

COUNCIL, City of Modesto,

January 9th, 1935

The Council of the City of Modesto met this day in regular session, and there were present Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Absent: Councilmen: None

IN THE MATTER OF  
MINUTES

The minutes of the regular session of December 26th 1934, having been heretofore read by the Council, were ordered corrected in certain particulars and approved as so corrected and read.

IN THE MATTER OF  
COMMUNICATIONS:

Communication was received from the State Planning Board urging municipalities to take action now in outlining projects for the C.W.A. of the Federal Government and to submit a report of such projects not later than January 31st, 1935, to the State Planning Board.

Commissioner Rogers introduced

RESOLUTION NO 3080-N.S.

authorizing and instructing the City Engineer to proceed with the outlining of the said projects in compliance with request of the State Planning Board, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
CLAIMS FOR DECEMBER,  
1934

Claims against the City of Modesto for the month of December, 1934, having been heretofore audited and

and approved by the Council. Commissioner Neece introduced

RESOLUTION NO. 3081-N.S.

allowing the said claims, and referring to the cash records of the City Auditor for further details relative to amounts of withdrawals from the various funds as follows:

GENERAL FUND-----	\$31,379.75
WATER FUND-----	2,647.44
LIBRARY FUND-----	1,777.32
BOND RED. INT. FUND-----	3,500.00
ST. BOND RED. INT. FUND*-----	400.00

TOTAL-----\$39,704.51

Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers and Mayor pro tem. Paack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
CLAIM FOR PAYMENT  
ON MACHINE SHOP

The City Engineer having filed with the Council a certification of payment of \$1824.56 due to

Ernest Green for 75% of the amount bid for quantities completed upon Machine shop, Commissioner Rogers introduced

RESOLUTION NO. 3082-N.S.

directing the City Clerk and Auditor to issue warrant as aforesated, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Paack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
PETITION FOR USE  
OF ROOSEVELT FIELD:

Petition was received from Bert Lowry seeking permission to use Roosevelt Field for period

beginning February 15, 1935, and ending April 4th, 1936 for purpose of training a team and playing thereat a series of exhibition baseball games, and asking that in event negotiations for such training camp and games fail to materialize before April 15, 1935, the petition be rescinded; whereupon Commissioner Neece introduced

RESOLUTION NO. 3083-N.S.

granting permission to Bert Lowry for the use of Roosevelt Field as prayed for, and further granting the said petitioner the right to rescind his petition on or before April 15, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Paack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
PETITION FOR GAS STATION  
ON 9th Street:

There was filed with the Council petition of the Thrift Oil Co. & Signal Oil and Gas Company to

erect a super-service station on the Southern Pacific Railway Reservation in Block 143, located on the Westerly side of a Ninth Street, between J and k Streets; whereupon, after due consideration of the petition by the Council, Commissioner Rogers introduced

RESOLUTION NO 3084-N.S.

granting permission to the Thrift Oil Co. & Signal Oil and Gas Co. for the erection, maintenance and operation of a super-service station in Block 143 of the City of

Modesto, located on the Westerly side of Ninth Street between J and K Streets, providing that the said building be of all steel construction and that it comply with all City regulations in that particular zone as defined by City Ordinance No. 364-N.S. and No. 367-N.S., and shall locate and construct all structures in accordance with set-backs and other regulations that may be prescribed in the discretion of the City Engineer, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

7  
IN THE MATTER OF  
SALE OF USELESS  
PERSONAL PROPERTY  
of the City

There having been accumulated in the various departments of the City certain old, obsolete unusable personal property, and it being the opinion of the Council that it is to the best interest of the City to dispose of same as provided by the City Charter, Commissioner Brown introduced

RESOLUTION NO. 3085-N.S.

directing that a list of such personal property be filed with the City Engineer and the City Auditor; that the City Engineer advertise for bids for the same for at least five days prior to date of sale; and providing further that in event all of said property is not sold on the date of sale that the sale be continued from day to day commencing every morning at ten o'clock until said property be sold, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

