior High Schools only but existed at a number of other schools where the traffic was even heavier and faster moving. Authorization to proceed on a joint program with the County and School for the improvement of streets and construction of sidewalks in the various school districts had been approved by the Council some time ago and contact with the county and schools had already been made on this program.

The installation of four way stop signs at Tully and College Avenues had been checked, the City Manager stated, and a resolution was on the agenda for consideration of the Council establishing stop signs on the southeast corners of these streets. Stop signs have already been installed on the northeast and southwest corners and the installation of signs at the northwest corners would be a county matter since this portion of Orangeburg is outside the city.

The posting of speed limit signs, he stated, is regulated by state law and due to the lack of development in the Tully Avenue area, the establishment of a 25 mile speed limit zone has not previously been justified. A further check of the area will be made, since the development is progressing so rapidly, to determine if it would be possible to establish a

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25 mile zone.

The controlling of major streets with four lanes, is easier than the controlling of two lane streets, was brought out in the discussion.

Mr. Sutter stated that the objection of his group was that the plans called for the establishment of Orangeburg as a perimeter street instead of a major street.

The City Manager outlined the program for the improvement of Tully Ave. in the 53-54 budget---improvement of the rough portion at the south end in the industrial section and the cutting down to grade of the crown in the area of Princeton and Cecil Way. The acquiring of rights of way for the widening of Tully Avenue to 80 feet had made it safer for pedestrians, Director of Public Works Ray stated.

The school authorities have agreed to improve walkways immediately adjacent to their property but beyond that, the City Manager continued, it is the responsibility of the property owners. A precise program of the sidewalks required in and around each school could be worked out and improvement districts formed around each school or possibly one district for all the areas around the schools, if legally possible. The formation of committees of property owners in each area to work with the city, county and schools on this program would be desirable, he stated.

The City Manager offered to work with a committee from the area in the development of plans for the sidewalks desired and Mr. Sutton agreed to make the necessary arrangements for such cooperation and advise the City Manager.

Assurance that there was no intention to establish the portion of Orangeburg Avenue which was in the city (3 blocks), as a truck route was given Mr. Sutter.

DISCUSS FEASIBILITY OF EXTENSION OF SEWER LATERALS NORTH OF BOWEN AVENUE

The City Manager reported that the request of Boyce Ashford for sewer and water service for a tract of land located north of the College Village tract had been checked. He presented a map of the area under consideration and stated that the school proposed to purchase an elementary school site on Bowen Avenue, just west of the railroad. Plans
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for the development of the area before the school is actually built would eliminate many of the problems which presently exist at certain schools, such as the Fremont school, such as sidewalks, arterial streets, etc.

A proposal had been made that the 2.65 park site deeded to the city in the College Village Addition, not be developed as a park area and that a 5 acre park be established near the proposed school so that the school playground facilities could be used in conjunction with the park.

If the plans for the development of the Ashford addition were approved, it would be necessary to extend the sewer lines one-fourth mile north to Floy Avenue, which could be accomplished with the presently planned sewers if;

- 1-Certain sewer lines in the College Village Addition were constructed deeper.
- 2-An alternate plan which would call for a separate collection system designed for the area north of Bowen Ave. and for the present its effluent could be pumped into the present trunk line. In the future this system could then be connected to another trunk line which would possibly collect westerly and northerly of the present designed boundary.

The Director of Public Works pointed out that money saved from recent contract lettings on sewer lines and improvements to the sewer plant could be used to construct a trunk line up Tully Avenue and across Bowen Avenue.

City Attorney Grimes pointed out that the Council should consider:

- 1-Whether extra expense should be borne by the property owners in the College Village Addition if the lines are to be constructed deeper.
- 2-The long range implications, both political and economic, of extending municipal services in a northerly direction.
- 3-The obligation on the part of the city to control area development

Mayor Marks pointed out that the people would have several alternatives to consider when developing the area; 1) septic tanks, 2) rural district services, or 3) become a part of the city and pay their own way. The school would have sewer service and the logical plan would be to furnish sewer service to the adjoining property owners, since whenever a school is built, homes are constructed in the area surrounding the school.

Councilman Annan pointed out that the policy of the

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Council was still to consider the economical feasibility and recommended/
this matter should go through the regular channels---be referred to the
Planning Commission for a report and recommendation.

The City Manager pointed out that a careful study had been
made by the engineering department on the question of serving the area with
sewers.

Mayor Marks suggested that the study to be made by the
Planning Commission should consider the "getting together" of the three
parties concerned--Mr. Ellis, Mr. Ashford and the schools, and that no
additional expense should be considered for the College Village Addition
which was already in the city.

Councilman Mellis stated that the question of the geogra-
phical development of the city---in a constant northerly direction, was
worthy of some study.

Councilman Annan moved, seconded by Councilman Mellis,
and it was unanimously carried that in line with the established policy
the request be referred to the Planning Commission for report and recom-
mendation.

Superintendent of Schools Jim Corson outlined the problems
confronting the schools on the establishment of school sites and the endea-
vor of the schools to "keep up with the city" , on annexations.

OPEN BIDS ON PURCHASE OF BUILDINGS IN THE PARK AREA NEAR THE ROOSEVELT
JUNIOR HIGH

Mayor Marks declared the meeting open for the receiving
of bids for the purchase of buildings on lot 18 of Weil Colony (park area),
as provided by Resolution No. 10,301-N.S. The City Clerk reported one
written bid on file, which was from Joseph Tomao. Said bid was opened,
examined, and declared by the Council to be \$375, for item 1-frame house.

The City Attorney stated that under the provisions of the
charter this bid could not be considered since Mr. Tomao was a city employee.

The Mayor asked for oral bids on any or all of the build-
ings. Inez Peterson submitted a bid for \$100 for item one only.

It was moved by Councilman Mellis, seconded by Councilman
R. Adams, and unanimously carried that the bid be rejected.

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A bid of \$25. was submitted by Joe Byrne for the 3 buildings, item 2, garage and utility building, item 3, chicken house, and item 4, shed. No other bids were offered. It was moved by Councilman Merrill, seconded by Councilman Mellis, and unanimously carried, that the bid of Joe Byrne be declared the highest bid received and the City Attorney be instructed to prepare the necessary papers to complete the sale of the property to said bidder. The Mayor declared the meeting closed for the receiving of bids for the purchase of the buildings.

HEARING ON REQUEST OF H. I. LAWRENCE TO OPERATE 3 ADDITIONAL TAXICABS

As provided by Resolution No. 10,305-N.S., adopted by the Council on August 12, Mayor Marks declared the hearing open on the request of Hershel I. Lawrence, dba Smitty's Taxicab, for permission to operate 3 additional taxicabs. The City Clerk reported that no oral or written protests had been filed.

As provided by Ordinance No. 1053-N.S., Police Chief Neel reported on the request. At the time the request was filed, Police Chief Neel stated, Mr. Lester, operating the Modestc Taxicab Co., in conjunction with Mr. Lawrence, had not secured meters for his 3 cabs and was not operating, but since then Mr. Lester had installed meters and was operating 2 of his cabs and planned to place the third cab in operation shortly.

Police Chief Neel stated that he had talked with Joe Sequeira operating Joe's Taxi, who has 8 permits and using 6, and Sam Secreto, operating the Yellow Cab Co. who has 6 permits and using 5, and suggested to them and they had agreed that two permits of Mr. Sequeira's and one of Mr. Secreto's be cancelled. Both Mr. Sequeira and Mr. Secreto believed that business conditions would not support any additional taxicabs. "It would be my recommendation, the Police Chief continued, that if Mr. Lester started operating 3 cabs, that no additional permits be granted to Mr. Lawrence and 2 of Mr. Sequeira's and 1 of Mr. Secreto's permits be cancelled."

The City Attorney pointed out that the matter for the Council's consideration at this time was ^{only} the request of Mr. Lawrence to operate 3 additional taxicabs and that the cancelling of permits for the other operators be considered at some other time. The Mayor declared

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the hearing closed. Councilman R. Adams introduced

RESOLUTION NO. 10,313-N.S.

which was seconded by Councilman Merrill, denying the request of Hershel Lawrence, dba "Smitty's Taxi", for a certificate of public convenience and necessity to operate three additional taxicabs in the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

It was agreed by the Council that the City Manager should check into the matter of cancellation of the permits suggested by Police Chief Neel.
LETTER FROM FRANK ANDREWS RE: BUILDING OF CHERRY DAM BY CITY OF SAN FRANCISCO

A letter from Frank Andrews, President of the Power and Water Users Association, stating that the association will start raising a fund to protect the water in the Tuolumne River as soon as the City of San Francisco starts working on the construction of the Cherry project, was read and ordered filed.

FINAL ADOPTION ORDINANCE NO. 1092-N.S. SANITARY AND INDUSTRIAL SEWER WASTE REGULATIONS

Ordinance No. 1092-N.S. entitled: "AN ORDINANCE REGULATING THE DISCHARGE OF SANITARY SEWAGE AND INDUSTRIAL WASTES INTO THE INDUSTRIAL WASTE SYSTEM AND/OR SANITARY SEWAGE SYSTEM OF THE CITY OF MODESTO PRESCRIBING RULES, REGULATIONS AND SCHEDULE OF CHARGES FOR THE RECEIVING AND TREATMENT AND DISPOSAL OF SANITARY SEWAGE AND INDUSTRIAL WASTES: PROVIDING FOR MEANS OF COLLECTION OF SUCH CHARGES AND FOR ENFORCEMENT MEASURES IN CASE OF NON-PAYMENT OF SAID CHARGES OR FOR CERTAIN VIOLATIONS: PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE AND OF CHARGES HEREUNDER: AND REPEALING CERTAIN ORDINANCES OR SECTIONS THEREOF", having been printed and published as required by the Charter of the City, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and finally adopted by the following vote:

Ayes: Councilmen R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

REPORT FROM CITY ATTORNEY ON RESTRICTION OF USE OF MANCINI BOWL

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As requested by the Council, City Attorney Grimes filed a report, a copy of which is on file in the City Clerk's office, on the request of the Modesto Model Railroad Club to use a portion of the basement of Mancini Bowl. The report outlined the provisions established by Resolution No. 8831-N.S., adopted on March 15, 1950, for the use of Mancini Bowl. It was the opinion of the City Attorney that the request of the club would not be authorized under the provisions, but that the Council would have the power, if it so desired, to change the policy as set forth in the resolution regarding the use of Mancini Bowl. It was agreed by the Council that the policy should not be changed and that the club be notified that its request was denied.

RESOLUTION ESTABLISHING PARKING IN FRONT OF ESQUIRE THEATRE

The City Attorney presented for the consideration of the Council a resolution authorizing the installation of parking meters in front of the Esquire Theatre. Councilman Annan introduced

RESOLUTION NO. 10,314-N.S.

which was seconded by Councilman Merrill, rescinding that portion of Resolution No. 10,303-N.S., adopted on August 12, which established a loading zone in front of the Esquire Theatre and directing the Director of Public Works to cause parking meters to be installed at said location, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

RESOLUTION ESTABLISHING LOADING ZONES AND PARKING PLACES ON TENTH STREET BETWEEN B AND C STREETS

The City Attorney presented for the consideration of the Council a resolution establishing loading zones and parking places on 10th street, between B and C Streets. The City Manager stated that a survey had been made by the Public Works Department. Councilman Annan introduced

RESOLUTION NO. 10,315-N.S.

seconded by Councilman Arata, establishing loading zones and parking places on both sides of 10th Street, between B and C Streets, as shown and located on that certain drawing entitled, "Parking Study of Tenth Street, between B Street and C Street", which is attached to the resolution and declaring

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that the one hour parking restrictions contained in section 32 of Ordinance No. 345-N.S., shall not apply, directing the Director of Public Works to mark and post the location, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

RESOLUTION ESTABLISHING STOP SIGNS AT SOUTHEAST CORNER OF TULLY AND COLLEGE AT ORANGEBURG

The City Attorney presented a resolution for the consideration of the Council establishing stop signs at the southeast corners of Tully and Orangeburg and College and Orangeburg. Councilman Mellis introduced

RESOLUTION NO. 10,316-N.S.

seconded by Councilman R. Adams, establishing stop signs at the following intersections:

On the southeast corner of Tully Avenue and Orangeburg Avenue for traffic proceeding north on Tully Avenue

On the southeast corner of College Avenue and Orangeburg Avenue for traffic proceeding north on College Avenue

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

RESOLUTION ESTABLISHING LIMITED TIME PARKING SPACE ON WEST SIDE OF TENTH STREET BETWEEN K AND L STREETS

The City Attorney presented for the consideration of the Council a resolution establishing a 24 minute parking space on the west side of 10th St. between K and L Streets. Councilman Arata introduced

RESOLUTION NO. 10,317-N.S.

seconded by Councilman Annan, reducing the parking time limit from 60 minutes to 24 minutes at the first parking space immediately southerly of L Street on the west side of Tenth S., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

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12 CONSIDER ESTABLISHING OF "NO PARKING" ZONES NORTHEAST CORNERS OF INTERSECTION OF H AND 17th STREETS

The City Manager reported that the Inter-departmental Traffic Committee had recommended that "no parking" zones approximately 20 feet long be painted on the southwest and northeast corners of the intersection of H and 17th Streets (Lincoln School), to forestall the possibility of children walking into the traffic lanes from directly behind parked cars. A resolution accomplishing the recommendation was ordered by the Council.

3 REPORT OF STATE STUDY OF TRAFFIC ON MORRIS & McHENRY AVENUES

The City Manager reported that a letter had been received from the State Department of Public Works, Division of Highways, recommending that left turns at the intersection of Morris and McHenry Avenues should not be prohibited, since, 1) no other nearby streets are available for turning movements if left turns at this intersection are eliminated; 2) from traffic counts taken, there does not appear to be sufficient left turn movements off McHenry Avenue to constitute a major problem.

1 RESOLUTION ACKNOWLEDGING RECEIPT OF COPY OF NOTICE OF INTENTION TO CIRCULATE A PETITION FOR ANNEXATION OF TERRITORY (LALOMA-YOSEMITE ADDITION)

The City Clerk reported that a copy of Notice of Intention to Circulate a petition for the annexation of the LaLoma-Yosemite Addition, accompanied by a written statement containing reasons for the petition, together with an affidavit of publication of said notice on August 21, 1953, in the Modesto Tribune had been filed. Councilman Arata introduced

RESOLUTION NO. 10,318-N.S.

seconded by Councilman Annan, acknowledging receipt of said documents and approving the circulation of the petition for annexation of the LaLoma-Yosemite Addition, 21 days after the publication of said notice, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

5 ACCEPT EASEMENTS FROM THE MODESTO IRRIGATION DISTRICT ON WATER AND SEWER LINES AT LATERALS NOS. 3 and 4

The City Attorney presented 3 easement agreements between the city and the Modesto Irrigation District covering sewer and water lines at

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laterals #3 and #4 on McHenry Ave. Tully Ave. and Emerald Ave. for the consideration of the Council. He called attention to the fact that a provision existed in the agreements that if the M.I.D. required a change in grade or location of said crossings, the city would agree to make said change at its own expense within 90 days of being notified of such needed change. Councilman Merrill introduced

RESOLUTION NO. 10,311-N.S.

seconded by Councilman Annan, accepting the easements and authorizing the recording with the County Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

APPOINT COMMITTEE IONIAN-GREEK RELIEF

16 The Mayor requested authority to appoint a committee to be known as the Ionian-Greek Relief Committee. Councilman R. Adams introduced

RESOLUTION NO. 10,310-N.S.

seconded by Councilman Annan, authorizing the Mayor to appoint a committee to be known as the Ionian-Greek Relief Committee, whose purpose shall be to sponsor and encourage the solicitation and contribution of funds to be used solely for the relief of the people of the area and to transmit all contributions to those responsible for the administration of relief to the area. The City Clerk was appointed to receive and forward all contributions, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

Mayor Marks named O. A. Sullivan, Chairman, Lew Graham, Richard Penney, Councilman Dave Arata, Charles Tocalino Sr., George Mellis, Ralph Watson, Frank Damrell and Lew Franklin, to serve on the committee.

REPORT FROM PLANNING COMMISSION ON REQUIREMENTS ON FUTURE RESIDENTIAL SUB-DIVISIONS

17 The City Manager reported that it had been proposed by the Planning Commission to increase the minimum lot size to 6000 square feet, which

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if approved, will be incorporated in the new zoning ordinance.

18 REPORT ON STATUS OF THE LOCATION OF STATE HOSPITAL IN MODESTO

The City Manager reported that a check had been made with the state on the rumor of moving the state hospital from Modesto and advice had been received that no basis could be found for this rumor.

Mr. Carl Applegate, Deputy Director of the State Departmental of Mental Hygiene, had advised that the present facilities will ultimately have to be housed in more permanent quarters and that such quarters would be located to serve the San Joaquin Valley area. No new land had been acquired and if it had it would be a least 5 years before construction would begin. Before a site is selected the communities involved will have an opportunity to be heard. The present site and buildings can be repossessed by the Federal Government until 1956, Mr. Applegate stated.

17 PROGRESS REPORT ON INVENTORY OF CITY PROPERTY

The City Manager presented a preliminary inventory report of the city property and equipment and stated that a final report would be filed with the Council shortly as required by subsection 12 of section 800 of the City Charter. A system for a permanent inventory file is being established.

20 REPORT ON PROPOSED METHOD OF ALLOWING CREDIT FOR PERSONAL PROPERTY TAXES

The City Manager reviewed a report from Director of Finance Lawrence on the proposed method of allowing credit for personal property taxes paid on mill license tax since the county had taken over the assessing program. It was agreed by the Council that before next year, that a new policy on the granting of this credit be considered.

19 CONSIDER ATTENDANCE OF CITY MANAGER AT INTERNATIONAL CITY MANAGER'S ASSOCIATION CONFERENCE IN LOS ANGELES

A request was filed by the City Manager that he be permitted to attend the International City Manager's Association conference in Los Angeles, Sept. 20-24. Mayor Marks suggested that Bob Shelton, Assistant City Manager also be authorized to attend since the meeting is in California. Councilman R. Adams moved, seconded by Councilman Mellis and it was unanimously carried, that attendance of both be authorized.

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22 REQUEST OF CITY ATTORNEY FOR VACATION PERIOD

The City Attorney requested permission to take 8 days of his accrued vacation during the next two weeks period. Councilman Annan moved, seconded by Councilman Arata, and it was unanimously carried that permit be granted as requested.

23 ACCEPT BID OF WENDELL THOMPSON ON HOUSE LOCATED LOT 18 of WEIL COLONY

Wendell Thompson requested that he be permitted to place a bid on the house which had been advertised for sale on lot 18 of Weil Colony. The City Attorney ruled that there would be no legal objection to the Council considering the offer of Mr. Thompson providing it was understood that the requirements set up in Resolution No. 10,301-N.S. would have to be complied with. Whereupon Mr. Thompson offered to purchase the house to be removed from the property for \$400.00. Councilman Mellis introduced

RESOLUTION NO. 10,312-N.S.

seconded by Councilman R. Adams, accepting the offer of Wendell Thompson to purchase the house for a sum of \$400.00 in accordance with the specifications originally proposed and that the City Attorney prepare an agreement for execution, which resolution was regularly adopted by the following vote:
Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: M. Adams

24 PROTEST TO MINIMUM RATE FOR 5/8 WATER METER

Councilman R. Adams stated that a complaint had been filed with him that although it was stated that Ordinance No. 1069-N.S. did not increase the water rate, that the minimum charge for a 5/8" meter had been increased from \$1.50 to \$2.25, since the minimum for this type of meter had been included with the minimum rate for a 3/4" meter.

The City Manager stated that an investigation would be made and a report submitted to the Council.

25 PARTICIPATION OF CITY IN THE ANNUAL NATION-WIDE PEDESTRIAN PROTECTION CONTEST

The City Manager requested and received permission from the Council, that the city participate in the annual nation-wide pedestrian protection contest sponsored by the American Automobile Association and the California

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State Automobile Association.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Annan, and it was unanimously carried, that the Council meeting now in session adjourn.

ATTEST: *W. E. Gault*

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September 2, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1084-N.S.

Roll call of the Council was taken by the City Clerk

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

Also present: George Ground Jr. of the Chamber of Commerce

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

City Manager Miller being absent on vacation, Robert H. Shelton, Assistant City Manager, acted in his place.

Invocation was given by Rev. Dodd B. Bunch of the Centenary Methodist Church.

REPORT ON TRAFFIC SAFETY IN CITY BY PAUL F. HILL OF THE NATIONAL SAFETY COUNCIL

Police Chief Neel presented Paul F. Hill of the National Safety Council and Lieutenant Robert C. Blossom of the California Highway Patrol and stated that Mr. Hill would briefly review the status of the traffic situation in the city as far as the Safety Council was concerned.

Mr. Hill stated that his report would be based on "how Modesto stacks up with approximately 407 other cities with 10/20,000 population." He commended the Police Department on its accident file and spot map on location of accidents. The number of arrests for drunken pedestrians was double that of other cities, he stated, which is good, since the statistics indicate that one-half the pedestrian accidents involve drunken persons and 75% of the pedestrians killed have been drinking. Outstanding work is being done by the Police Department in investigating at the scene of the accident and a fine job is being done on the school program, he said.

Mr. Hill stated that on the "black side" things not being done which other cities are doing and which are paying dividends include:

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Accident Records are not being used sufficiently. When a number of accidents have occurred at a certain intersection, somebody should find out what is wrong. Perhaps it is an engineering problem, or an education or enforcement problem. Urge the departments concerned to do something about this situation. Other cities of this size are finding that a traffic engineer is the answer. The idea being that some one person be responsible to head up activities to establish loading zones, one way streets, etc. This man could answer most of the traffic problems from experience and facts.

Law enforcement. Pedestrian enforcement is not good---jay walking, walking against lights. "I urge you to get on the band wagon and tighten up on pedestrians." The Police Department is staffed satisfactory for the size of the city as shown in the 1950 census, 17,400. If another census in the near future reveals that Modesto is a city of 35,000, then the Police Department is short 8 or 10 men. "I urge you to consider the facts in the surveys of the National Municipal Association and International Association of Police Chief's on this matter."

Courts: The local courts are far from serving the purpose that a good traffic court should serve. Too many people are forfeiting the money they have posted instead of going into court. Ninety per cent of those cited for hazardous moving violations should go before the judge. Those who pay the fines to the court clerk should sign a statement that they are guilty of the offense as stated on the citation. This would eliminate the philosophy of traffic violators who believe themselves not guilty but pay the fine to avoid the hours it would take to go to court. In some cities juveniles are being brought into the traffic court the same as adults with the penalty being approved by the juvenile court. The State Legislature has passed a bill which will assist schools in putting on its drivers training program.

Public information: The program for getting information to the public is good but needs improvement. Billboards are not being used enough, programs with service clubs should be used. Summaries of traffic ordinances should be distributed to people who drive. A safety Council could be established. Lay organizations should help carry the load---this is a community problem.

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Mr. Hill commended the city officials on the program conducted for the city employees, which he stated, "was proof that the officials were assuming some responsibility in reducing this accident situation." He concluded by saying, "you will have just as safe a city as the people of Modesto want."

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meetings of August 12 and 19 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM FRANK BURKE COMMENDING THE FIRE DEPARTMENT

A letter from Frank Burke, commending the Fire Department personnel for the manner in which they handled the fire damage which occurred on July 20, at his store, 1410 9th St., was read and ordered filed.

RESOLUTION SETTING DATE FOR HEARING ON ANNEXATION OF CAROLAND MANOR

A letter and report from the Planning Commission recommending approval of the proposed annexation of the Caroland Manor was read. Councilman Mellis introduced

RESOLUTION NO. 10,320-N.S.

seconded by Councilman M. Adams, setting the hour of 4:30 P.M. on Oct. 7, 1953, at the City Hall Council Chambers, as the time and place for the hearing of protests, and providing for the publication of notice of hearing, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT ON INTEGRATED SCHOOL AND SUBDIVISION PLANNING NORTH OF CANAL LATERAL #3 (BOWEN AVENUE)

Director of Planning Bills presented a report and map of the integrated school and subdivision plan north of Canal Lateral #3, Bowen Avenue. The major items in the design included:

- 1-Plans for the location of the elementary school.
- 2-The abandonment of a small dedicated park and the substitution of a 5 acre park directly adjacent to the school site.
- 3-The location of a small neighborhood shopping facility.

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4- Proper subdivision design and proper traffic access among the five existing or potential subdivisions which would be included in the general neighborhood.

The general plan as presented, Mr. Bills stated, has the approval of school officials, the Superintendent of Parks and each of the several subdividers. It was also approved by the Planning Commission.

The Council discussed the consequences, from the standpoint of costs, of constructing deeper and larger laterals sewer in the College Village Addition (Ellis) in order to serve the new area to the north. The view was expressed that any additional costs necessitated by such construction should not be borne either by the city or by the Ellis tract. The Council then requested that the Public Works Department determine the additional cost involved, discuss the findings with the parties at interest, and report back to the Council.

Mr. Bills stated that Mr. Ellis had informally agreed that he would share in the expense of the deeper laterals, but that "he didn't want to be hurt too badly." The use to be made of the originally dedicated park in the College Village area, and consideration of the enlargement of the shopping area in that tract, are matters requiring further study, Mr. Bills stated.

It was moved by Councilman Mellis, seconded by Councilman Annan and unanimously carried that the principles and general layout presented for the integrated school and subdivision plan north of canal lateral #3 (Bowen Ave.), be approved.

RESOLUTION COMMENDING OWEN CHAMBERLAIN AND FRED CURTIS IN DIRECTING THE OPERATIONS OF THE MODESTO GROUND OBSERVER POST

The Assistant City Manager reported that Owen B. Chamberlain, Post Supervisor, and Fred Curtis, Chief Observer, of the Modesto Ground Observer Post, were resigning their positions. Councilman M. Adams introduced

RESOLUTION NO. 10,319-N.S.

seconded by Councilman Annan, expressing the appreciation of the Council for their service to the community and nation, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

TERMINATION OF AGREEMENT WITH TIDEWATER SOUTHERN RAILWAY CO. FOR SEWER
AND WATER SERVICE

Since the area in which the Tidewater Southern Railway Company's "north yard" is located has been annexed to the city, the Assistant City Manager reported that an existing agreement for the furnishing of sewer and water services is no longer applicable. The City Attorney had prepared for the consideration of the Council a termination agreement which had been approved by the Company. Councilman Mellis introduced

RESOLUTION NO. 10,321-N.S.

seconded by Councilman Arata, terminating the existing contract for sewer and water services, dated July 1, 1944, which resolution was regularly adopted by the following vote:

Ayes: Councilmen M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

DISCUSS PROPOSED CHANGES IN PARKING REGULATIONS AT CERTAIN LOCATIONS

The following proposed changes in parking regulations recommended by the Inter-departmental Traffic Committee were discussed:

- 1-The elimination of parking on both sides of Semple Street from the intersection with Downey Avenue, north approximately 100 feet.
- 2-The elimination of parking and loading privileges in the alley at the rear of the Parking Authority parking lot on Ninth St. between I and J Streets.
- 3-The erection of one car length no parking zones at the northeast and southwest corners of the intersection of H and 17th Streets adjacent to the Lincoln School.
- 4-The posting of a two-hour parking limit on 14th St. between G and I
- 5-The installation of one-hour parking meters on L St. bet. 9-11th Streets.

Director of Public Works Ray stated that he had talked with

Mr. Corson, Supt. of City Schools, on the securing of right of way, in connection with improvements to the 19th & Downey Streets intersection and was advised that the School Board had indicated its willingness to deed some land for a right of way but that the plans to construct additional buildings at Lincoln School might limit the amount of land to be deeded for right of way. All of the proposed changes in parking regulations were informally approved by the Council and it was moved by Councilman

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seconded by Councilman Annan Arata, and unanimously carried that the City Attorney be instructed to prepare the necessary legislation to accomplish these recommendations.

REPORT ON FORFEITURE OF DEPOSIT BY J.R. BYRNES ON PURCHASE OF CITY BUILDINGS IN PARK AREA

The Assistant City Manager reported that J. R. Byrnes, whose bid for the purchase of 3 buildings to be removed from the park area near the Roosevelt Junior High School had been accepted at the Council meeting of August 26, had notified the City Clerk that he intended to forfeit his bid deposit of \$2.50, since the building which he thought was to be included in the purchase was being retained by the City. The buildings are being wrecked and the old lumber will be used by the City.

REPORT ON NAMING OF PARKS

Upon the request of Councilman R. Adams, Chairman, of the Council committee appointed by the Mayor to formulate a program for the naming of parks, was granted additional time for the submission of a written report.

FURTHER CONSIDERATION OF ATTENDANCE OF CITY ATTORNEY AT NIMLO CONFERENCE


Councilman Mellis reported that the request of City Attorney Grimes to attend the NIMLO conference in Washington D. C., Sept. 14-16, had been withdrawn. The distance, cost, and the "tight 53-54 budget" had been taken into consideration. It was agreed by the Council that requests to attend conference should be considered individually in terms of the costs of attending (including travel distance), and the value to the city in being represented.

REPORT ON RECEIPT OF IMPROVEMENT DISTRICT #1 BONDS

The Director of Public Works reported that the bonds on Improvement District #1 had been received, signed by Director of Finance Lawrence, and turned over to the contractor, Standard Materials, Inc.

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the Council meeting now in session adjourned.

ATTEST 
City Clerk

September 10, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Ordinance No. 1084-N.S.

ROLL CALL OF COUNCIL

Roll Call of the Council was taken by the City Clerk.

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

Absent: Councilmen: R. Adams

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

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

DISCUSS GRANTING SEWER SERVICE TO BARTON OAKS SUBDIVISION

With the unanimous consent of the Council, City Manager Miller reported on a recent meeting of city representatives with V.E. Barton, subdivider of Barton Oaks tract, located east of the city limits. The most economical method of handling the sewer problem in this tract was discussed. As the land is high, it cannot logically be tied into the existing lines located north of the area. It would be possible, however, he stated, to tie it into the existing 6" line running along the east bank of Beard Brook, sewage from which is pumped into a larger trunk line located west of Beard Brook, by a pump located at the LaLoma Bridge, until such a time a main 8" line is built in the LaLoma area. This would mean that the pump would be operating more frequently and for longer intervals.

The City Manager pointed out that one point to be cleared was the extending of the sewer lateral into the subdivision. Ordinance No. 1070-NS provides that,

"Where the distance between the nearest existing collection lateral or trunk line of adequate capacity in the nearest point of service within said area is greater than 250', the owner of said area shall pay the cost of installation of said collection lateral for all of the distance in excess of 250'.

It would be more economical, he stated, for the city if the line was built by the contractor at the same time. While the city's estimate to build the 250' line and required manhole, runs higher than \$500, Mr. Barton has agreed that the city's cost would not exceed this amount. Plans for the tract

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call for 33 homes. It is included in the proposed LaLoma-Yosemite Addition annexation now under consideration. Mr. Barton has agreed that if this annexation fails that he will enter into an agreement with the city to annex the tract as soon as legally possible, which would be one year from the date of the election.

Mr. Barton outlined the plans for the construction of houses in the subdivision. Two homes are under construction at the present time---plans call for the completion of six homes by December, and 20 by the end of one year. Homes to be constructed will cost approximately \$15/20,000. He assured the Council that "you will have your money back in 2 years."

Councilman Annan moved, seconded by Councilman M. Adams, and it was unanimously carried, that the proposal, as outlined, for the furnishing of sewer service to the Barton Oaks subdivision, be approved and the City Attorney be instructed to prepare an agreement for execution.

Councilman Mellis pointed out that "we need this area in the city. It will pay its way and it is good business, so that we won't have any more septic tanks in the city."

REPORT ON PROGRAM FOR IMPROVEMENT OF STREETS

With the unanimous consent of the Council, Director of Public Works Ray reported on the program for street improvement, which is being carried on by the Public Works Department with the recently purchased equipment, grid roller and ripper. The projects completed to date are:

Sierra Drive, Roselawn Ave. to Sunset Blvd.,
K Street, Fourth to Seventh, and
College Garden area streets.

Streets included in the list for improvement this season, subject to the Council's approval include:

Locust Street, Franklin Ave. to Washington St.
Madison Street, Pine to Maze Blvd., and Vine to H Street
Fourth Street, H to I Street
Coldwell Ave., College to Olive Ave., and Virginia to Sycamore St.
Morris Ave., Virginia to Sycamore Ave.

All of these streets are heavily travelled, and it is planned, if possible, to improve all of them this fall, if the rainy season does not force the discontinuance of the program, the City Manager stated. Councilman Annan stated that oral protests had been filed with him on the rough condition of Myrtle Street.

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Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried that the Director of Public Works be authorized to "use his best judgment", in selecting the streets to be improved.

HEARING ON ANNEXATION OF BRIGGS-WHITMORE ADDITION TO THE CITY

Mayor Marks declared the hearing open for the consideration of the proposed annexation of the Briggs-Whitmore Addition to the city, as provided by Resolution No. 10,288-N.S.

The City Clerk reported that no written protests had been filed.

Mr. Steve Pearson, Superintendent for the Conow Builders, subdividers of the tract, appeared before the Council and stated that plans for this tract had been prepared by their engineer in conformity with the existing requirements at the time the original request for annexation was filed some months ago, but due to unavoidable circumstances, proceedings had been delayed. Recently a tentative map of the subdivision had informally been considered by the Planning Commission and unwillingness to approve the map due to the size of the lots, 55' x 95' was expressed by the Commission.

Mr. Pearson stated that the original plans were prepared for this size lot and that if the map would not be approved by the Commission, after annexation, that he would like to know at this time because it would be necessary to develop the subdivision under the county regulations instead of annexing to the city.

Director of Planning Bills summarized the proceedings on the proposed annexation up to date. At the present time, he stated, the Planning Commission is in the process of recommending the minimum size lot as 6000 sq. ft., which requirement would be included in the new proposed zoning ordinance and later on a request would be made to the Council for an amendment to the subdivision ordinance (No.1041-N.S.), to clear up the ambiguity. A tentative map of the tract had informally been considered by the Commission and it had indicated that pending the adoption of the necessary legislation that they would look with favor on proposed subdivisions with minimum lot size of 6000 sq. ft. He pointed out that the subdivision ordinance provided for a minimum lot width of 50 ft. and a minimum lot depth of 80 ft. Legal approval of the final map could not be given by the Commission until the land was actually a part of the city.

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Mr. Pearson compared the costs involved in improving the subdivision under city and county standards and indicated that the city's costs would be excessive if the 6000 sq. ft. minimum was required.

Fred Johnson, Engineer for the Conow Builders, pointed out that there was a definite need for this type of low cost construction.

A general discussion was held by the Council of the need for some subdivisions with lesser requirements. It was agreed that a decision could not be reached until further checking had been done by the Planning Commission, and since the next meeting of the Commission would be held on Monday, Sept. 14, Councilman Arata moved, seconded by Councilman M. Adams, and it was unanimously carried that the hearing be held over until 4:30 P.M., Sept. 16.

REQUEST OF C. F. WHITMORE TO ANNEX PROPERTY TO THE CITY

An oral request was filed by C. F. Whitmore for separate annexation of his property in the proposed Briggs-Whitmore addition if this annexation were not completed, was referred to the City Manager for investigation and report.

ADJOURNMENT

Councilman Arata moved, seconded by Councilman M. Adams, and it was unanimously carried, that the Council meeting now in session adjourn.

ATTEST:



REX E. GAILFUS, CITY CLERK

larly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

DISCUSS PAYMENT ON IMPROVEMENT OF TUOLUMNE BOULEVARD BETWEEN MERCED AND SUTTER AVENUES

The Director of Public Works reported that the improvement of Tuolumne Blvd, between Merced and Sutter Avenues, had been completed by George Reed, Contractor, that payment of \$17,134.86 was due and payable according to the contract, and that Notice of Completion could also be filed with the Recorder of Stanislaus County. Certain changes had been made in the work order, he stated, which had been orally approved by the State, but up to the present time, formal approval had not been received.

A general discussion was held on the possibility of accepting the work, subject to the formal official approval by the state and authorizing progress payment so that the notice could be filed and the 35 day lien period start, as provided in the contract. Upon advise of City Attorney Grimes, action was deferred until formal approval has been received.

ACCEPT DEED OF EASEMENT FROM NORA L. CRANFORD

The City Attorney presented a deed of easement from Nora L. Cranford for the construction and maintenance of storm sewer facilities in a portion of lot 3, Block 6016 of College Center Addition, for the consideration of the Council. Councilman Annan introduced

RESOLUTION NO. 10,323-N.S.

seconded by Councilman Arata, accepting the deed of easement and authorizing the recording of same with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVE AGREEMENT FOR SEWER SERVICE WITH LAWRENCE ROBINSON AND SONS

The City Attorney presented an agreement for sewer service

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with Lawrence Robinson and Sons on 5 acres of land located on McHenry and Coolidge Avenues, for the consideration of the Council.

The City Manager stated that Mr. Robinson was anxious that this property be annexed to the city as soon as legally possible. Councilman Mellis introduced

RESOLUTION NO. 10,324-N.S.

seconded by Councilman Arata, approving the agreement and authorizing execution, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

RESOLUTIONS ON TRAFFIC REGULATIONS

The City Attorney presented the following resolutions for the approval of the Council pertaining to regulation of traffic.

ESTABLISH PARKING METER ZONE BOTH SIDES L STREET, BETWEEN 9-11th STREETS

Councilman R. Adams introduced

RESOLUTION NO. 10,325-N.S.

seconded by Councilman Mellis, establishing a one hour parking meter zone on both sides of L Street, between Ninth and Eleventh Streets, directing the Director of Public Works to install parking meters and post in accordance with the provisions of this resolution and rescinding that portion of Resolution No. 9799-N.S., which establishes two hour parking on both sides of L Street, between 9th and 10th streets and that portion of Resolution No. 5214-N.S., which established two hour parking on both sides of L Street, between 10th and 11th streets., which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

PROHIBIT PARKING ON BOTH SIDES OF SEMPLE STREET AT INTERSECTION WITH DOWNEY FOR A DISTANCE NORTH 86.02'

Councilman Annan introduced

RESOLUTION NO. 10,326-N.S.

seconded by Councilman M. Adams, prohibiting parking on both sides of

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Semple Street from the north property line of Downey Avenue, north 86.02' directing the Director of Public Works to cause the above described location to be marked accordingly, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ESTABLISH TWO HOUR PARKING ON BOTH SIDES OF 14th STREET BETWEEN G and I STS.

Councilman Arata introduced

RESOLUTION NO. 10,327-N.S.

seconded by Councilman R. Adams, prohibiting parking between the hours of 9 A.M. and 6 P.M., for a period longer than 120 consecutive minutes on both sides of 14th street, between G and I Streets, and directing the Director of Public Works to mark the location in accordance, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PROHIBIT PARKING IN SPECIFIED PLACES ON H STREET, NEAR THE INTERSECTION WITH 17th STREET

Councilman Mellis introduced

RESOLUTION NO. 10,328-N.S.

seconded by Councilman R. Adams, establishing "no parking" zones along the northwesterly and southeasterly sides of H Street, at the intersection of 17th Street, for a distance of 20 feet, directing the marking of the locations by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ORDINANCE TO BE PREPARED PROHIBITING LOADING AND UNLOADING IN REAR OF PARKING LOT IN BLOCK 56

The City Attorney reported that an ordinance was being prepared for consideration of the Council, prohibiting the loading,

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and/or unloading in the rear of the Parking Authority Parking lot in Block 56, and would be presented shortly.

13 CONSIDER PURCHASE OF COMPRESSOR FOR PUBLIC WORKS

The City Manager reported that an appropriation of approximately \$2,175 had been included in the 53-54 budget for the purchase of a new compressor, which would include the trade-in of the old compressor now owned by the city. However, he stated, due to the fact that the presently owned compressor had broken down this week and could not be repaired, it would be necessary to purchase a new one at once and in order to save time, he suggested that approval for the purchase of this equipment, at the best possible price, be authorized by the Council. It was moved by Councilman Annan, seconded by Councilman Arata, and unanimously carried, that the purchase of a new compressor at the best possible price obtainable, be authorized and that the agreement covering its purchase be presented to the Council for confirmation at a later date.

14 RESOLUTION ESTABLISHING YOUTH CENTER FURNISHING FUND

Mayor Marks reported that the present Recreation Commission, composed of Elizabeth Benkendorf, Chairman, Rev. John C. Mills, Bessie Singleton, Leo Hammett and Jack Wherry, planned to retire upon completion of the Youth Center building and he suggested, to which the Council concurred, that a dinner be held honoring these members, when the dedication services are held for the Youth Center.

The City Manager reported that the Junior Women's Club was putting on a variety show at the Modesto High School on Oct. 2-3, to raise funds for the purchase of furniture for the Center. He stated that some money had already been received by the city for this project and other funds would no doubt be received and suggested that the Council consider the establishment of a special fund to be known as the "Youth Center Furnishing Fund". The City Attorney presented a resolution establishing this fund for the consideration of the Council, whereupon Councilman Mellis introduced

RESOLUTION NO° 10,329-N.S.

seconded by Councilman R. Adams, creating a special fund to be known as
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the "Youth Center Furnishing Fund", and authorizing the depositing of contributions in said fund, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

HEARING ON PETITION FOR ANNEXATION OF BRIGGS-WHITMORE ADDITION (CONTINUATION)

Mayor Marks declared the meeting open for the continuation of the hearing on the petition for annexation of the Briggs-Whitmore Addition to the city, filed by Joseph T. Conow, which had been held over from the Council meeting of September 10, until a further check could be made by the Planning Commission on the subdivision map. Steve Pearson, Mr. Conow and Fred Johnson, Engineer, representing the Conow Builders, were present.

The City Manager read from the minutes of the meeting of the City Planning Commission, which had been held on Sept. 14.