8  
IN THE MATTER OF  
RESCINDING BID  
FOR GASOLINE OF  
SIGNAL OIL CO.

Pursuant to Resolution No. 3016-N.S. accepting bids for gasoline in quantity lots, to-wit; that of the Richfield Oil Company, Signal Oil & Gas Company, and Shell Oil Company, the contracts to be executed on a quarterly basis, and it appearing that upon due notification of award of such bids, contracts were duly submitted by the Richfield Oil Company and the Shell Oil Company but that no contract was submitted by the Signal Oil & Gas Company; and it being further called to the attention of the Council that the local plant of the said Signal Oil & Gas Company is outside of the corporate City limits, Commissioner Rogers introduced

RESOLUTION NO. 3086-N.S.

rescinding the action of the Councilman awarding the bid to the said Signal Oil & Gas Company, and instructing the City Clerk to return the bidding bond accompanying their bid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

9  
IN THE MATTER OF  
ADDITION TO AIRPORT:

Pursuant to Ordinance No. 463-N.S. appropriating funds for the purchase of property adjacent to the Municipal

Airport on Waterford Road known as:

The north 150' of Lots 1, 2 and 3 of  
Lario Park Tract in Section 34, Twp 3,  
South Range 9E., M.D.E & M..

and the Council having by Resolution, to-wit; Resolution No. 3086-N.S. authorized the City Engineer to take an option from Mrs. Emma Brun, the legal owner of said property, for the

purchase thereof, at this time Commissioner Rogers introduced

RESOLUTION NO. 3087-N.S.

directing that warrant in the sum of \$1008.00 be drawn in favor of the Security Title Insurance Company in payment for the above property upon execution of deed to same in accordance with option agreement, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
REAPPOINTMENT OF  
MEMBER OF PLANNING  
COMMISSION:

It being called to the attention of the Council that the term of H. Ramont, member of the City Planning Commission, expires January 9th, 1935, Commissioner Rogers intro-

duced

RESOLUTION NO 3088-N.S.

reappointing Mr. H. Ramont a member of the City Planning Commission for term ending January 9th, 1939, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
BRIDGE ON SYCAMORE  
AVENUE:

Pursuant to discussions heretofore had relative to hazardous condition existing on Sycamore Avenue because of condition of bridge over the M. I. D. Lateral No. 4, at this time, Commissioner Rogers introduced

RESOLUTION NO. 3089-N.S.

directing that a proposal be made to the Directors of the Modesto Irrigation District and the Supervisors of Stanislaus County proposing that the City of Modesto construct an aqueduct bridge over said canal at this junction in event that at some future date the entire lateral might be piped underground through the City limits and asking that each of the above bodies share one-third of the expense of construction, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers and Mayor pro tem Pack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
RENTAL OF HOUSES  
OWNED BY THE CITY

The matter of fixing amount of rent to be charged City employees occupying houses owned by the City, to wit: 110 Poplar Street, 1628 H Street, and 723 12th Street, was brought to the attention of the Council; whereupon Commissioner Rogers introduced

RESOLUTION NO. 3090-N.S.

directing that rental leases be entered into by the tenants, specifying the rental to be charged as follows: For 110 Poplar and 1628 H Street the sum of \$25.00 per month each; for 723 17th Street the sum of \$20.00 per month, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem Pack

Noes: Councilmen: None

Absent: Councilmen: None

13

IN THE MATTER OF  
WATER LINE IN  
BLOCK 328:

It appearing that City water main in Block 328 runs through Lots 19 and 20 in said Block and that no easement therefor can be found of record; and the owners of said property desiring to have the same eliminated, Commissioner Rogers introduced

RESOLUTION NO. 3091-N.S.

Instructing the City Engineer to attempt to have the said pipe line moved and re-routed through the existing alleys in said Block with SERA labor, and in event such labor cannot be obtained, to proceed with said work at the expense of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

14

IN THE MATTER OF  
INJURY RECEIVED FROM  
FALL ON SIDEWALK:

City Attorney Carlson filed with the Council a written report reciting the following facts; On January 7th, 1935,

Mrs. Smith residing at 222 Sunset Blvd. stumbled over a vertical elevation of the sidewalk in front of property at 201 Sunset Blvd. sustaining severe bruises; that he and the City Engineer upon being summoned immediately went to that location and investigated the matter, finding the sidewalk elevated approximately one inch by a tree root; that Mrs. Smith was in need of medical attention and had not the means of supplying same; that in view of the apparent liability of the City for damages in the matter he ordered medical aid for Mrs. Smith and authorized the hiring of a practical nurse to care for her for a few days at the expense of the City; that he had no opportunity of gaining consent of all the members of the Council at that time, but that Commissioner of Finance Neece had approved of the action taken; whereupon Commissioner Neece introduced

RESOLUTION NO. 3092-N.S.

approving of the action taken by the City Attorney in the above matter and authorizing the payment of the claims for medical aid and for nursing when presented, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

15

IN THE MATTER OF  
INSURANCE LIABILITY  
FOR GOLF COURSE  
CADDIES:

Report of the City Attorney of his findings in regard to the compensation insurance liability of the City of Modesto for caddies and assistant professional at the Municipal

Golf Course was filed with the Council, and in view of facts and recommendation therein set forth. Commissioner Neece introduced

RESOLUTION NO. 3093-N.S.

directing that the City continue with the present clause in agreement with the golf professional which places responsibility for injuries received with the City, and authorizing incurring of expense for additional premium therefor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

16 IN THE MATTER OF  
REPORTS:

Reports of the various departments for December 1934  
were reviewed by the Council and ordered filed.

17 IN THE MATTER OF  
ADJOURNMENT:

Commissioner Brown introduced

RESOLUTION NO. 3094-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

ATTEST H. E. GRAGG, City Clerk

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Council, City of Modesto

Special Meeting,  
January 12th, 1935

The Council of the City of Modesto met in special session this date, at 10:00 A.M. the meeting having been called by Mayor pro tem. Pack, and written notices thereof having been duly delivered to all members of the Council as required by Ordinance No. 2-N.S.

Present: Councilmen: Brown, Rogers and Mayor pro tem. Pack

Absent: Councilmen: Neece

2 IN THE MATTER OF  
SIGNATORY FOR SERA  
PROJECTS:

Pursuant to the planning of several public works projects to be done by the State Emergency Relief Administration

and it being necessary to designate a signatory to enter into agreements for the execution of such projects on behalf of the City of Modesto. Commissioner Rogers introduced

RESOLUTION NO. 3095-N.S.

authorizing and empowering Roy E. Pack, Mayor pro tem. of the City of Modesto to enter into such applications and agreements with the State Emergency Relief Administration as he may deem proper and necessary for work projects to be done in and for the City of Modesto under the SERA program of public works, which resolution was duly adopted by the following vote:

Ayes: Councilmen: Brown, Rogers and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

3 IN THE MATTER OF  
ORDINANCE APPROPRIATING FUNDS FOR SETTLEMENT OF SUIT:

Commissioner Rogers introduced and moved the passage to print and publish of

ORDINANCE NO 484-N.S.

appropriating the sum of \$1250.00 or so much thereof as may be necessary, for the purpose of paying the balance due upon the judgment in favor of Podesto & Arata against the City of Modesto for the condemnation of the right of way for the Ninth Street bridge, and directing the City Clerk to issue and deliver warrant for the said balance still due to the defendants named in the action, which ordinance was thereupon duly passed to print and publish by the following vote:

Ayes: Councilmen: Brown, Rogers, and Mayor Pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Neece

4  
IN THE MATTER OF  
FINAL PAYMENT FOR  
NINTH STREET RIGHT  
OF WAY TO PODESTO  
& ARATA:

Pursuant to condemnation suit of the City of Modesto for right of way for Ninth Street highway and bridge in Block 229 owned by Podesto & Arata, and to the subsequent judgment of verdict handed down by the Superior Court awarding to the defendants \$4,600.00 severance damages and \$2,000.00 for the said right of way, and further awarding to the said defendants costs of suit in the amount of \$106.98, and interest at the rate of 7% on the award of \$6,600.00 from October 26th, 1932, to date of payment, and it appearing that the City of Modesto has heretofore appropriated and deposited with the said Court the sum of \$6,500.00 and that a further authorization is necessary for the payment of the balance of the award; Commissioner Rogers introduced

RESOLUTION NO. 3096-N.S.

directing that the Court be petitioned to pay to the defendants the above mentioned deposit of \$6,500.00 as part payment of the award of damages pending the effectiveness of Ordinance No. 484-N.S. which makes a further appropriation and authorizes the payment of the balance of said award in amount of \$100.00 plus the costs and interest as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Neece

5  
IN THE MATTER OF  
ADJOURNMENT:

There being no further business to come before the meeting, Commissioner Brown introduced

RESOLUTION NO. 3097-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Neece

ATTEST H. E. GRAGG, City Clerk

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Council, City of Modesto,  
January 23rd, 1935.