"The tentative map of La Villa Serena, a subdivision in the proposed Briggs-Whitmore Addition, was again presented for informal discussion. Mr. Pearson, Mr. Briggs and Mr. Johnson were present. Mr. Miller explained that he felt Mr. Pearson should be given a definite answer as to whether or not he could proceed with the subdivision of this property in conformance with the tentative map if the property is annexed, the hearing on this annexation having been held over from Sept. 10, as originally scheduled.

Several minor changes in the design of the subdivision were desired, but the discussion centered mainly on the small size of the lots--55' x 95'. It was the feeling of the commission, since they had recently gone on record as favoring lots of a minimum width of 60 feet and a minimum square footage of 6,000 feet, it would be a step backward to approve a subdivision with lots of smaller frontages and areas.

Mr. Grimes advised the commission that as far as lot size is concerned, this is covered in the subdivision ordinance and the zoning ordinance now in effect in Modesto, and that the requirements are met in the proposed LaVilla Serena Subdivision. Both Mr. Grimes and Mr. Miller advised that if the larger sized lots are favored by the commission, an amendment to the subdivision ordinance requiring this increase should be requested of the City Council.

It was noted that slightly more or less than 37% of the total area of the subdivision had been devoted to streets and alleys. Mr. Pearson agreed to a complete revision of the subdivision map if the same number of lots could be retained, regardless of size. Mr. Boundey, though opposed to the size of the lots, felt the commission had no legal alternative except to approve them, if presented for formal action, until such time as the ordinance can be amended. Mr. Barton was definitely opposed to the small size of the lots. Mr. Miller stated that if the commission did not object he would report to the City Council that the Planning Commission will approve a subdivision map if it meets all requirements of the subdivision and zoning ordinances. He pointed out this would not necessarily mean the approval of the map in its present form, but merely that approval would not be withheld on account

of the size of the lots providing the subdivision meets the requirements at the time the map is submitted.

Since the matter was not legally or officially before the commission for action, no official action was taken."

The feeling that it would be unfair to the petitioner to hold up the annexation because of the size of the lots, since the requirements of the existing ordinance had been met, was expressed by members of the Council. Approval of the study of the Commission on the 6000 minimum square footage was indicated however.

A general discussion was held on the possibility of reducing the street lengths and redesigning the subdivision so that the lot size could be increased and the same number of lots obtained. Mr. Pearson agreed to work with the Planning Commission in this regard.

The City Manager suggested that approval of the annexation be given by the Council on the basis that the subdivision is in accordance with the city subdivision and zoning ordinances in force at the time of the filing of the map. Councilman R. Adams introduced for adoption

ORDINANCE NO. 1093-N.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE BRIGGS- WHITMORE ADDITION TO THE CITY OF MODESTO", and moved its adoption and passage to print, which motion being duly seconded by Councilman Mellis, was upon roll call carried by the following vote:

Ayes: Councilmen M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Arata moved, seconded by Councilman Annan, and it was unanimously carried, that the annexation be approved on the basis as outlined by the City Manager.

REPORT ON SUGGESTIONS OF O. B. FREESE RELATING TO WATER CHARGES FOR SWIMMING POOLS

A report was filed by Director of Finance Lawrence on the suggestion of O. B. Freese, that the water charges for privately owned swimming pools be on the basis that the meter should be read once a year and charged on the basis of water consumed or minimum rates, whichever

would be
/applicable, and that a \$50 deposit be made to guarantee such charges.

Mr. Lawrence pointed out that other firms and organizations, whose water use is seasonal, pay a minimum charge during the winter months and use very little water. The principal of this method of charge is that used by other utilities in providing a standby charge. If the Council is to consider amending the ordinance as suggested for swimming pool owners, it should seriously consider its effect on other seasonal users. Under the present procedure, the owner of a swimming pool has the right at the end of the summer season or at any time, to order the service discontinued. During the period in which the service is discontinued there would be no minimum charge.

Mr. Freese stated that the people owning a pool were being penalized as they are the only private individuals placed on meters and were placed in the same class with business concerns. He objected to the installation of a meter on his pool since he had gone to considerable expense to install a filter and claimed that he would not use as much water as other property owners used on their yards, since all of his back yard was in concrete.

The City Manager pointed out that the water used was not the only expense involved in furnishing water service, he listed the expenses involved in servicing the water system, wells, meters, salaries of service employees, etc. He suggested that Mr. Freese install a smaller meter, since the basis of the minimum monthly charge was on the size of the meter installed, or that he cut the meter off from the house and place the house on a flat rate and then he could have the meter service discontinued on the pool at the end of the swimming season. He pointed out that other utility companies operate on the same system---provide a monthly minimum charge. He suggested that Mr. Freese confer with the Public Works Department to work out the most satisfactory and economical system in handling the situation.

The Council agreed that special legislation to benefit a few should not be adopted and that the present rates and regulations for water charges were fair and equitable and that no change should be made.

Councilman Annan moved, seconded by Councilman Arata, and

it was unanimously carried, that the request of Mr. Freese, be denied, that the Public Works Department work with Mr. Freese on the most satisfactory method of charging for water service to his premises, that a meter be installed at once on the pool, and that the Finance Department submit a statement to Mr. Freese, for funds now owing.

ACCEPT REPORT FROM CERTIFIED PUBLIC ACCOUNTANT, C. D. NATTINGER ON AUDIT OF 1952-53

The City Manager reported that the audit report filed by C. D. Nattinger, C.P.A. on the 1952-53 city records had been filed and a supplementary report listing changes and criticisms had been submitted. He stated he wished Mr. Lawrence to check these out and submit a complete report. Since the number of copies of the report, as provided in the agreement, had not been supplied by Mr. Nattinger, the City Manager suggested that the approval for the payment of Mr. Nattinger's claim be deferred. Councilman Mellis moved, seconded by Councilman M. Adams, and it was unanimously carried, that the report be accepted and placed on file.

REPORT FROM SIGN AND BILLBOARD COMMITTEE

A report from the Billboard and Sign Committee, appointed by the Mayor, together with a copy of a proposed ordinance, were placed on file with the Council, copies of which had previously been sent to each Councilman for study. Councilman Mellis pointed out that lots of hard work and many compromises had been made by each member of the committee and that the ordinance presented was worthy of consideration by the Council.

Councilman Merrill moved, seconded by Councilman Annan, and it was unanimously carried, that the Mayor be authorized to send a letter of appreciation to Dorothy Murray, Sid Losher and Mel Harris, private citizen representatives on the committee, for the outstanding job done on this committee.

REPORT ON ESTABLISHING PRECISE METHOD OF HANDLING RECURRING CITY PROCEDURE

The City Manager reported that the various departments of the city were in the process of establishing "precise procedures" for numerous recurring city procedures. The basic changes in the charter and the organization of the city, with new requirements have resulted in some confusion and errors. He stated that there are all degrees of

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procedure from, no established procedure to too much procedure. The purpose of these projects is to work out precise procedures, to save the time of the public in getting satisfactory answers to their questions and to enable the Council and the city to proceed with confidence.

PROGRESS REPORT ON POST CARD POLL ON IMPROVEMENTS IN THE NORTH CENTRAL ADDITION

The City Manager reported that letters had been delivered to residents of the recently annexed North Central Addition with attached post card to return, indicating if they wished sewers and street lights and if they wished to pay cash or installments. Approximately one-half of the cards had been returned, with more than one-half in favor of sewers and one-half in favor of street lights. So that the city's decision on these questions could be more representative, it was planned to send additional letters to those who had not replied, with post cards attached, urging them to send in this card.

ADJOURNMENT

Mayor Marks moved, seconded by Councilman M. Adams, and it was unanimously carried, that the meeting now in session adjourn.

ATTEST: *P. E. Baileys*
City Clerk

Sept. 23, 1953

The Council of the City of Modesto met in regular session at 7:30 P.M. as provided by Ordinance No. 1084-N.S.

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

The invocation was given by Dr. Allan R. Goozee of the First Methodist Church.

Roll call was taken by the City Clerk and there were

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Absent: Councilmen: None

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meeting of Sept. 10, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM CENTRAL VALLEY DIVISION OF LEAGUE OF CALIFORNIA CITIES

A notice of an Executive Board meeting of the Central Valley Division of the League of California Cities, to be held on Thursday, Sept. 24 at the Hotel Covell in Modesto, received from A. Bressani, Secretary, for the purpose of nominating a State League Director to fill the unexpired term of State Director Lawrence L. Ventre and to set the date of the next quarterly meeting of the Division to be held in Sonora, was read.

City Attorney Grimes, who was acting in the place of City Manager Miller, absent on business, stated that it would be necessary for the Council to appoint a representative of the City of Modesto on the Executive Board of the Central Valley Division of the League of California Cities, as provided by its by-laws. Councilman Mellis introduced

RESOLUTION NO. 10,330-N.S.

seconded by Councilman Arata, appointing Mayor Marks as representative of the city on the executive board of the Central Valley Division of the League, and Councilman Robert Adams, as alternate, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

LETTERS RE: RUMORS REMOVAL OF STATE HOSPITAL FROM MODESTO

A letter from Carl E. Applegate, Deputy Director Business Services of the State Department of Mental Hygiene, dated Sept. 10, and City Manager Miller's reply, dated Sept. 19, regarding the rumors of the moving of the State Hospital from Modesto, were read and ordered filed.

Mayor Marks stated that Assemblyman Ralph M. Brown had agreed to notify the Council of any further developments in the matter so that the city would have representation, since the location of the hospital at Modesto was vital to the economy of this community.

3 ACCEPT IMPROVEMENT OF TUOLUMNE BLVD., FROM CONTRACTOR GEORGE REED, AUTHORIZE RECORDING OF NOTICE OF COMPLETION AND AUTHORIZE PROGRESS PAYMENT

Changes in the work order on the improvement of Tuolumne Blvd., between Sutter and Merced Avenues, having been formally cleared by the State Department of Public Works, Department of Highway, the City Attorney stated that it would be in order to accept the project as completed by contractor George Reed, authorize progress payment and recording of Notice of Completion, whereupon Councilman Arata introduced

RESOLUTION NO. 10,331-N.S.

seconded by Councilman Annan accepting contract as completed by contractor George Reed, authorizing progress payment of \$17,134.86 and directing the City Clerk to record "Notice of Completion", with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AUTHORIZE PAYMENT TO C. D. NATTINGER, C.P.A. FOR AUDIT OF CITY RECORDS FOR YEAR 1952-53

The City Attorney reported that several minor matters which were delaying the authorization of the payment of the claim of C. D. Nattinger, C.P.A. of \$750 for the audit for the fiscal year 1952-53 records of the city, had been cleared, and that it was in order to

authorize this payment. Councilman Annan introduced

RESOLUTION NO. 10,332-N.S.

seconded by Councilman M. Adams, authorizing payment of the claim of \$750 to C. D. Nattinger, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPOINTMENT OF MEMBERS TO BOARD OF TRUSTEES OF THE McHENRY PUBLIC LIBRARY

Mayor Marks reported that he ^{had} written personal letters to E.R. Utter, who had served as member of the Board of Trustees of the McHenry Public Library for a term of 22 years, and whose term expired on Feb. 1, 1953, and C. R. Browne, who had served for 10 years, and whose term expired on July 1, 1953, advising them that the Council had adopted a policy of rotating appointments on the various commissions and boards in order to provide an opportunity for more citizens to participate in civic activities. Approval of this policy had been expressed by Mr. Utter, but due to the extended absence from the city of Mr. Browne, that he had been unable to hear from him. The Mayor recommended that certificates of merit be issued to both Mr. Utter and Mr. Browne for their long years of service to the community. The Mayor reported that the names of John E. Gorman and Charles S. Zimmerman had been suggested for these appointments.

The City Attorney pointed out that the charter requirements called for the terms of the members on these various boards to expire on Jan. 1 and that the term of at least one member to expire on each succeeding Jan 1. At the present time, he added, there are two members whose terms expire in 1955 and one in 1956. These new appointments must be staggered, one to expire Jan. 1, 1954 and one Jan. 1, 1957. Councilman Mellis introduced

RESOLUTION NO. 10,333-N.S.

seconded by Councilman R. Adams, appointing John E. Gorman, a member of the Board of Trustees of the McHenry Public Library for a term to expire 9-23-53

Jan 1, 1954 and Charles S. Zimmerman for a term to expire Jan 1, 1957, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

DISCUSS MEETING TO BE HELD BY STATE RE: RELOCATION OF HIGHWAY 99

W. R. Hurd, City Projects Engineer, Division of California State Highways, District X, appeared before the Council and requested that a representative from the City Planning Commission be appointed to attend a meeting to be held in either Modesto or Stockton, in the early part of October, on the re-routing of Highway 99. He stated that the state studies had advanced to a degree that they knew approximately what should be done. Representatives from the County and the Ceres Planning Commissions will be present at this meeting. He also issued an invitation to the Council member which the Council as a body accepted, to be present.

Mr. Hurd outlined the procedure to be taken on the re-routing of the highway---the adoption by the Highway Commission of a resolution of intention to adopt a route, at which time the county and city will be notified and be asked if either or both desire a hearing. If neither one desires a hearing, he stated, then the resolution will be adopted without it, but if either desires a hearing a date will be set. After the hearing the state will decide on the final plan to be adopted.

He stated that he was not at liberty to disclose any of the proposed plans but that the bypass will be of full freeway design with separation structures at given distances and frontage roads leading to separation structures. The freeway agreement will be executed by the cities and the county after the state has adopted the route.

When questioned by Councilman Annan, Mr. Hurd stated, that work would start on the freeway as soon as agreements had been signed but that even with the increased revenue from additional gas tax funds, which would speed up the progress, it would be approximately two years before actual construction could start and approximately 4-5 years before the freeway could be used.

A general discussion was held on the possibility of widening

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the present 99 highway bridge across Tuolumne River to a four lane highway by including the sidewalk area, to relieve the intolerable traffic situation. Due to the length of time it would take to complete the new freeway and also due to the current rate of increase of the flow of traffic across the bridge, it was deemed advisable to increase the width of the bridge at once. Councilman Arata introduced .

RESOLUTION NO. 10,341-N.S.

seconded by Councilman Mellis requesting the State Highway Commission to authorize funds in its forthcoming budget to widen the Highway 99 bridge at the earliest possible time, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AUTHORIZE TEMPORARY TRANSFER OF FUNDS FROM GENERAL TO LIBRARY FUND

The City Attorney stated that due to the fact that monies would not be received until November, at which time the taxes are paid, to operate the McHenry Public Library, that a transfer of \$15,000 on loan from the general fund to operate the library until that time would be necessary. Councilman M. Adams introduced

RESOLUTION NO. 10,334-N.S.

seconded by Councilman R. Adams, transferring \$15,000 from the General Fund to the Library Fund, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST OF H. I. LAWRENCE FOR THE RESCHEDULING OF PUBLIC HEARING ON HIS REQUEST TO OPERATE THREE ADDITIONAL TAXICABS

A letter was read from H. I. Lawrence requesting a re-scheduling of a public hearing on his request to operate 3 additional taxicabs, due to the fact that both he and his attorney were absent from the city when the first hearing had been held and that he felt that his case was not properly presented. Councilman Merrill introduced

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RESOLUTION NO. 10,335-N.S.

seconded by Councilman Annan, setting the date of Oct. 7 at 4:30 P.M. at the Council Chambers, as the time and place for the second public hearing on the aforesaid request of H. I. Lawrence, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

ACCEPT GRANT DEED FROM OWEN M. AND ADRIENNE E. BRADLEY ON PROPERTY TO BE USED FOR STREET PURPOSES

The City Attorney presented, for the consideration of the Council, a grant deed from Owen M. and Adrienne E. Bradley, on the west 30 feet of lots 8 and 9 of North Central Tract, to be used for street purposes. Councilman Mellis introduced

RESOLUTION NO. 10,336-N.S.

seconded by Councilman R. Adams, accepting the grant deed and authorizing the recording with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

ACCEPT EASEMENT FROM L. W. AND LOU E. ADAMS-STORM SEWER PURPOSES

The City Attorney presented for the consideration of the Council an easement from L. W. and Lou E. Adams, on a portion of lot 4 in Block 6016 of College Center, granting right of way to construct and maintain storm sewer facilities. Councilman Mellis introduced

RESOLUTION NO. 10,337 N.S.

seconded by Councilman R. Adams, accepting the deed and authorizing the recording with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

RESOLUTION OF INTENTION TO CALL ELECTION FOR ANNEXATION OF LALOMA-YOSEMITE ADDITION

A report was read from the City Clerk stating that the annexation petitions filed by proponents of the LaLoma-Yosemite Addition contained 687 qualified signatures, which was more than one fourth of the 2097 qualified electors residing within the territory, Councilman Annan introduced

RESOLUTION NO. 10,338-N.S.

seconded by Councilman Merrill, declaring that it is the intention to hold an election for annexation of this addition to the city and setting the date of Oct. 14, 1953, at 8:30 P.M., in the Council Chambers, as the time and place for the hearing of protests to the proposed annexation, and providing for the legal publication of this hearing, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Phil Humphreys, from the audience, expressed appreciation of the proponents for the proposed annexation, for the cooperation given by the city's administrative staff.

RESOLUTION OF INTENTION TO HOLD AN ELECTION FOR ANNEXATION OF THE GRANGER ADDITION TO THE CITY OF MODESTO

A report was read from the City Clerk stating that the annexation petitions filed by the proponents of the Granger Addition, contained 120 qualified signatures, which was more than one-fourth of the 277 qualified electors residing within the territory. Councilman Arata introduced

RESOLUTION NO. 10,339-N.S.

seconded by Councilman M. Adams, declaring that it is the intention of the Council to call a special election for the annexation of this addition and setting the date of Oct. 14 at 8:00 P.M., in the Council Chambers as the time and place for the hearing of protests to the proposed annexation and providing for the legal publication of this hearing, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

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ORDINANCE AMENDING ORD. 1088-N.S.(SALES AND USE TAX) TO INCLUDE CHANGES IN THE STATE LAW

The City Attorney presented an ordinance for the consideration of the Council which would amend Ordinance No. 1088-N.S., Sales and Use Tax. He stated that the city sales and use tax ordinance had been patterned after the state sales and use tax law and that certain minor technical changes had been made in this law by the state, which were now effective, and that the proposed ordinance would include these changes in the city ordinance. Councilman Mellis introduced for adoption.

ORDINANCE NO. 1094-N.S.

entitled: "AN ORDINANCE AMENDING SECTIONS 4 and 5 OF ORDINANCE NO. 1088-N.S OF THE CITY OF MODESTO, ENTITLED: 'AN ORDINANCE ESTABLISHING AND LEVYING A SALES AND USE TAX ON RETAIL SALES OF TANGIBLE PERSONAL PROPERTY WITHIN THE CITY OF MODESTO, PROVIDING FOR PERMITS TO RETAILERS, PROVIDING FOR THE COLLECTION AND PAYMENT OF SUCH TAXES AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF' and moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, it was upon roll call carried and ordered published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

ORDINANCE AMENDING ORDINANCE NO. 345-N.S. TRAFFIC ORDINANCE PROVIDING REGULATION OF PARKING AND LOADING AND/OR UNLOADING BY RESOLUTION

The City Attorney presented for the consideration of the Council an ordinance amending Ord. 345-N.S. which would permit the Council to restrict or prohibit the parking, loading and/or unloading of motor vehicles in the streets or alleys by resolution instead of by ordinance, thus facilitating the handling of traffic matters. He stated that upon the effective date of this ordinance a resolution could be adopted prohibiting loading and/or unloading in the rear of the Parking Authority parking lot in Block 56, 9th St. bet. I and J Streets. Councilman Annan introduced

ORDINANCE NO. 1095-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S OF THE CITY OF MODESTO ENTITLED: 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS

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OF THE CITY OF MODESTO' AS AMENDED, BY ADDING SECTION 34.1 TO SAID ORDINANCE" and moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVE AGREEMENT WITH STATE PERSONNEL BOARD FOR EXAMINING PURPOSES

With the unanimous consent of the Council, the City Attorney presented an agreement with the State Personnel Board for examining purposes. He stated that the new agreement was basically the same as the previous year but that this year no list of "guarantee classes" would be submitted, for which the city pays a set fee of \$12.00 each, with an additional scheduling fee of \$20, whenever an examination is given. Under the new system each examination scheduled will cost slightly more than under the previous system but the savings will more than cover the previous guarantee fee of \$432. It is estimated that the cost to the city for this year's contract will be approximately \$900, as against last year's cost of \$934.55. Councilman R. Adams introduced

RESOLUTION NO. 10,340-N.S.

seconded by Councilman Mellis, approving the agreement as presented and authorizing the execution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen; M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PROGRESS REPORT ON CONTRACTS UNDER CONSTRUCTION FOR SEWER LINES AND IMPROVEMENTS TO SANITARY AND INDUSTRIAL WASTE TREATMENT PLANTS

Director of Public Works Ray gave a progress report on the seven contracts now under construction on the improvement of the industrial and sanitary sewer system.

Sanitary sewer trunk line-Emerald Ave. and Woodland Ave. Stockton Construction Company, contractor---Completed for a distance of 800 feet,-- Section between M.I.D. #4 lateral and Maze Road, deeper part of the section, was to start this week.

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Deck Aerator extension for sewage and industrial wastes treatment plant
Ke-Ston & Muny, contractors, 99% complete, entire set up is in operation
and there are only a few minor matters to be completed.

Sanitary sewer trunk lines on Orangeburg, Tully and Briggsmore Avenues
Stolte Inc. contractors, approximately 50% complete.

Sewage pumping plant for Emerald Ave. Trunk sewer Stolte Inc. contractor
65% complete, principal amount of work completed and a large amount of
equipment has been received by contractor.

Sanitary sewer trunk line on Granger Ave. bet. Tully & McHenry Avenues
Stole Inc. contractor--pipe line on this project up to approximately
Bronson Ave., coming along on schedule, about one-third complete.

Sanitary sewer trunk line on Roseburg Ave. bet. Tully and McHenry Avenues.

Another machine will be brought in by the contractor to speed up construction

Industrial waste treatment works ---Ke-Ston & Muny contractors. Excavation
complete and the building forms are being constructed.

All the work will be completed in line with the completion dates
on the contracts except the Emerald Avenue sewer, he stated, which is
the most important to the city. The contractor has been asked to get
another crew and machine on the job to speed up the work.

DISCUSS OPERATION OF TIDEWATER SOUTHERN RAILROAD ON VIRGINIA AVE.

The City Attorney stated that he had been contacted by a group
of citizens living in the vicinity of the Virginia Avenue tracks of the
Tidewater Southern railroad, protesting to the noise created by the
trains. The possibility of these citizens appearing before the Council
and the Board of Supervisors with signed petitions requesting that the
franchise, which expires in Feb. 1954, not be renewed, should be consider-
ed. Also the possibility of increased operations of the railroad when the
industrial area south of the city develops, should be considered in the
next few weeks. Whether the city could place certain requirements in
the renewal of a franchise regulating the trans through residential
districts should be considered.

Councilman Arata suggested that the City Attorney prepare a
report on this matter for the consideration of the Council.

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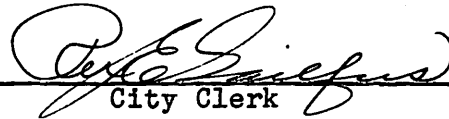
REPORT TO BE SUBMITTED TO COUNCIL ON TRAFFIC SITUATION AT CERTAIN INTER-
SECTIONS

Councilman Mellis asked that a report be submitted to the Council on the traffic situation at the corners of 14th and D Streets and Fourteenth and H Streets.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman M. Adams, that the Council meeting now in session adjourn.

Attest:


City Clerk

October 7, 1953

The Council of the City of Modesto met in regular session at 4:00 P.M. this date, as provided by Ordinance No. 1084-N.S.

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

Invocation was given by Rev. Orval Brewer of the Olympic Baptist Church.

Roll call was taken by the City Clerk and there were

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks
Absent: Councilmen: Merrill

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meeting of Sept. 16, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM NORMAN WEST, VISITING IN SWITZERLAND

A letter from Norman West, who is visiting in Zurich, Switzerland, was read by Mayor Marks and ordered filed.

GRANT PERMIT TO ERECT TENT 7th & G STREETS FOR REVIVAL SERVICES ASSEMBLY OF GOD TABERNACLE

A request was filed by the Assembly of God Tabernacle 6th & G Streets, to erect a 60' x 90' fireproof tent on Block 31, lots 1-8, (7th and G Streets), adjoining their church property, to conduct revival services beginning Oct. 4, for a period of 3 weeks, from 7:30 P.M. to 10:00 P.M.

Councilman Annan moved, seconded by Councilman M. Adams, and it was unanimously carried, that permit be granted to applicant, for the hours and period of time set forth in the application, to erect a tent at above described location with the understanding that if a loud speaker is used that the volume be controlled so that it will not be a nuisance to adjoining residents.

LETTER FROM SOCIETY OF RESIDENTIAL APPRAISERS RE MEETING ON OCT. 9

An invitation to the Council from the Modesto Chapter No. 82 of the Society of Residential Appraisers to attend a dinner meeting to be held on Friday, Oct. 9, at the Hotel Covell was read and ordered filed.

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4/ NOTICE OF LEAGUE MEETING IN SONORA OCT. 8

A notice of a quarterly meeting of the Central Valley Division of the League of California Cities, to be held in Sonora, Oct. 8th, was read and ordered filed.

5/ NOTICE OF HEARING BEFORE PUBLIC UTILITIES COMMISSION TO ESTABLISH A LIST OF GRADE CROSSINGS OF RAILROADS

A notice of a hearing to be held before the Public Utilities Commission of the State of California on Wednesday, Nov. 4, at 10 A.M., in the Commission Courtroom, State Building, San Francisco, for the purpose of establishing a list of the grade crossings of railroads and city, county, or city and county highways urgently in need of improved protection, and to determine the nature of needed improved protection at such crossings, was read.

Councilman Arata moved, seconded by Councilman Mellis and it was unanimously carried that the City Manager and the City Attorney be authorized to attend and represent the city at this meeting and present a report on the urgent need of an east-west grade crossing in the City of Modesto.

6/ LETTER FROM TIDEWATER SOUTHERN RAILWAY CO. RE: REDUCE TONE OF WHISTLE ON TRAINS

A letter was read and ordered filed, from R. T. Kearney, President of the Tidewater Southern Railway Company, stating that arrangements had been made by his company to reduce the tone of the whistle on its train so as to eliminate the possibility of any further complaints by residents adjoining their tracks.

7/ AWARD BIDS ON PIPE, VALVES AND FITTINGS

Copies of the tabulation of the bids received for pipe, valves and fittings, which had previously been opened on Sept. 28, were distributed to each Councilman. The City Manager stated that Director of Public Works Ray had filed a report with him recommending that the low bid of \$29,150 of the United States Pipe & Foundry on items 1 and 2 for 4" and 6" cast iron pipe and alternate bid of Johns-Mansville of \$42,523 on 8" and 10" Asbestos Cement Pipe, on items 3a and 4a, be accepted.

The report, the City Manager stated, pointed out that the bid of Crane Co. on items 3a and 4a of \$41,550 was lower but that the carrying capacity of the 10" transite pipe of Johns-Mansville, was greater than that

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of the century pipe bid on by Crane Co.

A representative from the Crane Company, pointed out that their pipe could be used with cast iron pipe fittings without an adapter, thus decreasing installation costs, which was not true of the transite pipe.

The fact that cast iron pipe was stronger than asbestos cement pipe and would last much longer, was brought out by a representative from the United States Pipe and Foundry Co.

The City Manager stated that if the Council had a preference between cast iron pipe and asbestos cement pipe, that either type would be satisfactory from the Public Works Department standpoint, that the price difference was small but that consideration should be given to bid procedure, which was based on the assumption that the award should be made to the lowest and best bid.

Councilman Mellis expressed himself in favor of cast iron pipe.

Councilman Annan stated that in his opinion the recommendation of the Public Works Department should be considered and introduced

RESOLUTION NO. 10,342-N.S.

seconded by Councilman Arata, accepting the bid of the United States Pipe & Foundry Company on items 1 and 2 of \$29,150.00 and authorizing execution of contract for the purchase, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

Mayor Marks polled the Council on the proposal to purchase cast iron pipe or asbestos concrete pipe which resulted in four in favor of cast iron pipe and two in favor of asbestos concrete pipe.

Councilman Mellis introduced

RESOLUTION NO. 10,343-N.S.

seconded by Councilman R. Adams, accepting the bid of the United States Pipe & Foundry Co. on items 3 and 4 of \$44,253, and authorizing execution of contract for the purchase, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

The City Manager reported that the Director of Public Works had recommended that the bid of Grinnell Company, on the valves and fittings, be accepted. Councilman R. Adams introduced

RESOLUTION NO. 10,344-N.S.

seconded by Councilman Mellis, accepting the bid of Grinnell Company of \$6,939.18 on the 150" W.P. cast iron bronze valves, as it was the lowest and best bid, and authorizing the execution of contract for the purchase, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

Councilman Annan introduced

RESOLUTION NO. 10,345-N.S.

seconded by Councilman Arata, accepting the bid of Grimmell Company of \$2,933.16 on the class D Bell & spigot fittings, as it was the lowest and best bid, and authorizing the execution of contract for the purchase, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

HEARING ON PROPOSED ANNEXATION OF CAROLAND MANOR ADDITION

Mayor Marks declared the meeting open on the hearing of protests to the proposed annexation of Caroland Manor to the city. A report was read from the City Clerk stating that notices, as prescribed by law, had been mailed to interested parties, and that no written protests had been filed. The Mayor asked for oral protests from the audience, and when none were received, declared the hearing closed. Councilman Arata introduced for adoption and passage to print

ORDINANCE NO. 1096-N.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE CAROLAND MANOR ADDITION TO THE CITY OF MODESTO", which motion being seconded by

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Councilman Annan, was upon roll call carried and ordered published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

HEARING ON APPLICATION OF HERSHEL I. LAWRENCE TO OPERATE 3 ADDITIONAL TAXICABS

Mayor Marks declared the meeting open for the hearing of protests to the application of Herschel I. Lawrence, dba. Smitty's Taxicab, to operate 3 additional taxicabs.

A report from Police Chief Neel was read by the City Manager which stated that Mr. Lawrence had agreed to reduce his application to 2 permits since it had been explained to him that the ordinance would permit the substitution of taxicabs while repairs were being made. It was the recommendation of the Police Chief that 2 additional permits be granted to Mr. Lawrence if at least 2 existing certificates held by other operators were cancelled. He also recommended that four of the existing 20 certificates be cancelled--- Modesto Cab Co., one certificate, Joe's Cab Co., one certificate, and Yellow Cab Company, two certificates.

The Police Chief stated that since the above report had been prepared, Mr. Sequeira had relinquished one permit, that Mr. Secreto had agreed to relinquish one permit, Mr. Lester had stated he would only need two permits.

When the Council questioned whether the public convenience and necessity required any additional taxicabs, Mr. Lawrence stated that he had been losing business continually since he had severed connections with the Modesto Cab Co., and was operating 3 instead of 6 cabs from his stand, and that the expenses, since his cars were radio equipped, would not warrant his operating if he was only granted permit for 3 cabs. He informed the Council that he would not require additional taxi stands on the streets since his cars were radio equipped and he had made arrangements for stands on private property.

Mr. Secreto stated that in order to protect Mr. Lawrence and all the other taxicab operators, he questioned the advisability of granting additional permits since general business conditions would not warrant the

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operation of additional cabs in the city.

The City Attorney pointed out that since the taxicab business was a governmentally regulated monopoly, the stability of the present service, as well as the need for additional facilities should be taken into consideration by the Council before additional permits were granted.

Councilman Annan stated that since Mr. Lawrence was losing business and since he had gone to additional expense to equip his cars with radio to give better taxi service, that he would move that 2 existing permits be cancelled by the Council and issued to Mr. Lawrence as per his request. When it was pointed out to Councilman Annan that his motion was out of order since the matter for consideration at the hearing was the granting of additional permits to Mr. Lawrence, he withdrew his motion.

Councilman Annan introduced

RESOLUTION NO. 10,346-N.S.

seconded by Councilman M. Adams, declaring that the public convenience and necessity requires additional taxicab service and authorizing the issuance of certificates of public convenience and necessity for the operation of 2 additional taxicabs to Herschel I. Lawrence, dba Smitty's Taxicab Co. which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Marks

Noes: Councilmen: Mellis

Absent: Councilmen: Merrill

Mayor Marks declared the hearing closed.

As recommended by the Police Chief, Councilman Mellis introduced

RESOLUTION NO. 10,347-N.S.

seconded by Councilman M. Adams, cancelling one certificate of public convenience^{and necessity}/to operate a taxicab for each of the following companies, Modesto Cab Company, Yellow Cab Company and Joe's Taxicab Co., as authorized by section 2, subsection M, subsection 3 of Ordinance No. 1053-N.S., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

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REPORT BY CITY MANAGER ON TRANSFER OF STAND OF YELLOW CAB COMPANY FROM 10th & J STREETS TO H STREET IN FRONT OF NEVADA CLUB

The City Manager reported that a recommendation had been made by the Police Department that the Yellow Cab Company taxi stand now located at 10th and J Streets be moved to H Street, in front of the Nevada Club, between 9th and 10th Streets and requested that the Council investigate before any action was taken.

FINAL ADOPTION ORDINANCE NO. 1095-N.S. AMEND ORDINANCE 345-N.S.

Ordinance No. 1095-N.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, BY ADDING SECTION 34.1 TO SAID ORDINANCE" having been heretofore introduced and ordered printed and published at the regular meeting of Sept. 23, Councilman M. Adams moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

DISCUSSION ON BILLBOARD AND SIGN ORDINANCE

The billboard and sign ordinance, copies of which had previously been distributed to members of the Council, prepared by the committee appointed by the Mayor, was considered.

A. D. Gordon, J. R. Kenworthy, R. H. Spencer, Warren E. Munford, Mrs. Dorothy Murray and Howard Ballaris, members of the committee were present at the meeting.

Councilman M. Adams suggested two minor changes, 1) that plate glass be eliminated as a material permissible to be used in signs, since safety glass was readily available, and 2) that the wording in section 12, "Exemptions", be clarified to show that the exemptions on substantial and permanent wall signs, which do not exceed 10 square feet, applied only to the application and fee requirements.

Councilman Mellis suggested that the ordinance be changed to prohibit the erection of sidewalk clocks entirely.

Members of the committee concurred in all of these suggestions.
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It was moved by Councilman Mellis, seconded by Councilman Arata and unanimously carried, that that portion of section 30 relating to street clocks, prohibit use of sidewalk pedestal clocks.

Councilman M. Adams, moved, seconded by Councilman Annan and it was unanimously carried, that subsection 3 of subsection b of section 25 be changed to eliminate the authorization to use plate glass.

It was moved by Councilman Mellis, seconded by Councilman M. Adams, and unanimously carried, that section 12 be redrafted, so that the exemption, to substantial or permanent wall signs which do not exceed 10 sq. ft. in area, should apply only to application and fee requirements.

The City Manager pointed out, 1) that if the provision authorizing temporary signs does not work out in practice it might be necessary to reconsider in the light of experience, and 2) that if temporary signs permitted in certain areas would be in conflict with the fire prevention code, that the fire prevention code would prevail.

It was moved by Councilman Adams, seconded by Councilman Arata, and unanimously carried, that the City Attorney be instructed to prepare the ordinance with the suggested changes for consideration at the next meeting of the Council.

Mayor Marks stated that the new billboard and sign ordinance would rescind ordinance No. 302-N.S., which presently included the fee to be charged for outdoor advertising, and that the City Attorney had prepared an ordinance, which would amend the business license ordinance, to provide a fee, copies of which had been previously distributed to the Council members for their consideration.

A general discussion was held by members of the committee and the Council on the advisability of establishing the fee for maintaining billboards on a fixed fee basis, rather than on a fixed fee and a square yard basis. Mr. Munford, representing Foster & Kleiser, the only company presently licensed to conduct outdoor advertising in the city, stated that his company would be willing to pay an annual fee of \$125, which would exceed the amount previously paid, if the fee could be made on a fixed basis rather than based on a square yard basis.

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It was generally agreed that it would be more equitable if a basis of paying the fee quarterly was provided, and that the fee should be \$35.00 per quarter if paid quarterly and \$125.00 per year, if paid annually.

It was the general concensus of opinion that the present fee charged persons conducting the business of advertising by means of electric signs of \$10.00 for the first quarter and thereafter 2¢ per quarter for each square foot, remain the same.

Councilman Mellis moved, seconded by Councilman R. Adams, and it was unanimously carried that the City Attorney prepare an ordinance for the consideration of the Council which would provide for the license fee for outdoor advertising of \$35.00 per quarter, if paid quarterly, and \$125.00 per year, if paid annually.

AUTHORIZE PURCHASE OF COMPRESSOR FOR PUBLIC WORKS DEPARTMENT

A tabulation of the nine informal bids received for the purchase of a compressor for the Public Works Department, which had been authorized at the Council meeting of Sept. 16, were distributed to the Council members for their consideration.

The City Manager stated that it had been the recommendation of the Director of Public Works that the bid of \$1804.56 of the Stanislaus Implement & Hardware Co., for a deluxe model Schramm, be accepted. It was moved by Councilman Arata, seconded by Councilman M. Adams, and unanimously carried, that the purchase of this equipment as recommended by the Director of Public Works, be authorized.

RESOLUTION OF INTENTION TO HOLD ELECTION FOR ANNEXATION OF THE FREMONT ADDITION TO THE CITY

A statement filed by the City Clerk was read, certifying that petitions filed by proponents for the annexation of the Fremont addition to the city contained signatures of 108 qualified electors residing in the addition, which was more than one-fourth of the 387 qualified electors as provided by law.

Councilman R. Adams introduced

RESOLUTION NO. 10,348-N.S.

seconded by Councilman Mellis, declaring that it is the intention of the Council to call a special election to be held on the 1st day of December, 1953,
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and setting the date of Oct. 28 at 8:00 P.M. in the Council Chambers as the time and place for the hearing of protests to the proposed annexation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

REQUEST TO RENAME PORTION OF CROWS LANDING ROAD FROM SIERRA DRIVE TO SOUTH CITY LIMITS SOUTH SEVENTH STREET

George Ground Jr. appeared before the Council relative to the proposed changing of the name by the county of the old 99 Highway to South Seventh Street and expressed "the hope" that the city would also change the name of Crows Landing Road, from Sierra Drive to the south city limits, to South Seventh Street.

He was advised that no action could be taken by the Council until the public hearing scheduled by the City Planning Commission for Nov. 3 at 2: P/M., had been held.

DISCUSS "NO PARKING" ZONE ESTABLISHED ON SEMPLE STREET AT DOWNEY AVENUE

Mr. and Mrs. C. L. Wootten, 229 Downey Avenue, appeared before the Council protesting to the 86 ft. "no parking" zone recently established by the city on both sides of Semple Street at the intersection of Downey Ave.

Suggestions that a portion of Semple Street be established as a "one way" street, near the intersection, that the "no parking" zone be reduced to 40 feet and that parking be prohibited for one space in front of Dr. DeLappe's office were discussed and it was agreed that the members of the Council would make an inspection and the City Manager should make a further check and report to the Council.

CALLING FOR BIDS FOR AUTOMOTIVE EQUIPMENT HELD OVER.

The calling for bids for automotive equipment was held over for a further checking on the standardization of a color and the higher trade-in value between the business Coupe and pick-up models.

ACCEPT DECK AERATOR EXTENSION FROM CONTRACTOR KE-STON & MUNY

A report filed by Director of Public Works Ray stating that the construction of the Deck Aerator extension had been completed by Ke-Ston & Muny, and that progress payment of \$5,552.53 was due, was read.

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Councilman Mellis introduced

RESOLUTION NO. 10,349-N.S.

seconded by Councilman Annan, accepting the construction of the deck aerator extension from Ke-Ston & Muny, authorizing progress payment of \$5,552.53 and recording of "Notice of Completion" with the County Recorder which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

AUTHORIZE PURCHASE OF PENTAVATE

Upon the recommendation of the City Manager, Councilman Annan moved, seconded by Councilman Arata, and it was unanimously carried, that the purchase of 3900 gal. of Pent-a-vate be approved.

APPROVE AGREEMENT WITH V. E. BARTON ET UX FOR SEWER SERVICE TO BARTON OAKS

The City Attorney presented for the consideration of the Council, an agreement with V. E. Barton et ux. for the furnishing of sewer service by the City to the Barton Oaks subdivision.

Councilman Arata introduced

RESOLUTION NO. 10,350-N.S.

seconded by Councilman Annan, approving agreement, and authorizing execution, and authorizing payment of \$500 to Mr. Barton upon completion of the construction of the first 250 feet of sewer line and acceptance by the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

AUTHORIZE EXECUTION OF RELEASES FOR DAMAGE CLAIM OF CITY WITH MODESTO JUNIOR CHAMBER OF COMMERCE AND THE PAN AMERICAN AMUSEMENT CORP.

The City Attorney presented releases for consideration of the Council from the Modesto Junior Chamber of Commerce and Pan American Amusement Corporation which covered the claim of the city for \$220 for damages to the municipal golf course which occurred on Sept. 27, 1953, while the Junior Chamber was leasing the municipal ball park. Councilman Annan introduced

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RESOLUTION NO. 10,351-N.S.

seconded by Councilman Arata, authorizing the City Manager to execute the two releases, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

REPORT ON DELINQUENT PAYMENTS DUE THE CITY BY THE MODESTO COMMUNITY ATHLETIC ASSOCIATION

Upon a question by Councilman Mellis, Director of Finance Lawrence reported that the Modesto Community Athletic Association was delinquent in its payments for police services at the games for year 1952 in an amount of \$2100.00 and that there remained unpaid a balance of approximately \$1100.00 for this year.

RELEASE OF IMPROVEMENT BOND CAMPUS TRACT #3-ROBERT P. BOMBERGER

The City Manager reported that the improvements in the Campus Tract #3 had been completed to the satisfaction of the Public Works Department by the subdivider, Robert P. Bomberger.