The Council of the City of Modesto met this day in regular session in the Council Chambers of the City Hall at 7:30 P.M.

Present: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Absent: Councilmen: Brown

IN THE MATTER OF  
MINUTES:

The minutes of the regular session of January 9th, 1935, and of the special session of January 12th, 1935, having been heretofore read by each Councilman, and the former having been ordered corrected in certain particulars, were unanimously approved as so corrected and read.

2 IN THE MATTER OF COMMUNICATIONS:

Communications were received from the LEAGUE OF CALIFORNIA MUNICIPALITIES giving a bulletin of legislative proposals affecting municipalities which will come before the State Legislature now in session. Same were reviewed by the Council and ordered filed.

3

Communication was received from the CALIFORNIA MUNICIPAL UTILITIES ASSN. relative to pending legislation of the State Legislature and enclosing blank form for membership in the Association. Same was read by the Council and ordered filed.

4

Communication was received from the MODESTO CHAMBER OF COMMERCE relative to proposed meeting to instigate a program of public traffic safety. Same was read by the Council and ordered filed.

5

Communication was received from the NATIONAL SAFETY COUNCIL asking the City of Modesto to enter the Fourth National Traffic Safety Contest for the year 1935; whereupon Commissioner Neece introduced

RESOLUTION NO. 3095-N.S.

providing that the City of Modesto enter the National Traffic Safety Contest for the year 1935 and that Mayor pro tem. Pack be authorized to sign the entry blank therefor and name the two contact officials as requested, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack
- Noes: Councilmen: None
- Absent: Councilmen: Brown.

6

Mayor Pack thereupon named City Engineer F. J. Rossi, contact official relating to engineering and enforcement items, and Chief of Police Lee E. Smith, contact official relative to grading schedules and educational programs, the said appointments to be effective at once.

7

IN THE MATTER OF CLAIM FOR PAYMENT ON MACHINE SHOP:

The City Engineer having filed a certification of progressive payment in amount of \$1060.59 due to Ernest Green for quantities completed on contract for the construction of Machine Shop unit at the corporation yard. Commissioner Rogers introduced

RESOLUTION NO. 3099-N.S.

directing that warrant be drawn in amount of \$1060.59 in favor of Ernest Green for progressive payment as aforesaid, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack
- Noes: Councilmen: None
- Absent: Councilmen: Brown

8

IN THE MATTER OF APPOINTMENT OF LIBRARY TRUSTEES:

The terms of W. H. Murray and Fred Condit, members of the Board of Library Trustees, expiring on the 1st day of February, 1935, and it being the desire of the Council to reappoint the said members for another term, Commissioner Neece introduced

RESOLUTION NO. 3100-N.S.

reappointing W.H.Murray and Fred Condit members of the Board of Library Trustees for term beginning Febfuary 1st, 1935, and ending February 1st, 1939, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: Rogers, Neece, and Mayor pro tem. Pack
- Noes: Councilmen: None
- Absent: Councilmen: None

9 IN THE MATTER OF ORDINANCE No. 484-N.S., appropriating funds for the purchase  
FINAL ADOPTION OF of Ninth Street Highway Right of Way (Podesto & Arata),  
ORD. 484-N.S.:

having been introduced and ordered printed and published at a special meeting of the Council held on the 12th day of January, 1935, and thereupon printed and published as required by the Charter of the City of Modesto coming on for final adoption this 23rd, day of January, 1935, it was so finally adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem Pack

Noes: Councilmen: None

Absent: Councilmen: Brown

10 IN THE MATTER OF  
EASEMENT FOR WATER  
LINE IN BLK 328:

Pursuant to Resolution No. 3091-N.S. authorizing the City Engineer to proceed to move water main from the center of property known as Lots 19 and 20 in Block 328 owing to the fact that there was no easement of record for said water main, and owing to the fact that it passes directly through the said property, owned by G.E. Gabrielson and the City Engineer reporting at this time that considerable expense would be involved in moving the main and rerouting it through Block 328 but that Mr. Gabrielson has offered to convey for consideration of \$200.00 an easement over the westerly 5' of said Lot 19 in Block 328 for installing and maintaining thereon the said water main; whereupon a ter due consideration of the matter, Commissioner Rogers introduced