Councilman M. Adams introduced

RESOLUTION NO. 10,352-N.S.

seconded by Councilman R. Adams authorizing the release of the subdivision bond furnished by Robert P. Bomberger, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

AUTHORIZE PAYMENT TO STANISLAUS COUNTY BAND

It was moved by Councilman Mellis, seconded by Councilman R. Adams, and unanimously carried that the claim of \$600.00 of the Stanislaus County Band for summer concerts be allowed.

AUTHORIZE RENEWAL OF LEASE FOR ATTORNEY'S OFFICE FOR ONE YEAR

The City Attorney presented for the consideration of the Council, renewal lease agreement with D. E. and Carl W. Shannon for the rental of suite 5, Carlton Building, 925 12th Street (City Attorney's office) for a period of one year, beginning Oct. 5, 1953, on the same terms and conditions

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as the present lease. Councilman M. Adams introduced

RESOLUTION NO. 10,353-N.S.

seconded by Councilman Annan, approving the lease agreement and authorizing execution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

ENFORCEMENT OF ORDINANCE PROHIBITING JAY WALKING

The City Manager stated that it was proposed by the Police Department to put on a program beginning Nov. 1, of more rigid enforcement of section 10 of Ordinance 345-N.S. which prohibits jay walking. An educational program was planned, through the newspapers and radio, the use of a loud speaker, and the placing of placards in the business area reading: "We want you to live in Modesto-Jay-Walking Prohibited", warning jay walkers. He pointed out that some objection to the enforcement could be expected.

The City Attorney recommended that in connection with this program that pedestrians right of way in the cross walk be rigorously enforced.

Police Chief Neel stated that citations were already being issued on failure to yield right of way to pedestrians and that it would take a lot of education and enforcement to change the ways of the general public in both the jay walking and yielding right of way to pedestrians. He pointed out that the program would be conducted with fairness and in a reasonable manner.

DISCUSS ESTABLISHMENT OF "SCRAMBLE" SYSTEM OF PEDESTRIAN CROSSING

A discussion was held on the possibility of establishing the "scramble system" of pedestrian crossing at certain busy intersections in the business district. Councilman M. Adams moved, seconded by Councilman Annan, and it was unanimously carried, that a study be made on the approximate cost for the converting of the present automatic traffic signals to this type of system and the practicality of initiating this system in Modesto as far as time is concerned.

DISCUSS RELOCATION OF STATE HIGHWAY 99-LETTER FROM FRANKLIN J. BILLS DIRECTOR OF PLANNING.

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Delay in setting a date to meet with city officials regarding the relocation of State Highway 99 due to the fact that Sacramento had presented some completely new and different ideas which must be analyzed by the staff of the Stockton office of the Division of Highways, was set forth in a letter from Director of Planning Bills. He stated that he had been advised that there would be an indefinite delay in plans to discuss the details of the highway 99 freeway proposal, despite the fact that Mr. Hurd of the State Division of Highways earlier had advised that the meeting would be held early in October.

A motion introduced by Councilman Arata, seconded by Councilman M. Adams that the Stockton office of the State Division of Highway, set a definite date for the Council to confer with them relative to the proposed plans for a freeway and the widening of the 99 highway bridge was withdrawn, and Councilman Mellis introduced a motion, seconded by Councilman R. Adams and it was unanimously carried that a resolution be prepared for the consideration of the Council, protesting to the delay on the part of the state for the consideration of plans for the construction of a freeway and widening of the 99 highway bridge to 4 lanes and urging that immediate action be taken for meetings on this matter.

REPORT FILED BY PARKING AUTHORITY ON "PROPOSED OFF-STREET PARKING PROGRAM"

A report prepared by the City Parking Authority on the "Proposed Off-Street Parking Program", a copy of which is on file in the office of the City Clerk, was ordered filed.

The City Attorney pointed out the importance of this report which was the result of many hours of study on the part of the administrative staff of the Parking Authority, and the Off-Street Parking Committee of the Chamber of Commerce.

It was moved by Councilman Arata, seconded by Councilman Annan, and unanimously carried that the City Manager notify the Parking Authority, and the Off-Street Parking Committee from the Chamber of Commerce that the Council will meet with them on Monday, Oct. 26 at 7:30 P.M., in public session, and that during that time the Council will study the administrative staff report of the Parking Authority, Gordon Whitnall's report, and the Off-Street Committee's report, and also during the week of Oct. 19-21 at the League of
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California meeting the Council would be exploring other cities solution of this problem.

At the suggestion of City Attorney Grimes, an invitation was issued to the parking authority members and the Chamber committee to attend a discussion meeting on these problems scheduled for the League Conference.

SET DATE OF COUNCIL MEETING

It was moved by Councilman Arata, seconded by Councilman R. Adams and unanimously carried that due to the fact the League conference will be in session during the week of Oct. 19-21, that the Council meeting scheduled for 7:30 P.M. Oct. 21 be changed to Thursday, October 22, at 4:00 P.M.

DEFER REPORT BY CITY MANAGER ON THE CONVENTION OF THE INTERNATIONAL CITY MANAGER'S ASSOCIATION CONFERENCE IN LOS ANGELES

Due to the lengthy calendar, the report by the City Manager, on the recent convention of the International City Manager's Association, held in Los Angeles, was deferred until a later meeting.

PURCHASE OF NEW TYPE OF PARKING METERS

The City Manager requested permission, to which the Council concurred, to purchase automative meters for installation on L Street, between 9th & 11th Streets instead of the manual, as are presently installed on other streets in the city.

REPORT ON YOUTH CENTER

A progress report on the Youth Center, a copy of which is on file in the office of the City Clerk, was filed. The City Manager pointed out the importance of considering recruits for the position of supervisory director of the center, so that the director could be here during the development of the program for the center, and to avoid rushing out to hire a person when the need is pressing.

REPORT ON CITIZENS SUGGESTION FOR BASIS OF SEWER SERVICE CHARGES

The City Manager advised the Council that a copy of a suggestion for basis of sewer service charges made by Mrs. Raney, 1310 G Street would be made and sent to them for their information.

LETTER FROM ROBERT D. CALKINS, CONSERVATION EDUCATION DIRECTOR OF STATE DEPARTMENT OF FISH & GAME RELATIVE TO DENNETT DAM

A letter from Robert D. Calkins, Conservation Education Director
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of the State Department of Fish and Game, relating to the proposed construction of a dam on the Tuolumne River, was read and ordered filed.

The City Manager stated that Mayor Marks and he had met with County Administrator Hane and Supervisor Ables and discussed city-county fiscal relations including the rebuilding of the dam and the joint operation of the McHenry Library and that later meetings would be held.

An investigation is being jointly made by the city and county at the present time on the plans for the construction of the dam, the City Manager reported.

36 REPORT ON INVENTORY OF FIXED ASSETS OF THE CITY

As provided by sec. 801 (2) of the City Charter a copy of an inventory of the fixed assets owned by the City of Modesto as of June 30, 1953, was filed by the City Manager with the Council which was ordered filed in the office of the City Clerk.

37 REPORT ON POSTCARD POLL OF NORTH CENTRAL ADDITION

A report was made by the City Manager on the postcard poll of the North Central Addition concerning the desire for sewer laterals and street lights. Of the 450 cards distributed, 374 were returned with approximately 78% desiring sewer laterals and 70% street lights. Justification for the starting of a program for these improvements, seems to be conclusive from this report, he stated. Councilman Mellis moved, seconded by Councilman Annan, and it was unanimously carried that the City Manager be authorized to make the necessary studies for the preparation of plans and specifications for the consideration of the Council.

38 GRANT LEAVE OF ABSENCE TO COUNCILMAN ARATA TO LEAVE CITY

It was moved by Councilman R. Adams, seconded by Councilman Mellis and unanimously carried that Councilman Arata be granted a 35 days leave of absence, and authorize him to leave the continental limits of U. S.

ADJOURNMENT

It was moved by Councilman Annan, seconded by Councilman M. Adams, and unanimously carried, that the meeting now in session adjourn.


ATTEST: REX E. GALLEOS, CITY CLERK
10-7-53

October 14, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Ordinance No. 1084-N.S.

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

Invocation was given by Rev. Robert M. Woodburn of the First Baptist Church.

The City Clerk called the roll of the Council members and there were

Present: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor

Marks

Absent: Councilmen: Arata

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meeting of Sept. 23, and the same being available for public inspection, and there being no objections, the minutes were approved.

FURTHER DISCUSSION ON "NO PARKING ZONE" ESTABLISHED ON SEMPLE STREET AT DOWNEY AVENUE INTERSECTION

Oral protests filed by Dr. G. W. DeLappe and Mr. and Mrs. C. W. Wootten to the "no parking" area recently installed on Semple St. at Downey Ave., which were held over until the Council members could make an "on the spot" inspection, were reconsidered at this time.

A petition protesting to the present parking regulation, signed by 16 patients of Dr. DeLappe and Dr. D. J. New, was filed by Dr. DeLappe. Reluctance to use an undeveloped area in the rear of his office was expressed by Dr. DeLappe, due to plans to extend the present building, and the cost involved in installing a driveway approach and black topping the property.

Both Dr. DeLappe and Mr. and Mrs. Wootten, who were present, agreed that it would be agreeable with them, if the present "no parking" area on Semple Street was reduced from 86 ft. to 40 ft. and parking prohibited in the first parking space on Downey Avenue, directly in front of the doctors' office.

Mayor Marks pointed out that any change in the present parking

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regulations at this location would be a compromise arrangement, to be tried out and if proven unsuccessful, reconsideration by the Council would be given.

At the request of Councilman Merrill, who had been absent from the city, action on the protests was delayed until he had had an opportunity to inspect the location.

2 REQUEST EXHIBIT FIREARMS AND WAR EQUIPMENT-MILITARY ORDER OF THE PURPLE HEART

A request from Harold H. Bartlett, Department Adjutant, Department of California, Military Order of Purple Heart, for permission to display on the public streets, an exhibit of antique and modern firearms and war equipment, was read. It was moved by Councilman Annan, seconded by Councilman R. Adams, ^{and unanimously carried} that the request be referred to the local chapter for their consideration.

3 SAM MORAN REQUESTS CONSTRUCTION OF GRADE CROSSING BE CONSIDERED

Sam Moran appeared before the Council urging the immediate construction of an east-west grade crossing over the Southern Pacific tracks.

Mayor Marks pointed out that the Council recognized the vital need of the grade crossing but that the construction of the freeway and access roads would influence the location of the crossing materially. Financing of the crossing, along with a number of much needed projects would be considered in planning an over-all program for the betterment of the community, he stated.

The City Manager stated that participation in the cost of the crossing by the Southern Pacific Company and State would probably be minor but that the percentage of participation would be explored at the public hearing being held by the Public Utilities Commission in San Francisco on Nov. 4th for the purpose of establishing a list of grade crossings of railroads and city, county or city and county highways, and at which meeting the city would be represented.

OFFER OF ASSISTANCE FROM LIONS CLUBS FOR IMPROVEMENT IN PARK AREA AT ORANGEBURG AND BRONSON AVENUES

Sam Moran stated that both the 500 Lions Club and the McHenry Club offered their assistance to the city in the improvement of the park

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area located on Orangeburg and Bronson Avenue and would be ready to proceed as soon as they heard from the Superintendent of Parks.

RESOLUTION CALLING SPECIAL ELECTION FOR ANNEXATION OF GRANGER ADDITION TO THE CITY

Mayor Marks declared the hearing open for the consideration of protests to the proposed annexation of the Granger Addition to the City of Modesto, as provided by Resolution No. 10,339-N.S.

The City Clerk filed a report that no written protests had been filed.

When no oral protests were filed against the proposed annexation, the Mayor declared the hearing closed.

Councilman Mellis introduced

RESOLUTION NO. 10,354-N.S.

seconded by Councilman R. Adams, calling a special election to be held on the 17th day of Nov. 1953, pertaining to the annexation of Granger Addition to the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

DISCUSS PROPOSED BILLBOARD AND SIGN ORDINANCE

The City Attorney stated that a number of people had contacted him with regard to various suggestions to be included in the proposed billboard and sign ordinance, which was to be considered by the Council at this meeting, and also that a number of people were present for the purpose of offering amendments and comments on the ordinance. Since the ordinance to be considered had been prepared by a committee, he suggested that the various suggested changes and comments be reduced to writing so that the Council could refer them to the committee and thus avail themselves of the study made by the committee on the ordinance.

Mayor Marks questioned if this procedure would be satisfactory with the people present at the meeting, to which they agreed.

P. Arnold Anderson, Executive Vice President of the Municipal License & Tax Association, requested permission to meet with the committee when the suggestions were considered. It was suggested by the City Attorney that any

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of the persons present who wished to meet with the committee, leave their names and addresses with the City Clerk so that they could be notified of the time and place of the committee meeting.

The proposed ordinance regulating the license fee to be paid by persons conducting the business of outdoor advertising, was also held over so that it would be considered at the same time.

7 APPROVE SPECIFICATIONS AND AUTHORIZE CALLING FOR BIDS FOR AUTOMOTIVE EQUIPMENT

The calling for bids for automotive equipment, having been held over until further investigation could be made on 1) the difference of trade-in value of coupes and pickup models, and 2) standard color for public works equipment (except road equipment), was reconsidered.

The City Manager reported that since most of the city's automotive equipment was operated for a period of 6-8 years, the difference of trade-in value of the two models was small. The standardizing of the color, he stated, would be a policy decision of the Council.

The possibility of an extra charge being made by the companies bidding, if a standard color was stated in the specifications was discussed. Director of Public Works Ray presented color charts, which were common to most manufacturers and suggested that a color be chosen from the charts. He expressed a preference for a two tone model, black fenders and green body, since most of the companies manufactured trucks and pickups in these colors.

It was agreed by the Council that the specifications should include a statement that these colors would be preferred but that if a better deal could be obtained on a different color, that color should not be a major consideration in the award of the bid.

Councilman M. Adams introduced

RESOLUTION NO. 10,355-N.S.

seconded by Councilman Annan, approving specifications for certain automotive equipment, authorizing the calling for bids to be opened at 2:00 P.M. Oct. 26, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

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8 CITY ATTORNEY TO PREPARE A RESOLUTION CHANGING TAXICAB STAND OF YELLOW TAXICAB COMPANY

Transferring of the Yellow Taxicab Company stand from 10th & J Streets to the north side of H Street, between 9th and 10th Streets, in front of the Nevada Club, having been investigated and approved by members of the Council, the City Attorney was instructed to prepare a resolution, effecting this change, for the consideration of the Council.

Mr. Secreto was instructed to contact Police Chief Neel and the City Attorney relative to moving the telephone connection of the Yellow Cab at 10th and J Streets.

9 RESOLUTION CALLING SPECIAL ELECTION FOR ANNEXATION OF LALOMA-YOSEMITE ADDITION TO THE CITY

Mayor Marks declared the hearing open for the consideration of protests to the proposed annexation of the LaLoma-Yosemite Addition to the City of Modesto, as provided by Resolution No. 10,338-N.S.

The City Clerk filed a report that no written protests had been filed.

When no oral protests were filed against the proposed annexation, the Mayor declared the hearing closed. Councilman Annan introduced

RESOLUTION NO. 10,357-N.S.

seconded by Councilman Merrill, calling a special election to be held on the 17th day of Nov., 1953, pertaining to the annexation of LaLoma-Yosemite Addition to the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

0 AUTHORIZE REFUND OF CASH DEPOSIT TO RAY STARN, IMPROVEMENTS TO CAMPUS TRACT NO. 4

The City Manager reported that the improvements of the Campus Tract #4 had been completed to the satisfaction of the Department of Public Works and that it would be in order to authorize refund of the \$1700 cash deposit filed to guarantee the improvement by Joe Mineni Jr. and Nina Mineni, subdividers.

The City Attorney stated that Mr. & Mrs. Mineni had executed an
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an assignment of the deposit to Ray Starn and that the refund check should be made payable to Mr. Starn.

Councilman Mellis introduced

RESOLUTION NO. 10,358-N.S.

seconded by Councilman M. Adams, authorizing refund of cash deposit of \$1700 to Ray Starn, filed as a guarantee on the improvements in Campus Tract #4, by Joe and Nina Mineni, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

AUTHORIZE RELEASE OF SUBDIVISION BOND FILED BY RAY STARN ON CAMPUS TRACT NO. 6

The City Manager reported that the improvements in Campus Tract #6, had been completed to the satisfaction of the Public Works Department, by subdivider Ray Starn and recommended release of the subdivision bond.

Councilman M. Adams introduced

RESOLUTION NO. 10,359-N.S.

seconded by Councilman R. Adams, authorizing release of the subdivision bond furnished by Ray Starn on Campus Tract #6, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

PROGRESS REPORT ON IMPROVEMENT OF INTERSECTION DOWNEY AVE. & 19TH ST.

The City Manager reported that a letter had been received from James H. Corson, Superintendent of Schools, notifying that the Board of Education had agreed to provide a 8 foot right of way along the south side of Downey Avenue, adjacent to the proposed widening of this street near the intersection of Semple Street (Lincoln School property).

A map of the proposed improvement was presented to the Council by the City Manager, which was approved and authority to proceed on the plans and specification along the basis shown on the map, was given by the Council.

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3 APPROVE AGREEMENT WITH MODESTO CITY SCHOOLS RE: TRANSFER OF SEWER LINE ON KANSAS AVENUE

An agreement between the Modesto City Schools and the city relating to the transfer of the sewer line owned by the District to the city, which serves the school's central warehouse on Kansas Avenue was presented by the City Attorney for the consideration of the Council. Councilman R. Adams introduced

RESOLUTION NO. 10,360-N.S.

seconded by Councilman Annan, approving agreement and authorizing execution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

4 REPORT ON STATUS OF HIGHWAY IMPROVEMENTS

The City Manager reported that at a recent meeting with District officials of the Division of Highways, three urgent problems had been raised;

1-Re-routting of 99 Highway

2-Widening of the Tuolumne River Bridge and highway south of the bridge to a 4 lane road

3-Widening of the bridge across Modesto Irrigation District lateral #3 on McHenry Avenue

The highways officials, the City Manager stated, have assured that the delay in holding the meeting, which had been scheduled for the early part of October, was the result of the necessity for rechecking and clearing out of some of the questions raised by the State office, and that as soon as these questions had been answered, a full staff would be working on the re-routing program so that a public hearing could be held.

The widening of the bridge and improvement of the road south of the bridge to a four lane road and improvement of the River Road access, would be given a high priority.

Immediate consideration to the widening of the bridge across the M.I.D. lateral #3 on McHenry Ave., will be given since the opening of the McHenry Village has created a traffic hazard at this location.

Councilman Mellis stated that he had contacted the owners of the McHenry Village, urging them to contact the state highway/officials, and county
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and request that immediate action be taken on this since it was their problem more than the city's.

The City Manager reported that a tentative date of Friday, Oct. 23, at 10:00 A.M., had been set to meet with the Highway Commission and that when the final arrangements were made, the Council would be advised.

AUTHORIZE CANCELLATION OF AGREEMENT WITH E. J. WENDLER FOR REMOVAL OF LEAVES FROM THE CITY STREETS

The City Manager reported receipt of a letter from E. J. Wendler, with whom the city has an agreement for removal of the leaves from the city streets, stating that he wished to withdraw from the agreement since his automotive equipment had been damaged beyond repairs on Oct. 1, immediately upon starting operations. Councilman Mellis introduced

RESOLUTION NO. 10,361-N.S.

seconded by Councilman R. Adams, cancelling the agreement, dated July 1, 1953, between the city and E. J. Wendler, in accordance with Section 7 of the agreement and his request, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor

Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

REPORT ON SUGGESTED USE OF WINDSHIELD STICKERS ON COMMERCIAL VEHICLES USED BY LICENSED BUSINESS FIRMS

A report filed by the Director of Finance, suggesting the use of windshield stickers on all commercial vehicles used by licensed business firms, a copy of which is on file in the office of the City Clerk, was considered by the Council.

The City Manager stated that the suggestion called for the use of a windshield sticker, which would be furnished by the city at the time the license was issued, on all commercial vehicles used in the transaction of any business in the city. This procedure would enable the Police Department to easily check on all commercial vehicles during their routine patrol.

The City Attorney stated that this would require the maximum cooperation of all merchants, since the ordinance would require that these stickers be placed on the windshield, but that this system would promote

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equity--- assuring that each person doing business is licensed, and assist in enforcement of the business license ordinance.

Al Simi, Fred Rose, C.G.Lowry, local merchants present, expressed approval of the suggestion, since they thought it would protect the local licensed merchants, be a source of additional revenue to the city, and assist in the enforcement of the ordinance.

REQUEST OF MAX FOSTER FOR SEWER & WATER SERVICE TO MILK BOTTLING AND DISTRIBUTING PLANT-McHENRY & JUDITH AVENUES

Max Foster, dba Foster Farms Jersey Dairy, filed a written request for sewer and water service to a milk bottling and distributing plant which he is ready to construct, on McHenry and Judith Avenues. Willingness to annex to the city, if the Granger Addition election, scheduled for Nov. 17, should fail, was set forth in the request.

Director of Planning Bills pointed out that the variance applied for by Mr. Foster to the County Planning Commission had not been cleared and that the City Planning Commission had not had an opportunity to study the proposed plans for the building.

The City Manager pointed out that the question before the Council was whether the city would be willing to furnish these services if the zoning mater is cleared and if the annexation election failed.

Reluctance to make any decision in the matter which would prejudice the City Planning Commission, was expressed by members of the Council. It was moved by Councilman M. Adams, seconded by Councilman Annan, and unanimously carried, that should the City Planning Commission approve of the zoning of this area for this type of business, then the city would extend sewer and water service to them on the customary basis.

CONSIDER PRELIMINARY PLANS FOR PARK AREA ON ORANGEBURG AND BRONSON

Preliminary plans for the development of the 10 acre park area located at the corner of Orangeburg and Bronson Avenues, were presented to the Council by Superintendent of Parks Lowry, who stated that some changes would probably have to be made.

The City Manager stated that it was planned to meet with groups in the vicinity of the park to get their ideas on the needs of the surrounding community.

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Councilman Mellis moved, seconded by Councilman M. Adams, and it was unanimously carried, that the preliminary plans as presented by Mr. Lowry, be approved.

PROPOSAL FOR JOINT CITY, COUNTY AND SCHOOL PARK AND RECREATION PROGRAM

Councilman Mellis suggested that consideration be given by the Council to the establishment of an over-all park and recreation district, similar to the one now operating in San Joaquin County, which would be co-terminous with the school district, and which would permit over-all planning for park and recreation needs, joint direction and financing.

The City Manager suggested, to which the Council concurred, that a report be prepared for the consideration of the Council.

PROGRESS REPORT ON ESTABLISHING CENTRAL PERSONNEL SYSTEM

Assistant City Manager Shelton reported on the progress of establishing a central personnel system. Under the things accomplished so far, he listed 1) personnel ordinance, 2) frame work of a pay plan, and 3) completion of uniform personnel records on a new card system.

Still needed are 1) a new set of rules, 2) complete classification survey, and 3) forms and procedure which will simplify the transaction of personnel matters.

REPORT ON INTERNATIONAL CITY MANAGERS' ASSOCIATION CONFERENCE

Brief verbal reports were given by City Manager Miller and Assistant City Manager Shelton, on the 39th Annual Conference of the International City Managers' Association, which they had attended in Los Angeles, on Sept. 20-23.

REMOVAL OF TWO HOUR PARKING LIMIT BETWEEN K AND L STREETS ON 8th STREET

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,362-N.S.

seconded by Councilman Merrill, rescinding that portion of Resolution No. 7656-N.S. which established two hour parking on 8th Street, between K and L Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor
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Noes: Councilmen: None

Absent: Councilmen: Arata

APPROVE AGREEMENT WITH COUNTY FOR IMPROVEMENT AND MAINTENANCE OF TENAYA DRIVE

With the unanimous consent of the Council, the City Manager presented for its consideration, an agreement between the City and County for the improvement and maintenance of Tenaya Drive across the Modesto Municipal Airport property which provided for the city to reimburse the county the actual expenses of said improvement, up to the sum of \$3000. Councilman Merrill introduced

RESOLUTION NO. 10,356-N.S.

seconded by Councilman R. Adams, approving agreement and authorizing execution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

FINANCE STATEMENT ON STATUS OF CITY FINANCES

The City Manager submitted a report showing the status of the city finances, as of Sept. 30, 1953, and informed the Council that regular reports would be submitted to the Council in the future.

RESOLUTION RELATING TO RE-ROUTING OF HIGHWAY 99

The City Attorney presented for the consideration of the Council a resolution relating to the re-routing of Highway 99. Councilman M. Adams introduced:

RESOLUTION NO. 10,363-N.S.

seconded by Councilman Mellis, requesting the State Division of Highways to take immediate action to bring about the widening of Highway 99 bridge over the Tuolumne River, and the completion of studies relating to the re-routing of Highway 99 through Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

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26 GRANT PERMIT TO DISPLAY BORDEN'S FOOD TRAIN ON CITY STREETS

J. A. Wenger, local manager of Border's, appeared before the Council and requested permission for the display of the Borden's food train over the city streets on Oct.30. Councilman Merrill moved, seconded by Councilman R. Adams, and it was unanimously carried, that permit be granted subject to the approval of the route by the Chief of Police.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Annan, and it was unanimously carried, that the meeting now in session adjourn.


ATTEST: REX E. GAILFUS, CITY CLERK

October 22, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1084-N. S.

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

A few moments of silent prayer were observed.

ROLL CALL OF COUNCIL

The City Clerk called the roll and there were

Present: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Absent: Councilmen: Arata, Merrill

APPROVAL OF MINUTES

At the request of Councilman M. Adams, approval of the minutes of the Council meeting of October 7th was held over.

LETTER FROM GRACE COVELL REQUESTING ESTABLISHMENT OF CROSS WALK ON ELEVENTH STREET BETWEEN J AND K STREETS

A letter from Grace Covell, requesting that a pedestrian cross walk be established on 11th Street between J and K Streets, was considered by the Council, and referred to the Chief of Police for investigation.

DISCUSS ENFORCEMENT OF PARKING REGULATIONS

City Attorney Grimes reported that complaints had been filed with him on the failure of the city to enforce the laws with respect to parking on the city streets--particularly the "feeding of the meters". He asked, if the Council, as a matter of policy, was interested in the matter of stricter enforcement of the existing ordinances since this would have a direct bearing on other parking problems which would be up for consideration at the special meeting to be held jointly with the Off-Street Parking Committee of the Chamber of Commerce and the Parking Authority, Monday, October 26.

Councilman Mellis pointed out that strict enforcement of the ordinance would entail additional cost for enforcement officers, and urged that a certain degree of leniency be used. Persistent "feeders of

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meters" could be recognized by the regular traffic enforcement officers and should be given a ticket, he stated. Owners who constantly park in front of their place of business and feed the meters, are really depriving themselves of customers by this practice, he stated.

It was moved by Councilman Mellis, seconded by Councilman Annan, and unanimously carried, that a report be secured by the City Manager from the Chief of Police on the present system used to check those who are violating the parking regulations, including the "feeding of the meters."

3 LETTER FROM MRS. DOROTHEA GOLDSCHMIDT RE: STORAGE RATE ON AIRPLANE

A letter from Mrs. Dorothea Goldschmidt, 115 Magnolia Avenue, asking for a reduction in the tie down fee on her airplane which is stored but not used at the municipal airport, was read.

The City Manager pointed out that whether consideration should be given to a differential in "dead" and active storage, would be a matter of policy of the Council. It was moved by Councilman R. Adams, seconded by Councilman Mellis and unanimously carried, that the ordinance not be changed.

4 LETTER FROM HOOVER E. LONG RE: OFF-STREET PARKING

A letter from Hoover E. Long, relating to the problems of private parking lot operators in the city, was held over for consideration at the meeting of the Council to be held jointly with the Off-street Parking Committee of the Chamber of Commerce and Parking Authority to be held on October 26, to discuss parking problems in the city.

5 REQUEST FOR MODIFICATION OF ORDINANCE REGULATING SEARCH LIGHTS IN THE CITY-- S. J. BERAN

S. J. Beran, operator of a search light business, appeared before the Council requesting consideration be given to modifying the ordinance prohibiting search light operation in the city. Modesto is the only city in the state prohibiting this operation, he stated. He suggested that certain restrictions be placed on the operation, which would prevent the operation from becoming a nuisance to the general public. It was moved

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by Councilman M. Adams, seconded by Councilman Annan, and unanimously carried, that the City Manager make an investigation and report to the Council.

RESOLUTION ESTABLISHING TAXI ZONE ON H STREET BETWEEN NINTH AND TENTH STREETS FOR YELLOW CAB COMPANY

The City Attorney presented for the consideration of the Council, a resolution establishing a loading zone on the north side of H Street, between Ninth and Tenth Streets for the Yellow Taxicab Company. He stated that Mr. Secreto had informed him that he was not interested in keeping the telephone connection now located at the former taxicab stand at Tenth and J Streets, as previously indicated.

Councilman Annan introduced

RESOLUTION NO. 10,364-N. S.

seconded by Councilman R. Adams, eliminating a taxicab stand on the north side of J Street, between Tenth and Eleventh Streets and establishing a taxicab stand on the north side of H Street, between Ninth and Tenth Street and rescinding Resolution No. 6218-N. S., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata, Merrill

RESOLUTION AUTHORIZING DEDUCTIONS FROM PAYROLL CHECKS FOR CONTRIBUTIONS TO UNITED CRUSADE

The payroll deduction plan for city employees on contribution to the United Crusade had met with wide spread interest, the City Manager reported, and had been used by a great number of employees. A report on the recent campaign for contributions from the city employees, would be given at a later date, he stated. Councilman R. Adams introduced

RESOLUTION NO. 10,365-N. S.

seconded by Councilman M. Adams authorizing the use of authorizations from officers and employees of the City to make deductions from their salaries or wages to cover contributions from the United Crusade Fund Drive, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata, Merrill

DISCUSS PARKING ON SEMPLE STREET AT DOWNEY AVENUE INTERSECTION

The City Manager stated that Councilman Merrill had asked him to report that he (Councilman Merrill) checked out the parking situation on Semple Street, at the intersection of Downey Avenue and had no objection to the proposed reduction of the "no parking" area from 86' to 40' on both sides of Semple Street and the prohibiting of parking for one parking space on Downey Avenue in front of the doctor's office. Councilman Mellis moved, seconded by Councilman Annan and it was unanimously carried that the City Attorney be instructed to prepare a resolution for the consideration of the Council at a later date, effecting these changes.

Councilman R. Adams moved, seconded by Councilman M. Adams and it was unanimously carried, that the City Clerk be instructed to write a letter to Dr. DeLappe and Mr. and Mrs. C. L. Wooten notifying them that the change is being made on a trial basis and that if it does not relieve the problem at this intersection that a further study will be made by the Council, and that Dr. DeLappe be notified that ambulance loading in the "no parking" area cannot be permitted.

GRANT PERMIT TO MILITARY ORDER OF THE PURPLE HEART TO DISPLAY EXHIBIT ON CITY STREETS

Pursuant to delaying action on request of the state department of the Military Order of the Purple Heart, to exhibit antique and modern firearms and war equipment on the city streets for a few days during October and November, until the request was referred to the local chapter of the organization, the City Manager read a letter from the local San Joaquin Valley Chapter #104, approving the request. Councilman Mellis moved, seconded by Councilman R. Adams, and it was unanimously carried that permit be granted to applicant upon the conditions that the time, location, and arrangements for the exhibit be approved by the Police Chief,

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and that the city be held harmless from any damages for injuries to property or persons resulting from the use of the city streets for this exhibition.

COUNCIL TO INSPECT PARKING SITUATION AT BURNEY, G AND 18TH STREETS

The City Manager suggested, and the Council agreed, to inspect the parking situation at Burney, G, and 18th Streets.

APPROVE SETTLEMENT OF CLAIM AGAINST LLOYD W. SPENCER FOR DAMAGE TO POLICE AUTOMOBILE

Agreement to a plan for payment of property damage claim of the city against his client, Lloyd W. Spencer, for damages to a police car which was involved in a collision on August 27, had been indicated by his attorney John W. Trimmer, the City Attorney stated. Councilman Annan introduced

RESOLUTION NO. 10,366-N. S.

seconded by Councilman Mellis, approving the settlement of the \$84.11 claim of the city against Lloyd W. Spencer, for a total amount of \$50.00, payable at the rate of \$10.00 a month, beginning November 1, and authorizing the execution of releases in his favor at the time the full sum of \$50.00 has been paid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata, Merrill

APPROVE AGREEMENT WITH MODESTO CITY BOARD OF EDUCATION RELATING TO NURSING SERVICES

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 10,367-N. S.

seconded by Councilman Merrill, approving the agreement between the Modesto City Board of Education and the city for the furnishing of nursing services to the schools situated within the Modesto City School District for a term

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effective as of September 1, 1953, and continuing until July 1, 1954, and providing for a payment of \$13,950.50 by the District to the city, and authorizing execution by the Mayor and City Auditor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata, Merrill

APPROVE AND AUTHORIZE EXECUTION OF AGREEMENT WITH MODESTO CITY BOARD OF EDUCATION FOR AFTER-SCHOOL RECREATION PROGRAM

Upon the recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 10,368-N. S.

seconded by Councilman R. Adams, approving the agreement between the Modesto City Board of Education and the city for the After-School recreation program for the period September 14, 1953, to June 16, 1954, providing for payment by the Board to the City of an amount of \$4800.00, and authorizing execution by the authorized city officials, which resolution was regularly adopted by the following votes:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata, Merrill

AUTHORIZE EXTENSION OF BRIGGSMORE AVENUE SEWER TRUNK LINE TO MCHENRY AVE.

The City Manager reported that the construction of the sewer trunk line on Briggsmore Avenue had developed to the point where it would be necessary for the Council to signify its intention as to whether the terminus of the line was to be at the limits of the subdivision the city has contracted to serve, or extended to McHenry Avenue. He stated that the cost of extending the line onto McHenry Avenue would be approximately \$4500.00. It was moved by Councilman Mellis seconded by Councilman Annan, and unanimously carried, that the extension of the sewer trunk line to McHenry Avenue be authorized.

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APPROVE PREPARATION OF AGREEMENT FOR SEWER SERVICE TO TIDEWATER ASSOCIATED OIL COMPANY AT GRANGER AND MCHENRY AVENUES

The City Manager reported that a request had been filed by the Tidewater Associated Oil Company for sewer service on properties leased at the southeast corner of the intersection of McHenry and Granger Avenues. The Council indicated approval for the preparation of an agreement, for its consideration for this service on the same basis as other agreements of this type.

COUNCILMAN ANNAN NAMED AS ACTING MAYOR PRO TEMPORE

Councilman Annan took over as Acting Mayor Pro Tempore at this time since it was necessary for Mayor Marks to be absent from the Council meeting.

REPORT ON MEETING WITH STATE HIGHWAY COMMISSION

The City Manager reported on a meeting with the State Highway Commission in Sacramento which Councilmen Mellis and R. Adams, Supervisor Ken Ables, Ed Andrews of the Chamber Highway committee, and he had attended at 10:00 A. M. this date.

He stated that three major items had been discussed with the commission.

1. Request that the studies and engineering necessary to determine the alternate routes to be considered in the rerouting of highway 99 be developed as soon as possible for these reasons:
 - a. Each delay would make it more difficult and expensive to acquire right of ways
 - b. After decision of the route the city would take possible legal and practical action necessary to protect the right of way to prevent development that would increase the cost of the right of way
 - c. The completion of the joint city and county plan for a master street and highway plan will be effected by the decision of the route and must be tied in with it
2. Most urgently requested was the widening of the bridge over the Tuolumne River on Highway 99 to four lanes with additional width for walk ways and the widening of the highway clear through to the Hatch Crossing to four lane

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The Commission indicated that this was proposed for inclusion in the next year's budget, and engineering work can proceed immediately.

3. Request for immediate action on the widening of the bridge over the M. I. D. canal north of Modesto on McHenry Avenue

REPORT ON ATTENDANCE AT LEAGUE CONVENTION

The City Manager reported on the League of California convention held in San Francisco on October 21-23 in San Francisco.

Assistant City Manager Shelton reported that as a result of the convention, City Manager Miller had been elected president of the City Manager's division of the League and City Attorney Grimes, secretary of the City Attorney's division. It was moved by Councilman Mellis, seconded by Councilman M. Adams and it was unanimously carried that congratulations be given to both City Manager Miller and City Attorney Grimes on their appointments to these offices.

Councilman R. Adams expressed pleasure at the fine discussions held on off street parking, planning, and annexations. Modesto's problems are just like all other cities of similar size.

The City Manager stated that no other city the size of Modesto has the honor of having 5 officials acting as chairman, or in panel discussions, which were Mayor Marks, Attorney Grimes, Director of Finance Lawrence, Police Chief Neel, and himself. He stated that he was also impressed by the attendance of citizens from Modesto since the Parking Authority, the Off-Street Parking committee from the Chamber, and the City Planning Commission were represented.

ADJOURN COUNCIL MEETING UNTIL OCTOBER 26, 1953

Councilman Mellis moved, seconded by Councilman R. Adams, and it was unanimously carried, that this meeting now in session be adjourned until 7:30 P. M., Monday, October 26, 1953.

ATTEST:  REX E. GAILLOS, CITY CLERK

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The Council of the City of Modesto met in adjourned session this date at 7:30 P.M., as provided by Ordinance No. 1084-N.S.

The City Clerk called the roll of the Council and there were

Present: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Absent: Councilmen: Arata

Also Present:

Parking Authority Members

Chairman Mensinger
Lucas
Rose
Bates

Off-Street Parking Committee of Chamber of Commerce Members

Chairman Scott
Loeb
Harris
P. Bomberger
R. Bomberger
Loshier
Murray
Martin

Mayor Marks stated that the joint meeting of the Council, Parking Authority, and Off-Street Parking Committee of the Chamber of Commerce had been called to "thoroughly wring out the parking situation", with the hope that amicable agreement of all three groups can be reached so that "we can push this thing through". He outlined the plan for conducting the meeting.

MAYOR OUTLINE PAST ACCOMPLISHMENTS ON PARKING PROBLEM

Mayor Marks read a statement on the past accomplishments on the parking problem, which had been given at the joint meeting of the City Council, Parking Authority and Chamber of Commerce Off-Street Parking Committee, held on July 21, 1953. (see Exhibit 1 on file with the official copy of minutes)

MAYOR MARKS OUTLINED LEGAL MEANS TO SOLVE PARKING PROBLEM

Mayor Marks outlined the legal means to solve the parking problem which were as follows:

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Private funds; 1) provided by land owner, 2) private parking lots,
3) Merchants' cooperative associations, 4) Assessment districts

Public funds; 1) Meter revenue---"Pay-as-you-go-plan", 2) leases
3) Leases with option to purchase, 4) Revenue bonds (pledging of meter revenues), 5) General obligation bonds

Combination of funds, which is the recommendation of the Parking Authority.

At this time Mayor Marks read Resolution No. 23 adopted by the City of Modesto Parking Authority at a special meeting on October 2, 1953, a copy of which is on file with official minutes of this meeting marked "Exhibit 2" entitled:

"A RESOLUTION APPROVING A PROPOSED LONG RANGE PROGRAM FOR THE PROVISION OF OFF-STREET PARKING FACILITIES IN THE CITY OF MODESTO AND RECOMMENDING ITS SUBMISSION TO THE CITY COUNCIL FOR CONSIDERATION"

He also read the report to the Council from the City of Modesto Parking Authority on the subject: "Proposed Off-Street Parking Program, dated August 28, 1953, a copy of which is on file with the official minutes of this meeting marked "Exhibit 3".

Mayor Marks stated that this meeting had been called for the specific purpose of explaining the basis of the recommendations in this report, and he called on Chairman Mensinger of the Authority for his remarks on the proposed plan.

REMARKS FROM CITY OF MODESTO PARKING AUTHORITY

Chairman Mensinger stated that he believed the report submitted to the Council had covered the situation very well, that a great deal of work had been put on it; that although it might not be perfect, he felt that it was a good report and if given a trial that the city would go a long way toward solving the problem of parking in Modesto.

REMARKS BY CHAIRMAN OF CHAMBER PARKING COMMITTEE

Chairman Scott read and distributed copies of a letter addressed to the Honorable Mayor and Members of the Modesto City Council, dated October 26, 1953, a copy of which is on file with the official minutes of this meeting marked "Exhibit 4", outlining the proposed program of the Chamber committee.

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Mr. Scott also read a clipping which had appeared in the Modesto Bee, recently entitled: "Deterioration of downtown areas threaten cities" which was an Associated Press story by Sam Dawson. "I guess all cities have these growing pains. Our city has what we might call 'Parkingitis'. Our committee is present here to endorse methods to relieve it, if possible. This plan, that we are proposing, is a workable plan, it has worked in these cities (Berkeley, San Jose, Richmond and Vallejo)."

Councilman Mellis: "Can you explain the Sacramento and Berkeley plans?"

At the suggestion of Mayor Marks, the letter dated October 12, from Hoover E. Long, operator of two private parking lots, directed to the Council, was read, a copy of which is on file with the official copy of the meeting marked "Exhibit 5". When asked by the Mayor if he had any additional remarks to make, Mr. Long stated "I have already said plenty in my letter."

Losher: "From that letter we do not have any parking problems, it is adequately taken care of."

Mayor Marks: "Everyone has a right to come up with their ideas. We will discuss first, the recommendation contained in the Parking Authority report. Mr. Mellis has previously asked for a break down of the Berkeley plan, he would like to know what is the Berkeley plan."

Mr. Scott presented a copy of the charter amendment voted on by the voters of the City of Berkeley, at the General Municipal Election April 7, 1953 (marked Exhibit 6 in the minutes).

Mayor Marks: "It (Berkeley plan) is a charter amendment permitting the Council to issue revenue bonds as they see fit, if they have funds. I talked to Berkeley today. The ordinance is the same as Sacramento's, with but one or two minor exceptions. The Council can pledge parking meter revenues in such amounts as they deem necessary. Nothing has been done yet. The merchants may have to participate--maybe not 33 1/3%,

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but they may have to call on them for something, according to my talk with the City Manager. They have had several meetings with the downtown merchants and have told them that they may be called upon to participate. The Council has told the merchants informally that they will probably have to participate in some manner. They have stated in public session--report in the minutes of the Council meeting--that no specific part of the parking meter money is tied up. The resolution has not got/^{ten}by the Council as yet. They may pledge 10%, 20%, 70%, and they may pledge nothing. The law reads 'amounts as they deem necessary.' The Berkeley plan permits the Council to issue revenue bonds to the amount that is necessary--nothing has happened there yet--nothing in San Jose either."

Bomberger: "We met with the Assistant City Attorney twice in Berkeley. He gave us a copy of the charter amendment which was voted by the public in the city of Berkeley, April 7--carried by a large majority. Must be some mis-information when you say the Council can state what they can hold out for themselves. Section 81.5 of the charter amendment states in plain english as to what net revenue the city can take out of the meter revenues. As far as their not having done anything, they have signed the contract with a bond house, as financial consultant and the assistant city attorney has told me that within the last few days that they are negotiating with some engineering firms and that they are going ahead and close with one of them within a very few days. They cannot actually issue bonds until legislature ratified the amendment to this charter. The Legislature has not met since then and they must wait until January so that they can have the thing ratified. They have hired the engineering concern to make the survey. At another time when there were a number of us together, it was stated that they are not planning on private participation and that those merchants who participate in the Sather Gate, will have their money refunded."

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Mayor Marks: "Let me point out that that would be a question of policy and is not determined by city managers, city engineers, attorneys or anybody except the Council, sitting in session. That is not right--that it has been approved by the people. Nobody can do that except the Council, sitting in session in public forum. The plan is a plan and has not been implemented as yet by Council resolution. They have employed bond counsel. They are going to solve their parking problem. San Jose is going to solve it too. San Jose should have solved it 4 years ago before they lost their downtown section. The only problem that exists here in Modesto is the question of agreement with all parties concerned. We do not represent just the people of the downtown area."

Chairman Scott: "In regard to the Berkeley, Sacramento and Fresno plan, they are exactly the same except that the Berkeley plan spells out the amount the Council can take and the others don't."

He read a letter from the City Clerk of the City of San Jose setting forth the steps taken to date on the parking program.

Mayor Marks: "What it means is this; (letter from San Jose) the people of San Jose went for an amendment to their city chartèr giving the Council more or less a blank check on parking meter funds. It has not been implemented as yet, as in Berkeley, as to who is going to do the job. I want to point out that Sacramento had a \$1,600,000 revenue bond issue and that Sacramento is about 140,000 population. The City of Modesto on this basis would be around \$290,000. Sacramento's parking problem isn't solved yet with 2 large lots. They are going to need more, same as we in Modesto if we went for a \$350,000 bond issue and gave you 50% of the revenues of the parking meter funds. This would be in---"

Lester V. Criswell: (operator of private parking lot) "In a large city you walk 4 or 5 blocks and if you get that close you are doing pretty good. But in Modesto there is plenty of parking within 3 blocks of the main part of town. There are parking lots here but in large cities you

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don't find them."

Mayor Marks: "In answer to Mr. Scott on the Berkeley plan---they have--- on net revenues the fact that the lots do pay in lieu of taxes to the City of Berkeley and furthermore here is the pledge of the net parking meter revenue, in addition to all other powers: "The Council shall have power to pledge, place a charge upon, or otherwise make available and authorize payment of all or any part of the net revenues collected by the city from the establishment and operation of (a) on-street parking meters within the city now owned or controlled or hereafter acquired or controlled by the city, and (b) existing off-street parking facilities, for such periods of years as shall be determined by the Council." In other words, that is still wide open."

Paul Bomberger: "Yes but Section 81.5 of the Berkeley Charter amendment defined the term 'net revenue'."

MAYOR MARKS: "What we are concerned with is what they do with all the net revenue. If it is taken out of one pocket the city will have to raise it elsewhere."

ATTORNEY GRIMES: "The Berkeley Charter amendment authorizes the Berkeley Council to pledge revenue by the Council as the authority pledge the entire amount of revenues."

MAYOR MARKS: "That amount will not be determined except by Council of the City of Berkeley and somebody representing the small taxpayers." I heard a Councilman ask at a parking meeting of the League session, 'Are there any cities who have done it already with public funds?', the answer was no but there are three considering it. The next day I asked one of these men (from one of these 3 cities) regarding their parking program and was told that they hadn't done a darn thing, and didn't intend to. This Council wants to do something--we have talked about it for 4½ years."

PAUL BOMBERGER: "What is wrong with definitely exploring the possibility of \$1,000,000 revenue bonds and seeing how much property they will buy and how far it will go to supply our parking needs instead of telling us we

have to take somebody's theory that hasn't been proven as fact. The difference between the Fresno, Sacramento, and Berkeley plans is the definition of net revenue. The bond houses tell us we have enough income at the present time, plus income from the potential parking sites to issue \$1,000,000 worth of bonds and give the city sufficient return for maintenance, etc. and in my opinion \$1,000,000 of properly located lots would go a long way to solve the parking problem. If then there is no more parking meter funds it might be well to talk private participation. Assessment bonds will sell at 1% to 1½% higher than revenue bonds. If you try to put an assessment district over a group of small ones or one big one--we haven't yet been told by the Council of Modesto where you are going to stop and where you are going to start. Are you going to assess closer to parking lot, more and farther away less? Will it be assessed on value of land or value of improvements. There are so many unanswered questions. We feel we have a right to say 'no' until those questions are answered. If you wait to answer them, you will miss the early session of next year's legislature and will have to wait until early in 1955. We will have to have a charter amendment approved by the legislature, so will be throwing it off another year."

MENSINGER: "If the city of Sacramento, which is 7 times larger than Modesto, is putting up revenue bond issue for \$1,600,000, what justification has Modesto for asking for \$1,000,000. No equality there."

ROBERT BOMBERGER: "If we can use \$1,000,000 why not get it. Sacramento has not solved its problem yet."

MAYOR MARKS: "We are on dangerous ground when it is a matter of principle that private enterprise shouldn't participate."

At this time he read an excerpt Chilton's Motor Age, September, 1952, by Henry K. Evans of the United States Chamber of Commerce entitled "Clear the Streets" (Exhibit #7)

MELLIS: "I would like to say to the Chamber of Commerce Committee, that when I was sitting with them I sympathized more than now. Now I have more responsibility to represent the whole city of Modesto. How in God's name

can we justify to take from everybody in the City of Modesto to provide parking for businesses downtown? How can we justify it? We as a Council will have to look at the matter in equity and fairness to all the people. We have no right to take all the money put in those meters and buy lots for a few businesses. It must benefit all the people. If it benefited all the people, I will be glad to do it."

LOSHER: "Everybody seems to be pleased about gas tax--use it all to make future highways and improve present highways. These are funnelling more motor vehicles into our city. Isn't it logical to take the meter money to take care of those vehicles when they come into our city?"

MAYOR MARKS: "If you were getting the cars off the street--then we could justify it. I think government has an obligation."

ANNAN to Mr. Scott: "What happened to the agreement your committee reached with the Parking Authority? It appears that your committee has abandoned the agreement. What was finally done about that? What disposition was made of it? Did the committee exceed its authority on what happened there?"

SCOTT: "Our committee and the authority had several meetings together and tried to compromise. However, when the final draw was complete, we asked for certain concessions and gave in certain concessions. I don't think we were given any concessions on our thinking, whatsoever. For that reason we could not go along with them on that program."

ANNAN: "Is the Council to take the attitude that that statement is withdrawn in its entirety?"

MARKS: "I thought we were really together on that."

MILLER: "A charter amendment is not a commitment by the people--it is a vote of the people which authorizes the City Council to do something it could not do before. The Berkeley plan is a tool placed in the hand of the Council. In this case it defines the net revenues from the meters and authorizes the Council to pledge any or all. Is this a tool the Council needs to get this job done? If so, the people must be asked to do this."

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In Berkeley there have been no final decisions whether or not there will be participation by the property owners. The one facility built has been paid for, about one-third by merchants and property owners in the area. One of the things the people would want to know is how are you going to use it? Think about it and decide whether or not you want it and whether or not you can get it."

GRIMES: It should be made clear that a charter amendment is not necessary in order to authorize the Council or the Parking Authority to put a revenue bond proposition to the people. It is only necessary in case it is desired to obtain the power in the Council to issue revenue bonds in such amount as the Council deems continuously without a vote of the people."

MARKS: "Is this a good thing or is it not a good thing? Is it the right thing to do?"

HARRIS: "Has any Parking Authority issued revenue bond in California up to the present time?"

MELLIS: "Not by the Authority."

HARRIS: "Revenue bonds issued by Parking Authorities do not have acceptability by the public. We have been so advised by bonding officials. People are not acquainted with that type of bond and rate of interest would have to be much higher than revenue bonds issued by a City Council. That is the reason Berkeley and San Jose used this type of promotion because the bond issue by the Council at a much lower rate of interest would be more acceptable by bond buyers."

GRIMES: "Mr. Rafferty of Schwabacher Co. was unable to cite any basis for this contention which he made at the League Convention. No authority, no instance of failure to sell parking authority bonds, but he felt that it was the situation, but he had no concrete basis for his conclusion."

LUCAS: "In that report that was given to you, it is thoroughly stated that if there is a penalty for the issuance by the Authority we will request that the Council issue them."

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MARKS: "A peculiar situation exists in San Francisco. Those are general obligation bonds and people agreed that was the right way to do it. But they also agreed the people would not vote them. They are impractical."

PAUL BOMBERGER: "If the Parking Authority or City Council did issue revenue bonds, under either case, a charter amendment would be necessary."

GRIMES: "No, that is not the case."

P. BOMBERGER: "The whole thing is held up on the participation angle. If this thing is right, the City of Berkeley or San Jose can later, after amendments to the charter, demand owner participation but what is there wrong with our City Council submitting charter amendments to the people now---say early in January---so this can get in the next legislature and then do like Berkeley or San Jose, Vallejo and Richmond, and hire financial consultants and traffic engineers and see what can be done with the present and potential meter funds after allowing sufficient for maintenance, etc., and then after that if it is not sufficient, there is time to talk private participation. You can't sign up enough property owners between now and the end of the year to a participation program and then try to put the other part to election. The matter of having an election is an unnecessary expense that nobody wants and these other cities have concluded this is the right thing to do."

ANNAN: "Are you fellows a duly authorized committee of the Chamber of Commerce right now?"

CHORUS: "Yes."

MARKS: "Before I personally try and sell anything to the people of Modesto I am going to have to be convinced it is the right thing. I don't feel in my heart it is the right thing to put public money out to benefit private business."

BOMBERGER: "Those other cities have done it."

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SCOTT: "Is there anyone in the group tonight that doesn't think our present policy is right?---our off-street parking with our parking lots? What we are asking for is just an enlargement of the present system."

MARKS: "When you do things yourself in your own family without going in debt you have a right to do certain things but when you go in debt the moral of the obligation is that it is to be paid. Suppose you go on a 30 year basis. Suppose 20 years from now there is a peripheral area built up, we hope, inside the city limits and suppose they have free parking and ample parking and downtown they have to have parking meters. A 20 year bond issue is in the foreseeable future and people won't spend 5¢ to park downtown if a depression should come."

WHITNALL: "This proposed charter amendment. The question divides into two parts; the first with the charter amendment contemplated---would the charter amendment grant to the Council or the Authority anything not in the 1949 act? Will the difference in the saleability of bonds that might now be issued by the Authority, as distinguished by those that might be issued by the Council under a charter amendment, differ psychologically or financially? If the charter amendment permits the Council to issue revenue bonds for which the sole security shall be such allocation of meter earnings if the Council sees fit, it may earmark, then the only difference is psychological, but there exists by reason of the bond market, a difference as between issues authorized by a body long established in practice as by those issued by a body not yet dry behind the ears. Does this charter amendment contemplate that bonds issued by the Council would have as a background security, the taxing power of the city? This is true in Los Angeles as it relates to bonds issued by the 3 revenue producing agencies---water, power, and harbor. The initial issues that established those 3 agencies were general obligation bonds sanctioned by the electorate but now changes have been made that permit those agencies each to issue additional bonds under certain conditions because they

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are completely self-liquidating out of their earnings; but if these earnings should be proven inadequate the city could resort elsewhere from tax money. I am impressed with the surprising degree of agreement between the representatives of the Chamber and the representatives of the city, both the Council and the Parking Authority. It is surprising how close you have got. It appears the only point still at issue is the question of property participation. If you resort to district assessments, it is the real property which is assessed. I feel guilty to the extent of having introduced the idea of the possible availability of the assessment method. On the basis of information I was able to gather, there might be some question as to the financial capacity of doing as much of an initial job as seems necessary to break the back of the camel. Do the major portion. Get immediate results. I felt the assessment method might be held in reserve, the means of supplementing the financial capacity of the Parking Authority later if necessary by this other means. I still feel that way. However, in the light of information and opinion expressed by those authorities, we must accept the opinion of representatives of bonding houses, and if they feel the present revenue on present installations are adequate to finance a revenue bond issue of such an amount then in my mind there is a grave question if whether we should resort to the other. I am inclined to agree with Mayor Marks that there should be some participation as a matter of general principle. I would not labor that point because I find that the conscience of the members of the Council can remain clear, if they feel that they are using public funds for the benefit of a few. It is the user of the vehicles who create the funds. I know that if other facilities reach the point where they, with reasonable adequacy, serve the needs of the commercial district, the almost immediate response in increased taxable values more than compensate any interest that the city taxpayer as a whole may have in it."

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(Mr. Whitnall referred to the situation in Anaheim.) "If the Council and Parking Authority and the city generally, in its official capacity, saw eye to eye with the Chamber's proposal to approach the thing through the charter in order to broaden the confidence on these issues and you proceed on that basis, that if we take the spirit of the March report it would result in the conclusion that we proceed as far as we can go on this general financing in the hope that we can substantially crack the problem. If you cannot, then it would appear time enough to consider whether you will supplement that in order to extend the program to where it will be reasonably adequate. There is no further action on your part necessary to make that means available right now. It is available now either under the '43 act or 1911 act. Because procedure under general financing will not impose a moral or financial obligation upon the taxpayer city-wide, we do not have to be too apprehensive with the position with the public if we should follow along the line that the Chamber recommends and in the main the authority has recognized."

(Mr. Whitnall felt that there were no real differences of opinion except the one expressed and that if we find 18 months or 2 years from now the general approach proved inadequate, we can consider later whether the parties interested will participate on a district basis.)

"If there is any question at all at the moment, which would be the signing of a written petition, we may be putting a monkey wrench in the major result because we may have some differences of opinion over the minor result."

GRIMES: "The 1911 Improvement Act proceedings could be used--which are initiated by a Council--you just go forward. There is no monkey wrench there. In answer to the two questions you posed, according to Lindman, expert in the field, there is adequate authority under the '49 Act to propose a revenue bond issue for off-street parking. The only basis for charter amendment is to give Council continuing power to issue revenue bond without vote of the people. The difference between the Council and the Authority issuing

the bonds is purely psychological. There are identical facilities and identical meters on the streets and identical nickels and pennies going into them and it is a psychological factor on the part of the bond body. In order to round out the discussion it is equitable to get all the picture here. Those cities that have had the most experience with off-street parking are those who had used the assessment procedure, 1943 Act."

(Mr. Grimes cited Pomona as having been very successful--an assessment district with private ownership participation.) Now they are proposing a change. 50% of the meter revenues will be available if matched by the merchants. The merchants are just clamoring to establish these districts---getting the first priority to get the thing going.

WHITNALL: "I am familiar with the Pomona situation. The initiation of the program occurred before we had available the 1949 revenue bond method. It happened, I think, in 1945. Now they are discussing broadening the program to these broader and more adequate methods that are available.

MELLIS: "Suppose they participate to the same amount of money the city already puts into the parking lots. Could this solve the problem much quicker?"

MARKS: "Mr. Whitnall's point is that for every dollar we spend in parking the city gets it back in some kind of taxes."

MELLIS: "The merchants benefit from the parking. If they participate in that..."

LOSHER: "On Whitnall's discussion on financing. The Chamber of Commerce committee has been willing to go along with the program where property or business would be a means if meter revenue would not be sufficient."

(Whitnall mentioned that it was not questionable about the rate the city would get it was a fact---referred us to Anaheim report)

ANNAN: "Do you have the information here tonight as to what you were referring to more definitely?" (the Anaheim report)

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WHITNALL: "They are available but I cannot quote them offhand. At the time of the initial study these simple facts were found. The recognized business area amounted to 5% of the area of the city. But the tax assessments on the properties comprising that area represented 40% in 1935. By 1945 that 5% of the area of the city had decreased 18% in taxable values of property. The proposals, as a consequence of that, have ascertained this decrease is due to the difficulty of getting access and felt it might be worthwhile in the necessity of resorting to general funds to provide the deficiencies in facilities in the belief that that would reflect itself in the lost taxable values if not in an actual increase. They had anticipated the need for this for a long while and were conserving their meter revenues. The instrument through which they proceeded was not the city, but a committee of the Chamber. Were matched 50-50 and the first facility was acquired. Soon they were in a position to say 'Now we will take this one or this one of the two sites.' It was then a matter of which came first. Now they all want to come next but they have to wait for the city to get enough to match them. In checking with the authorities in Anaheim, already there has been a very definite reflection in the assessment roll of lands close enough to be influenced by these services. The same thing hasn't happened in the remaining portions of the district where they haven't introduced these facilities." (Mr. Whitnall advised Mayor Marks to send to the City of Anaheim for the figures)

Mr. Annan asked for other samples.

WHITNALL: "In Pomona this year's tax assessment indicates an upping over and beyond that that is represented in comparative properties that are not served. It takes at least a year or two years to get the facts in the assessment roll."

MAYOR MARKS: "I'd like to bring up a couple of things that have been asked me. What is wrong in asking the people to back the charter amendment? A great many of the people would want to know whether there would be any

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participation before they vote and want to know in advance---like to know if it is going to be private participation. I do not care on what basis it is going to be done provided everybody is working together."

WHITNALL: Example: "In 1939 I was asked by Pacific Mutual to re-design the La Mert Park Center. It involved taking 2 large areas through one of which streets ran and the other had alleys. It was re-designed by having the city vacate the streets and relocate the alleys and it resulted in 2 super blocks for the inside court out from usable property left peripheral areas 1 block deep all the way around. Took about 3 years to consummate after the intent became generally known. There were new leases made and because of the certainty of this new facility, there was differential between those two leases before they had parking of this type. Now over a decade later the block depth peripheral as compared to what they were previously. In the La Mert Park Area the values have increased tremendously. In the immediate vicinity which was the big center and in which there hasn't been much development since, there has been no increase in values."

MAYOR MARKS: "Let's tie this thing together. The easy way to do it is the way the Chamber committee recommended. I would like to advance the argument on the other side. I have excerpt (read excerpt from paper)

P. BOMBERGER: "I just want to state that in Sacramento, Fresno, Berkeley and San Jose, Richmond and Vallejo, the charter amendments were passed and the people approved everyone of them. That is your answer as to what the people would do."

MAYOR MARKS: (to Grimes) "How many city councils have used or are considering the use of the assessment method?"

GRIMES: named half a dozen.

MAYOR MARKS: "Let's tie this thing up on what basis we can get together If it is the responsibility of new building owners, as recommended by the

Parking Authority program, to provide off-street parking facilities, it is also the responsibility of the merchants, established in old buildings, generating parking demands, to provide some part of those facilities. The city should not discriminate against its taxpayers. How can city officials answer to those taxpaying citizens who do not use cars? Or spending public funds to benefit the few?"

Mayor Marks read report.

ROBERT BOMBERGER: "I think Mr. Mellis and the Council have lost sight of the fact that 65% of the revenue comes from the people who live outside the city and the increase in business is going to more than offset any loss to the individual property owners."

ANNAN: "That may be true but how can we depend on it?"

COUNCILMAN MELLIS: "It is people coming to the city who cause a lot of problems to the city---give them streets---have a police on busy street-- it is not all gravy."

R. BOMBERGER: "What is the intent of the Council to do with the meter money that is left over?"

MAYOR MARKS: (I don't want to tie up this city with parking meters on the streets for 40 years) "I would like to see this thing done on a participation basis, so the bonds can be paid off within 20 years."

HARRIS: "Are you referring to the sewer tax which we have bonds against?"

MAYOR MARKS: "The sewer bond are general obligation bonds of the City of Modesto, backed by income from sewer fees pledged to payment of bonds."

R. BOMBERGER: "It's the same thing---putting something over on the taxpayers."

ANNAN: "We did not put anything over on the people. Were you opposed to those bonds?"

HARRIS: "Any difference in the two plans?"

R. BOMBERGER & HARRIS asked if the Council doubts the parking meter revenue will pay for these bonds any less than those for sewers.

(R. Bomberger stated that he owns a piece of property on which the taxes

are 25% of the gross value.

ANNAN: "Very interesting. I would like concrete figures to back up your statement."

R. BOMBERGER: "What's wrong with giving the thing a try?"

ANNAN: "We haven't got past our first stumbling block yet---private participation."

R. BOMBERGER: "What was the purpose of the meters when they were installed?"

MAYOR MARKS: "To keep traffic moving."

R. BOMBERGER: "We were told it would be used for off-street parking."

P. BOMBERGER: "The downtown property is paying 60% of the taxes collected in the city. The parking meter money was promised us by the previous Council to buy off-street parking. We are not asking for a free ride.

COUNCILMAN R. ADAMS questioned the 60% as quoted by Paul Bomberger.

Mr. Bomberger remarked that they had had a study made.

R. BOMBERGER: "If the meter revenue is sufficient, why is it necessary to have private participation?"

MARKS: "I personally cannot subscribe to it if you don't participate a penny."

MENSINGER: "In the new ordinance, owners of buildings are going to be asked to provide parking."

P. BOMBERGER: "Take Lucky's Market. They are willing to own the parking so they can give their customers free parking. If any merchant wants to do that that should be his privilege."

ANNAN: "If this program goes through the way you have in mind then the downtown area will have parking meters for years to come---25 or 30 years. In my own mind there is a question if you are confronted with areas that give free parking in the outlying areas of this vicinity, wouldn't it place the merchants downtown in a very unfavorable position if they had to continue on with the meters regardless if they wanted to give free parking?"

SCOTT: "Do you have any intention of taking the meters on and off street, out?"

MARKS: "30 years from today there will be no curb parking in Modesto. As soon as a city gets so big, you have to take cars off the street. Now let's get about solving this."

HARRIS: "If in years to come meters should be taken off the streets, that is the proper time to talk about an assessment district. When that time comes I will be the first to suggest taking the meters off the street and forming an improvement district in lieu of the meter money. Today that time is not here."

MARKS: "You will not support the plan the Parking Authority has presented?"

HARRIS: "I will support any plan that comes forth with a congenial program of the Parking Authority and the Chamber of Commerce Committee."

GRIMES: (Referring to Parking Authority report) "Parking Authority tried to reach a reasonable compromise between those advocating the furnishing of off-street parking facilities solely by private enterprise and those contending that government should do the whole job. At one time the Chamber of Commerce Off-Street Parking Committee consented to the principle that it would go along on development by private funds and acquisition by public funds. Since then the Chamber of Commerce seems to have changed its position. I think you have something before you here that represents a reasonable compromise. Possibly development costs might run between one-fourth and one-fifth of the cost of the lots."

HARRIS: "When the Chamber of Commerce Committee met with the Authority we were told that no plan would be acceptable unless it had property participation. The door was closed in our face to even discussing it."

GRIMES: "It was said that the Authority felt a plan would not be acceptable to the Council and to the people unless it had some private participation. The written report indicates that in order the report be approved that private participation should be included."

P. BOMBERGER: "I did agree to pay my pro rata share of the cost of improving the lots. We had the figures from your Finance Department on what the cost to improve 3 lots and afterward the Parking Authority came

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back and wanted us to pay for the meters, the second deck, for engineering and a whole lot of things after that. At the time we agreed, we agreed we would pay for the preparation of the lots, providing we approved the sites and that has not been mentioned in the Parking Authority's report."

ANNAN: "What's included in getting the lots ready?"

P. BOMBERGER: "Long term bonds seem to worry Marks. He has the brochures from both cities (Sacramento and Fresno), and the Council has agreed to set aside one and one-half times the amount requested to pay the interest and principal on the bonds and the bond issue further provides that the city can call bonds that are due in the future for various penalties from 1% up to 6% and I think you will agree with me that by setting aside 50%, if the city wants to call the bonds with that 50%, they could call them in earlier if they want to."

MARKS: "Let's not throw out the baby with the bath water. Let's not lose this whole thing because of a minor disagreement. Let's go over these recommendations in the report and find out what you don't like in there."

JOHN BOMBERGER: "It seems to me your City Manager stated that the Parking Authority provides for the use of revenue bonds to a certain extent and this provides for revenue bonds to a greater extent and the charter amendment is a permissive tool. The thing facing the City Council is for them to vote aye, yes or no, for whether they want to ask for that flexible tool or if they think they can get the job done with the one at a time bond issue. The public would trust you just as much to make the best deal for the city as a whole just as much as they did on a one at a time basis. My plea is that you consider the specific action which you have to take---to ask for the flexible tool or use the one at a time tool of the bond issue."

BATES: "It's a matter of principle. I am opposed to the Berkeley plan no matter how it was handled and would tell all I was opposed to it on a matter of principle. There was some question in my mind when asked by a member of the former Council to sit on the Authority. In general I am opposed to

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authorities. I am opposed to turning over a blank check to people. I am opposed to public housing because it is a blank check---that as you get a loan, issue bonds and as you get enough money you issue more and it is a creeping paralysis. I am opposed to any form of charter amendment that gives unbridled authority to any body that give them authority to go on spending money. I am not opposed to city councils issuing revenue bonds but I am opposed to giving a blank check to the City Council to go on spending money, year after year. I do not think this is right. I think the bond acts we have requiring a vote by the people are a good thing. If revenue bonds aren't met either the city's credit suffers or the city comes in with a general deficit."

LOSHER: "This is not a blank check deal we are proposing. You couldn't spend under our plan any more than the income of the meters would be."

MURRAY: (Stating he does not think the two are in common) "One thing occurred to me. We have been going along for a few years and buying on a pay-as-you-go basis, which has developed a little parking space. In the interest of time we cannot go on that way indefinitely. Is there a difference between taking that assured income and pledging money to pay off an indebtedness as against an individual who wants to have a house and because he doesn't have enough available cash he goes to the bank and in effect pledges a portion of his income to pay for that home over a period of years. In effect he gets the house (or we get the parking) now, when he needs it and pays for it out of future income. If that isn't adequate over a long pull then the business men will go for further development on it. Why can't we vote on a bond issue to get the lots when we need them."

MILLER: "The Council must keep in mind. A program favorable to all concerned. Any program must have full support of the people. In considering expansion of the program you are going to have to get more money from someplace. It won't even pay the interest on a \$1,000,000 bond issue. We must keep this in mind---we can just do so much with so much money---we can get

it through a bond issue, additional parking meter revenue and others. We must have full support of the people."

ED TAYLOR: "Talking about private participation, and those who benefit and developing additional parking. Fundamentally I don't believe it is necessary to have parking lots necessarily to increase parking. I went on that theory myself and spent some money working out a deal where you can say to a private owner, 'you take so many cars off the street and the Parking Authority will go along with you.' I would have liked to have borrowed from the Parking Authority and paid back over a period of years. In this way you will get your parking off the streets and you could develop almost twice as much parking as if you bought the lots. Some private individuals who were interested could come to the Parking Authority and say 'we want to develop a parking area in this area. Will you help us out?' I think something can be worked out so that you can get both sides of this picture working together."

MARKS: "We are offering to put up 80% and are not getting any takers on the other 20%."

TAYLOR: "You will pick out a lot someplace. That may not satisfy enough people at this time."

MARKS: "Most of the necessary parking is in the highly assessed area downtown"(he then summarized Taylor's remarks as follows;) "They borrow their share from the parking meter fund and pay it back."

MILLER: "I suggest if that offer is made you will have some takers before noon tomorrow."

MENSINGER: "But it won't be downtown where you need it."

ANNAN: "Will they be permanent?"

TAYLOR: "You can say if you use it for anything besides parking, you can make me pay up the balance right now. Are you trying to solve the problems of all time or just for now? How crazy would it be to increase the parking problem when it is going to be tighter than ever?"

HARRIS: "Has the Parking Authority the right to lend money?"

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MILLER: "All of the parking so far provided in Berkeley has been on a participation basis. If you want parking what would you do? In every case the merchant and the property owner has participated."

TAYLOR: "Looks like a participation basis in Anaheim." (he thought the City Council was raising taxes on the people who have the parking and are paying for it.)

MARKS: "In summary, the recommendation of the Chamber of Commerce is this. The parking meter money be used solely for this plan on the basis that in a manner of speaking it is participation because in time it would increase the valuation of the property it benefits. Therefore it is indirect participation."

LOSER: "That is right. The City is entitled to all money necessary to reimburse them for maintenance, policing, etc. Even the increased tax might be put into the meter fund."

MARKS: (Referring to the August 28, 1953 report to the Council of the Parking Authority on 'Proposed Off-Street Parking Program') "What part of the Parking Authority plan, as a compromise, can we revise to reach an agreement?"

(Mayor Marks read the following items from the report)

- (a) The demolition of existing structures
- (b) The grading and paving of parking lots
- (c) The installation of curbing, adequate drainage and necessary signs
- (d) The installation of lighting facilities (as required).
- (e) Purchase and installation of parking meters
- (f) The initial painting of parking lines and directional guides.
- (g) Engineering costs
- (h) Non-governmental expenses incurred in the preparation and administration of improvement district proceedings

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Mr. Losher stated that they had already submitted what they believed to be the best and most workable plan. "If it can be shown where some plan is better we will take it back to our group for consideration. I definitely would not agree to 'd' 'e' 'g' and 'h'.

MARKS: "We have never received any opportunity to have the Council study this proposition. We have not studied what you brought to us tonight. The Council has committed itself to nothing at this point."

LOSHER: "Property participation is of a secondary nature. If there is not sufficient income from the meter revenue then there would not be any objection from the property owners putting out as a secondary measure."

MARKS: "On \$1,000,000 what would the interest be?"

SCOTT: "The \$1,000,000 is fictitious. The bonding company will take care of that."

HARRIS: "\$1,000,000 can be amortized in 25 years at 3½% interest at \$65,000 per year."

LOSHER: "In our report, it is recommended that adequate traffic engineers be engaged to study the problem and amount of bonds to be based on their studies."

P. BOMBERGER: "It takes \$57,000 some odd dollars, interest and principal per year to amortize \$1,000,000 in 30 years at 4%."

GRIMES: "In discussing these specific figures, isn't the meeting getting away from what is before it?"

MARKS: "Where can we show \$80,000 a year income?"

P. BOMBERGER: (outlined the plan for parking 400 cars, \$10 per meter per month using figure of \$8.00 per month---\$85,000 city use balance for policing and maintaining) "\$1,000,000 would buy sites. \$32,000 added to the \$80,000 we are getting now would service the \$1,000,000 bonds and pay the city for policing and maintaining."

LONG: "You haven't gained anything."

LUCAS: "You have insured permanency on those 400 spaces."

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LONG: "As long as we can get 25¢ and park 75% coverage, we can keep going."

LUCAS: "It's up to the owner what he wants to do with that lot."

LONG: "What's the difference? Why not have a bond issue for \$300,000 and put in a lot with 200 spaces; you either lease it to a private operator or you put meters in with a 25¢ of 10¢ minimum and then we could stay in business and you would have your additional spaces, too. You would have your 600 spaces for \$300,000 instead of your 400 spaces for \$1,000,000. If you charged a minimum of 25¢ for four hours or five hours parking that would allow us to stay in business."

GRIMES: "How about 10¢ on street meters?"

LONG: "Lots of people are just here for 10 minutes; they can pay the 5¢ for that but for those who want to stay for 2 or 3 hours don't mind paying 25¢ for it. Those lots allowing parking 2 hours for a dime are the lots that hurt the private parking."

MARKS: "What in this report do you not agree with?"

LOSHER: "There is no reason we can find out why this plan, as in Berkeley, San Jose, etc. will not work."

MARKS: "It has not worked. Sacramento with a population of 140,000 people have a \$1,600,000 bond issue on a 50% of on-street and all of the off-street."

P. BOMBERGER: "Sale of bonds permits them to issue more revenue bonds which they are planning on doing and pledging more of the on-street meter funds."

MARKS: "If we put this thing through, we will be the first one."

LOSHER: "Just what are the holes and flaws in these other plans?"

LUCAS: "On the basis of the number of meters on the street I am for the Chamber of Commerce Committee looking at the Modesto plan."

SCOTT: (asked that the present plan be made larger.)

MARKS: "Would have to take in \$52,000 a year for the \$1,000,000 bond issue to operate."

LOSHER: "So far it has paid its way and I think we can go ahead and acquire new parking facilities."

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MARKS: "Grimes, the Chamber of Commerce doesn't choose to discuss this report of the Parking Authority. Is it in order to discuss this anyway?"

GRIMES: "If nobody wants to discuss the Parking Authority any further they can adjourn and go to bed." (Mr. Grimes expressed the opinion that he didn't see where the meeting would accomplish anything unless the Council had a chance to consider the Chamber's proposal, unless the Council had in mind to make a decision tonight.)

It was moved by Councilman Mellis, seconded by Councilman R. Adams and unanimously carried that the meeting be adjourned.


ATTEST: REX E. GAILFUS, CITY CLERK

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Council Meeting,

October 28, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Ordinance No. 1084-N.S.

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

Invocation was given by Rev. C. Wesley Brown of the Sunday School Union.

The City Clerk called the roll of the Council and there were

Present: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and
Mayor Marks
Absent: Councilmen: Arata

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meeting of October 7, and the same being available for public inspection, and there being no objections, the minutes were approved.

FURTHER CONSIDERATION OF PROPOSED EXPANDED OFF STREET PARKING PROGRAM

Mayor Marks read a letter he had received this date from John D. Phillips, City Manager of Berkeley, relating to the question of participation of property owners and merchants in the Berkeley off-street parking program, a copy of which is on file in the office of the City Clerk, which was discussed by the Council.

The letter pointed out that the only city off-street parking lot in Berkeley, in the Telegraph Avenue area, "was developed on a cooperative basis by the merchants, the property owners and the city. By voluntary subscription the merchants and property owners signed contracts agreeing to pay to the city over a period of ten years a total sum of approximately \$50,000. The total cost of the acquisition and improvement of this off-street parking lot is approximately \$155,000.00."

Mr. Phillips further stated that the city is now in the process of developing plans for off-street parking lots in the

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central business district, and "Whether or not the property owners and merchants will participate in the costs of the development of these downtown parking lots has not as yet been finally determined. However, we do have the precedent which has been established in the Telegraph Avenue area and all of our talks so far with the merchants' groups have been on the basis of participation by the merchants and property owners."

Mayor Marks stated that since assurance had been given to the Parking Authority and the off-street parking committee of the Chamber of Commerce, prompt action would be taken by the Council on the consideration of a program to solve the parking problem and he wished to submit a report for the consideration of the Council, outlining the basic considerations and recommended action on the off-street parking program. A copy of the report submitted is on file in the office of the City Clerk.

The report pointed up the following basic considerations:

1. Appreciation to the Parking Authority.
2. The Council will take into account the interest of all segments of the community.
3. The belief that "an off-street parking program, to be both satisfactory and successful, must have the full support not only of the City Council, the Parking Authority, the Chamber of Commerce, and other representatives of business, but must also have the support of the people of the city. Without such complete and active support, based on full understanding of all of the facts by all of these groups, no such program can succeed."
4. The Council will proceed with development of an equitable program with the cooperation and participation of the property owners and business men who are most directly concerned.
5. The Council will assist in obtaining all information necessary and in making all such information generally available.

The recommendations included in the report were:

1. The City Manager be asked to make an analysis of the amount of bonds which could be issued on various percentages of on-street meter money and property owner participation.

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2. That the City Manager be asked to determine the amount of charges which would be made against typical downtown properties should their owners participate on various percentages.
3. That full consideration be given to any proposals made by individuals or groups willing to participate on an equitable basis in the provision of parking facilities in any areas where they may be needed.
4. That the Council will proceed on the basis that two major factors be considered in determining program priority:
 - a-Demonstrated need of the area
 - b-Demonstrated willingness of the area to participate in the project.
5. That the Council cooperate with the Parking Authority, the Chamber of Commerce, and all other interested groups and individuals with full confidence that a satisfactory program which will warrant general support can be and will be developed.

General approval of the recommendations in the report was expressed by the Council members and Councilman Mellis suggested that the following additional recommendation be included in the report, which would "pin-point" participation by the merchants and property owners:

"When a given area or district desired a parking area, it could petition the Parking Authority to find a suitable lot, assist them in making purchase arrangements. The Parking Authority could advance a certain percentage, say 20%, and the balance of 80% would be paid by the merchants and property owners in the benefited area, after an agreement had been entered into with the Authority for repayment, without interest, of the 80% from revenue to be derived from the parking meters installed on the lot, over a certain period of time, say 10 years, to be agreed on between the Authority and the people in the district."

Councilman Mellis pointed out the immense savings to the city on interest charges.

The City Manager pointed out the need for a specific program by the Council, working with the Authority, to solve the parking problem. It was moved by Councilman Annan, seconded by Councilman R. Adams, and unanimously carried, that the suggestion of Councilman Mellis be included in item 3 in the report and that the report be adopted as Council policy and that the City Manager be authorized to work with the Parking Authority to clear out various items outlined in the report and to establish specific recommendations for solving the problem.

JUNIOR WOMEN'S LEAGUE PRESENT \$1000 FOR FURNISHING YOUTH CENTER

Joyce Ross and Lois P. Barrett, of the Junior Women's League, presented a check for \$1000.00 proceeds from the show "Ladies' Behave",
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to be used in the furnishing of the Youth Center.

Mayor Marks expressed sincere appreciation on behalf of the Council and citizens, and assured them that the money would be spent wisely in the interest of the youth of the community.

3 HEARING ON PROPOSED ANNEXATION OF THE FREMONT ADDITION TO THE CITY

Mayor Marks declared the hearing open on the proposed annexation of the Fremont Addition to the city. The City Clerk reported that no written protests had been filed.

At this time (8.01 P.M.) Stanley J. Sahl, filed a written protest to the proposed annexation, which he stated had been signed by 188 residents. He claimed that over 50% of the property involved in the proposed annexation was owned by the petitioners.

The City Attorney outlined the legal procedure for the filing of protests, stating that this petition would have to be checked by the City Clerk to determine if the required number of property owners had signed the petition and that the hearing could be adjourned until this had been done. However, he pointed out, technically this protest did not comply with the law since it was filed after and not prior to the time set for the hearing, 8:00 P.M., as required by section 35121 of the Government Code of the State of California, but that it would be up to the Council to determine what action would be taken. It was moved by Councilman Mellis, Seconded by Councilman R. Adams and unanimously carried, that the protest be referred to the City Clerk to determine if the protest was made by the owners of a majority of the separate parcels of property within the territory, and that the hearing be continued until 4:30 P.M., Nov. 4.

Mayor Marks assured the group of residents present at the meeting, that if the Council considered that it was not in the public interest that this election be held, that it would not be held.

Councilman M. Adams suggested that certain points enumerated in the protest be cleared at this time especially the statement that "the city is discriminating against this area by stating that they would not provide an adequate water system."

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A member of the audience stated that since the present water system was privately owned and the mains were not large enough to meet the city requirements and the city was not going to take over the system, that they would not be able to obtain a fire rate reduction on their insurance rate.

The City Manager pointed out that immediately ---the night of the election---- the full force of the fire department would be available. He pointed out that the rate would be reduced also but not to the present city fire rate #2 until two things had been improved---water supply and fire alarm system.

A member of the audience stated that he had been informed by a city official that it would cost too much to annex the territory.

Mayor Marks stated that this annexation would cost the city substantially since as soon as the area is annexed, it was entitled to the same services as territory which had been a part of the city for 50 years, same fire protection, police protection, trash pick-up and other service. "Yes annexation of residential areas is expensive to the city, he continued, but it is worth it to unite this community."

The City Manager pointed out the method used by the city when the College Gardens area, which is serviced by a privately owned water company, was annexed----fire hydrants were installed and a number of other improvements made at the city's expense. He urged the residents to obtain the precise answers to their questions from the city officials before they made up their minds.

When Paul Wichman requested information on the amount their taxes would be raised, Councilman R. Adams pointed out that at the meeting held in the area certain questions had been answered and points brought out namely:

1. Fire rate, at the present time the rate is the county rate, which is considerably higher than the city. Mr. Bumgardner, owner of the water system, had been contacted, and had agreed to cooperate in bringing the water system up to city's standards
2. Fire protection. This could be furnished by the city at once.
3. Paving of alleys. The price of 8¢ running foot of the city's is cheaper than if it was done by a private company.

He continued, "the city would be happy to have this area join the city but if you do not want to annex, we do not want to force you. The city plans to furnish these services (water-trash pickup - sewer) to the area and give equal service as soon as possible."

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The City Manager requested that questions be either written in, phoned in or the parties call in person to his office so that correct information could be given and the people could vote intelligently. When asked by the Mayor for a showing of hands of all people in the audience, who wished to "get the facts," only a few hands were raised.

Attorney Grimes cited figures on the approximate cost for city taxes on property in the recent area annexed to the city, North Central Addition, and stated that for a home assessed at \$12,000 the additional cost, after the savings were considered, reduction in fire insurance rate, etc, would cost the Fremont resident approximately \$1.00 per month extra after annexation. It was pointed out that Veterans, allowed exemptions, would probably pay no extra taxes.