RESOLUTION NO. 3101-N.S.

authorizing the payment to G.E. Gabrielson of the sum of \$200.00 upon execution and delivery of easement covering the westerly 5' of Lot 19, Block 328, for the installation, operation and maintenance of a water main, and directing the City Engineer to purchase the necessary material and employ the necessary labor for the removal of the said main from the center of said property to the westerly 5' of Lot 19 in Block 328, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Brown

11 IN THE MATTER OF  
SYCAMORE AVE. BRIDGE  
PROJECT:

Pursuant to Resolution No. 3089 N.S. directing that the Directors of the Modesto Irrigation District and the Supervisors of Stanislaus County be contacted relative to sharing expense of constructing a new bridge over M.I.D. Lateral No. 4 of Sycamore Avenue, there was filed with the Council communication from the County Clerk stating that the matter had been presented to the Supervisors of Stanislaus County on January 15th, and that they had requested the City Engineer to confer with the County Engineer relative to the nature of the proposed structure and the cost thereof; whereupon Commissioner Rogers introduced

RESOLUTION NO. 3102-N.S.

directing the City Engineer to confer with the County Engineer relative to said project as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Brown

12 IN THE MATTER OF  
AGREEMENT WITH  
STANLEY SANDERS FOR  
ROOSEVELT FIELD:

Pursuant to Resolution No. 3073-N.S. authorizing the execution of agreement with Stanley Sanders on behalf of the Modesto Reds for the use of Roosevelt Field from

12 1 o'clock P.M. to midnight of each Sunday and holiday from April 1st, 1935, to November 1st, 1935, and authorizing Commissioner Neece to act as signatory on behalf of the City of Modesto, at this time the said agreement, duly executed was presented to the Council for ratification; whereupon Commissioner Rogers introduced

RESOLUTION NO. 3103-N.S.

ratifying the agreement entered into as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen Neece, Rogers, and Mayor pro tem. Paak

Noes: Councilmen: None

Absent: Councilmen: Brown

13 IN THE MATTER OF  
DEED FOR ADDITION  
TO AIRPORT:

Pursuant to appropriation of funds for the purchase of an addition to the Municipal Airport on Waterford Road, and pursuant to Resolution No. 3088-N.S. directing that warrant be drawn in amount of \$1008.00 for payment therefor, at this time a deed duly executed by Emma Brun conveying to the City the following described property;

The Nly 150 ' of Lots 1, 2 and 3 of LaRio Park Tract with reservation of Rt. of Way over the easterly 40' of the premises conveyed for road purposes, and a Right of Way over the Westerly 15' of the premises conveyed for road purposes

was presented to the Council for acceptance; whereupon Commissioner Rogers introduced

RESOLUTION NO. 3104-N.S.

accepting the said deed and directing that it be filed for record in the County Recorder's Office of Stanislaus County, California, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Paak

Noes: Councilmen: None

Absent: Councilmen: Brown

14 IN THE MATTER OF  
ADJOURNMENT:

There being no further business to come before the meeting, Commissioner Neece introduced

RESOLUTION NO. 3105-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Paak

Noes: Councilmen: None

Absent: Councilmen: Brown

ATTEST H. E. GRAGG-CITY CLERK

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Council, City of Modesto

February 13th, 1935

The Council of the City of Modesto convened in regular session this date, and there were present:

Councilmen: Brown, Neece, Rogers, and Mayor Pro tem. Paak

Absent: Councilmen: None

IN THE MATTER OF

Minutes

The minutes of the regular meeting of January 23rd, 1935, having been heretofore read by each Councilman,

were unanimously approved as so read.

2  
IN THE MATTER OF CLAIMS:

The claims against the City for the month of January, 1935, having been heretofore audited and approved by the Council.