Mayor Marks stated that it has been proven that when a residential area is annexed that it does not pay its way, only industry and commercial property will make up the difference. He assured the residents that it would not be necessary for them to reappear at the next hearing, Nov. 4, if they did not desire but they were welcome to attend.

Director of Public^{Works}/Ray explained the city's method of using the post card poll to determine if and when an annexed area desired improvements, such as lights and sewers.

The question of whether some of the residents had signed both petitions, one for annexation and one protesting annexation was discussed and the City Attorney stated that the last dated signature would hold and it was discovered at this time that the protest had not been dated, nor the date shown when the petitioners had signed.

RECONSIDERATION OF PLUMBING CODE ORDINANCE

Councilman M. Adams, chairman of the Council committee to consider the ordinance adopting the Uniform Plumbing code of 1952, reported that after numerous meetings with local plumbing concerns and other interested parties that a number of changes had been agreed on.

"Subject of apprentices"---that section 2.2 regulating the number of apprentices be deleted and only the apprentice training program, as provided by the state, be included (analysis of proposal sent out previously to each Councilman by the City Attorney).

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Donald Erickson, local plumbing contractor, recommended that the ordinance provide that any apprentice now employed be exempt from the training program and that the requirements apply only to apprentices employed subsequent to the adoption of the ordinance.

Councilman Annan pointed out that if the ordinance was adopted that any master plumber would have to be approved by the local apprenticeship committee and abide by its requirements in order to hire any apprentices, who labor at plumbing in the city.

Councilman R. Adams stated that after attending various meetings with interested groups that it was his opinion that an apprenticeship training should be required and that there were two ways to do it, either the city conduct its own training course which would be a duplication of the present state training program or require attendance at the state training program. He pointed out that it is within the power of the Council, if there is objection by the people in the trade, to amend the ordinance as easily as it could be adopted.

Arden A. Powers, local supervisor of the Division of Apprenticeship Standards, stated, when asked by Councilman Annan, that there were apprenticeship committees in almost all cities of any size in the state and had been since 1939.

Councilman Annan pointed out that the adoption of the ordinance would result in a saving to the citizen in the city, but that he objected to it on the grounds that it is governmental interference in private industry, since the plumbing operators would be required to affiliate themselves with the program if they intend to employ any apprentices and if they should disagree with the organization they will have to discharge any apprentices who are working for them.

Councilman R. Adams moved, seconded by Councilman M. Adams, and it was unanimously carried, that the apprenticeship standards, as recommended in the memorandum issued by the City Attorney, dated Oct. 27, were approved in principle.

Councilman M. Adams stated that it was proposed that the Board of Examiners be composed of five members; the Health Officer, a master plumber,
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a journeyman plumber, the chief building official or his deputy and an appliance dealer.

Councilman R. Adams moved, seconded by Councilman Mellis, and it was unanimously carried that the board of plumbing examiners shall consist of 5 members, one of these members shall be a person engaged in the business of selling appliances in the city.

At this time the petition filed with the City Clerk, dated June 23, 1953, signed by 15 plumbing operators (14 of which were operating outside the city) requesting the adoption of the amendments to the 1952 Plumbing Code (as adopted by the Western Plumbing Official Association), was read by the City Manager.

Councilman M. Adams stated that section 13-"Materials", had been considered and the committee could see no reason for excluding galvanized pipe, since such a small percentage was used if used some savings could be made. Councilman Mellis moved, seconded by Councilman R. Adams, and it was unanimously carried that section 401 would read as proposed in the uniform plumbing code relating to material in the drainage system.

Councilman M. Adams, stated that on section 19-"House Sewer Material" that it was the committee's recommendation that the same working be adopted as the code permitted and include vitrified clay pipe since a very small percentage was used and it would be advantageous to have the city code uniform with the county and the uniform code.

Objection to changing the present regulation to permit the use of vitrified clay pipe was expressed by plumbers Al Green and Donald L. Erickson, due to the fact that tree and shrub roots caused considerable damage and expense to property owners.

George Hanson, plumber, pointed out that the increased cost of approximately \$1.00 per foot for cast iron pipe, made it expensive for a certain type of builder and that the city was trying to adopt a minimum code. The plumber could point out to the property owners the difference between the two types of pipe and then it would be up to him if he wanted to use the cheaper type. The inclusion of this type of pipe in the code would make the county and city building ordinance more uniform. He stated that the new method

of installing vitrified clay pipe with adapters would eliminate many of the problems.

Director of Public Works Ray pointed out that the use of cast iron pipe, as presently required, would eliminate the problem of clearing roots/ and out of the pipes that the people who felt that they could not afford cast iron pipe were the same people who could not afford paying plumbing bills and that individual property owners did not have the equipment to clear the sewers .

Councilman Annan moved, seconded by Councilman R. Adams/that section 1103 of the uniform code, subsection (a) should read "the house sewer beginning five feet from any building or structure shall be of cast iron pipe, first quality vitrified clay sewer pipe or cement asbestos pipe," and that subsection (b), remain as is. and it was unanimously carried

Councilman M. Adams stated that the committee had approved the suggestion that a technical advisory board of appeal to set on any controversial issues or differences of interpretation of the ordinance, be created.

Opposition to this recommendation of the committee was expressed by the City Attorney because, 1) It is the duty of the City Attorney to interpret the ordinances. 2) Anybody could appeal to the Council and have themselves heard if they did not agree.

Mr. Hanson stated that he was confident that any problem the plumbers might have would be worked out satisfactorily with the assistance of the Public Works Department. Councilman M. Adams stated that he would withdraw his recommendation for the present.

Councilman M. Adams moved, seconded by Councilman Merrill, and it was unanimously carried, that the City Attorney be directed to submit an ordinance with the recommended changes for the consideration of the Council

A ten minute recess was declared at this time.

The Council reconvened at 10:30 P.M.

REQUEST FILED BY CHARLES V. SALES FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TWO TAXICABS (TRANSFER FROM E. M. LESTER)

The City Manager stated that an application had been filed by Charles V. Sales, 719 Kerr St., for transfer of certificate of public convenience and necessity to operate two taxicabs from E. M. Lester, dba Modesto Cab Company, 10-28-53

now operating at the northwest corner of 11th and I Streets. He read a letter from Mr. Lester requesting cancellation of his permits and reissuance to Mr. Sales.

Director of Finance Lawrence stated that there was an amount of \$100 due the city by Mr. Lester; \$60.00 for 3 cabs operated in the quarter beginning July 1 and \$40 for 2 cabs for quarter beginning Oct. 1

A general discussion was held on the question of approving the transfer on the basis that the total indebtedness to the city be paid.

Sam Secreto dba Yellow Cab Company, objected to the transfer of the certificates since no equipment was involved in the transfer.

The City Attorney pointed out that the obligation of Mr. Lester's could not be imposed on Mr. Sales but authority for transfer of the certificates could be denied until the unpaid indebtedness was paid.

A report from the Chief of Police approving the transfer was read.

Mr. Sales stated that the \$40.00 fee for the present quarter, would be assumed by him and that if Mr. Lester did not pay the \$60.00 due for quarter ending Sept. 30, that he would assume the obligation. Councilman Merrill introduced

RESOLUTION NO. 10,370-N.S.

seconded by Councilman R. Adams, authorizing the transfer of the two certificates of public convenience and necessity to operate taxicabs in the city from E. M. Lester, dba Modesto Cab Company to Charles V. Sales on the condition that prior to the transfer all indebtedness against the certificates be cleared, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

LETTER FROM NAVY CLUB OF THE UNITED STATES OF AMERICA

A letter from the Navy Club of the United States of America, dated Oct. 22, requesting permission to show a mobile exhibit in the city for a short period within the next 60 days, was read. It was moved by Councilman Annan, seconded by Councilman M. Adams and unanimously carried, that the letter be referred to the Navy Mother's Club or a related service organization.

7 LETTER FROM DAVE ARATA-VISITING IN HAWAII

A card, together with a clipping from a newspaper re. Modesto's #2 fire rating, from Councilman Arata, visiting in Hawaii was read by the City Manager, and ordered filed.

8 CITIZEN'S RECOMMENDATION FOR RELOCATION OF HIGHWAY 99

A communication from a citizen (initials only signed) suggesting a plan for the relocation of Highway 99, was read and ordered filed.

9 LETTER FROM MRS. W. H. KIRK RE: ANGLE PARKING

A letter, addressed to Councilman Lyndall Merrill, from Mrs. W. H. Kirk, together with a copy of the editorial from the Modesto Bee regarding parking problems, ^{was read,} requesting that more angle parking be established in the city and objecting to parallel parking since it takes up more space and is difficult for older people to park. It was recommended that the problem of angle parking be explained to Mrs. Kirk in a letter.

10 PARALLEL PARKING AND PARKING ROOSEVELT SCHOOL SITE DISCUSSED

The possibility of installing parallel parking on 11th Street, between K and L Streets and 13th St. between K and L Streets and the using of Roosevelt school site temporarily for off-street parking was discussed. It was moved by Councilman Adams, seconded by Councilman Mellis, and unanimously carried, that parallel parking on these streets and possible use of Roosevelt school, be investigated and reported upon by the City Manager.

11 AWARD BIDS ON AUTOMOTIVE EQUIPMENT

Tabulation of bids received for automotive equipment, opened at 2:00 P.M. Oct. 26, was distributed to the Council members. Councilman R. Adams introduced

RESOLUTION NO. 10,371-N.S.

seconded by Councilman Annan, accepting the bids as recommended by the

Director of Public Works as follows:

R.E. MacBRIDE

Item 1-new 1953 1/2 ton pickup price \$1227.70, trade-in allowance \$50.00
net price \$1,177.70

Item 2-new 1953 1/2 ton pickup, price \$1,227.70

Item 3-new 1953 1/2 ton pickup, price \$1193.00

Item 4-new 1953 1/2 ton pickup, price \$1198.00

Item 6-new 1953 4 door sedan, price \$2,118.40, trade-in allowance \$900.00
net price \$1,218.40

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Item 9-new 1953 1½ ton dump truck, price \$2,702.51, trade in allowance \$600.00, net price \$2,102.51

GRISWOLD & WIGHT

Item 5-new 1953 Standard Business Coupe, price \$1,377.86

Item 8-new 1953 cab & chassis complete with low mount trailer and refuse body price \$5,935.51, trade-in allowance \$442.00, net price \$5,493.51

Item 10-new 1953 four door sedan, price \$1,628.92, trade-in allowance \$1,060.00 net price \$568.92

Item 11-1953 four door sedan, price \$1,628.92, trade-in allowance \$1,036.50, net price \$592.42

Item 12-new 1953 four door sedan, price \$1,487.99

HELM CHEVROLET COMPANY

Item 7-new 1954 cab & chassis complete with low mount trailer and refuse body price \$5,820.00, trade-in allowance \$150.00, net price \$5,670.00

and whereas it was the recommendation of the Director of Public Works that 1936 Dodge pickup offered as trade-in on item 2, and the 1940 1½ ton chevrolet dump truck, offered as trade-in on item 7, be retained by the city, that said offers be rejected, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor

Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALLING FOR BIDS ON TRAFFIC ISLANDS AT 19th STREET AND DOWNEY AVENUE

Plans and specifications for the furnishing of all materials, labor, tools and appliances and doing all the work involved in the construction of traffic islands at 19th Street and Downey Avenue, were presented for the consideration of the Council. Councilman M. Adams introduced

RESOLUTION NO. 10,372-N.S.

seconded by Councilman Mellis, approving the plans and specifications and authorizing the calling for bids to be opened on Monday, Nov. 16, in the office of the City Clerk, not later than 2:00 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayer

Marks

Noes: Councilmen: None

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Absent: Councilmen: Arata

13 CONSIDERATION OF WINDSHIELD STICKER ORDINANCE

The City Manager reported that a suggested ordinance providing for the use of windshield stickers on commercial vehicles used by licensed business firms would be sent out to each council member for his study.

14 ESTABLISH LIMITED PARKING ON BURNEY, G AND 18th STREETS

The City Manager reported that property owners near the intersection of Burney, G and 18th Streets, had been interviewed and were agreeable to establishing limited parking in that area. He outlined a proposed plan for the area and stated that the attorney would prepare a resolution for the next meeting for their consideration.

15 DISCUSS LIMITED PARKING IN FRONT OF POSTOFFICE ON 18th STREET AND ON STREETS SURROUNDING THE CITY HOSPITAL

The City Manager stated that a check would be made with the City hospital the post office officials and other property owners, on the establishment of limited parking, starting at the driveway of the post office and around that block past the hospital on 17th St. and H Streets, and possibly by the Hilburn building on 17th St., and a report would be submitted by next week.

16 DISCUSS PROBLEM OF ISOLATED STORE----PARKING PROBLEMS

The City Manager asked if the Council wished the city to become involved in many little 2-3 space limit parking zones in front of isolated stores in the residential district, since parking space available to them is used by all day parkers. He cited the case of Marshall Leather Shop on 12th Street, between F & G Streets, which had worked out successfully. Councilman Mellis stated that these stores should be given some assistance. Councilman Merrill pointed out the problem of policing these scattered stores and that the pattern of establishing parking zones would get out of hand. Mayor Marks stated that this would not create a policing problem since the store operators would call the police department when constant infraction of the limited parking was occurring. It was the general concensus of opinion of the Council that consideration be given to this situation, and some relief afforded the merchants.

17 PROHIBIT PARKING AND LOADING IN ALLEY BETWEEN NINTH AND TENTH STREETS AND BETWEEN I AND ~~T~~ AND J STREETS

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Upon the recommendation of the City Manager, Councilman Merrill introduced

RESOLUTION NO.10,373-N.S.

seconded by Councilman R. Adams, prohibiting parking, loading or unloading in that portion of the alley in Block 56, adjacent to the Parking Authority parking lot on 9th Street, between I and J Street, as set forth in the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor

Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

PROHIBITING PARKING IN SPECIFIED PLACES ON BOTH SIDES OF SEMPLE STREET AND ON THE NORTH SIDE OF DOWNEY AVENUE

City Attorney Grimes presented a resolution for the consideration of the Council prohibiting parking near the intersection of Semple Street and Downey Avenue. Councilman M. Adams introduced

RESOLUTION NO. 10,374-N.S.

seconded by Councilman Annan, prohibiting parking on both sides of Semple Street from the north property line of Downey Ave., north 40 feet, and on the north side of Downey Ave., from the east property line of Semple Street east 18 feet, and rescinding Resolution No. 10,326-N.S., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor

Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

REPORT ON REQUEST OF GRACE COVELL FOR CROSS WALK ON 11th STREET BET. J & K

The City Manager reported that investigation of the request of Grace Covell for a crosswalk on 11th St., between J and K Streets, had been made by the Police Chief and the Director of Planning.

This request, he stated, as well as similar requests received and others which would be received if the request was granted, should be considered on the basis of whether the Council wished to establish a policy. He pointed out the danger to traffic, since it would slow down the traffic, cause cars to cross the white center line to avoid pedestrians, and cause the loss of two parking meters, one on each side of the street, but that it is more

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convenient for pedestrians to cross in the middle of the block.

Mayor Marks pointed out that he had already received a similar request from Al. G. Harris, merchant on J Street, between 11th and 12th Street.

Councilman Annan moved, seconded by Councilman R. Adams, and it was unanimously carried, that the request of Grace Covell be denied and that the City Clerk write a letter to both Mrs. Covell and Mr. Harris, outlining the basic reasons for denial of the request, particularly the danger to automobile traffic.

REPORT ON MEETING WITH COUNTY ON PARK PROGRAM

The City Manager reported that the suggested plan of Councilman Mellis for a joint city, county and school recreation district was discussed at a city-county committee meeting, at which time the Realtor's Board had presented their report and survey on county park sites. The Supervisors present listened with interest, he stated, and suggested that the County Planning Director consider this suggestion.

REPORT ON COST OF TRASH PICK-UP

The City Manager reported on the cost of the trash pick-up service. He stated that approximately 20% of this cost could be eliminated if certain regulatory measures were adopted for the pick-up service. A full report would be submitted, he stated.

Attorney Grimes suggested that the Council give careful study to the imposing of specific regulatory restrictions by the ordinance.

APPROVE CONTRACT WITH STATE DEPARTMENT OF PUBLIC HEALTH

The City Attorney presented for the consideration of the Council an agreement with the State Department of Public Health, calling for a payment by the state to the city of \$821.00 for the year ending June 30, 1954, being funds allocated to California by the U.S. Public Health Service and the Children's Bureau, Councilman Annan introduced

RESOLUTION NO. 10,375-N.S.

seconded by Councilman M. Adams, approving the agreement and authorizing execution by the authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor
Marks

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Noes: Councilmen: None

Absent: Councilmen: Arata

CONSIDERATION OF CONTRACT FOR PERSONNEL CLASSIFICATION SURVEY

Assistant City Manager Shelton stated that bids had been received from 5 firms for the personnel classification survey, which was included in this year's budget. The Personnel Commission had met this A.M. with the civil service committee of the city employees and it was agreed that the bid of Louis J. Kroeger and Associates of San Francisco was the best bid submitted. The approximate cost would be between \$1500/2000, which is based on the time spent in the city by the analyst and the amount of city employee participation. It is planned, he continued, to place in the specifications for the work, a stipulation that the city will participate in the work. This is to be done for two reasons, 1) reduce the cost, and 2) so that the methods can be learned by the city staff so that periodic changes can be made as required. Availability of this firm, if needed for follow up service, since it is located so near, was another matter taken into consideration. Approximately 10 weeks would be taken for the survey and this firm could start in 10 days.

The Council was invited to be present at a meeting to be held on Monday, Nov. 2 at 4:00 P.M. with the Personnel Commission and a representative from the Louis J. Kroeger firm.

It was moved by Councilman Mellis, seconded by Councilman M. Adams and unanimously carried, that the city enter into an agreement with Louis J. Kroeger & Associates for the personnel classification survey and that a maximum amount be stated in the agreement.

CONSIDERATION OF PROPOSAL FOR NEW PARK AND SCHOOL SITE AND PROPOSAL FOR JOINT USE OF M.I.D. EASEMENT ADJACENT TO PROPOSED PARK AND SCHOOL SITE NORTH OF BOWEN AVENUE

The City Manager reported that a meeting had been held with representatives of the schools and public utility companies to determine the most logical means of developing the property adjacent to a proposed elementary school and city park, north of M.I.D. lateral #3. A report of the meeting, submitted by Franklin J. Bills, Director of Planning, outlined three alternatives, with a suggestion that alternate #1, as outlined in the report was the most ad-

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vantageous. Councilman Mellis moved, seconded by Councilman R. Adams, and it was unanimously carried, that proceeding on the basis outlined in alternate #1 be approved and on the basis that the whole area is being annexed.

LETTER FROM PEGGY ROARK RE: REQUEST FOR HOUSING FOR COOPERATIVE NURSERY SCHOOL

A letter from Peggy Roark, Education Chairman of the American Association of University Women, requesting assistance from the city in securing housing facilities for their planned cooperative nursery school. At the suggestion of the City Manager, Councilman M. Adams moved, seconded by Councilman R. Adams, and it was unanimously carried, that the letter be referred to the committee planning the program for the Youth Center.

REPORT ON UNITED CRUSADE CAMPAIGN

The Assistant City Manager filed a report on the summary of the results of city employees' participation in the 1953 Modesto Area United Crusade, a copy of which is on file in the office of the City Clerk, showing a total pledge of \$1,839.20, which exceeded the goal of \$1,500.00 by 22.6%. He stated that 221 of the 260 employees contributed an average of \$8.32 each and that 120 or 54.3% were using payroll deductions, to pay \$1,138 or 62% of the total pledge. Cash contributions totaled \$702, or approximately the same amount contributed by city employees last year to the Community Chest when the payroll deduction system was not used.

The City Manager stated that a great deal of the credit for the success of the campaign should go to Mark Landquist, Health Officer, Chairman. Councilman Annan moved, seconded by Councilman R. Adams, and it was unanimously carried, that the Council go on record as commending the city employees for their support of the recent United Crusade campaign.

REPORT ON GREATER MODESTO INDEX

The City Manager filed a copy of the "Greater Modesto Street Index", prepared by the Modesto City Planning Commission.

REPORT ON PURCHASE OF RADIO EQUIPMENT FOR POLICE DEPARTMENT

The question as to the status of the proposal to obtain new radio equipment for the Police Department, the City Manager stated that proposals had been requested and obtained and were now under consideration and that additional information had been requested and a report would be presented

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shortly.

29 DISCUSS CENSUS OF CITY

Mayor Marks pointed out that one item of interest in the league conference was the number of cities that were taking^a special census. It was pointed out that the Council had agreed that a special census would be deferred until after the election had been held in the larger areas now under annexation.

ADJOURNMENT

Councilman M. Adams moved, seconded by Councilman Annan, and it was unanimously carried, that the meeting now in session adjourn.


ATTEST: REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Ordinance No. 1084-N.S.

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

Invocation was given by Rev. L. H. Bone of the Nazarene Church.

The City Clerk called the roll of the Council and there were:

Present: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and
Mayor Marks
Absent: Councilmen: D. Arata

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meetings of Oct. 14 and 22, and the same being available for public inspection, and there being no objections, the minutes were approved.

MODESTO RETAIL MERCHANTS BUREAU REQUEST PERMIT INSTALL CHRISTMAS DECORATION

A letter signed by Oscar Cowan, President of the Modesto Retail Merchants Bureau, requesting permission to install Christmas decorations for the 1953 holiday season on the city streets during the latter part of November, which will be removed immediately after Jan. 1, was read. Councilman Annan moved, seconded by Councilman Merrill, and it was unanimously carried, that this request be approved on the provision that the Association will hold the city harmless from any damage for injuries to property or persons resulting from the use of the city streets for this activity.

2 SET DATE FOR CONSIDERATION OF ADOPTION OF BILLBOARD-SIGN ORDINANCE

Pursuant to delaying action on the adoption of the revised billboard and sign ordinance to give an opportunity to various individuals and companies, who had expressed the desire to file written

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suggested changes and comments with the City Clerk, which were to be referred to the committee appointed by the Council and then to the Council for consideration, the City Clerk reported receipt of three letters, which were read by the City Manager:

- 1-Stan Boyett, Manager of Barbour's Stations, filed an objection to the provision calling for the use only of metal signs.
- 2-Wm. E. Hinchliff, Secretary of the Western Oil and Gas Association, requested a 30 day postponement of action by the Council to allow his association time to study the ordinance and compile comments and suggestions for the Council's consideration.
- 3-Alan G. Anderson, Manager of the Municipal License Tax Association, requested additional time to clear recommendations.

Mr. Hinchliff, who was present, stated the building construction department of the Association, had gone over the ordinance in detail and had suggested changes in nine sections, and that a written statement on these could be filed within 30 days.

Mayor Marks stated that 18 open meetings had previously been held by the committee but that an additional meeting would be held to consider these changes and that both Mr. Hinchliff and Mr. Boyett would be notified. Urgency in the filing of the written suggestions was discussed and it was agreed that due to the fact that the ordinance had been already held up for a long period of time, and that the meetings had all been open meetings, that the 30 day period requested by Mr. Hinchliff would be an excessive period to delay the adoption. At the suggestion of the City Attorney, Councilman Merrill moved, seconded by Councilman Mellis, and it was unanimously carried, that the filing of these written suggested changes and comments by interested parties be permitted until Wednesday, November 18, which would give the city an opportunity for reproduction, and that these suggestions be considered by the committee at a meeting to be held at 1:30 P.M. Monday, November 23.

Mr. Hinchliff agreed to have his report in within 10 days/
two weeks.

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3 LETTER FROM STATE LEGISLATURE ASSEMBLY INTERIM COMMITTEE ON CONSERVATION, PLANNING & PUBLIC WORKS RE: MEETING IN THE CITY

A letter was read from Don Hobbie, Chairman of subcommittee on County and Community Planning of the California Legislature Assembly Interim Committee on Conservation, Planning and Public Works, stating that the committee was tentatively scheduling a hearing on planning and related problems in Modesto for the middle of January and requesting that a date be set for the hearing. Mr. Hobbie also requested a date be set for Dr. Wood, their Research Director, to meet with members of the city planning staff for a conference to work out the details of the hearing.

It was agreed by the Council that the City Manager should arrange these dates and that the hearing should be held sometime during January and not on a regular Council meeting date.

4 REQUEST FOR REMOVAL OF TWO TREES ON SCENIC DRIVE AT HIGH STREET
H. L. ABEL

The request of H. L. Abel, dba H & H Market to remove two elm trees on Scenic Drive at High Street and located in front of a proposed parking lot to be constructed by Mr. Abel, was considered.

Councilman Merrill stated that he had inspected these trees and approved the removal. Approval of the removal was also indicated by Director of Public Works Ray and Superintendent of Parks Lowry. Councilman Mellis moved, seconded by Councilman Merrill and it was unanimously carried, that permit to remove these trees be granted to Mr. Abel, providing he assume all costs.

5 ADOPTION OF ORDINANCE REQUIRING DISPLAY OF WINDSHIELD STICKERS ON COMMERCIAL MOTOR VEHICLES

The proposed ordinance requiring display of windshield stickers on all commercial motor vehicles was considered. It was agreed that sections 2 and 4 should be changed to establish the final date for the display of the stickers as January 31, 1954.

Councilman Annan questioned the severity of the penalty clause, which established the maximum fine at \$500 or imprisonment in the county jail for a period not to exceed 6 months.

City Attorney Grimes stated that this was the uniform penalty clause included in all city ordinances and that it would be a question for the judge administering the law to determine the amount, according to the circumstances.

A general discussion was held on the method to be used in notifying the licensed concerns on the requirements of the ordinance and the manner of acquiring the necessary stickers from the license department.

Enforcement of the ordinance in a reasonable manner was assured by the City Manager.

Councilman Mellis introduced

ORDINANCE NO. 1097-N.S.

entitled: "AN ORDINANCE REGULATING THE ISSUANCE AND DISPLAY OF WIND-SHIELD STICKERS TO PERSONS USING COMMERCIAL MOTOR VEHICLES WITHIN THE CITY OF MODESTO IN THE CONDUCT OF A BUSINESS LICENSED BY THE CITY" and moved its adoption and passage to print, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and R. Adams

6 HEARING ON PROPOSED ANNEXATION OF FREMONT ADDITION

The hearing on the proposed annexation of the Fremont addition to the city which had been held over from the last meeting was declared reopened by Mayor Marks.

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A report filed by the City Clerk indicated that the total number of parcels in the area was 248 and that the total number of parcels upon which protests were filed was 99 and that the protest was made by the owners of less than a majority of separate parcels of property within the territory.

The state laws relating to the filing of petitions for annexation, manner of checking protests against annexation and the holding of an election were explained to Clarence E. Davis, 1537 Stetson Ave., opposed to the proposed annexation. Mr. Davis stated that he opposed the annexation due to the excessive cost for sewer and water connection, on the basis that it had cost someone in the Maze Court area \$1,300 for sewer and water service.

A discussion was held by the Council and Mr. Davis on various charges for these connection fees in other annexed areas. Mayor Marks pointed out the cost to the citizens to furnish these services to the Maze Court area recently annexed would not be returned in revenue to the city for a great many years. He urged Mr. Davis to obtain the correct facts, and suggested that figures from the College Garden tract would be comparable with the fees to be charged in the Fremont Area.

The City Manager pointed out that the city was not begging people to come in, that the people in that area had requested to be annexed and that the city would financially be better off if it had not annexed any territory, but would welcome them if they annexed. He outlined the program and cost to the city of installing hydrants in the privately owned water system in College Garden tract and the installation of the water lines in the Maze Court area so that fire rate for those areas would be reduced.

The City Manager stated that he had checked with the engineer of the Board of Fire Underwriters and had been informed that effective October 15, about 4 months after annexation, the North Central
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Addition had an N. B. class 3 fire rating. With the installation of six or seven hydrants, at a cost of approximately \$1800/\$2000, and a tie in of the city lines with the privately owned water system, the Fremont Addition could enjoy a #3 fire rate, and when a fire alarm system is installed a #2 rate will be established.

He cited the savings in insurance costs for the various rates which varied from \$1.10 per \$100 for 3 years for a shingle roof with a 9B rating to 35¢ per \$100 for 3 years in the #2 rating.

Councilman R. Adams arrived at this time.

7 A RESOLUTION CALLING SPECIAL ELECTION FOR ANNEXATION OF THE FREMONT ADDITION TO THE CITY OF MODESTO

Councilman Mellis introduced

RESOLUTION NO. 10,376-N.S.

seconded by Councilman M. Adams, calling a special election to be held on the 1st day of December, 1953, pertaining to the annexation of the Fremont Addition to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None

Absent: Councilmen: Arata
Mayor Marks closed the hearing at this time.

6 CONSIDERATION OF ORDINANCE ADOPTING THE 1952 UNIFORM PLUMBING CODE

A letter from O. A. Sullivan requesting postponement of the adoption of the ordinance adopting the 1952 uniform plumbing code for a week and a petition signed by 13 plumbing contractors protesting the use of galvanized pipe for waste lines and vitrified clay or abestos pipe for house sewer lines, were read.

Councilman M. Adams recommended the adoption of the ordinance be held up for two weeks to check out several items which had been presented with relationship to the code and moved, which was seconded by Councilman Annan, and it was unanimously carried, that action on the adoption of the plumbing code be postponed until November 18.

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7 CANCEL COUNCIL MEETING OF NOVEMBER 11, DUE TO LEGAL HOLIDAY

Since the next Council meeting falls on November 11, Armistice Day, a legal holiday, Councilman M. Adams moved, seconded by Councilman Annan, that the meeting regularly scheduled for November 11, be cancelled.

10 JOE BYRNE FILE COPY OF PETITION TO BE CIRCULATED REQUESTING CONGRESS TO OUTLAW THE COMMUNIST PARTY

Joe Byrne filed a copy of a petition, which will be circulated by members of the local branch of the Veterans of Foreign Wars the week following Armistice Day, requesting Congress to outlaw the communist party.

11 ACCEPT CONSTRUCTION OF SANITARY TRUNK SEWER LINE ON GRANGER AVENUE BETWEEN TULLY AND McHENRY AVENUES FROM CONTRACTOR STOLTE INC.

A report filed by Director of Public Works Ray that Stolte Inc. had completed the construction of a sanitary trunk sewer line on Granger Avenue between Tully and McHenry Avenues, and that a progress payment of \$19,926.25 was due, was read. Acceptance of the contract as completed by Stolte Inc. and filing of the notice of completion with the county recorder, was recommended by the Director of Public Works. Councilman Mellis introduced

RESOLUTION NO. 10,377-N.S.

seconded by Councilman Annan, accepting the construction of sanitary sewer line on Granger Avenue from contractor Stolte Inc., authorizing the payment of \$19,926.25, and recording of Notice of Completion, as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

12 LETTER FROM DIRECTOR OF PLANNING RELATING TO RENAMING OF PORTION OF CROWS LANDING ROAD WITHIN CITY

A letter from Director of Planning Bills reporting that at the public hearing held by the Planning Commission on November 3, no
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person had appeared either in support of or in opposition to the renaming of that portion of Crows Landing Road, extending north from the city limits to Sierra Drive, to South Seventh Street.

The Council indicated approval of the preparing of a resolution by the City Attorney to be considered at the Council meeting to be held on November 18, changing the name of the street to South Seventh Street.

13 PROGRESS REPORT ON JOINT DEVELOPMENT OF PARK PLAN FOR MODESTO AREA

The Director of Planning reported on the progress being made on a program for a joint city and county park plan for the Modesto area. An inventory of the park and recreation facilities in the county has been started and will be prepared in map form for presentation, he stated. Under consideration was a plan for the distribution of available park funds on a percentage basis, based on two factors, 1) population needs, 2) logical sites for location of parks within the county. Part of the same program, it is planned to work with Superintendent of Park Lowry to begin the development of a plan for better distribution of park and recreational areas within the city, based on the needs of individual neighborhoods.

The City Manager stated that the County Director of Planning has been requested by the Board of Supervisors to proceed with some analysis of this program with the idea of completing a plan for financing parks similar to the one in Merced County.

14 ESTABLISH ONE HOUR PARKING ZONE ON PORTION OF 18th STREET

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 10,378-N.S.

seconded by Councilman R. Adams, establishing one hour parking on both sides of parts of 18th Street, between G and H Streets, as set forth in the resolution, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

ESTABLISH TWO HOUR PARKING ON SOUTH SIDE OF H STREET AND PORTION OF 18th STREET

Councilman R. Adams introduced

RESOLUTION NO. 10,379-N.S.

seconded by Councilman Annan, establishing two hour parking zones in certain designated places on the south side of H Street between 17th and 18th Streets and on part of the west side of 18th Street between G Street and H Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

REPORT ON CONTRACT WITH LOUIS J. KROEGER & ASSOCIATES FOR PERSONNEL CLASSIFICATION SURVEY

Assistant City Manager Shelton reported that the contract with Louis J. Kroeger & Associates for the personnel classification survey was in draft form and that only one point remained to be cleared with the Council, the maximum charge for the service. This charge is to be \$1750, he stated, payable upon completion of survey and filing of final reports. The Council indicated its approval of this arrangement.

APPROPRIATION TRANSFER OF \$2700 FROM GENERAL RESERVE TO MISCELLANEOUS UNCLASSIFIED FOR COMMISSION ON TAX COLLECTION BY COUNTY

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 10,380-N.S.

seconded by Councilman M. Adams, approving appropriation transfer of \$2700 from the General Reserve to Miscellaneous Unclassified for payment for tax collection by the County Tax Collector, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None

Absent: Councilmen: Arata

18 RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS FROM YOUTH CENTER FURNISHING FUND

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,381-N.S.

seconded by Councilman R. Adams, appropriating \$1,112, received as donations for furnishing the Youth Center, from the Youth Center Furnishing Fund, for expenditure by the Recreation Department for Capital Outlay expenditures, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

19 ESTABLISH STOP SIGNS ON NORTHEAST CORNER OF MORRIS AVENUE & VIRGINIA AVENUE

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,382-NS.

seconded by Councilman Mellis, establishing stop signs on the northeast corner of Morris Avenue and Virginia Avenue for traffic proceeding on to Virginia Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

20 DISCUSSION OF TRAFFIC PROBLEMS IN CITY

Councilman Mellis suggested that a stop sign be installed on 12th Street at G Street, since a number of automobile accidents had

occurred at that intersection due to the construction of the buildings and the location of the trees.

The City Manager pointed out that this problem existed at many intersections in the city and recommended that before any action was taken that a traffic count be taken and a study be made on the relationship of this intersection with other intersections since any other system of installing stop signs tended to break down the arterial system in the city.

He suggested that the answer to many of the traffic problems might be in the employment of a traffic engineer to develop a sound program.

Mayor Marks suggested that a system similar to the one used in Los Angeles of marking the center line in an "S" manner with white paint at a dangerous intersection, be used.

Councilman Annan brought up the point that the traffic travelling on an arterial street (J Street) was failing to yield the right of way to cross street traffic and Police Chief Neel stated that he would check on this problem.

21 AUTHORIZE EXECUTION OF RELEASE OF CITY CLAIM AGAINST NEHI BOTTLING CO

Councilman Annan introduced

RESOLUTION NO. 10,383-N.S.

seconded by Councilman M. Adams, authorizing the execution of a release to the Nehi Bottling Co., for the claim of the city's for \$181.12 for damage to the awning at the Police station, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Melli~~s~~ Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

22 PROGRESS REPORT ON DRAINAGE STUDIES DEFERRED

A progress report on drainage studies was deferred to a later meeting.

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23 REPORT ON HEARING HELD BY PUBLIC UTILITY COMMISSION ON GRADE CROSSINGS

The City Attorney and City Manager reported on the hearing, which they had attended this A.M. in San Francisco, of the Public Utility Commission on grade crossings.

The City Manager reported that none of the \$500,000 allocated by the state could be used for the construction of grade crossings but is to be used in the cost of constructing protection devices at crossings of railroads and city or county highways. The map prepared by the P.U.C., showing the locations of the problems proposed for improvement, he stated, had "skipped" Stanislaus County entirely. P.U.C. representatives at the hearing had indicated that allocation of the funds would be partially based on the financial ability of the county or city to pay for the improvements. The City Manager stated that he objected to this "pauper clause" method of allocation.

The City Manager reported that he had requested that

- 1) Reconsideration be given to the reallocating of the funds on the basis of the problem involved and not on the basis of the city's or county's ability to pay.
- 2) That the City of Modesto be permitted to meet with the P.U.C. engineers to present its problems.

He reported that a list of projects in Stanislaus County had been submitted by the County Road Commissioner.

The City Attorney had questioned the legality of allocating funds on the basis of a city's or county's financial ability to pay. He had pointed out that the installation of protection devices at intersections would not solve the problem and that the only permanent solution was grade separation. Modesto, he stated, is split in the middle by the railroad and the state highway, and from the standpoint of health and safety the routing of fire fighting equipment, as well as police protection facilities presented a critical problem. Protection devices at crossings help but do not solve the problems.

ADJOURNMENT

Councilman Annan moved, seconded by Councilman Mellis, and it was unanimously carried that this meeting now in session adjourn.

ATTY-ST  REX E. GAILFORD, CITY CLERK

November 18, 1953

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1084-N.S.

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

Invocation was given by Rev. J. W. Watson, of the First Southern Baptist Church.

Roll call was taken by the City Clerk and there were

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

Absent: Councilmen: M. Adams

Also present: George Grounds Jr., representing the Chamber of Commerce.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meeting of November 4, and the same being available for public inspection, and there being no objections, the minutes were approved.

1 LETTER FROM FRED ROCHLIN, ARCHITECT

A letter from Fred Rochlin, Architect, offering his services to the city, was read and ordered filed.

2 LETTER FROM WM. J. SILVA

A letter from Wm. J. Silva relative to the recent bid call for automotive equipment, was read. The City Manager was instructed to clarify the specification requirements with Mr. Silva.

3 LETTER FROM THE MODESTO BEE

A letter from the Modesto Bee requesting that notification of special meetings of the Council be sent them as provided in Sections 54954 94955 and 94956 of the government code (Ordinance No. 1084-N.S. of the City of Modesto), was read and placed on file

4 LETTER FROM KBOX RE: DOWNTOWN PROMOTIONAL CAMPAIGN FOR MODESTO MERCHANTS

A request for an audience with the Council during this meeting to discuss a promotional campaign for downtown merchants from Richard C. Nicholson, Station Manager of KBOX, was read.

Mr. Nicholson, who was present, outlined the plan for the promotional campaign, which consisted of the placing of loud speakers on the light standards in the downtown area, to broadcast music daily,

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Monday, through Saturday, with occasional commercials stressing 'Shop downtown' and on Wednesday, mentioning the Thursday night opening (these announcements to be of general nature and not to carry any merchant's name). The focal point of the speakers would be the Police Department and this department would have control and could cut in at any time to make announcements if necessary. The speakers would be maintained and regulated in such a manner that they would not become irritating to the general public. He pointed out the advantage to the city in having such a system for broadcasting, civil defense matters, warning to pedestrians not to jay-walk, urging motorists not to double park and giving locations of public parking lots. Insurance to protect the general public will be maintained, Mr. Nicholson stated. It is planned to conduct the program during the entire month of December and to return to the regular routine of six hours per week afterwards. The agreement for this service to the merchants, which they have already approved, will be on a six months basis with option to renew.

Councilman Mellis pointed out that other radio stations had the same type of facilities, as KBOx and they should not be granted exclusive rights.

Councilman Annan indicated approval of the plan but questioned if it would conflict with the regular musical program during the Christmas season which private merchants had conducted.

Jules Loeb, Louis Freed and Tyner Alsbury, representatives of the Merchants Association, stated that the association had endorsed this program.

Mr. Freed stated that it was agreed by the merchants that if the Council would grant the privilege to the radio station to erect and maintain these speakers on the light standards, that it would underwrite the cost and that the first thing to be decided was whether the Council would approve the erection of the speakers and the broadcasting of music and announcements of this nature.

As this was new business, it was decided to delay action for a week so that the legal and technical angles could be checked by the City Manager, City Attorney and Director of Public Works.

City Attorney Grimes pointed out that if it was necessary to amend
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the ordinance, it would take approximately 30 days to put it in effect and that if the ordinance was not amended that the operation of the speakers would be subject to the city anti-noise ordinance.

DISCUSS APPROVAL OF FINAL MAP OF LaVILLA SERENA SUBDIVISION

Assistant Director of Public Works Fredricksen raised the following questions on the final map of the LaVilla Serena subdivision (Briggs-Whitmore Addition), presented by S. Pearson for the Conow Builders, subdividers:

- 1-Right of way deed, for widening of Briggsmore Avenue, had not been received from Chester Whitmore.
- 2-The map showed anchor easements for guy wires to hold M.I.D. polls at each lot in the subdivision. This is more than is needed by the M.I.D. Time had not permitted him to work this out with the M.I.D.

Fred Johnson, engineer for the Conow Builders, contended that this did not apply to each lot in the subdivision and that the utility company could only use those which it required.

J. M. Grigsby, engineer of the Modesto Irrigation District, stated that the proposed final map had been presented to them at 1:30 P.M., this date and that it had not been checked as to the exact extra cost, as compared to the original map submitted June, 1953, but that it would be approximately \$4,000. E. I. Asher, representing the Pacific Telephone & Telegraph Company, estimated the extra cost for phone service to the subdivision would be approximately \$2,000.00

Mr. Grigsby stated that the M.I.D. wished to go on record that on subdivisions similar to this one with circular-linear streets, the subdivider would be required to pay additional cost for service.

Mayor Marks stated "that the Council is on record that we do feel the Modesto Irrigation District should bear in mind that these subdivisions do bring in extra taxes and income from the use of electricity used by property owners."

City Manager Miller pointed out that there were many reasons why some curved streets are an advantage to the city and tax payers and among these are 1) Minimum length of street, which must be maintained by the city, and 2) More land available for residences.

Mr. Pearson stated that the thought of his company in subdividing the land in this manner was to save money for the city by reducing the number

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of streets which would have to be maintained by the city.

At the suggestion of the City Manager action on approving the final map was delayed for one week so that the street right of way and the costs for serving utilities could be cleared, and the agreement and bond for subdivision improvements be prepared.

6 CHANGE NAME OF CROWS LANDING ROAD TO SOUTH SEVENTH STREET

The City Attorney presented for consideration of the Council a resolution changing the street name of "Crows Landing Road" from Sierra Drive to the Southerly city limits to "South Seventh Street", whereupon Councilman Merrill introduced

RESOLUTION NO. 10,387-N.S.

which was seconded by Councilman Mellis, changing the street name of that portion of Crows Landing Road within the city limits to South Seventh Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

7 DISCUSSION OF TRAFFIC PROBLEMS WITH D. J. FAUSTMAN, TRAFFIC ENGINEER FOR THE CITY OF SACRAMENTO

The City Manager presented D. J. Faustman, Traffic Engineer of the City of Sacramento, who was in Modesto at the request of the City Manager, to observe and discuss some of the most urgent traffic problems confronting Modesto.

Mr. Faustman stated that the increase in population in every California community, whether large or small, had created a congestion of traffic, which was a matter of growing concern. The system of one-way streets in the downtown area was initiated in Sacramento a few years ago, over the protest of some of the merchants, he stated, but they have worked out so successfully that now merchants groups were requesting that additional one-way streets be established.

The "Scramble" signal system at heavily traveled intersections was started about a year ago on a 60 day trial basis and it has proved most effective and it is now planned to extend this system to 10 more down town

intersections. The system moves both vehicular and pedestrian traffic much faster. The result from the traffic safety stand point has been phenomenal. It was necessary to lengthen the light cycle in the traffic signals already installed and Sacramento used the most expensive type of control which provides for a different timing schedule depending on the volume of traffic during different hours of the day. The cost per intersection had been approximately \$2000.00. Less intricate installations can be made at much lower cost.

The continuing changing in the traffic patterns and locations where traffic accidents are occurring, makes it necessary for every growing community to have someone assigned to this problem. The National Safety Council's recommendation is that all cities of 50,000 or less should have someone spending at least part time on traffic programs. He suggested that the cost of the time spent by this city's planning department, police department and public works department could be used to pay an engineer assigned to make a continuing study of all traffic problems.

"The problem of the high percentage of pedestrian and vehicular accidents on Ninth Street perhaps could be attributed to the need for overhauling the traffic signals, since so many people were running the red light. Perhaps the lights cannot be seen by the drivers, and an overhead signal is needed as well as a separate pedestrian indicator. An engineer could work out this problem," he stated.

The City Manager stated that the timing of the Ninth Street signals are being restudied by the state. Consideration is being given to placing these signals on different cycles during the day depending on the hours of heavy traffic and to the installation of a Walk-Wait signal for pedestrians.

Cross walks installed in blocks 500 feet or less in length were undesirable both for pedestrians and vehicles as they increased pedestrian hazards and disturbed the smooth traffic flow, Mr. Faustman stated.

Mr. Faustman stated that records indicated that there has been a serious accident experience on G Street at 10-11-12th Streets. This would indicate that G Street is being used as an arterial street since it crosses the railroad tracks and the recent traffic count taken by the

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Police Department seems to bear this out. He recommended that stop signs be installed from 9th to 14th Streets and that parking spaces near the intersections be eliminated to increase the visibility at these intersections.

Councilman Mellis moved, seconded by Councilman R. Adams, and it was unanimously carried, that the City Manager proceed as soon as possible with the hiring of a traffic engineer for the City of Modesto.

Mayor Marks expressed the gratitude of the Council and the citizens of Modesto for the "good neighbor" expression of Sacramento in allowing Mr. Faustman to visit and discuss the city's traffic problems with the Council.

Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried that the City Manager be instructed to ask the State Highway Department to consider plans for the installation of a traffic signal at the intersection of Santa Cruz Avenue and Yosemite Boulevard in the recently annexed LaLoma-Yosemite Addition.

8 AUTHORIZE PURCHASE OF PARKING METERS

Upon the recommendation of the City Manager, Councilman R. Adams moved, seconded by Councilman Mellis, and it was unanimously carried, that the City Manager be authorized to purchase fifty Miller Parking Meters (39 of which will be installed on L Street, between 9th and 12th Street)

Councilman Arata introduced

RESOLUTION NO. 10,388-N.S.

seconded by Councilman R. Adams, approving the appropriation transfer of \$3,000 from the General Reserve Fund to the Department of Public Works, Parking Meters, for the purchase of 50 Miller Parking Meters, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

Director of Public Works Ray informed the Council that the platoon system of parking was being installed on L Street.

9 REPORT ON CHARGES ON 5/8 WATER METER

A report was submitted by Director of Finance Lawrence on 5/8" water meter charges which was read by the City Manager who suggested that

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an amendment to Ordinance No. 1069-N.S. be prepared by the City Attorney for the consideration of the Council providing for a minimum rate to be charged and paid as follows:

Size of Meter	Bi-monthly Rate	Cubic Feet
5/8 inch	\$3.00	1111
3/4 inch	4.50	3333

Councilman R. Adams recommended that refunds be made to the people who were overcharged but the City Attorney questioned the advisability of adopting an ordinance providing for retroactive refunds. The City Manager stated that a check would be made and a report presented to the Council on this matter.

Councilman R. Adams moved seconded by Councilman Mellis and it was unanimously carried, that the City Attorney be instructed to draft an ordinance effecting this change for the consideration of the Council.

10 LETTER FROM MRS. KATIE E. KECK RE: DEPRESSION IN LEON STREET

A letter from Mrs. Katie E. Keck requesting that a depression in the street in front of her property at 413 Leon Avenue be repaired was referred to the City Manager for checking.

11 COMMUNICATION FROM LEAGUE OF CALIFORNIA CITIES

A communication from the League of California Cities relating to the general assembly resolutions adopted at the annual league conference in San Francisco, October 21st, was considered. The City Manager called the attention of the Council to 1) Possible simplification of improvement acts, and 2) Proposed comprehensive statewide traffic and transportation study to determine existing deficiencies on state highway and major highways in metropolitan areas.

12 CARD FROM JOE TYLER

A card to Mr. Miller from Joe Tyler, now living in Hawaii was read.

13 APPROVE SPECIFICATIONS, CALL FOR BIDS ON MOTORIZED STREET SWEEPER

Upon the recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 10,389-N.S.

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seconded by Councilman Arata, approving the specifications for the furnishing of a motorized street sweeper and authorizing the calling for bids, said bids to be opened at 10:00 A.M. Tuesday, December 1, 1953, in the office of the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

AWARD BID TO STANDARD MATERIALS, INC. FOR TRAFFIC ISLAND AT NINETEENTH STREET AND DOWNEY AVENUE

A report filed by the Director of Public Works with the City Manager recommending that the bid received and opened at 2:00 P.M. on November 16, for the traffic channelization at 19th and Downey Avenues of the Standard Materials Inc. for \$2,445.00 be accepted, as it was the lowest bid received, was read. Councilman Arata introduced

RESOLUTION NO. 10,385-N.S.

seconded by Councilman Annan, accepting the bid of said Standard Materials Inc. as recommended by the Director of Public Works and authorizing execution of contract by authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams.

FINAL ADOPTION ORDINANCE NO. 1097-N.S. (WINDSHIELD STICKERS)

Ordinance No. 1097-N.S. entitled: "AN ORDINANCE REGULATING THE ISSUANCE AND DISPLAY OF WINDSHIELD STICKERS TO PERSONS USING COMMERCIAL MOTOR VEHICLES WITHIN THE CITY OF MODESTO IN THE CONDUCT OF A BUSINESS LICENSED BY THE CITY", having been heretofore introduced and ordered printed and published at the regular meeting of November 4, 1953, Councilman R. Adams moved, seconded by Councilman Merrill, that the ordinance be finally adopted which motion was upon roll call carried by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

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16 DEFER CONSIDERATION OF ORDINANCE ADOPTING 1952 UNIFORM PLUMBING CODE

Consideration of the adoption of proposed ordinance adopting the 1952 Uniform Plumbing Code was deferred until a later meeting.

17 ESTABLISH A NO PARKING ZONE AND A ONE-HOUR PARKING ZONE AT INTERSECTION OF G STREET, EIGHTEENTH STREET AND BURNEY STREET

The City Attorney presented a resolution for the consideration of the Council establishing a no parking zone and a one hour parking zone at the intersection of G Street, 18th Street and Burney Street. Councilman Mellis introduced

RESOLUTION NO. 10,386-N.S.

seconded by Councilman R. Adams, establishing a loading zone at above named intersection, as shown and located on that certain drawing entitled, "Plan for Vehicle Parking Zone" dated November 10, 1953, and made a part of the resolution and establishing one hour parking at same intersection as shown on above stated map, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

18 APPROVAL OF AGREEMENT WITH LOUIS KROEGER & ASSOCIATES FOR PERSONNEL CLASSIFICATION SURVEY

Upon the recommendation of the City Manager Councilman Merrill introduced

RESOLUTION NO. 10,390-N.S.

seconded by Councilman Annan, approving the agreement, dated Nov. 18, as presented, between the city and Louis Kroeger & Associates for personnel classification survey, and authorizing execution by authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

19 REPORT ON REQUEST OF NAVY CLUB OF U. S. TO EXHIBIT COLLECTION ON STREETS

The City Clerk reported that the request of the Navy Club of the United States of America to show a mobile exhibit on the streets of the city within the next 60 days, had been checked with the local Navy organizations

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in the city and that while this was a private organization composed of naval veterans, the Navy department and Navy organizations extended full cooperation although they did not endorse the organization. Councilman Annan moved, seconded by Councilman Arata, and it was unanimously carried, that permit be granted as requested with the stipulation that the time, place and manner of display would be subject to approval of the Police Chief.

20 APPROVE AGREEMENT WITH STATE FOR SHARING COST OF HIGHWAY ILLUMINATION ON 99 HIGHWAY AT COLDWELL & TULLY ROADS

The City Manager presented an agreement between the city and the State Department of Public Works, Division of Highways, for the illumination of the intersections of Coldwell Avenue and Tully Road with State Highway Rt 4 (99 Highway). The city's share of the expense, he stated, would be one-sixth at the Woodland Avenue, Coldwell Avenue intersection and one fifth at the Tully Road intersection. Councilman Annan introduced

RESOLUTION NO. 10,391-N.S.

seconded by Councilman R. Adams, approving the agreement as presented and authorizing execution by authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

21 APPROVE REQUEST OF GREYHOUND BUS CO. FOR ESTABLISHING LOADING ZONE ON NORTH SIDE OF G STREET, BET. 10th and ALLEY DURING REMODELING OF BUS DEPOT

The City Manager reported that a request had been filed by the Greyhound Bus Company, for the establishment of a loading zone on the north side of G Street, between Tenth and the alley during the remodeling period of the depot. Councilman Mellis moved, seconded by Councilman R. Adams, and it was unanimously carried, that the Council indicate its desire to work with the company on the problem, and requesting the City Manager to bring a plan for the consideration of the Council when needed.

22 ACCEPT DEED FROM W. R. AND ALMA MENSINGER ON PORTIONS OF BLOCKS 6001 and 6057 (LOIS AVENUE)

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 10,392-N.S.

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seconded by Councilman Arata, accepting deed from W. R. and Alma Mensinger on a portion of Ave. B lying between Block 6001 and 6057 of the Mensinger Tract No. 2, to be used for street purposes (Lois Avenue) and authorizing the recording with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

Director of Public Works Ray reported that if Mr. Mensinger would put curb and gutter in, the city would oil the street.

23 REQUEST FOR LOADING ZONE ON 18th STREET FILED BY CHURCH OF THE NAZARENE

A request of the Nazarene Church, 1801 H Street/^{was filed} for the establishment of a loading zone on that portion of 18th Street, adjoining its church, which is a dead end street, to load and unload passengers from its church bus. Councilman Annan moved, seconded by Councilman R. Adams, and it was unanimously carried, that the City Manager be authorized to work out arrangements which would be satisfactory to the church and the city.

24 CONFIRM APPOINTMENT OF MEMBERS TO THE FORWARD MODESTO COMMITTEE AND DEFINING FUNCTION OF SAID COMMITTEE

Mayor Marks read a copy of a letter which he had sent to members of the "Forward Modesto" committee and stated that these members had been most enthusiastic in accepting the assignment. He stated that Lawrence Robinson Jr., had been appointed temporary chairman of the committee and had appointed a program committee to keep the committee running composed of Mr. Robinson with Dr. Robert R. Moon, Dick Lyng, Dick L. Ustick and John W. Salter, to assist him and that the first meeting of the committee had been scheduled for next week. He read the following resolution confirming the appointment of members to the Forward Modesto Committee and defining the function of said committee, a copy of which is hereby attached and made a part of the minutes of the meeting.

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A RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO THE FORWARD MODESTO COMMITTEE AND DEFINING THE FUNCTION OF SAID COMMITTEE

In order to:

(1) Assure that the community will keep pace with the increasing needs for urban facilities and services brought about by an ever expanding population; and

(2) Promote the orderly growth and development of the City; and

(3) Insure that the City will continue to be the kind of a City that its residents and their posterity will desire to live in and point to with pride and gratification;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. APPOINTMENT. The appointment of the following members to the Forward Modesto Committee is hereby approved and confirmed:

Henry G. Anderson
Mrs. R. P. Barrett
Wm. H. Bates
Mrs. C. W. Black
H. D. Buxton
Dan Chaddock
James Corson
Mrs. Carroll Craig
E. C. Grandall
Frank Damrell
Mrs. Vic Donihue
William Falger
George Gaugler
Lew Graham
Edward P. Griswold
Dr. Hans Hartman
Marvin L. Heckendorf
John B. Beard

Phil Humphreys
Peter Janopaul
Fred Johnson
R. Al. Johnson
Ray Jones
Tom Jensen
W. V. Locher
Sidney Losher
Richard Lyng
E. Graham May
Ian Mensinger
Mrs. John Mensinger
William R. Mitchell
Dr. Robert R. Moon
Mrs. William Murray
James O'Keefe
Harold Parsons

Dr. Robert R. Radcliff
Herb Ramont
Lawrence Robinson, Jr.
John W. Salter
Martin Schueller
Hubert Scott
Dr. Raymond S. Shearn
O. Arthur Sullivan
H. C. Torreano
C. E. Ulrich
Dick L. Ustick
Mrs. H. S. Walton
Mrs. James Wayland
Norman West
Charles W. Wherry
George Williams
Vern Withuhn
H. E. Zimmerman

SECTION 2. ORGANIZATION. Said Committee shall organize forthwith and shall select a Chairman, Vice-Chairman and Secretary from among the appointed members.

SECTION 3. FUNCTIONS. It shall be the purpose of said Committee to prepare and submit to the Council a report which shall include:

(a) A recommended general plan or blueprint for the future physical development of the City:

(b) A list of proposed capital improvements, if any, which are recommended, indicating the approximate cost of each project and its relative priority, and

(c) Recommended means for financially implementing the general

plan or blueprint and such capital improvements as are recommended.

SECTION 4. PUBLIC RECORD. The Committee shall keep a public record of its official actions, including a record of its motions, resolutions, findings, determinations and recommendations.

SECTION 5. TIME FOR REPORTS. The Committee shall submit a preliminary report to the Council on or before March 15, 1954 and shall submit its final report on or before May 1, 1954.

SECTION 6. TERMINATION. The existence of said Committee shall terminate on June 30, 1954.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of November, 1953, by Councilman R. Adams, who moved its adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

ATTEST: 
REX E. GAILFUS, CITY CLERK

25 DISCUSS POLICY OF COUNCIL ON ANNEXATION OF RESIDENTIAL AREAS

Councilman R. Adams recommended that the Council inform the people of the community that it will be impractical to annex any more large residential areas at the present time. The basic reason, he stated, is that it is the duty of the city to extend to those annexed areas, as rapidly as possible, the same type of services as are now furnished residents of the city. "The city cannot, at the recent rate of large annexation of residential areas. We must get caught up with what we already have. There will be isolated cases which we must consider and accept, such as commercial, industrial, and new subdivision areas, but I do not feel that we would be doing the right thing for the people in the city to consider at present any more large residential area annexation."

In order to give the city time to raise its standards, Mayor Marks stated, the Council could indicate its desire to establish a policy that further annexation of large residential areas be delayed until the new areas are assimilated and services brought up to standard. Since this is such a far reaching decision, he stated, perhaps the Council could think this over for a short time. "We think they all belong in the city, but it might be some time before we can annex additional large residential areas."

The City Manager stated that a request for city services and annexation of the new proposed medical center, adjoining the McHenry Village had been discussed with him and he suggested that if the Council agreed, that this request could be checked out and a report filed with the Council, and that the annexation be done concurrently with the McHenry Village, as soon as the Granger Addition annexation was officially concluded. The Council concurred on this suggestion.

Councilman Mellis stated "We have to analyze each one as it comes along and we could indicate our intentions each time one comes up." He questioned the advisability of adopting an over-all policy on this question. "It is not to the benefit of the city to take a definite stand rejecting annexations."

Councilman Annan suggested that the Council take some action to let the public know what "our thoughts are in the matter. When people

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annex to a city they expect some results and I believe that we can get the city services to them more quickly if we digest what we have at the present time."

26 REPORT ON ANNEXATION ELECTION IN LaLOMA-YOSEMITE ADDITION

The City Manager made a preliminary report on the results of the LaLoma-Yosemite Addition annexation election held on November 17, as follows:

Number of registered voters-----	2147
Total votes cast-----	1243
For the annexation-----	667
Against the annexation----	576
Absentee ballots cast	6
percentage of votes cast	58%

and on the Granger Addition annexation election as follows:

Number of registered voters-----	301
Total votes cast-----	217
For the annexation-----	152
Against the annexation-----	65
No absentee ballots cast	
Percentage of votes cast	72.3%

City Attorney Grimes stated that the Council should convene on Tuesday, Nov. 24, at 4:00 P.M. to canvass the vote.

The City Manager pointed out that the successful annexation of these areas presented some problems;

- (1) In view of the annexation of the LaLoma-Yosemite addition, we request authority to proceed immediately for preparation of plans for the LaLoma major trunk line.

Councilman Annan moved, seconded by Councilman Arata and it was unanimously carried, that approval of this action be given to the City Manager

- (2) Immediate need for two additional pieces of equipment, a trash pick up truck and a police patrol car
- (3) Need for additional personnel in the Police and Public Works Departments and in other functions.

It was suggested by the City Manager that authority be given him to purchase the additional equipment from the low bidder in the recent call for bids on automobile equipment and transfer of funds could be completed at a later meeting. Councilman Mellis moved, seconded by Councilman H. Adams and it was unanimously carried, that authority be given to the City Manager to purchase a truck to be used for trash pick-up and a police patrol car in the manner suggested by the City Manager.

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The City Manager reported that statements will be distributed to all of the people residing in the newly annexed areas, pointing out to them their rights and problems as citizens of the City of Modesto, leaf pick up will start in a very short time and trash pick-up service will be started in a few weeks.

The City Manager pointed out that additional personnel would be needed in the Police Department and in other departments. The Council concurred that the City Manager had the authority to work this matter out, as the help was needed, it should be secured.

The Fire Department personnel, he stated, was today checking on the location of the fire hydrants and the status of water supply in these areas with water companies furnishing service to the annexed areas and also with the fire district. The Police Department had visited the Wilson School today and had offered assistance in protecting the school children and also on painting the street for traffic control. Sewer and light questionnaires will be out shortly to these areas. Director of Finance Lawrence is making an estimate of the probable revenue.

REPORT ON REQUEST OF S. J. BERAN FOR AMENDMENT OF ORDINANCE TO PERMIT OPERATION OF SEARCH LIGHTS IN THE CITY

Police Chief Neel reported on the request of S. J. Beran for an amendment to the ordinance to permit the operation of search lights in the city. He stated that he had contacted a number of cities in the state and also the League of California Cities and was unable to find any other city which prohibited this type of operation.

The City Manager suggested that if the use of search lights was permitted it be under certain regulations and under the control of the Police Department in case they "got out of line." He read a card received from L. Jennings, 405 15th St., requesting that this service be made available to merchants in the city. Two anonymous communications received were not considered and the Council agreed that all anonymous communications should not be presented to the Council. The City Manager was instructed to present a report to the Council on suggested regulations for its consideration.

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28 FINANCIAL REPORT FOR MONTH OF OCTOBER FILED

Copies of the financial report of the city for the month of October, 1953 were distributed to the Council members and in reply to a question by the City Manager, they indicated their desire to receive copies of these monthly reports.

29 ANNUAL REPORT FOR YEAR ENDING JUNE 30, 1953 OF PLANNING COMMISSION FILED

Copies of the annual report of the Modesto City Planning Commission for year ending June 30, 1953 were distributed to the Council.

CITY MANAGER TO REPORT ON ATTENDANCE OF MEMBERS TO VARIOUS BOARD AND COMMISSIONS

At the suggestion of the Mayor, the City Manager was instructed to investigate and report to him on members appointed by the Council to various boards and commissions, who were consistently absent from meetings without consent of the chairman.

31 FUNDS COLLECTED BY THE IONIAN-GREEK RELIEF COMMITTEE AUTHORIZED DISBURSED TO THE ARCHBISHOP OF THE GREEK ARCHDIOCESE OF NORTH AND SOUTH AMERICA

Councilman Mellis moved, seconded by Councilman R. Adams and it was unanimously carried, that the City Clerk be instructed to disburse the funds collected by the Ionian-Greek Relief Committee to the Archbishop of the Greek Archdiocese of North and South America, 10 East 79th St. New York, 21, N.Y.

Councilman R. Adams moved, seconded by Councilman Mellis and it was unanimously carried that letters of appreciation be sent to members of the committee on behalf of the Council.

ADJOURNMENT

Councilman Mellis moved, seconded by Councilman R. Adams and it was unanimously carried, that this Council meeting now in session adjourn.

ATTEST:  REX E. GALLFUS, CITY CLERK

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November 24, 1953

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Ordinance No. 1084-N.S., to canvass the ballots of the special elections held on November 17th for the annexation of the LaLoma-Yosemite Addition and the Granger Addition to the City of Modesto:

Present: Councilmen: Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: M. Adams, R. Adams and Annan

The City Clerk filed a report on the results of the ballots cast at the polls in the LaLoma-Yosemite Addition Annexation election as follows:

	Registered Voters	Total Votes Cast	Yes	No	Spoiled
Special Precinct No. 1 (Wilson-Fields)	324	205	111	93	1
Special Precinct No. 2 (Ada)	396	260	179	80	1
Special Precinct No. 3 (Gum)	387	227	112	115	
Special Precinct No. 4 (Pike)	308	147	74	73	
Special Precinct No. 5 (Hunt & May)	391	191	103	88	
Special Precinct No. 6 (Ella & Joe)	341	215	88	127	
Total Votes	2147	1245	667	576	2

The City Clerk reported that six absentee ballots had been cast in the LaLoma-Yosemite Addition annexation which were opened and canvassed by the Council with the following results

In favor of annexation	4
Opposed to annexation	1
Voided	1

A report was filed by the City Clerk on the results of the ballots cast at the polls in the Granger Addition Annexation election which showed votes were cast by 217 of the³⁰¹ registered voters, 152 in favor of annexation and 65 opposed and that no absentee ballots had been cast.

Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried that the canvassing of the ballots of both elections be continued until the regular meeting of the Council Nov. 25, 1953 at 8:00 P.M.

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Councilman Mellis moved, seconded by Councilman Merrill and it was unanimously carried, that the meeting now in session adjourn.


ATTEST: REX E. GAILFUS, CITY CLERK

11-24-53

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Ordinance No. 1084-N.S.

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

A few moments of silent prayer were observed.

The City Clerk called the roll and there were

Present: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
Absent: Councilmen: Annan

APPROVAL OF MINUTES OF COUNCIL MEETING

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

/ INVITATION TO ATTEND DINNER AMERICAN NATIONAL RED CROSS

An invitation from the American National Red Cross, Stanislaus County Chapter to the City Manager and members of the Council to attend a dinner meeting to be held Monday, November 30 at 7:00 P.M. in the Fable Room of the Hotel Covell was read and the City Clerk was directed to check with the various members later to determine the number who planned to attend.

2 CITY MANAGER TO ARRANGE FOR VISIT OF COUNCIL MEMBERS TO THE MODESTO STATE HOSPITAL

City Manager Miller was directed to make arrangements for a visit by the Council to the Modesto State Hospital.

3 APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALLING FOR BIDS ON SANITARY SEWER LATERAL NORTH CENTRAL DISTRICT

Plans and specifications for the proposed construction of a sanitary sewer in Block 6000, 6001, 6057 and 6058 (North Central Addition) were presented by the Director of Public Works for the consideration of the Council. All required fees have been paid by the property owners, he stated. Councilman Arata introduced

RESOLUTION NO. 10,393-N.S.

which was seconded by Councilman Mellis, approving the plans and specifications and authorizing the calling for bids for furnishing all materials, labor and services for the construction of a sanitary sewer in Blocks 6000, 6001, 6057 and 6058, said bids to be opened on Tuesday, December 8 at 2:00 P.M. in the Council Chambers, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

APPROVE SPECIFICATIONS AND CALL FOR BIDS ON CURB AND GUTTER BLOCK 6068

Plans and specifications for the construction of curb and gutter at Block 6068 (Park located north of Roosevelt School) were presented for the consideration of the Council by the Director of Public Works. Councilman Merrill introduced

RESOLUTION NO. 10,394-N.S.

seconded by Councilman Arata, approving the plans and specifications for the construction as afore-stated, and authorizing the calling for bids, said bids to be opened on Monday, December 7, at 2:00 P.M. in the Council Chambers, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

Councilman R. Adams reported that the Council committee on the naming of this park area was giving serious consideration to recommending to the Council that the name of Roosevelt Park be assigned since it was located so near to the school and shopping center of the same name and was associated with them by the people residing in that area. A written report would be filed with the Council shortly, he stated.

CONSIDERATION OF PROPOSED NEW PLUMBING ORDINANCE

City Attorney Grimes presented an ordinance for the consideration of the Council adopting the 1952 uniform plumbing code, with certain

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amendments which he stated had been drawn along the lines discussed at the Council meeting October 28, 1953, with these exceptions:

1. Section 16 entitled Joints and Connections was originally amended by taking out sub-paragraphs f, g, i and j but with change to use of vitrified clay pipe and cement asbestos pipe, it was necessary to reinstate sub-paragraphs g and i which covered jointing materials to go with these types of materials which were authorized.
2. Expiration of term of present Board of Plumber examiners was made effective upon effective date of ordinance.

Don Erickson, local plumber exhibited a sample of cement asbestos pipe which had been in service for seven months.

Councilman M. Adams stated that there were still some questions to be cleared on the apprentice clause and the committee appointed by the Council had considered it best at this time to adopt the provisions of the uniform code, but that the committee would continue to work on the possibility of requiring a training program which would be acceptable to both the Council and the trade.

Councilman M. Adams introduced

Ordinance No. 1100-N.S.

entitled: "AN ORDINANCE PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY AND THE EXAMINATION, REGISTRATION, LICENSING OF PERSONS ENGAGED IN THE BUSINESS OF PLUMBING, OR LABORING AT THE TRADE OF PLUMBING: REQUIRING A PERMIT FOR THE INSTALLATION OR ALTERATION OF PLUMBING AND DRAINAGE SYSTEMS: CREATING AN ADMINISTRATION OFFICE AND A BOARD OF PLUMBER EXAMINERS, AND PRESCRIBING THEIR DUTIES: DEFINING CERTAIN TERMS: ESTABLISHING MINIMUM REGULATIONS FOR THE INSTALLATION, ALTERATION OR REPAIR OF PLUMBING AND DRAINAGE SYSTEMS AND THE INSPECTION THEREOF, PROVIDING PENALTIES FOR ITS VIOLATION AND REPEALING CONFLICTING ORDINANCES IN THE CITY OF MODESTO."

and moved its passage to print, which motion being duly seconded by Councilman Merrill and it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

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6 AMENDMENT TO WATER ORDINANCE RE: CHARGE FOR WATER USERS WITH 5/8" METERS DEFERRED

The City Manager reported that the matter of amending Ordinance No. 1069-N.S. relative to the charge for water users with 5/8" meters had not been cleared and would be presented at a later meeting.

7 APPROVE RENEWAL OF LEASE WITH JAMES C. SORENSEN FOR RENTAL OF 17 ACRES OF AIRPORT PROPERTY

The City Attorney presented for the consideration of the Council renewal of the lease with James C. Sorensen on the 17 acres of airport property for a period of one year beginning December 1, 1953, rental fee of \$680.00. Upon recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,395-N.S.

seconded by Councilman Mellis, approving the renewal of the said lease with James C. Sorensen as presented, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

8 CLAIM FILED BY CHAMBER OF COMMERCE FOR \$5,250

The City Manager stated that the claim filed by the Chamber of Commerce for \$5,250 would be checked out with the contract and presented for consideration at a later date.

9 APPROPRIATION TRANSFER FOR PURCHASE OF TRASH PICK-UP TRUCK AND POLICE PATROL CAR

Upon recommendation of the City Manager, Councilman Merrill introduced

RESOLUTION NO. 10,396-N.S.

seconded by Councilman R. Adams, approving appropriation transfer of \$1,630 from the General Reserve fund to the Police Department for the purchase of an additional patrol car and of \$5,820 from the General Reserve to the Streets Division for the purchase of a 10 cubic yard dump truck (equipment required for serving the newly annexed LaLoma-Yosemite Addition and Granger Addition), which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

10 AUTHORIZE CANCELLATION OF AGREEMENT WITH BARIUM PRODUCTS LTD. FOR SEWER SERVICE

Councilman Mellis reported that a meeting had been held on November 24 with representatives of the Barium Products Ltd. to discuss the basis of charges for sewer service for its plant on Bennett Avenue. It was recommended, he reported, that the present agreement, which had been entered into on February 7, 1951 should be terminated and that the company should pay \$2,250 for the period commencing August 1, 1953 and terminating May 31, 1954 (at which time the new basis for sewer service charges for industrial concerns are to be adopted by the city). All amounts paid to the city by the company for domestic and industrial sewer services under the agreement for the period since August 1, 1953 shall be credited as part payment of said sum of \$2,250.

The City Manager reported that no commitment had been made to the company on what the future rate would be, but if the plant was still outside the city limits on May 31, 1954 that an additional charge over those levied in the city would be in order.

Councilman R. Adams moved, seconded by Councilman M. Adams and it was unanimously carried that the recommendations of the committee, as outlined by Councilman Mellis be approved. Councilman R. Adams moved that the City Manager be authorized to notify the company of the cancellation of the contract but upon recommendation of the City Attorney he withdrew his motion and introduced a new motion instructing the City Attorney to transmit notice of termination of contract and directing him to prepare an agreement for the payment of \$2,250 for the period of August 1, 1953 through May 31, 1954 under the terms outlined by Councilman Mellis, which motion was seconded by Councilman M. Adams and unanimously carried.

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CONTINUATION OF CANVASS OF VOTES ON ANNEXATION ELECTIONS (LA LOMA-
YOSEMITE AND GRANGER ADDITIONS)

Mayor Marks declared the meeting open for the continuation of the canvassing of ballots on the annexation elections in the Granger Addition and in the LaLoma-Yosemite Addition. The City Attorney presented a resolution determining the result of the election held on November 17, in the Granger Addition for the consideration of the Council. Councilman Arata introduced

RESOLUTION NO. 10,397-N.S.

seconded by Councilman R. Adams, declaring that the special election for the annexation of the Granger Addition was regularly called, held and conducted as required by law and that complete returns have been made and received by the Council and properly canvassed and that the Council finds that at the said special election the total number of votes cast at said polls was 217, that the number of votes cast in favor of annexation was 152 and the number opposed was 65, and that the measure received a majority of the votes and therefore carried, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

Councilman Arata introduced

ORDINANCE NO. 1098-N.S.

entitled: "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS "GRANGER ADDITION" TO THE CITY OF MODESTO" and moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

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The City Attorney presented for the consideration of the Council a resolution determining the result of the election held on November 17 in the LaLoma-Yosemite Addition. Councilman M. Adams introduced

RESOLUTION NO. 10,398-N.S.

seconded by Councilman Merrill, declaring that the special election for the annexation of the LaLoma-Yosemite Addition was regularly called, held and conducted as required by law, that complete returns have been made and received by the Council and properly canvassed that the Council finds that at said special election that the total number of votes cast at the polls was 1251, that the number of votes cast in favor of annexation was 671, the number opposed was 577, and the number void was 3 and that the measure received a majority of the votes and therefore carried, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

Councilman Mellis introduced an ordinance being

ORDINANCE NO. 1099-N.S.

entitled: "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS 'LA LOMA-YOSEMITE ADDITION' TO THE CITY OF MODESTO", and moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

Councilman Merrill introduced

RESOLUTION NO. 10,399A-N.S.

seconded by Councilman M. Adams, authorizing payment of \$8.00 to each election official who served at the special elections held in the LaLoma-Yosemite and Granger Additions on November 17, 1953, and authorizing

payment of \$5.00 for rental of garages used as polling places in said election which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

12 REPORT OF COMMITTEE ON MUNICIPAL GOLF COURSE PROGRAM

The committee on the Municipal Golf Course Program appointed by the Mayor, composed of Councilman Merrill Chairman, Nelson Betker Co-Chairman, Morey Heaston, Albert Johansen, Eugene Johnson, Mike Medina and Harry Rix, filed a report on its findings and recommendations. Mr. Betker read the report and requested that the Council contact the committee before any improvements to the clubhouse were started.

The City Manager asked and was granted permission by the Council to work with this committee when the plans and specifications were considered for the improvement to the clubhouse for which \$4500 had been allotted in this year's budget.

The Council concurred on the suggestion of Mayor Marks that letters of appreciation be sent to each member of this committee expressing the appreciation of the Council for their splendid participation.

13 REPORT ON GARDEN REFUSE COLLECTION

Copies of a "Report on Collection of Garden Refuse" prepared by Director of Public Works Ray, together with a draft of a proposed ordinance were distributed to members of the Council for their study and recommendation by the City Manager who stated that this was a proposed plan to place the collection on a more systematic and economical basis.

The City Attorney stated that the ordinance was a rough draft and asked that the members carefully consider it since some of the provisions and regulations would be wide spread.

14 REPORT ON PROPOSED SPECIAL CENSUS

The City Manager reported that he had been informed that the cost of the special census being taken by a neighboring city was approximately 14¢ per capita, and that based on the estimated population of Modesto, the

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cost for this city for a special census would probably be between \$4000 and \$5000. He asked for authorization to proceed with arrangements for the special census and stated that when definite information as to the cost had been received a further report would be submitted to the Council before any formal commitment was made with the federal government.

Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, authorizing the City Manager to proceed on behalf of the city, to make arrangements for the special census.

15 REPORT ON PROPOSED MEETING WITH ENGINEERS OF PUBLIC UTILITIES COMMISSION
RE: GRADE CROSSINGS PROTECTION DEVICES

The City Manager reported receipt of a letter from Warren K. Brown, Director of Transportation of the Public Utilities/ Commission setting Wednesday, December 2 at 2:00 P.M. as the time for one of the Commission's engineers to call at the city hall to discuss proposed improvements to protection to railroad grade crossing in the city.

The City Manager reported receipt of a letter from the California State Legislative Board of the Brotherhood of Locomotive Engineers, G. R. Mitchell Chairman expressing interest in the suggestion made by the City Manager at a meeting before the P. U. C. recently held in San Francisco, that a priority list of grade crossing be established. Mr. Mitchell stated in his letter that the one of most interest to his association in Modesto was the B Street crossing over the Southern Pacific tracks.

A letter from Verne Scoggins, Commissioner of the Public Utilities Commission, to the City Manager, relating to a request for a conference was read.

16 REPORT ON SCHEDULING OF HEARING ON ASSEMBLY INTERIM COMMITTEES

The City Manager reported that tentative arrangements were made for two hearings to be held in Modesto on January 14, at a meeting held on November 24, which had been attended by city and county representatives and Assemblyman Daniel Creedon, Chairman of the sub-committee on the Assembly Interim Committee on annexation and related problems. The first hearing scheduled at 10:00 A.M. is to be on annexation and the afternoon hearing at 1:30 P.M. on planning.

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17 REPORT ON RECOMMENDATION OF COMMITTEE ON YOUTH CENTER PROGRAM

The City Manager stated that the report of the Youth Center Committee on the program to be established for the center would be filed later. A suggestion that the center be named in memory of both father and son, L. J. and Parker Maddux, instead of just the father, L. J. Maddux, was discussed. Councilman Mellis recommended that the name of the center be continued as L. J. Maddux Youth Center, in memory of Judge Maddux.

18 REPORT ON DISCUSSION WITH STATE TRAFFIC ENGINEERS RE: IMPROVEMENTS TO FLOW OF TRAFFIC ON NINTH STREET

The City Manager reported that after meeting with representatives of the State Highway Department, it had been agreed that the period of green light of the traffic signals on Ninth Street should be lengthened. A further meeting is planned, he stated, for next Friday to discuss certain intersections where motorists have been running the red light and a proposal for a flashing green light to warn of the changing to the yellow light will be discussed.

19 REPORT ON STATE HIGHWAY BUDGET FOR HIGHWAY IMPROVEMENT

The City Manager suggested that a letter of appreciation be sent to the Highway Commission for its favorable action on including in its budget:

1. The proposed widening of the Tuolumne River Bridge to four lanes and improvement of 99 Highway from this bridge south to Hatch Road.
2. Widening of the bridge across the M. I. D. lateral on McHenry Avenue north of the McHenry Shopping Center.
3. Assurance that studies will be continued to determine the route for the proposed freeway serving Modesto.

Councilman Mellis moved, seconded by Councilman R. Adams, authorizing the Mayor to send a letter to the State Highway Commission expressing the appreciation of the Council for its prompt action on these traffic problems.

The City Manager pointed out the importance of the county and city in immediately starting a joint program on "putting possible alternate routes on the map" for the freeway for discussion and study.

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ADJOURNMENT

Councilman Merrill moved, seconded by Councilman R. Adams,
that this Council meeting now in session adjourn.


ATTEST: REX E. GAILFOS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1084-N. S.

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

Invocation was given by Rev. Dale Sherwood of the First Christian Church.

Roll call was taken by the City Clerk and there were

Present: Councilmen: M. Adams, R. Adams, Arata, Annan, Merrill, and Mayor Marks

Absent: Councilmen: Mellis

APPROVAL OF MINUTES

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

LETTERS FROM THE PACIFIC TELEPHONE & TELEGRAPH COMPANY

Letters from the Pacific Telephone & Telegraph Co. relating to the company's pending application for rate relief, were read and ordered filed.

2 APPROVE SPECIFICATIONS AND AUTHORIZE CALLING FOR BIDS ON GASOLINE

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 10,400-N. S.

seconded by Councilman Arata, approving the specifications and authorizing the calling for bids for the purchase of approximately 25,000 gallons of first grade gasoline (Ethyl) and approximately 40,000 gallons of second grade gasoline (regular), said bids to be opened on Monday, December 21, 1953, at 10:00 A. M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

REPORT BY COMMITTEE ON YOUTH CENTER PROGRAM

Robert T. Elliott, Chairman of the Committee appointed to advise the city with respect to the use of the new Youth Center building constructed in the West Side Park and the program to be conducted there, filed a report on the findings and recommendations of the committee. (copy on file in the City Clerk's office) Rex Ingersoll and Robert Babington, members of the committee were also present.

Mr. Elliott reported that meetings were held over a period of six months. He called attention to Conclusion #5--"Operating costs at the center should be guaranteed before the program is started so that the program will not be dependent upon presently indeterminate miscellaneous revenues from the operation of the Center."

The proposed yearly budget attached to the report, Mr. Elliot stated, prepared by a sub-committee was the best estimate under the conditions. "We feel that the program for the facilities is no problem once we have adequate supervision and finances available," he stated. Representatives from the various schools have visited the center, he stated, and have been invited to hold meetings there. General enthusiasm and eagerness to "get in" has been expressed by all. He recommended that representatives from the various school groups be appointed to the Youth Center Advisory Council. He called attention to the section of the report which stated that the committee was willing to continue if needed to assist with the program development.

The City Manager called attention to the part of the report (section 5 of conclusions, page 2) reading "The committee agrees that since the center will serve youth of the greater Modesto area and will be a logical part of the recreation program for the entire area, operating expenses could be shared on an equitable basis as an extension of existing agreements for the financing of the Community Recreation Program."

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The City Manager stated that a general discussion was held on a plan to finance the program and that a suggestion had been proposed that the three agencies, school, city, and county should each assume one-third of the operating expenses. He pointed out that the operation of the center was not essentially and exclusively a city project but was a community project.

Councilman R. Adams expressed the opinion that "the city was willing to do our share in this project but we feel that there should be participation from other agencies, and on a long term basis." He expressed reluctance to start the program until adequate long term financing had been arranged.

Mayor Marks stated that the way to make a youth center an asset and not a "headache, was adequate supervision and financing." He felt that the financing of the center was a community problem which all three agencies, school, city, and county should share and that some sound basis should be established. A committee would be appointed at a later date to meet with the other agencies to work out a basis of participation, he stated.

Mr. Elliott stated that it had been the feeling of the committee since it was only a citizen's committee with no representation from the schools or county, that the exact method of financing the program should not be formulated but he considered that since it was a community activity that a reasonable and equitable basis for participation by these agencies was in order.

Councilman Arata moved, seconded by Councilman Annan, and it was unanimously carried that the Mayor be authorized to write a letter of appreciation to each member of the committee.

4/ CONSIDERATION OF FINAL MAP OF LAVILLA SERENA ADDITION

The approval of the final map of LaVilla Serena (Briggs-Whitmore Addition) presented by S. Pearson on behalf of the subdivider Conow Builders, was considered.