Commissioner Neece introduced a resolution, being

RESOLUTION NO. 310 6-N.S.

ordering that all of the said claims so audited and approved be allowed, with reference being made to the Auditor's Cash Book for further details relative to the amounts of withdrawals from the various funds as follows:

GENERAL FUND-----	\$22,799.20
WATER FUND-----	9,925.09
LIBRARY FUND-----	1,621.12
BOND RED. INT. FUND-----	25,470.58
ST. BOND RED. INT. FUND-----	6,629.90
ST. BOND RED. INT. FUND-SPECIAL	.24
UNAPPORTIONED FUND-----	.33
TOTAL-----	\$66,446.46

Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

3  
IN THE MATTER OF PROGRESSIVE PAYMENT ON MACHINE SHOP:

Ernest Green having filed claim for progressive payment in amount of \$745.13 for 75% of the amount bid for the

quantities completed upon the construction of machine shop as per contract, and the City Engineer having filed certification of the said amount being due and payable, Commissioner Rogers introduced

RESOLUTION NO. 3107-N.S.

directing that warrant be drawn in amount of \$745.13 in favor of Ernest Green for progressive payment on machine shop contract as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

4  
IN THE MATTER OF COMMUNICATIONS:

A communication was received from C.E. Berry asking the City to move a rose bush that has been growing for several

years on lot at the south corner of Third and I Streets to one of the City Parks. It being disclosed that the City does not own the property upon which the rose bush is located, the City Clerk was instructed to advise Mr. Berry that the City cannot comply with his request.

5  
A communication was received from the STATE CHAMBER OF COMMERCE, CENTRAL VALLEY COUNCIL, relative to official opening of new headquarters of District X of the Division of Highways in Stockton on February 28th, 1935. Same was read by the Council and ordered filed.

6  
A communication was received from the STATE DEPARTMENT OF PUBLIC WORKS relative to proposed budget of Governor Merriam whereby the County road systems throughout the State would come under jurisdiction of the State Highway Department. Same was read by the Council and referred to City Attorney Carlson.

7 A Communication was received from the STATE SENATE of California relative to the California Pacific International Exposition to be held in San Diego, California, in the summer and fall of 1935. Same was read by the Council and ordered filed.

8 A Communication was received from the LEAGUE OF CALIFORNIA MUNICIPALITIES relative to the proposed measure being considered by the State Legislature to place the taxation of automobiles in the hands of the State and remove such taxes from local tax rolls. Same was read by the Council and ordered referred to City Attorney Carlson.

9 IN THE MATTER OF ACCEPTING MACHINE SHOP: There was filed with the Council a certification from the City Engineer of the completion of the construction of machine shop building by Ernest Green to his satisfaction and in accordance with the plans and specifications heretofore approved by the Council. Whereupon Commissioner Rogers introduced

RESOLUTION NO. 3108-N.S.

accepting the completed machine shop from contractor Ernest Green, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

10 IN THE MATTER OF APPLICATIONS FOR BEER LICENSES: There was filed with the Council the following applications for licenses to sell beverages containing 3.2% alcoholic content in the City:

NUGGET CAFE 909 H Street

W. H. SCHOFIELD 1022 9th St.

and it appearing that the said applications have been investigated and approved by the Commissioner of Public Health and Safety., Commissioner Brown introduced

RESOLUTION NO. 3109-N.S.

directing that licenses be issued to the applicants as prayed for, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

11 IN THE MATTER OF ACCEPTING EASEMENT FOR WATER LINE Pursuant to Resolution No. 3101-N.S. authorizing the payment of \$200.00 to G.E. Gabrielson for water easement across Lot 19 in Block 328, at this time Commissioner Rogers introduced

RESOLUTION NO. 3110-N.S.

accepting the easement presented and directing that a certified copy thereof be filed in the Recorder's Office of Stanislaus Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

12 IN THE MATTER OF CREATING TRAFFIC DIVISION OF POLICE DEPT. AND NAMING SERGEANT IN CHARGE Commissioner Brown introduced  
RESOLUTION NO. 3111-N.S.  
creating a traffic division of the Police Depart-

12 Department and naming Officer Geo. Keeley sergeant in charge thereof, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

13 IN THE MATTER OF PETITION FOR USE OF PROPERTY IN RESIDENCE ZONE FOR BUSINESS: Pursuant to provisions of Ordinance No. 364-N.S., a petition was filed with the Council by J. Bertolani for the operation of a steam press and the receiving of and delivery of garments for alterations or other service at the premises at 1921 Downey Avenue, being lot 7 and West 15' of Lot 8 in Block 579, Whereupon Commissioner Rogers introduced

RESOLUTION NO. 3112-N.S.

directing the City Clerk to cause notices to be posted and published setting forth Wednesday, February 27th, 1935 at 7:30 P.M. as the time and place when and where all protests to the granting of permit to the petitioner as prayed for will be heard, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

14 IN THE MATTER OF REPORTS: The reports of the various departments for the month of January, 1935, were reviewed by the Council and ordered filed.