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Mr. Pearson stated that the Modesto Irrigation District and the Pacific Telephone & Telegraph Company who had filed objections to the map at a previous Council meeting due to the extra cost involved because of the circular streets, had withdrawn their objections. The extra cost which had been estimated at \$4,000 by the M. I. D. had been reduced after refiguring, to \$2,900, which Conow Builders would assume, he stated, and deeds were in escrow from Mr. Whitmore and the Conow Builders on property to be used for the widening of Briggsmore Avenue. Arrangements had been made for the issuance of a bond to the city for \$56,000 as a guarantee on the improvements in the subdivision.

A letter was read from the City Planning Commission urging that the Council when considering the final map of this addition, required the subdivider to install four foot sidewalks on one side of Seward Avenue, Mayola Avenue, Geraldine Street, between intersection of Briggsmore and Mayola Avenues, and on the north side of Briggsmore and south side of Bowen. The overall north neighborhood plan and proposed location of an elementary school adjacent to the subdivision justified the installation of these sidewalks, the letter stated.

The City Attorney pointed out that section 8, paragraph 8.24 of the Subdivision Ordinance (No. 1041-N. S.) required that "Sidewalks shall be installed along all major thoroughfares, along the frontage of all business properties, and may be required in other locations where sidewalks are deemed necessary by the Planning Commission," and that it would be within the power of the Commission to require sidewalks in this addition.

The City Manager pointed out that the basic question for the Council to consider was, in the interest of the children in this area, who would have to walk in the streets getting to school, should you permit Briggsmore Avenue and the other streets to develop without sidewalks?

Fred Johnson, representing the Conow Builders, questioned the advisability of installation of sidewalks on Briggsmore Avenue since it was not a major thoroughfare at the present time and a site had not been

purchased by the school board.. Mr. Pearson stated that he had agreed to install sidewalks on one street and a discussion was held on the logical streets to install sidewalks. A suggestion was made that the determination of the streets on which sidewalks would be required be left up to the Planning Commission. It was brought out in the discussion that the subdivider of Caroland Manor, Lance Ellis, had been required to install sidewalks on Briggsmore Avenue. Upon further discussion of the proposed location of sidewalks, it was agreed that sidewalks be constructed on one side of Briggsmore Avenue, Bowen Avenue, and either Seward Avenue or a combination of Geraldine and Mayola Avenue, as determined by the City Planning Commission.

Councilman M. Adams introduced

RESOLUTION NO. 10,401-N. S.

seconded by Councilman Arata approving the final map of LaVilla Serena subdivision, accepting the streets, alleys, and easements as shown thereon for public use, authorizing the City Clerk to certify the map after the required fees have been paid; and the bond in the amount of \$56,000 has been furnished, the deed to the portion of the Whitmore Tract for street purposes to be cleared, and sidewalks to be constructed on one side of Briggsmore and Bowen Avenues and either Seward Avenue or a combination of Geraldine and Mayola Avenue, as determined by the City Planning Commission and authorizing the authorized officials to execute agreement, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

It was moved by Councilman R. Adams, seconded by Councilman Annan, and unanimously carried that the City Manager be authorized to write a letter to C. F. Whitmore requesting that in the public interest and welfare that he complete the building of sidewalks on that portion of Briggsmore Avenue which was not included in the LaVilla Serena subdivision, annexed to the city.

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It was moved by Councilman Arata, seconded by Councilman R. Adams, and unanimously carried that the City Manager be authorized to proceed with the necessary steps to assure sidewalks on major streets and to schools in new subdivisions.

5 DEFER CONSIDERATION OF ORDINANCE REGULATING TRASH PICK-UP

Consideration of the proposed ordinance regulating trash pick-up was deferred when the City Manager suggested that the Council members present any questions and suggestions on the ordinance to him so that they could be cleared by the next Council meeting.

6 CONSIDERATION OF ORDINANCE AMENDING ORD. 1069-N. S. PROVIDING FOR ADMINISTRATION OF WATER DEPT. (5/8" Water Meters)

Councilman R. Adams stated that it had not been the intention of the Council to increase water rates at the time Ordinance No. 1069-N. S. had been adopted but inadvertently the minimum rate for both 5/8" and 3/4" water meters had been established at \$2.25 instead of \$1.50 for the 5/8" meter and \$2.25 for the 3/4" meter.

The Director of Finance had checked the matter with him, he stated, and he wished to withdraw his recommendation that the ordinance be amended to provide for a \$1.50 minimum rate for 5/8" meters because,

1. There were very few 5/8" connections which did not exceed the minimum charge of \$2.25
2. Connection fees on both meters were the same, \$12.50
3. The minimum rate for a lot is \$3.00 and an owner could insist on a 5/8" meter at a \$1.50 minimum rate and that the rate of \$2.25 minimum is "very cheap water."

Councilman R. Adams moved, seconded by Councilman Arata and it was unanimously carried, that no change be made in Ordinance No. 1069-N.S.

7 DEFER APPROVING AGREEMENT WITH BARIUM PRODUCTS INC. FOR SEWER SERVICES

Consideration of the agreement between the city and Barium Products Inc. for sewer service was deferred until the company had checked the agreement.

8 RESOLUTION FROM PLANNING COMMISSION ON ZONING OF NORTHWEST ADDITION

A letter from the Modesto City Planning Commission, with copy of Resolution attached recommending a precise zoning pattern for the Northwest

Addition, newly annexed territory, was read.

Director of Planning Bills explained the proposed zoning of the area and pointed out that the zoning of the four corners of Tully and Roseburg Avenues for neighborhood business had been considered by the commission and that some of the members believed that to permit development of a commercial nature on one corner and not on all others would be discriminating. At the two hearings held by the Commission, he stated, no protests had been filed against the proposed zoning of the property as neighborhood business.

The City Manager stated that copies of the minutes of the commission meetings when the discussion was held on the zoning of the area would be mailed to members of the Council.

The City Manager pointed out that both the Planning Commission and the Council are faced with basic decisions such as whether or not strip commercial zoning on major streets and commercial zoning at major intersections should be approved.

The City Attorney presented a resolution for the consideration of the Council, setting the date for the hearing on the proposed zoning. Councilman Arata introduced

RESOLUTION NO. 10,399-N.S.

seconded by Councilman Annan, fixing the date of Wednesday, December 16, 1953 at 4:30 P.M. in the Council Chamber of the City Hall as the time and place for a public hearing on the matter of amending Ordinance No. 700-N.S. to classify the Northwest Addition in accordance with the recommendations contained in the Planning Commission report, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

RESOLUTION NOTIFYING FIRE DISTRICTS OF ANNEXATION TO THE CITY OF A PORTION OF ITS AREA (LALOMA-YOSEMITE, GRANGER AND BRIGGS WHITMORE)

Since September 9, 1953, the state law requires that a city notify a fire district of annexation to the city of a portion of its area,
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City Attorney Grimes stated, which would require adoption of resolutions withdrawing the LaLoma-Yosemite Addition Briggs-Whitmore and Granger Additions from the various districts. He presented resolutions for the consideration of the Council effecting this action. Councilman Annan introduced

RESOLUTION NO. 10,402-N.S.

seconded by Councilman M. Adams, declaring the Granger Addition withdrawn from the boundaries of the McHenry-Dry Creek Fire Protection District, directing the City Clerk to file a certified copy of the resolution with the State Board of Equalization, the governing body of the district and the Assessor of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Mellis

Councilman Arata introduced

RESOLUTION NO. 10,403-N.S.

seconded by Councilman Merrill, declaring the LaLoma-Yosemite Addition withdrawn from the boundaries of the Empire County Fire Protection District, directing the City Clerk to file a certified copy of the resolution with the State Board of Equalization, the governing body of the district, and the Assessor of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Mellis

Councilman Merrill introduced

RESOLUTION NO. 10,404-N.S.

seconded by Councilman R. Adams, declaring the Briggs-Whitmore Addition withdrawn from the boundaries of the McHenry-Dry Creek Fire Protection District, directing the City Clerk to file a certified copy of the resolution with the State Board of Equalization, the governing body of the district,

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and the Assessor of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Mellis

The City Manager advised the Council that he would check out the matter of whether the county was prohibited from giving structural fire protection.

10 DEFER CONSIDERATION OF CLAIM BY CHAMBER OF COMMERCE FOR \$5250

The City Manager stated that the claim of the Chamber of Commerce for \$5,250 would be checked with the contract and cleared out for the consideration of the Council for the next meeting.

11 RESOLUTION DESIGNATING A PORTION OF G STREET AS AN ARTERIAL STREET AND AUTHORIZING THE INSTALLATION OF STOP SIGNS

The City Attorney presented for the consideration of the Council a resolution designating a portion of G Street as an arterial street. Councilman Merrill introduced

RESOLUTION NO. 10,405-N.S.

seconded by Councilman Arata, designating that portion of G Street between 10th and 13th Streets as an arterial street and authorizing the Department of Public Works to install stop signs where required, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Mellis

12 DEFER CONSIDERATION OF "NO PARKING" ZONES AT INTERSECTIONS OF G AND 11th AND G AND 12th STREETS

Consideration of establishing no parking zones at the intersections of G and Eleventh and G and Twelfth Streets was deferred for a week.

13 CONSIDERATION OF PAYMENT OF TERMINAL LEAVE IN LIEU OF HOLIDAYS WORKED-THOMAS H. McCUMBER

A claim was filed by retiring Police Officer Thomas H. McCumber for terminal holiday pay covering the period of July 1, 1944 (adoption of

Resolution No. 6133-N.S. March 1, 1944, providing for holidays for employees of the city) through October 6, 1953 (date of retirement from city employment).

A report filed by the Director of Finance indicated that the approximate amount of the claim was \$1,318.24 and covered a total of 88 days (holidays not taken by Mr. McCumber). He pointed out the importance of determining the extent to which additional undisclosed liability existed from holidays worked by other existing personnel in the Police and Fire Department.

Opinion No. 53-8 filed by the City Attorney, stated that a retiring officer would be entitled to either terminal leave pay or actual terminal leave without loss of pay for all holidays which he has been required to work since March 1, 1944 (date of adoption of Resolution No. 6133-N.S.) at the rate of pay applicable to his position at the time of separation.

Records of days worked by both departments will need to be checked, the City Manager reported. Other cities have faced a similar problem brought on by lack of personnel to work during the war years. He suggested that a further study be made before any action was taken by the Council.

In the general discussion which was held by the Council the following points were brought out;

1. Allowance of this claim might set a precedent for similar claims from other personnel in these departments
2. That there should be no reflection on Mr. McCumber's excellent record when considering the case but that it be decided on the merit of the case
3. If an employee is legally entitled to pay or time off for holidays not taken, time off should be allowed as soon as possible.

14 APPROPRIATION TRANSFERS

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,406-N.S.

seconded by Councilman M. Adams, approving appropriation transfer of \$1700.00 from the General Reserve to the Park (Street) budget for the

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repair and maintenance of automotive equipment (major repair on TD14 Tractor), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

15 GRANT EXTENSION OF TEMPORARY APPOINTMENT-DOYLE LANGFORD

Upon recommendation of Director of Personnel Shelton, Councilman Annan moved, seconded by Councilman M. Adams, and it was unanimously carried that the City Manager, as provided by section 7 of Ordinance No. 1031-N.S. (Personnel Ordinance), be authorized to extend the temporary appointment of Doyle Langford, Collector in the Finance Department from November 8, 1953 through May 8, 1954 so that the duties in connection with the job will have been crystallized sufficiently enough to be able to give an examination to establish an eligible list.

16 PRELIMINARY REPORT ON ANNEXATION IN FREMONT ADDITION

The City Manager reported that at the election held in the Fremont Addition December 1, 285 votes had been cast, 182 in favor of annexation and 103 opposed, with two absentee ballots uncounted. The total registered voters in the area was 402 and about a 70% vote had been cast.

Police and fire protection were extended immediately upon determining of results of the election, he stated and other services would be furnished as promptly as possible. This means, he stated, that in less than 6 months this city has annexed areas of over 1,000 acres, with 10,000 persons residing in these areas, as many as lived in Turlock and Oakdale combined. These cities have only 100 employees. Additional employees, particularly in the engineering, drafting, and field work survey will be needed by the city, he stated, but the serious problem is where to "put these employees". A check is being made of the possibility of using a portion of the basement in Fire Station #1 for the project engineers, who would not be too closely tied in with the other personnel and files. Assistant City Manager Shelton pointed out that with the annexation of these areas, LaLoma-Yosemite, Granger and Fremont approximately 25-30 miles of

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streets had been added to the city. The City Manager advised that a report would be furnished the Council on this matter as soon as possible.

Mayor Marks and the City Manager congratulated Director of Planning Bills on the "good job on getting facts to the people in the annexed area."

17 REPORT ON SEWAGE DISPOSAL PROJECTS

A report on the sewage disposal projects was filed by the City Manager, giving summary of work completed or in progress and recommendations for changes in the schedule for the immediate future, for the consideration and study of the Council.

18 REPORT ON RECEIPT OF \$2000 FROM COUNTY ON AIRPORT

Upon recommendation of the City Manager, Councilman R. Adams moved, seconded by Councilman M. Adams, and it was unanimously carried, that a letter of appreciation be sent to the Board of Supervisors for the \$2,000 allotted to the city for capital improvement of the Municipal Airport.

19 DISCUSS USE OF JOHN MUIR SCHOOL BUILDING

It was agreed by the Council that upon return of Councilman Mellis, immediate consideration be given to the use to which the John Muir School Building will be placed. The City Manager stated that in view of the recent annexation the report given to the Council on space currently needed for housing the city offices should be restudied.

20 REPORT ON CHANGE OF TIMING OF NINTH STREET SIGNALS

The City Manager reported that a meeting had been held with representatives from the Division of Highways, and it had been agreed that immediate steps would be taken to lengthen the period of green light on Ninth Street. A survey made by the State with a "floating car" showed the average speed of traffic was just over 20 M. P. H. He Stated that effective today at 2 P.M. the signals had been changed to a 70 second cycle permitting 24 M. P. H. average speed. He pointed out that this might not be the best possible solution and that consideration might need to be given to installing "Walk-Wait" signals at these intersections.

REPORT ON DISCUSSION WITH PUBLIC UTILITIES COMMISSION RE: GRADE CROSSINGS

The City Manager reported that the Director of Public Works had gone over the grade crossing problems with the Engineer from the Public Utilities Commission and their report would be made later.

APPOINT SID LOSHER AS ALTERNATE FOR MEL HARRIS ON BILLBOARD COMMITTEE

It was suggested by the City Attorney, to which the Council concurred, that Sid Loshér be appointed as alternate on the Billboard Committee since Mel Harris could not attend meeting during the Christmas season.

ADJOURNMENT

Councilman Annan moved, seconded by Councilman Arata, and it was unanimously carried, that the Council meeting now in session adjourn.


ATTEST: REX E. GAILPUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Ordinance No. 1084-N.S.

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

Invocation was given by Rev. Arthur Brohm, Jr. of the Grace Lutheran Church.

Roll call of the Council members was taken by the City Clerk and there were

Present: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Absent: Councilmen: Mellis and Arata

APPROVAL OF MINUTES

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

1 LETTER FROM C. D. NATTINGER

A letter from C. D. Nattinger, C.P.A., offering to audit the financial records of the City of Modesto for year ending June 30 for \$1,250.00, was read. Councilman R. Adams, member of the auditing committee, stated that it would be advantageous to continue with Mr. Nattinger and that since it had been recommended in the survey conducted by the Public Administration Service, that an auditor be appointed for a three year term, moved, seconded by Councilman M. Adams, and it was unanimously carried, that the City Attorney be instructed to prepare a contract if he deems it necessary.

The City Manager stated that awarding the contract to Mr. Nattinger would assure continuity since at the present time the city is in the process of making changes which Mr. Nattinger had recommended and that during the intervening months he had cooperated with the city in financial matters.

2 LETTER FROM CHAS. JOHNSON RE: PROPOSED FUND FOR OBTAINING NEW INDUSTRIES

A letter to Mayor Marks from Chas. Johnson suggesting methods
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to obtain the establishment of large industries in the Modesto area, was read. At the suggestion of the City Manager, copies of the letter were ordered sent to both the Chamber of Commerce and to the Forward Modesto Committee.

3 REQUEST OF STANISLAUS COUNTY TUBERCULOSIS & HEALTH ASS'N FOR PERMISSION TO PARK ITS MOBILE XRAY UNIT ON J ST. BETWEEN TENTH & ELEVENTH STREETS

The City Manager stated that a request of the Stanislaus County Tuberculosis and Health Association for permission to park its motile x-ray unit on the south side of J Street between Eleventh Street and the alley (in front of the Beaty Building) on December 17 (all day and until 9 P.M.), had been checked and approved by the Traffic Committee. Since this would provide a free public service for the benefit of the general public welfare, the committee considered that a precedent would not be set by the approving of this request. Councilman M. Adams moved, seconded by Councilman R. Adams, and it was unanimously carried, that permit be granted for this parking under the supervision of the Police Department.

4 AWARD BID ON CONSTRUCTION OF SANITARY SEWER LINE TO SERVE BLOCKS 6000, 6001, 6057 and 6058 (In North Central Addition)

Tabulation of the four bids received for the construction of a sanitary sewer to serve blocks 6000, 6001, 6057 and 6058 (North Central Addition), which had been opened Tuesday, December 8, were distributed to the Council for its study by Director of Public Works Ray, who recommended that the bid of \$3,859.00 of Andrew P. Rassmussen be accepted, as it was the lowest bid, although a minor irregularity existed in the bid since a personal check accompanied the bid instead of a certified check, or cashier's check of bid bond as required by the specifications. Councilman Annan introduced

RESOLUTION NO. 10,407-N.S.

seconded by Councilman R. Adams, accepting the bid of Andrew P. Rassmussen for the construction of a sanitary sewer line as described above, as it was the lowest bid submitted, waiving the irregularities, and authorizing the execution of contract by authorized officials, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Mellis

5 REJECT ALL BIDS RECEIVED ON CONSTRUCTION OF CURB AND GUTTER AROUND PARK IN BLOCK 6068

The City Manager reported that all bids received for the construction of curb and gutter around the city park in Block 6068 which had been opened at 2:00 P.M. on Dec. 7, exceeded the amount budgeted by \$903. He recommended that all bids be rejected and another call for bids be issued later, during the spring season. It was moved by Councilman M. Adams, seconded by Councilman Annan, and unanimously carried that all bids be rejected and the City Clerk be authorized to notify the bidders of the rejection.

6 REPORT ON BIDS RECEIVED FOR STREET SWEEPER

The tabulation of the four bids received on a notorized street sweeper which had been opened at 10 A.M. on December 1, were distributed to the Council by the Director of Public Works, who recommended that the Western Traction Company's bid of \$7,700 on a Wayne Sweeper without power steering alternate, including trade-in allowance on 1936 Elgin Sweeper be accepted. Councilman Annan introduced

RESOLUTION NO. 10,409-N.S.

seconded by Councilman R. Adams, accepting the bid of the Western Tractor Company as it was the lowest bid received, and authorizing the execution of contract for delivery of equipment by authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Mellis

7 ALLOW CLAIM OF MODESTO CHAMBER OF COMMERCE

The City Manager reported that the claim of the Chamber of Commerce for \$5,250.00 (Retail Merchants \$3,000 and Chamber \$2,250.00) had been checked against the contract and that the two required reports which

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were summarized for the Council, had been submitted. Councilman R. Adams moved, seconded by Councilman M. Adams and it was unanimously carried, that the reports be approved and the claim allowed.

DISCUSS INTERIM POLICY FOR USE OF YOUTH CENTER BUILDING

Assistant City Manager Shelton reported that Director of Recreation Brooks had suggested that pending establishment of a regular program for the youth center building that consideration be given to establishing an interim policy for the rental of the building to interested groups at a nominal fee. The policy at present, he stated, has been to permit any group, both adult and youth, to use the building once to inspect the building and to see what is actually needed to complete the furnishings. Mr. Brooks is checking the rental fee of similar halls in the city, he stated, and will submit a suggested policy for the use of the building during the interim period for the consideration of the Council.

During the general discussion these points were brought out:

1. Renting the building at a set fee would set a precedent.
2. Consideration be given to the renting of the building without a fee.
3. Renting of the building would be in competition to owners of other halls.

Mr Shelton pointed out that if the building is to be used in the evening custodial supervision would be needed to close the building and turn out the lights.

The City Manager suggested that a fee of \$10 per night be considered to defray the expenses of a janitor and make the building available to a number of groups who were anxious to use it during the interim period.

Willingness to go along on an interim policy of establishing a minimum rental charge to defray expenses only until the regular program was adopted, was expressed by the Council.

DISCUSS FINAL PROGRAM FOR YOUTH CENTER

A discussion followed on the consideration of a final program for the center and Mr. Shelton stated that considerable discussion had

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been held on the program committee about the possible merit of a committee independent of any other governmental agency.

Mayor Marks suggested that each Councilman submit one or two names before next meeting so that a five man committee of citizens who have the welfare of the youth at heart and who have been dealing with the youth in the community. could be appointed.

The City Manager suggested that one or two members of the original program committee be included on the final program committee. The City Clerk was instructed to send the names of the committee members to the Council members for their study.

Councilman R. Adams stated that the preliminary budget of \$10,000 submitted by the program committee appeared to be excessive since the city already had budgeted approximately \$40,000 for a recreation program. He stated that he would not be in favor of a program that would be an expensive experiment which would serve a limited number of children in the community.

It was brought out in the discussion that the proposed budget was not to be financed by the city only but other governmental agencies would be asked to assist and that a suggestion of sharing on a one-third county, one-third city and one-third ~~city~~^{county} basis had been offered.

Mayor Marks stated that the citizens committee to be appointed, or the Council, or both together could decide on a youth program for the community and endeavor to secure financial cooperation from the other groups so that a program which would be both financially and economically sound could be developed. "The city cannot furnish all the funds for the operation of the center and if the cooperation of the other two agencies cannot be secured, the building could be used within the framework of the present recreation program," he stated.

It was agreed that no action should be taken on the recommendation of the program committee until the return of Councilman Mellis who had served on the committee.

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DISCUSS CITIZEN'S PARTICIPATION ON COMMUNITY PROBLEMS

Councilman Merrill questioned the advisability of citizen participation on certain problems of the Council's and cited the inability of the billboard and sign committee to come up with an ordinance satisfactory to all the committee members although over 18 meetings of long duration had already been held.

Mayor Marks pointed out that Modesto was the first city in the State to endeavor to draft a modern billboard and sign ordinance and that it had been a "tough problem". "Citizen participation on this committee," he stated, "was not too much but too little since only two members were citizens and the balance were business representatives from commercial enterprises interested in signs." He pointed out the fine work done by citizens on the sewer, annexation and youth programs. "Many fine citizens have been developed on these programs, who formerly were not contributing in the operation of the community," he stated. "Citizen participation in legislation that affects the people is a good thing."

Councilman Merrill recommended that the sign committee be disbanded and the ordinance be adopted by the Council and then if necessary be amended later. He pointed out that he was for citizen participation on city problems such as youth programs and the completion of the Tuolumne River Dam but that certain problems were the responsibility of the Council's and should be decided by the Council. He pointed out the outstanding cooperation of the citizen members of the sign committee, Dorothy Murray and Mel Harris, who, he stated, had given long hours of their time to sit in on the committee.

FINAL ADOPTION OF ORDINANCE NO. 1100-N.S. (ADOPTION OF 1952 PLUMBING CODE

City Attorney Grimes reported that due to error in typing of Ordinance 1100-N.S., that in section 16-"Joints and Connection" sub-paragraphs "F and J" had been deleted instead of sub-paragraphs "G and J", and that in order to avoid the necessity of republishing the ordinance he recommended final adoption of the ordinance at this time and the adoption of an amendment correcting the error at a later meeting.

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Another amendment that should be included in the ordinance, he stated, related to vents which also could be considered later. Councilman Merrill moved, seconded by Councilman Annan and it was unanimously carried that the typographical error be corrected in section 16 as outlined by the City Attorney, changing the letter "F" to "G".

Ordinance No. 1100-N.S. entitled "AN ORDINANCE PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY, AND THE EXAMINATION, REGISTRATION, LICENSING OF PERSONS ENGAGED IN THE BUSINESS OF PLUMBING, OR LABORING AT THE TRADE OF PLUMBING: REQUIRING A PERMIT FOR THE INSTALLATION OR ALTERATION OF PLUMBING AND DRAINAGE SYSTEMS: CREATING AN ADMINISTRATIVE OFFICE AND A BOARD OF PLUMBER EXAMINERS, AND PRESCRIBING THEIR DUTIES: DEFINING CERTAIN TERMS: ESTABLISHING MINIMUM REGULATIONS FOR THE INSTALLATION, ALTERATION OR REPAIR OF PLUMBING AND DRAINAGE SYSTEMS AND THE INSPECTION THEREOF: PROVIDING PENALTIES FOR ITS VIOLATION AND REPEALING CONFLICTING ORDINANCES IN THE CITY OF MODESTO," having been heretofore introduced and ordered printed and published at the regular meeting of November 18, Councilman Merrill moved, seconded by Councilman M. Adams, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Mellis

12 CONSIDERATION OF APPLICATION OF PACIFIC TELEPHONE & TELEGRAPH COMPANY RATE INCREASE

Mayor Marks recommended that a restatement of the principle on which the Council hired Bruce McKnight, Accountant from Stockton, to represent the City of Modesto at the hearings held before the Public Utilities Commission on the application of the Pacific Telephone and Telegraph Company for rate increase, should be considered at this time.

"It was my understanding," Mayor Marks stated, "that Mr. McKnight had been hired to represent the City of Modesto as a protestant as well as an interested party, at these hearings." The problem the city is faced with at the present time is that the letter sent to Mr. McKnight

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by the City Attorney hiring him to represent the city is being used by the Pacific Telephone & Telegraph Company to put pressure on other cities to change their status of hiring Mr. McKnight from a protestant, to an "interested party".

The letter which had been sent to Mr. McKnight, by City Attorney Grimes, dated December 28, 1952, hiring him to represent the City of Modesto and Mr. McKnight's reply dated January 22, accepting the assignment, were read. (copies of said letters are on file in the office of the City Attorney)

Mayor Marks questioned Mr. Lee Davies, local manager of the Pacific Telephone & Telegraph Company, who was present, whether Mr. McKnight would be challenged at the hearing on his basis for protesting to the rate increase, to which Mr. Davies replied "Yes the Commission will ask him to produce his credentials."

Mayor Marks pointed out that it would be necessary for the Council to determine at this meeting whether its viewpoint had changed on Mr. McKnight's status since the letter hiring him had been written, so that the City of Modesto would not be "leaving other cities in the community out on a limb."

Attorney Grimes read an excerpt of a telephone conversation which he had held under date of December 1, 1953 with Mr. Cassidy, a member of the Legal Counsel's Office of the P. U. C., outlining the status of an "interested party" and a "protestant" at a hearing before the Commission, which indicated that the meaning was the same as far as its effect on any decision by the P. U. C. was concerned.

Mayor Marks outlined the action taken by the Council a year or so ago when it had gone on record recommending that a public defender be appointed to automatically represent cities whenever rate increases were proposed by public utilities. Information received from the P. U. C. on representation afforded by the Commission to the cities on these cases, he stated, had warranted the hiring of Mr. McKnight since the city was opposed in principle to an increase in any public utility rate unless it

was proven that it was justified.

Councilman Annan stated that it had been his understanding that the reason Mr. McKnight had been hired was to keep a full and complete record of the development in the case to protect the interest of the consuming public and that it was not the intention of the Council to oppose any increase which was justified.

Mr. Davies stated that when he had previously talked to each member of the Council he believed that Mr. McKnight was registered with the P. U. C. as a protestant for Modesto and other cities. Then when this letter (Grimes sent to McKnight) came to my attention, I interpreted it to mean that you were not prejudging and were not protesting but merely wanted representation at the hearing to protect your interest in the event that you did not get a fair break. We have no objection to the wording of the letter to Mr. McKnight, he stated, but the point that you protested in advance is what concerned us.

When Mayor Marks asked Mr. Davies whether he thought his company would challenge Mr. McKnight at the hearing, he stated that he did not know but presumed the company would.

The City Manager pointed out that if Mr. McKnight was not able to protest that the city would have wasted its money in hiring him.

Mayor Marks stated that there was no doubt in his mind but that justice would prevail at these hearings but that the City of Modesto should be represented at these hearings and that he would like to feel that Mr. McKnight is up there as a protestant for the city. However, he stated, the impression has gotten around that Modesto is not protesting but merely, an interested party.

Mr. Davies stated that if every city protested the rate increase it would look to the people of California that the rate increase should not be granted.

Councilman Annan pointed out that it was up to the P. U. C. to keep the utility companies in business, to see that they were operated on a fair profitable basis and that he was opposed to rate increases that

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were not justified but that he did feel that each company or individual, under all occasions, should have a fair and impartial hearing. He pointed out that the extending of these hearings was costing the telephone company a considerable amount of money. He expressed confidence that the P. U. C. would come up with the right answer after all the facts were considered and that if a rate increase was not justified that it would not be granted.

Mayor Marks pointed out that the big point was, "Is the City of Modesto protesting or only an interested party?"

Councilman R. Adams pointed out that if all the cities were protesting the increase, it would be weighty evidence in the eyes of the P. U. C. and that if none were protesting that it would be evidence in favor of the telephone company and that he felt personally that Modesto should be a protestant.

Councilman M. Adams asked for a better explanation of protestant and interested party and questioned if the City of Modesto should protest the rate increase before all the facts were in. He expressed confidence in the Commission protecting the interest of all the people in the state, and that it acted as a public defender.

Mr. Davies read excerpts from a speech made by Mr. Mitchell, Commissioner of the Public Utilities Commission before the League of California Cities outlining the duties of the Commission. Mr. Davies stated that his company's feelings on the arbitrary protest to a rate increase would only prolong their case and the obtaining of a rate relief would be indefinite, that they were anxious to get an early and favorable decision in this matter. "We are not concerned about Mr. McKnight as an individual," Davies stated, "but we are concerned about the City of Modesto protesting."

The City Attorney pointed out that the length of time on these hearings was not a pertinent factor and that that was the advantage in a democracy that points of view could be expressed, and that it was within the power of the commission to grant an interim rate increase until the permanent rate increase is established. It is the same as any

other judiciary to see that justice prevails and it is not a question of convenience but a question of facts.

Mayor Marks stated that the reason why this matter was a problem was because this letter (Grimes to McKnight) is being used to get other cities to withdraw protests and change to "interested parties."

Councilman Annan questioned if this letter had been used more than one place to which Mayor Marks replied that he personally knew of one place only so far, and he had received information that it had been used in at least one more.

Councilman R. Adams stated that he would support the telephone company's need for more money if after a fair hearing before the P. U. C. it was determined that a rate increase be granted, but the stand of the Council as set forth in the original letter should be cleared and that he moved that the term protestant be used in regard to hiring of Bruce McKnight, which was seconded by Mayor Marks.

Councilman Annan contended that there was no need to change the wording of the letter hiring Mr. McKnight and it should not be corrected as it was adequate the way it was since Mr. McKnight regardless of "what you refer to him as, protestant or interested party, was up there representing the people who sent him, to the best of his ability."

Councilman R. Adams secured the consent of the Council to withdraw his motion and moved that if Mr. McKnight was challenged that he is then to be considered a protestant on behalf of the City of Modesto, which was seconded by Councilman Annan.

Mayor Marks pointed out that the reason this matter was on the agenda was that the confidential letter sent to Mr. McKnight was being used by the telephone company as an exhibit "that Modesto is not a protestant, which we thought we were."

Councilman Annan stated that if the letter was being used by the company in this manner that he would go along with the motion and that he was in favor of sending word to the P. U. C. that Mr. McKnight was a protestant for the City of Modesto.

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Mr. Davies apologized for the manner in which the letter had been used, which had been given to him as a courtesy, and assured the Council that it would not be used in this manner any further.

Upon consent of Councilman Annan, Councilman R. Adams withdrew his motion and moved, which was seconded by Mayor Marks, that Mr. McKnight's position be clarified and that he be authorized to appear before the Public Utilities Commission as a protestant on behalf of the City of Modesto, to protest the rate increase requested by the Pacific Telephone & Telegraph Company, and upon roll call the motion was carried by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Merrill and Mayor Marks

Noes: Councilmen: Annan

Absent: Councilmen: Mellis and Arata

3) CONSIDERATION OF ORDINANCE REGULATING GARDEN REFUSE PICK-UP

The City Manager stated that the annual cost to the city for garden refuse pick-up service was approximately \$50,000, or 80¢ per month per family unit. This amount, he stated, did not take into account the cost for service to be extended to the newly annexed areas.

Director of Public Works Ray pointed out that the new proposed regulations specified the type of materials and the location for the place of the garden refuse, limited the quantity to not more than two cubic yards for any one collection and the size of the materials to be collected and would require the placing of small refuse in containers of not more than 20 gallons capacity.

Some of the benefits to be derived from the new regulations would be:

1. The collection cost would be reduced by nearly 20%.
2. Complaints that the streets have not been properly cleaned will be eliminated when small refuse is placed in containers.
3. The placing of materials in the street 24 hours prior to the day of collection will result in an improved appearance in the city.

A general discussion was held on the proposed ordinance regulation and the following points were brought out:

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1. The limitation of two cubic yards for one collection was questioned. The City Attorney suggested that the words "per week" could be added.
2. Abuse of the service was constantly occurring by landscape gardeners and contractors who would remove old trees and place them in the streets for collection and that under the new ordinance this would be prohibited.
3. Cans and containers placed in the streets for collection of small refuse would be unsightly and tend to reduce the pay load of the collection trucks.
4. Central places for the dumping of refuse be established throughout the city.
5. Requirement of placing of refuse in the street or alley 24 hours prior to date of collection would present a problem to residents who had gardeners caring for their yards.
6. Modesto is a rural community and the transition should not be too fast.
7. Educational program was to be conducted by the city and that arrangements had been made for letters to be sent to the general public.
8. The use of canvas instead of cans or boxes.
9. Consideration be given to turning the collection over to private enterprise.

The City Manager stated that he would contact the garbage collectors in this regard and submit a report by next week. He urged that the changing over to a new system of collection be started through the winter season when the problem was at a minimum.

CANVASS BALLOTS ON FREMONT ADDITION ELECTION

Mayor Marks declared the meeting open for the canvassing the results of the annexation election held in the Fremont Addition on December 1. Councilman R. Adams introduced

RESOLUTION NO. 10,410-N.S.

seconded by Councilman M. Adams declaring that the said special election held in said territory to determine whether or not said territory shall be annexed to the City of Modesto and be subjected to taxation equally with the property within the city to pay the bonded indebtedness of the city, was regularly called, held and conducted as required by law, that the proper and complete returns have been made and received and canvassed by the Council and that from the returns so canvassed the Council finds

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that at said election the total number of votes cast at the polls was and is 285, the number of votes cast in favor was 182, opposed 103, that the total number of absentee votes cast was 2, the number of votes cast in favor two and opposed none, that the total number of votes cast both absentee and at the polls was 287 with 184 in favor and 103 opposed and that the measure received a majority of votes cast for annexation and therefore carried, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis and Arata

ORDINANCE APPROVING ANNEXATION OF FREMONT ADDITION TO THE CITY

Councilman M. Adams introduced

ORDINANCE NO. 1101-N.S.

entitled: "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE 'FREMONT ADDITION' TO THE CITY OF MODESTO" and moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis and Arata

AUTHORIZE PAYMENT TO ELECTION OFFICIALS AND RENTAL OF POLLING PLACE FOR FREMONT ANNEXATION ELECTION

Councilman Annan introduced

RESOLUTION NO. 10,413-N.S.

seconded by Councilman Merrill, authorizing the payment of \$8.00 to each election official serving at the special election for the annexation of the Fremont Addition to the city, held on December 1, and payment of \$5.00 for rental of polling place, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

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Absent: Councilmen: Mellis and Arata

SET DATE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION OF THE WEST DOWNEY ADDITION TO THE CITY OF MODESTO

Upon recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 10,408-N.S.

which ^{was} seconded by Councilman Annan, setting the date of January 20, 1954 at 4:30 P.M. in the Council Chambers of the City Hall as the time and place for considering the petition for annexation of the West Downey Addition to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis and Arata

The City Manager stated that a check had been made with the Del Este Water Company for furnishing water to this addition since it was already serving water in this area and it had agreed to install all necessary lines and hydrants in the West Downey Addition to the size and construction as required by the City. If the city served this area, he stated, it would be necessary to construct a water line from Hunter Avenue, a distance of approximately 1600 feet, at an approximate cost of \$5,000. He recommended that approval be given to the Del Este Water Company to serve this addition with water, to which the Council concurred, since line and hydrants would be in accordance with city standards.

Director of Planning Bills reported that the delay in completing the proposed annexation of this area had been due to the endeavor of the Planning Commission to obtain approval from property owners south of the area to include their property in the annexation to close the gap but had been unsuccessful in its endeavor.

RESOLUTION REFERRING ANNEXATION OF ASHFORD ADDITION TO PLANNING COMMISSION

Upon recommendation of the City Manager Councilman M. Adams introduced

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RESOLUTION NO. 10,411-N.S.

seconded by Councilman Annan, referring the petition for annexation of the Ashford Addition to the City Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis and Arata

The City Manager stated that Mr. Ashford, the property owner, has been informed that if this area (north of Bowen Avenue) was taken into the city it is beyond the limit of any present or proposed storm drainage system and that at the present time the city can see no way it can be successfully drained.

APPROVE AGREEMENT WITH BARIUM PRODUCTS COMPANY FOR SEWER SERVICE

Upon the recommendation of the City Manager Councilman Annan introduced

RESOLUTION NO. 10,414-N.S.

Dec. 9, 1953,
seconded by Councilman R. Adams approving agreement dated/between the City of Modesto and Barium Products Inc. for the serving of sewer service to the company's plant outside the city limits under certain provision and authorizing the execution by authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis and Arata

RESOLUTION PROHIBITING PARKING AT INTERSECTION OF G-11 and G-12 STREETS

Presentation of a resolution prohibiting parking at intersection of G and 11th Streets and G and 12th Streets for the consideration of the Council would be delayed until next week, the City Manager reported.

ESTABLISH STOP SIGN ON SE CORNER NINETEENTH STREET AND DOWNEY AVENUE

Councilman Merrill introduced

RESOLUTION NO. 10,412-N.S.

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seconded by Councilman R. Adams, establishing stop signs on the south-east corner of 19th Street and Downey Avenue stopping traffic entering Downey Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis and Arata

2 CONSIDER LEASE OF PERCOLATION BED AT SEWER TREATMENT PLANT

The City Manager reported that a request had been filed by Elvin York for the leasing of the percolation bed at the sewer plant for the spring planting season. Councilman R. Adams moved, seconded by Councilman M. Adams, and it was unanimously carried, that the City Attorney be instructed to draft an agreement for the leasing of the percolation bed for the consideration of the Council.

23 APPROVE AGREEMENT WITH MODESTO IRRIGATION DISTRICT COVERING RIGHT OF WAY FOR WATER LINE CROSSING LATERAL NO. 4

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 10,415-N.S.

seconded by Councilman M. Adams, approving the execution of agreement between the City of Modesto and the Modesto Irrigation District, dated November 30, 1953, relative to the right of laying down, inspecting, maintaining and using for conveying water an underground main or pipe line and suitable service pipes and connections together with the right of ingress thereto and egress therefrom in, on and across that portion of Lateral No. 4 of the M. I. D. more particularly described in said agreement, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis and Arata

24 APPROVE AGREEMENT WITH TIDEWATER SOUTHERN RAILROAD CO. TO INSTALL WATER MAIN UNDER THE RAILROAD TRACK AT BRIGGSMORE AVENUE CROSSING

Upon the recommendation of the City Manager, Councilman M. Adams introduced

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RESOLUTION NO. 10,417-N.S.

seconded by Councilman Annan, approving license agreement dated December 9, 1953, between the Tidewater Southern Railway Company and the City of Modesto granting permit to the city to construct, install, maintain and operate a 10" transite pipe with an 18" 16-gage corrugated metal casing across and under the right of way at CPUC Crossing 75-26.8 Briggsmore Avenue and authorizing execution by authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis and Arata

25 AUTHORIZE RELEASE OF SUBDIVISION BOND HARDIN TRACT

the
Upon the recommendation of/City Manager, Councilman Merrill introduced

RESOLUTION NO. 10,416-N.S.

which was seconded by Councilman Annan, authorizing release of subdivision bond filed by C. E. Hardin, subdivider of the Hardin Tract, to guarantee the improvements in the subdivision, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis and Arata

26 APPROVAL OF BOUNDARIES OF AREA UNDER CONTRACT TO ANNEX TO CITY

After consideration of map presented by the City Manager indicating boundaries of area under contract to annex to the city, which included the McHenry Village and the Lawrence Robinson Seed Company and which had been furnished city services, Councilman R. Adams moved, seconded by Councilman M. Adams, and it was unanimously carried that approval in principle be given to the boundaries as indicated on the map.

21 DISCUSS POLICY OF GRANTING SEWER SERVICE

A discussion was held on the question of whether the city would continue granting sewer service to individual property owners if they agree to annex to the city.

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The City Manager asked what the policy of the Council would be in cases where a property owner outside the city with a septic tank requested sewer service and the city sewer line ran down his street.

Mayor Marks suggested that he get 11 of his neighbors to sign a petition with him for annexation since piece meal annexation was expensive.

Attorney Grimes pointed out that the Council had indicated that it would like to defer additional large residential annexations until all city services could be extended to all the present city tax payers.

It was pointed out that if small areas were annexed in this manner that when a large area wished to be annexed, the "yes" vote had already been included in the city. No action was taken.

CONSIDERATION OF ACTION TO BE TAKEN ON SEWER PROGRAM

Consideration of action to be taken on sewer program was deferred.