15 IN THE MATTER OF ADJOURNMENT: There being no further business to come before the meeting Commissioner Brown introduced

RESOLUTION NO. 3113-N.S.

adjourning the meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

ATTEST H. E. GRAGG, CITY CLERK

\*\*\*\*\*

Council, City of Modesto,  
FEBRUARY 27th, 1935

The Council of the City of Modesto convened in regular session this 27 th day of February, 1935, at the usual time and place.

Present: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Absent: Councilmen: None

1 IN THE MATTER OF MINUTES: The minutes of the regular session of February 13th, 1935, having been heretofore read by each Councilman, were approved as so read.

2 IN THE MATTER OF COMMUNICATIONS: A communication was received from the MIDTOWN ASSOCIATION asking the Council to adopt a resolution approving certain legislation for the lighting of major boulevards and highways throughout the stage with gasoline tax funds. Same was read by the Council, and ordered filed with no action being taken thereon.

3  
IN THE MATTER OF  
HIGHWAY ROUTING OF  
MAZE BOULEVARD THRU  
CITY.

Pursuant to Resolution No. 3076-N.S. petitioning the  
State Department of Public Works to designate the  
highway routing of Maze Boulevard Traffic through the City

of Modesto via Fifth Street to H Street and thence to Ninth Street rather than the  
L Street routing previously designated, at this time there was filed with the  
Council a certified copy of resolution adopted by the California State Highway  
Commission approving a change in the routing of State Highway Route No. 110, namely:  
Maze Boulevard, within Modesto to include Fifth Street and H Street routing to  
Ninth Street; whereupon Commissioner Rogers introduced

RESOLUTION NO. 3114-N.S.

approving and accepting the said resolution of the California Highway Commission,  
which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

4  
IN THE MATTER OF  
HEARING PROTESTS  
FOR OPERATION OF  
STEAM PRESS IN  
RESIDENCE ZONE:

Pursuant to petition of J. Bertolani for permit to  
operate a steam press and receive and deliver garments  
for alteration or other service at 1921 Downey

Avenue, known as Lot 7 and the West 15' of Lot 8 in Block 579 of the City of  
Modesto, and to the printing and posting of notices to set forth a time for hear-  
ing of protests to the granting of said permit, all as set forth in Ordinance No.  
364-N.S., and this being the time set for such hearing, the City Clerk reported  
that no protests, either oral or written, had been filed; whereupon Commissioner  
Brown introduced

RESOLUTION NO. 3115-N.S.

granting permit to the petitioner as prayed for when all provisions of City  
ordinances relative to the operation, erection and maintenance of a cleaning es-  
tablishment shall have been complied with, which resolution was regularly adopted  
by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

5  
IN THE MATTER OF  
PETITION FOR PER  
MIT TO CONSTRUCT  
A CLEANING SHOP:

Chas. A. Macready filed with the Council a petition  
for the construction, operation and maintenance of  
clothes press and garment shop at property known as

731 4th St., being lots 1 and 2 in Block 10 of the City of Modesto, all as pro-  
vided by Ordinance No. 364-N.S. Whereupon Commissioner Rogers introduced a  
resolution, being

RESOLUTION NO. 3116-N.S.

setting forth Wednesday, the 13th day of March, 1935 at 7:30 P.M. in the Council  
Chambers of the City Hall as the time and place when and where the City Council  
will hear any and all protests to the granting of the permit as prayed for, and  
directing the City Clerk to publish and post notices thereof as provided in  
City Ordinance No. 364-N.S., which resolution was regularly adopted by the follow-  
ing vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

6

IN THE MATTER OF  
APPROVING BOND OF  
ELECTRICIAN:

Pursuant to City Ordinance No. 352-N.S. Mr. D. T. Smith  
filed with the Council bond for carrying on the business  
of electrical contracting in the City of Modesto, and it appearing that said bond  
is in the proper form, Commissioner Rogers introduced

RESOLUTION NO. 3117-N.S.

approving the said bond of D. T. Smith for carrying on the business of electrical  
contracting in the City of Modesto, and directing the City Clerk to issue license  
to the applicant as prayed for, which resolution was regularly adopted by the  
following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

7

IN THE MATTER OF  
ADJOURNMENT:

Commissioner Brown introduced

RESOLUTION NO. 3118-N.S.

adjourning the meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

ATTEST H. E. GRAGG-City Clerk

\*\*\*\*\*

March 13th, 1935

The Council of the City of Modesto met in regular session this date, and there were present:

Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Absent: Councilmen: None

1 IN THE MATTER OF MINUTES

The minutes of the regular session of February 27th, 1935, having been heretofore read by each Councilman were approved as so read.