REPORT ON PARKING METER ENFORCEMENT

Police Chief Neel reported that a check had been made by the Police Department recently, on a four block business area where parking meters were installed, on overparking and "feeding the meters". In the limited parking zones, he stated, a check had been made by chalking the tires of all the cars. Only a few instances had been found of "feeding the meter". Business establishments where these instances were found, had been contacted and they had agreed to discontinue this practice at once. Marking tires with chalk is not 100% effective, he stated, since people will remove the chalk from the tires. In order to get a clearer picture of the situation, he continued, a survey was started this date, and a police employee was patrolling the parking meter zone taking license numbers so that they could be tied in with a particular meter and checked throughout the day.

The City Manager reported that he had met with a representative of the Merchants Association and discussed this problem and that this representative had met with merchants groups and asked them not to load up the down town parking spaces with their own cars and thus "cut their

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own throats". Agreement to discontinue this practice was expressed by the groups. Letters are being mailed by the merchants groups to merchants asking them to do their part in improving the parking situation.

Attorney Grimes stated that speaking as a representative of the Parking Authority, that the authority favored strict enforcement on the "feeding of the meters" and he asked whether citations were being issued to feeders of meters, to which Police Chief replied "yes". This whole problem, the City Attorney stated, related to parking problems and has a big effect on availability of parking facilities.

Both the City Manager and Police Chief urged cooperation in reporting instances of infraction so that they could be checked.

30 CITY MANAGER TO CHECK ON INSTALLATION OF SIGNS IN FRONT OF THEATRE

The City Manager was asked to check on the status of the installation of limited parking signs in front of the theatres.

31 REPORT ON ELIMINATION OF ANGLE PARKING ON 11th STREET BETWEEN K & L STREETS

Upon the recommendation of the City Manager the installation of angle parking on 11th Street, between K and L Streets was deferred until after Christmas due to the critical need for parking spaces. Police Chief Neel reported on a survey made of the property owners in this block which indicated that a few of the owners objected to this type of parking.

32 REPORT ON STUDY OF STORM DRAINAGE AND POSSIBLE USE OF CANALS FOR DRAINAGE

Copies of a report on study of storm drainage and possible use of canals for drainage were distributed to the Council members for their consideration at a later date.

33 REPORT ON ALTERNATE MEANS OF FINANCING OFF-STREET PARKING

Copies of a report on alternate means of financing off-street parking (part 1) were distributed to the Council members for their study. Part 2 of this report would be submitted at an early date, the City Manager reported.

34 PROGRESS REPORT ON ENGINEERING ON DENNETT DAM

The City Manager reported that the city and county engineers

had been jointly reviewing the status of the Dennett Dam since it was a joint project and that preliminary investigations had been made on the logical site resulting in the decision that the present site was the best location. Surveys which were being conducted by the Modesto Irrigation District would be made available by the District to the city and county. At a recent joint city and county meeting which had also been attended by Lawrence Adams, Civil Engineer, it was considered that in order to avoid losing another year that the work should be moved ahead while the river was low and the hiring of Mr. Adams to design the dam was given favorable consideration. The City Manager pointed out that funds which had been budgeted for this project could be used for this work and that all plans be approved jointly by the city and county so that when the time came for construction and financing both the city and county would be in agreement, and that engineering done on this basis should be part of the cost of the dam. Councilman R. Adams pointed out that during the bond election "we assured the people that we were going ahead with the rebuilding of the dam and that it was important that the city should go ahead with the engineering and have an estimate of the cost of the dam, to be presented to the county when asking for participation on the project." Mayor Marks pointed out that it "was the city's job to carry the leadership." Councilman M. Adams moved, seconded by Councilman R. Adams and it was unanimously carried that the City Manager be authorized to proceed with the hiring of Lawrence Adams to design the dam on the lines discussed.

ADJOURNMENT

Councilman R. Adams moved, seconded by Councilman M. Adams, and it was unanimously carried, that this council meeting now in session adjourn. (11:45 a.m.)


ATTEST: REX E. GAILFUS, CITY CLERK

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The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1084-N.S.

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

Invocation was given by Rev. T. Schapp of the First Presbyterian Church.

Roll call of the Council was taken by the City Clerk and there were

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and
Mayor Marks
Absent: Councilmen: Mellis

Also present: Members of the Parking Authority and the Off-Street Parking Committee of the Chamber of Commerce.

DISCUSSION ON PARKING PROGRAM

Mayor Marks stated that a satisfactory program on a valid basis on which immediate action can be taken to solve the parking problems of the city, is the aim of the Council as well as the Parking Authority and the Chamber of Commerce Off-Street Parking Committee, and with this thought in mind the Council had instructed the City Manager to prepare a financial break down of the approximate cost to provide parking lots with various percentages of participation. Part I of this report, he stated, entitled: "Analysis of Certain Suggested Methods of Financing additional Off-Street Parking" had been presented to the Council recently, copies of which were sent to the various interested groups, and Part II of the report was being submitted for study at this meeting.

The City Manager reported that information had been obtained on assessments on two full blocks in the business area, and this would be presented if desired.

Mayor Marks, in the interest of drawing out questions from the representatives of the committee and authority, cited an example from the report of the monthly cost to merchants or property owners for a 100

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foot parking lot costing \$100,000.00 in a typical block with 33 1/3% participation, as being \$7.31 per 25 foot business lot to amortize over a 20 year period at 4 1/2% interest.

The Council should consider, Mayor Marks stated, that on a program of this type, it might be necessary to condemn certain areas in order to obtain the property at a reasonable price. With the revenue from these lots, he continued, in later years, second story parking or more could be added to provide additional parking facilities. It is possible that a three or four block area district could be formed and furnish parking facilities in one location instead of each block establishing its facility.

City Attorney Grimes pointed out the figures shown in the report were based upon equal distribution of the cost of the lot to the participant rather than on the proximity of the participating property to the parking facility.

Mayor Marks stated that in a congested business area, such as Modesto, where business was dependent on foot traffic, all merchants and/or property owners in each block would benefit equally when a lot was established. He stated that a suggestion had been offered that instead of purchasing 100 feet, 200 feet be purchased and, 50 feet on each side be sold off to help pay the cost of the lot, but that he felt that the city was not in the real estate business.

The City Attorney pointed out that the merchants and property owners should keep in mind whether they would approve a program contemplating acquiring the property by eminent domain if this were necessary.

The City Manager stated that many alternative plans could be worked out for the financing of the lot but that it would all come back to the simple facts of cost allocation.

If the presently owned parking lots were mortgaged by the authority and there was participation by the merchants and/or property owners and the expected revenue was used from the meters, the Mayor

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stated, it might not be necessary to have a bond issue to purchase new lots. There are many ways to work out the participation angle, he continued, and suggested that the merchants and property owner in each block or 3 or 4 block district, would decide what they wanted.

A suggestion was offered by the City Attorney that the method of assessment be established on a basis of alley to alley, rather than street to street.

Paul Bomberger, member of the committee, pointed out the difficulty of acquiring property in the high valued area between I and J and 10th and 11th Streets, and asked if a merchant in the block where a parking lot was already established, such as Ninth Street and 12th and I Streets, would be required to participate in the cost of acquiring lots in other blocks.

Mayor Marks pointed out that with the establishment of 3-4 block districts this would be worked out satisfactorily and that it would be necessary for the merchants and property owner in those areas to participate in the district's cost to acquire additional facilities and that there was a possibility in this manner that the merchants cost would be less than the \$7.31 per month quoted. He pointed out that it would not prove too difficult to acquire property in any area since the Parking Authority could exercise its right of eminent domain.

Sid Loshier, member of the committee, pointed out that many merchants would be willing to pay the amount quoted for parking facilities however, the merchants in many cases is not the man concerned since they rent their stores on long term leases and it is the property owner who would have to pay the additional taxes and the assessment for parking facilities. The owner cannot increase his rent in many cases to pay for these increased costs and assessments and he recommended that consideration be given to a method in such cases for the merchants participation. He suggested the mill license be used.

Mayor Marks pointed out that in many cases of this nature leases were on a percentage basis which would take care of this problem.

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The City Attorney pointed out that there would be a possibility of some of the banks being unwilling to loan on the present lots and that inquiry should be made. The City Manager stated that with adequate securities loans could be obtained.

Mayor Marks suggested that the committee and authority contact the City Manager to arrange a meeting to work out any other problems, within two weeks.

2 HEARING ON PROPOSED ZONING OF NORTHWEST ADDITION

Mayor Marks declared the hearing open on the proposed zoning of the Northwest addition. Director of Planning Bills reviewed the proposed zoning as approved by the City Planning Commission, and on which two required public hearings had been held by the Commission.

Mayor Marks questioned the advisability of the proposed "unplanned shopping center" on Roseburg and Tully Avenues, since Tully Avenue was a heavy travelled road and many traffic problems would result. He suggested that only two corners be zoned for neighborhood business, C-1. Mr. Bills gave a brief resume of the two differences of opinion in the Planning Commission on this question; 1-Unplanned shopping center, such as this proposed one, creates a traffic problem, which will necessitate the installation of traffic control measures and that if the property is developed as commercial, property values are increased. 2-that it would be discriminatory to the other property owners if only two corners were zoned for commercial uses.

Under the proposed new zoning ordinance, it will be possible to "zone by designation", the Planning Director stated, which would permit owners to develop a firm and concrete plan and present it to the Commission and if approved it can be adopted as a part of the zoning ordinance, but until that ordinance is adopted it is necessary to designate the zoning when the ordinance is adopted.

Frank H. Regan, spoke in behalf of Mrs. Erma Hathaway, owner of the property located on the southwest corners of Roseburg and Tully Avenues, and stated that he felt that it would be

discriminatory to zone the property for commercial use on two corners only at this intersection. He stated that when the College Gardens subdivision map was approved by the county prior to annexation by the city, this property was reserved for business purposes. (Later in the meeting a map was presented to the Council by Director of Planning Bills which indicated that no reservation was made on this property on the map approved by the county.)

The City Manager pointed out that only the two bodies, the Council and the Planning Commission, in formal session, after public hearings, could zone properties and that if a person bought property thinking it would be zoned in a certain zone, that they were doing so at their own risk and that no one in the City Hall could tell anyone what kind of zoning was to be established.

Mrs. Hathaway stated that she had bought the property in 1947 in good faith on the representation of the seller that it would be zoned commercial since she originally had planned to build a store and that she would suffer a material financial loss if the property was not zoned accordingly. She planned to dispose of the property now but the sale was contingent on the property being zoned commercial. A sale was under consideration to the Shell Oil Company who proposed to build a \$25,000 service station and she requested that the Council indicate its intention at this time so that the sale could be consummated the next day.

City Attorney Grimes pointed out that from the legal point of view the regulations which were in force at the time of the purchase of the property by Mrs. Hathaway would prevail since the property was annexed to the city after 1947.

Richard Giddings recommended that commercial zoning be established on the northwest and southwest corners instead of the northwest and northeast corners since this would eliminate a great deal of the pedestrian traffic across Tully Avenue.

Councilman M. Adams expressed himself in favor of a plan under which the city would have control over the zoning of the east side of

Tully at this intersection. Since the land has not been subdivided, Councilman Arata recommended that before the property was zoned that the owners have an opportunity to be heard.

Councilman R. Adams stated that the Council had indicated its position as far as the northwest and southwest corners were concerned, and he recommended that until such a time as the property east of Tully road was subdivided and the map presented to the Council for its approval that it be zoned as R-1 single family.

The City Attorney pointed out that the Council had the authority to change the proposed zoning but he recommended that the hearing be continued until next week's Council meeting.

Mr. Giddings suggested that single residential zoning would be too severe and recommended multiple family zoning.

At the suggestion of the City Attorney, the Council authorized the Director of Planning to recommend the zoning and he suggested that the R-3 zoning be established. Councilman R. Adams moved that R-3 zoning be established on the east side of Tully Avenue, and the hearing be extended until next week, which was seconded by Councilman Merrill and unanimously carried.

The City Attorney cautioned Mrs. Hathaway that the Council reserved the power to change its mind at the next meeting and that her sale would be made at her own risk. The Council, he stated, has only indicated its intention to zone her property as commercial.

3 JAMES CORSON, SUPERINTENDENT OF SCHOOLS DISCUSS ANNEXATION PROBLEMS AS RELATED TO SCHOOL DISTRICTS

James Corson, Superintendent of Schools, Members of the Sylvan School District and Mr. Brown, Superintendent of the Sylvan School, appeared before the Council and requested that action on the proposed annexation of the Ashford Addition, McHenry Village Addition and Briggsmore Addition be withheld until a number of problems involved in annexation of territory to cities which were located in different school districts be cleared. He briefly reviewed the requirements of the new state law (Allen Bill)

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which required that the city indicate its intention to change school district boundaries when territory was being annexed to the city which was a part of a school district other than the city school district.

He pointed out that the Briggsmore Addition, the McHenry Village Addition, as well as the Briggs-Whitmore Addition were located in the Sylvan School District. There are many problems, he stated, relating to these annexations which we cannot come to a complete agreement upon at this time but with additional time for deliberations agreement can be accomplished.

The City Attorney pointed out that the action to be taken on the proposed annexations at this meeting would not be final since on the Ashford Addition the date for the hearing was to be set and final consideration would not be taken until the middle of January; the action on the proposed annexation of the Briggsmore and the McHenry Village Additions was only to refer the petitions for annexation to the Planning Commission for report and recommendation.

Mr. Corson stated that if it was not planned to include the Briggs-Whitmore Addition, the Briggsmore Addition or the McHenry Village Addition in the Modesto School District that it would not be feasible for the school district to purchase a site in the Ashford Addition.

Mr. Ichord, member of the Sylvan School District, pointed out that it was the desire of the board to keep a high building standard in the district and asked that some assurance be given them by the city that large areas of its district would not be absorbed by the city.

The City Manager suggested that the Council determine a reasonable limit to which services can be extended and attempt to stay with the limit. Unless the school plans to establish a school in the Ashford Addition, he suggested, the city should not be interested in annexing it

Director of Planning Bills was directed to contact Conow Builders to determine if they would petition for inclusion in the Modesto City School District.

4 SET DATE FOR HEARING ON PROPOSED ANNEXATION OF ASHFORD ADDITION

Councilman Annan introduced

RESOLUTION NO. 10,418-N.S.

seconded by Councilman Arata, giving notice of the proposed annexation of the Ashford Addition to the City of Modesto and fixing the hour of 8:00 P.M., January 27 at the City Hall as the time and place for the hearing of protests to the proposed annexation of the Ashford Addition to the City, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

A letter was read from the Planning Commission recommending that the Council give its consent to the continuation of annexation proceedings of the proposed Ashford Addition, with the proviso that negotiations for the purchase of the proposed park site within the bounds of the Ashford Addition be completed satisfactorily prior to the annexation. The City Manager stated that a proposal for the purchase of the park would be presented to the Council shortly.

5 REFER PETITION FOR ANNEXATION OF THE McHENRY VILLAGE TO THE PLANNING COMMISSION

Allen Moore and Wallace Green objected to the inclusion of the property owned by Wallace Green, on the southeast corner of Granger and McHenry Avenue, in the McHenry Village Addition proposed to be annexed to the city. An opportunity would be given, Mayor Marks stated, to protest the annexation at a later date when the official time had been set by the Council for hearing protests. Councilman Merrill introduced

RESOLUTION NO. 10,419-N.S.

seconded by Councilman Arata, referring the petition for annexation of the McHenry Village Addition to the City Planning Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and
Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

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6 PRESENTATION OF EMPLOYEES JUNK, SANTISTEVEN AND VICKERY RE: COMPLETION OF COURSE IN SEWAGE TREATMENT (MARVIN RAY)

Marvin Ray, Director of Public Works, presented Robert Santisteven, Chief Sewage Plant Officer, Bill Junk, Sewage Plant Superintendent, and Bud Vickery, sewage plant maintenance man, who have recently completed a course in sewer treatment on their own time, conducted at the West Contra Costa Junior College near Concord, which had required attendance two nights a week for 10 weeks. Mr. Ray stated, "I think it is a marvelous thing that we have the type of employees who take the interest in their work to better themselves."

Mayor Marks expressed congratulations to the employees on behalf of the Council and the people of Modesto.

7 REFER PETITION FOR ANNEXATION OF THE BRIGGSMORE ADDITION TO THE PLANNING COMMISSION

Councilman M. Adams introduced

RESOLUTION NO. 10,420-N.S.

seconded by Councilman Arata, referring the petition for annexation of the Briggsmore Addition to the Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

8 APPROVAL OF MINUTES

Council members having received copies of the minutes of the meetings of Nov. 25 and Dec. 2, and the same being available for public inspection, and there being no objections, the minutes were approved.

9 LETTER FROM SHORELINE PLANNING ASSOCIATION RE: TIDELAND OIL DRILLING

A letter with a suggested resolution for adoption by the Council, received from the Shoreline Planning Association of California Inc. relating to tidelands oil drilling, was read. Councilman M. Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the letter be referred to the Planning Commission for its report.

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10 LETTER FROM JAMES CORSON, SUPERINTENDENT OF SCHOOLS RE: DEEDING OF RIGHT OF WAY PROPERTY TO THE CITY

A letter from James H. Corson, Superintendent of Schools notifying that the Board of Education had adopted a resolution deeding a portion of the Lincoln School property to the city bordering Downey Avenue, for street widening purposes, was read. Councilman R. Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the Mayor be authorized to write letters to the Board of Education and Mr. Corson thanking them for their cooperation.

11 FURTHER CONSIDERATION OF PROPOSED ORDINANCE REGULATING GARDEN REFUSE COLLECTION

It was suggested that the cooperation of the press and radio be requested in writing a story outlining the proposed regulations on trash pick-up to get the public reaction. A suggestion was offered that consideration be given to permitting the use of a piece of canvass to hold the grass cuttings and small garden refuse as well as cartons and cans.

The City Manager reported that he had met with representatives of the Modesto Garbage Company to discuss the possibility of a contract for the trash pick-up by the company but that no conclusions had been reached. It would have to be a separate operation, he stated, since the cost of hauling the trash to the Laird Slough would not be financially practical. Since this type of service had been handled by another collection firm in the LaLoma area prior to annexation, the City Manager stated, it is possible that such arrangements could be made.

12 PROHIBIT PARKING IN SPECIFIED PLACES ON G, ELEVENTH, AND TWELFTH STREETS

Councilman Arata introduced

RESOLUTION NO. 10,421-N.S.

seconded by Councilman Annan, prohibiting parking in specified places on "G" Street, Eleventh Street and Twelfth Streets, as set forth in the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

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13 CONSIDERATION OF SERVING SEWER SERVICE TO SINGLE HOMES ADJACENT TO CITY LIMITS

The City Manager stated that a request had been filed for sewer service by a property owner adjacent to the McHenry Village Addition now under annexation proceedings who wished to annex to the city but that due to a zoning problem now under consideration by the county, this property was not included in the proposed annexation. He asked for clarification of the present policy of the Council on granting sewer service to individual property owners contiguous to the City.

Mayor Marks stated that the policy in the past had been to grant this service in such cases when it is economical and feasible to do so and the party has indicated his willingness to annex to the city and until annexed the outside rate would apply, to which the Council concurred.

14 APPROVE LEASE WITH ELVIN YORK FOR RENTAL OF PERCOLATION BED AT SEWER PLANT FOR SPRING PLANTING SEASON

The City Attorney outlined the provisions in a proposed lease between the city and Elvin York for the rental of the "percolation bed" for the period Dec. 1, 1953 and ending July 20, 1954, for the purpose of raising crops, providing for the payment to the city of 25% of the gross receipts received from the crops. Councilman Annan introduced

RESOLUTION NO. 10,422-N.S.

seconded by Councilman R. Adams, approving the lease as presented, and authorizing the execution by authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

15 CONSIDERATION OF ACTION TO BE TAKEN ON SEWER PROGRAM

Upon the recommendation of the City Manager, Councilman M. Adams moved, seconded by Councilman Annan, and it was unanimously carried, that the recommended change in scheduling the preparation of plans and the construction of clarifiers, mixing tanks, bio-filters, sludge conditioner, rehabilitation of existing digesters, as outlined in the report from

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Director of Public Works, dated November 30, entitled "Report on Sewage Disposal Projects", be approved.

16 FURTHER CONSIDERATION OF USE OF YOUTH CENTER

A further discussion was held by the Council on an interim policy for the use of the Youth Center Building and Director of Recreation Brooks asked if the building would be restricted to youth groups only during the interim period and if a charge was to be made if the building was used when the recreation staff was absent.

Councilman R. Adams recommended that the building be used by youth groups during the day time without charge but that a nominal fee be paid for the use of the building during such time the recreation staff was absent.

Assistant City Manager Shelton asked if it would be the responsibility of the administrative staff to set a rental fee. The City Manager suggested that the youth groups be required to provide satisfactory supervision, or pay the expenses for satisfactory supervision, and unless the Council authorized a charge the building could not be used. The practice of permitting groups to use the building once be continued was suggested by the City Manager.

The City Attorney suggested that the use of the building in the interim period be limited to youth groups and/or organizations relating to youth.

Director of Recreation Brooks requested that the Council designate the groups which would be permitted to use the building.

Councilman R. Adams stated that a report on the various questions presented would be submitted at the next meeting. Mayor Marks suggested that names of various organizations interested in youth activities be furnished the council members.

Mr. Corson stated that although a member of the school staff was on the committee studying the program for the center that no official appointment had been made by the board.

17 REQUEST CANCELLATION OF COUNTY TAXES ON CITY OWNED PROPERTY

Upon the recommendation of the City Manager, Councilman Merrill

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introduced

RESOLUTION NO. 10,423-N.S.

seconded by Councilman M. Adams, requesting the Stanislaus County Board of Supervisors to cancel county taxes on certain city owned property which was recently annexed to the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

18 APPLICATION OF CHARLES SALES OPERATE ADDITIONAL TAXICAB

Application for one additional permit of public convenience and necessity to operate a taxicab filed by Charles Sales, dba City Cab Company, was referred to the Chief of Police for investigation and report, as required by Ordinance No. 1053-N.S.

19 ACCEPT DEED OF EASEMENT FROM VACHEL E. BARTON & MILDRED E. BARTON

A deed of easement from Vachel E. and Mildred E. Barton granting permit to install sewer line in Block 240 of the Barton Oaks Subdivision was presented for the consideration of the Council by the City Attorney. Councilman R. Adams introduced

RESOLUTION NO. 10,424-N.S.

seconded by Councilman Arata, accepting said deed and authorizing the recording with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

20 APPROVE AGREEMENT WITH STANISLAUS COUNTY FOR COOPERATION ON LAND USE SURVEY

The City Manager reported that in the preparation of the new zoning ordinance it is necessary to bring up to date information which relates to land use and that county officials had agreed to go 50/50 on the expenses, and the city's share would amount to \$375 and he outlined a proposed agreement between the county and city. Councilman Merrill

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introduced

RESOLUTION NO. 10,425-N.S.

seconded by Councilman M. Adams, approving agreement and authorizing execution by authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

21 FINANCIAL REPORT FOR MONTH OF NOVEMBER FILED

A financial report for month of November was filed by the City Manager.

22 RECEIPT FROM IONIAN ISLANDS RELIEF FUND

A receipt from Rev. Nicholas Athany of the Ionian Islands Relief Fund acknowledging receipt of \$2016.76 from the committee of Modesto appointed by Mayor Marks to collect funds for the Ionian Islands, was read and ordered filed.

23 REPORT ON COMPLETION OF SURVEY OF FIRE HYDRANTS BY FIRE DEPARTMENT

The City Manager reported that a survey of the fire hydrants had just been completed by the Fire Department. Under the new policy, he stated, the care of fire hydrants is now the responsibility of the fire department and they are now in excellent shape.

24 LETTER FROM CITY PLANNING COMMISSION RE: INSTALLATION OF SIDEWALKS IN LAVILLA SERENA SUBDIVISION

A letter was read from the City Planning Commission stating that at a meeting held on Dec. 14, the Commission had taken the position that in view of the proposed location of an elementary school in the Ashford Addition that sidewalks were equally necessary on both north-south streets and that it cannot justify recommending sidewalks on one side of the street only as suggested by the Council in the LaVilla Serena Subdivision and that it reiterated its recommendation that sidewalks be installed in the LaVilla Serena Subdivision as recommended by the Commission on Dec. 1, 1953.

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ADJOURNMENT

Councilman Arata moved, seconded by Councilman Merrill and it was unanimously carried that the Council meeting now in session adjourn.
(6:30 p.m.)


REX E. GAILFUS, CITY CLERK

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December 23, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Ordinance No. 1084-N.S.

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

Invocation was given by Rev. F. T. Zellmer of the Free Methodist Church

Roll call of the Council was taken by the City Clerk and there were

Present: Councilmen: M. Adams, Annan, Arata, Merrill and Mayor Marks

Absent: Councilmen: Mellis and R. Adams

1 LETTER FROM FRANK H. JAMISON RE: MASS TRANSPORTATION

A letter from Frank H. Jamison, 221 Oakshire Ave., addressed to City Manager Miller, relating to the problem of mass transportation in the city, was read and ordered referred to the Forward Modesto Committee for its consideration.

It was agreed by the Council that all future communications offering suggestions to the Forward Modesto Committee for the improvement of the city, should be referred to the committee, except those addressed directly to the Council.

2 LETTER FROM JOHN ERRECA-DIRECTOR OF CENTRAL VALLEY DIVISION OF LEAGUE OF CALIFORNIA CITIES

A letter from John Erreca, Director of the Central Valley Division of the League of California Cities, asking for the views of the Council on certain phases of liquor control, which subject will be discussed at the next regular Director's meeting to be held on Jan. 7, was read. It was agreed by the Council that the City Manager and Police Chief Neel should submit a report to the Council at the regular meeting on Jan. 6 and that the Mayor would contact Mr. Erreca by phone after the meeting on the decision of the Council.

3 CONTINUATION OF HEARING ON ZONING THE NORTHWEST ADDITION

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Mayor Marks declared the hearing reopened on the proposed zoning of the Northwest Addition. He briefly reviewed the discussion which had been held at the meeting of Dec. 16, which resulted in the decision to change the proposed zoning on the northeast and southeast corners of the intersection of Roseburg and Tully Avenues, from C-1 Neighborhood Business to R-3 Multiple Family.

City Attorney Grimes presented an ordinance, as requested by the Council, which would zone the addition as designated by the Planning Commission, with the exception of the property on the northeast and southeast corners of the intersection of Tully and Roseburg Avenues, which was to be zoned as R-3 instead of C-1

Objection to the zoning of the northeast and southeast corners of the intersection as R-3 was voiced by Councilmen Arata and Merrill, on the grounds that if one side of the street was zoned for business and the other for multiple family that the type of homes built would be undesirable, and that both sides should be zoned the same.

The desirability of submission of plans to the Council for approval before the property on the east side of Tully Avenue at this intersection was zoned, was expressed by Councilman M. Adams. He urged that the control of the development of this intersection not be lost by the Council by zoning all four corners as C-1 at this time.

The City Attorney pointed out that under the existing zoning ordinance it would be necessary to establish a definite zoning for the property and if a change in the zoning was approved at a later date after presentation of plans for the development, an amendment to the zoning ordinance would be necessary.

Robert Bomberger stated that his firm had under consideration at the present time, a transection which would call for the construction of a filling station on the northeast corner and if the property was zoned R-3, the property owners would suffer a financial loss. These four corners, he continued are well adapted for filling stations and would give a wide open view for traffic on both Tully and Roseburg Avenues. If submission of plans for the development of this property was required by the Council, it would delay the transaction under consideration 30-60 days.

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He pointed out that with R-3 zoning it would be possible to construct buildings at this intersection which would be undesirable as far as traffic safety was concerned. He questioned the control that the city would have on the west side of Tully Avenue---what is going to prevent the west side property owners from covering all their property with buildings?

Councilman Annan stated that if a plan for a filling station at this (northeast) corner would be presented to the Council for approval that "he would be inclined to favor commercial zoning."

The City Manager stated that one of the reasons this zoning problem had occurred was that the city had accepted a subdivision which included, on the northwest corner of this intersection, an area designed for commercial use and that at the present time there was no official commitment of which he was aware, relating to the other three corners. The fact that the development of all four corners as commercial would create additional traffic problems should be taken into account. The only basis for zoning any of this property commercial is demonstration that the public interest requires such use and not because someone has a deal pending. It is the function of the Planning Commission and the Council to make that determination and the responsibility^{is} a very serious one.

The City Attorney stated that the legal basis for zoning was that it was done for the general welfare and benefit of the community--- certain land is zoned for business and certain land for residential uses--- and not that the owner of a certain parcel wants it zoned a certain way for his own use. The proper use of the land in relationship to all the rest of the area and community is the reason for zoning, he stated.

Councilman Arata moved, seconded by Councilman Merrill, that all four corners of the intersection of Roseburg and Tully Avenues, be zoned C-1, Neighborhood Business. The following discussion took place on the motion.

Whether C-1 zoning was proposed for the entire parcel of land on the northeast corner or just that portion to be used for a filling station was discussed. It was recommended by Councilman Arata that an equal distance on both the east and west sides of Tully Avenue be zoned C-1, as originally approved by the Planning Commission.

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John Quaresma, subdivider of the College Center Tract, outlined the plans for the improvement of the northwest corner and stated that it was planned to include a large parking area in the development. He stated that it was his opinion that all four corners should be zoned for commercial use and that if it was not done at this time, it would be necessary to do so in the very near future since the property was developing so rapidly. He pointed out the difficulty of submitting plans to the Council for approval before property was zoned since options could not be secured on all property and it would be necessary to purchase the property outright.

Mr. P. B. Smith, representing the Shell Oil Company, was requested to file a copy of the plans for the building of a filling station on the Hathaway property located on the southwest corner.

The City Manager pointed out the importance of making arrangements for the proper set back lines on the development of these corners

Councilman Arata withdrew his pending motion with the consent of his second and moved the introduction of an ordinance, amending Ordinance No. 700-N.S. (zoning), to add use district Map #9, which was seconded by Councilman Merrill, which would zone the Northwest Addition in accordance with the recommendations of the Planning Commission, and upon roll call the ordinance failed to carry by the following vote:

Ayes: Councilmen: Merrill, Annan and Arata

Noes: Councilmen: M. Adams and Mayor Marks

Absent: Councilmen: R. Adams and Mellis

Councilman M. Adams stated that the reason he was voting "no" was because he was opposed to zoning all four corners of the intersection at Roseburg and Tully Avenues, as C-1, Neighborhood business until plans for the development of this property had been filed for the consideration of the Council.

Mayor Marks stated that he had voted "no" because he was opposed to an "unplanned shopping center" at this location, which would create a traffic problem.

The City Attorney pointed out that section 713
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of the city charter provided that no ordinance should become effective without receiving the affirmative votes of at least four members of the Council and that the introduction of the ordinance had failed to carry.

At the request of the Mayor the City Attorney outlined the legal procedure necessary for the reconsideration of the action just taken. Councilman M. Adams moved, seconded by Councilman Annan, and it was unanimously carried, that the vote on the previous question be reconsidered.

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the further consideration of the pending question be postponed until the next regular meeting of the Council, January 6, 1954.

Mr. Quaresma stated that a subdivision plan for the whole ten acres on the southeast corner of this intersection would be presented for the consideration of the Council in the near future.

4 RECOMMENDATION FOR USE OF YOUTH CENTER

Due to the absence of Councilmen Mellis and R. Adams, a report on the recommendation for use of the Youth Center building was held over.

5 AWARD BID FOR GASOLINE FOR YEAR 1954-55

Tabulation of the 6 bids received for furnishing the city's gasoline requirements during the period from Jan. 16, 1954 to Jan. 15, 1955, was considered by the Council. Upon the recommendation of Director of Public Works Ray, Councilman Arata introduced

RESOLUTION NO. 10,426-N.S.

seconded by Councilman Annan, accepting the bid of the Seaside Oil Company, as it was the lowest bid received, and authorizing the execution of agreement covering the purchase of the gasoline, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Mellis

6 FURTHER DISCUSSION OF GARDEN REFUSE ORDINANCE

The public liability angle of the proposed placing
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of containers filled with garden refuse, in the street for pick-up service was discussed and it was agreed that if containers are used they should be placed in the parking strip rather than the street. At the suggestion of Councilman M. Adams, the City Manager was asked to contact the City of Salinas regarding its experience in garden refuse pick-up service and report his findings to the Council. The matter was put over for consideration later.

7 FURTHER CONSIDERATION OF SCHOOL DISTRICT BOUNDARIES

The City Manager reported that agreement on the school districts boundary problem had so far not been reached by the two school groups, the Modesto School District and the Sylvan School District, but assurance that an agreement would be reached at a meeting to be held on Dec. 28, was given by the two groups. He pointed out that only a short period of time was available to the city to complete annexation proceedings so that the annexed territory could be placed on the 1954 tax roll and urged consideration be taken not later than the first meeting in January.

8 DISCUSS SHIFTING OF PARK AREA FROM COLLEGE VILLAGE ADDITION TO ASHFORD ADD'N.

The City Manager reported on arrangements discussed for the shifting of the park area from the College Village Addition to the Ashford Addition, which would call for the purchase of a five acre site adjoining the proposed school site in the Ashford Addition at a price of \$2500 per acre and the sale of the park site (approximately 3 acres) in the College Village Addition, to Dalton Ellis, subdivider, at \$2500 per acre. A further condition in the sale of the property to Mr. Ellis, was the provision by Ellis of an opening of a street to the track to the west, which would be improved either by the city or by Mr. Ellis, at an approximate cost of \$1,000 to the city. An agreement for the consideration of the Council would be presented shortly, the City Manager stated.

Councilman M. Adams moved, seconded by Councilman Arata, that the plan for the shifting of the park area be approved, and it was unanimously carried.

9 LETTERS FROM PLANNING COMMISSION RE: PROPOSED ANNEXATION OF THE BRIGGSMORE AND McHENRY VILLAGE ADDITIONS

A letter received from the Modesto City Planning Commission approving the proposed annexation of the Briggsmore Addition was

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read and ordered filed.

Approval of the proposed annexation of the McHenry Village Addition to the City of Modesto, was given by the Planning Commission in a letter to the Council dated December 23.

The City Manager reported that a map indicating the extreme limits which the city could extend sewer services to the north and east, was being prepared for the consideration of the Council.

Resolutions setting the time and place for the hearing of protests to the proposed annexation of the McHenry Village Addition and the Briggsmore Addition to the city, were deferred until the next meeting.

10 FURTHER CONSIDERATION OF DRAINAGE REPORT

The City Manager reported that copies of the "Report on Storm Drainage, with Reference to Use of Modesto Irrigation District Canals," dated December 7, 1953, had been distributed to the Forward Modesto Committee. Authority to immediately proceed on various alternate estimates for the solution of the drainage problem for submission to the Forward Modesto Committee, was given to the City Manager by the Council.

11 CONSIDERATION OF APPLICATION OF CHARLES SALES FOR TAXICAB PERMIT

Consideration of the application of Charles Sales for a certificate of public convenience and necessity to operate one additional taxicab, was deferred until a later meeting of the Council.

12 ACCEPT TRAFFIC ISLANDS AT 19th & DOWNEY AVENUE FROM STANDARD MATERIALS INC.

A report was filed by the Director of Public Works that the construction of the traffic islands at 19th Street and Downey Avenue has been completed by contractor, Standard Materials Inc and that he recommended acceptance of the project by the Council. Councilman Arata introduced

RESOLUTION NO. 10,427-N.S.

seconded by Councilman M. Adams, accepting the project from the Standard Materials Inc., authorizing progress payment of \$1,833.75, and the filing of "Notice of Completion" with the Recorder of Stanislaus County, as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: M. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Mellis

ACCEPT SANITARY TRUNK SEWER ON ROSEBURG AVENUE BETWEEN TULLY AND McHENRY AVENUES FROM STOLTE INC.

13

A report was filed by the Director of Public Works that the construction of the sanitary trunk sewer on Roseburg Avenue between Tully and McHenry Avenues had been completed by contractor, Stolte Inc. and that he recommended acceptance with the provision that \$500 be retained to cover the repaving of certain sections of the trench area. Councilman M. Adams introduced

RESOLUTION NO. 10,428-N.S.

seconded by Councilman Arata, accepting the project as completed by Stolte Inc. on the construction of sanitary trunk sewer on Roseburg Avenue between Tully and McHenry Avenues, authorizing progress payment of \$5,036.71, authorizing the filing of "Notice of Completion" with the Recorder of Stanislaus County, with the provision that \$500 be retained to cover the repaving of certain sections of the trench area, which due to the wetness of the material and present weather conditions, is impractical to accomplish at this time, and that the contractor maintain the street in a safe condition until the work is completed, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Arata, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Mellis

ACCEPT CONSTRUCTION OF SANITARY TRUNK SEWER ON ORANGEBURG BETWEEN TULLY AND BRIGGSMORE AVENUES FROM STOLTE INC.

14

A report was filed by the Director of Public Works that the construction of the sanitary trunk sewer on Orangeburg Avenue between Tully and Briggsmore Avenues had been completed by contractor, Stolte Inc. and that he recommended acceptance of the project with the provision that \$1500 be retained by the city to insure the company's repaving certain sections of the trench area. Councilman Merrill introduced

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seconded by Councilman Annan, accepting the project as completed by Stolte Inc. on the construction of sanitary trunk sewer on Orangeburg Avenue between Tully and Briggsmore Avenues, authorizing progress payment of \$16,822,38, authorizing the filing of "Notice of Completion", with the Recorder of Stanislaus County, with the provision that \$1500 be retained by the city to insure the company's repaving certain sections of the trench area which, due to the wetness of the material and present weather conditions, is impractical to accomplish at this time and with the further provision that the company will maintain the street in a safe condition until the work is completed, which resolution was regularly adopted by the following vote:
Ayes; Councilmen: M. Adams, Annan, Arata, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Mellis and R. Adams

15 ESTABLISHING PROCEDURE FOR NUMBERING OF RESOLUTIONS

The City Attorney presented a resolution for the consideration of the Council which would provide a revised system for numbering the official resolutions adopted by the Council. Councilman Merrill introduced

RESOLUTION NO. 10,430-N.S.

seconded by Councilman Annan, providing, effective January 1, 1954, the following revised system be inaugurated for the numbering of the official resolutions adopted by the Council:

Each resolution adopted during each forthcoming calendar year shall bear a prefix number consisting of the last two digits of the calendar year (Resolution No. 54-).

Each resolution adopted during each forthcoming calendar year shall bear a suffix number commencing with the number one, and continuing numerically throughout the year (Resolution No. 54-1).

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Mellis and R. Adams

16 AUTHORIZE ATTENDANCE OF CITY ATTORNEY TO LEAGUE MEETING IN MARIPOSA

Upon motion by Councilman Arata, seconded by Councilman M. Adams, and unanimously carried, permission was given to City Attorney
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Grimes to attend the Spring meeting of the City Attorneys' Department of the League of California Cities, to be held in Mariposa, May 12-13 with expenses paid.

17 AUTHORIZE ATTENDANCE OF CITY MANAGER AND ASSISTANT CITY MANAGER TO LEAGUE CONFERENCE IN SANTA MONICA

Upon motion by Councilman Annan, seconded by Councilman Arata, and unanimously carried, the City Manager and Assistant City Manager were authorized to attend the spring meeting of the City Managers' Department of the League of California Cities, to be held in Santa Monica, Feb. 25-27, with expenses paid.

18 AUTHORIZE COUNCILMAN ANNAN ABSENCE FROM STATE

Upon motion by Councilman Arata, seconded by Councilman M. Adams, and unanimously carried, Councilman Annan was granted permission to leave the state for a period of 3-4 weeks, beginning January 7-8, 1954.

19 REPORT ON RAILROAD GRADE CROSSING PROTECTION

The City Manager reported that M. E. Getchel, Associate Transportation Engineer of the Public Utilities Commission, had met with city representatives to discuss railroad grade crossing protection devices. Intersections visited were, 9th and B Streets and the Tidewater Southern track (approaching from the south adjacent to the South 99 Bridge); 7th and B Streets; the Southern Pacific crossing of Hatch Road, and 9th and P Streets, where the Tidewater Southern tracks enter 99 Highway.

The Council agreed that further consideration should be given to the possible improvement of the crossings of the Tidewater Southern Railroad at Ninth & P Streets and Needham Avenue, as suggested by the group visiting the intersections composed of Mr. Getchel, Jack Kenady of the Tidewater Southern Railroad, Oliver Deatsch, County Engineer, and Marvin Ray, Director of Public Works. The City Manager stated that he would check into the matter and make a further report.

20 REPORT ON KADOTA CREEK COMPANY ACCOUNT

The City Manager reported that delinquent charges of \$2,456 for water and \$907 for sewer service remained unpaid by the Kadota Creek Company, operating a food processing plant at 109 11th Street and

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he asked for approval of the necessary action to collect the unpaid account. Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that whatever legal or other action necessary to collect the account be authorized.

21 DISCUSSION ON SECURING RIGHTS OF WAY TO WIDEN TULLY AVENUE

A map showing the proposed set back lines for the widening of Tully Avenue to a 60 foot highway was presented for the consideration of the Council. The City Manager reported that due to the amount of work involved in securing these rights of way Fred Freed had been employed on a part time basis. A recommendation was offered by the City Manager that in that portion of Tully Avenue, between the 99 Highway and Coldwell Avenue, where the lots were vacant or where buildings were set back sufficiently far enough, that the city obtain a 80 foot right of way, but where existing buildings or other difficulties precluded this, that 60 feet be secured, and that set back lines be established at 80 feet so that future building or reconstruction of present buildings, would be set back to the ultimate right of way line. It was moved by Councilman Arata, seconded by Councilman Merrill and unanimously carried, that the recommendation, as outlined by the City Manager, be approved.

A report on the proposed widening of Sunrise Avenue would be presented at a later date, the City Manager reported.

ADJOURNMENT

It was moved by Councilman Merrill, seconded by Councilman M. Adams, and unanimously carried, that the meeting now in session adjourn (10:30 P.M.).


ATTEST: REX E. GALLFUS, CITY CLERK

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