2 IN THE MATTER OF CLEAN-UP OF CITY STREETS, ALLEYS:

Miss corda stcne appeared before the Council and stated that a convention of delegates from women's clubs throughout the state, numbering from 800 to 1000 delegates, would be in Modesto in the near future, and asked that the City streets and alleys be cleaned and made attractive for the occas ion. The Council advised Miss Stone that her request would be complied with insofar as practicable.

3 IN THE MATTER OF COMMUNICATIONS:

A Communication was received from the CALIFORNIA MUNICIPAL UTILITIES ASSN. asking the Council to urge state representatives to approve the bills pending consideration in Legislature providing for the simplification of laws regarding the issuance of revenue bonds by municipalities for revenue producing improvements such as water, power, and electric light systems. Same was read by the Council and no action taken thereon.

4 A communication was received from the CALIF. LEAGUE OF MUNICIPALITIES enclosing several bulletings of proposed legislation now before the State Legislature. Same were reviewed by the Council and ordered filed.

5 A Communication was received from the MODESTO GOLF CLUB thanking the City Council and expressing appreciation for the Municipal Golf Course. Same was read by the Council and ordered filed.

6 IN THE MATTER OF CLAIMS:

Claims against the City of Modesto for the month of February, 1935, having been heretofore audited and approved by the Council, Commissioner Neece introduced

RESOLUTION NO. 3119-N.S.

ordering that the said claims so audited and approved be allowed, with reference being made to the Auditor's Cash Book for further details relative to amounts of withdrawals from the varicus funds as follows:

GENERAL FUND-----	\$15,783.89
WATER FUND-----	3,331.96
LIBRARY FUND-----	1,573.62
BOND RED. INT. FUND-----	25.00
ST. BOND RED. INT. FUND-----	236.31
UNAPPORTIONED FUND-----	----
TOTAL-----	\$20,950.78

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent:Councilmen: None

7 IN THE MATTER OF CLAIM FOR MEDICAL EXPENSES

Pursuant to Reslution No. 3092-N.S. authorizing the payment of expenses for medical attention and hospitalization of Mrs. Cordelia E. Smith, 222 Sunset Blvd, for injuries received from a fall over a slight elevation in the sidewalk, at this time there was filed with the Council

7 the following claims for payment:

Dr. H. R. Wilson ---- \$12.50 ---- for medical services  
Mrs. W. H. Rehme ---- 5.00 ---- practical nurse  
St. Mary's Hospital - 4.00 ---- X-ray service

Whereupon Commissioner Brown introduced

RESOLUTION NO. 3120-N.S.

allowing the above claims and directing the City Clerk and Auditor to draw the warrants therefor in the amounts above stated, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

8 IN THE MATTER OF  
BLDG. PERMIT FOR  
CLEANING SHOP AT  
4TH AND H STREETS:

Pursuant to application of Mr. C. S. McCready for the construction, operation and maintenance of a clothes pressing and alteration shop on property located at

731 4th Street, being Lots 1 and 2 in Block 10 of the City of Modesto and it appearing from affidavits on file that due notice of a time for hearing of any and all protests to the granting of said permit as prayed for had been posted and published as required by Ordinance No. 364-N.S., and this being the time set forth in such notices for said hearing, the City Clerk reported that no protests, either oral or written had been made; whereupon Commissioner Rogers introduced

RESOLUTION NO. 3121-N.S.

granting permit to C. S. McCready for the construction, operation and maintenance of a clothes pressing and alteration shop as prayed for, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

9 IN THE MATTER OF  
PERMIT FOR GREEN-  
HOUSE AT 320 WALNUT:

Pursuant to application of Ena Bornhauser for the construction, operation and maintenance of a greenhouse

for the sale of cut flowers at retail at 320 Walnut and to affidavits on file that due notice of a time for hearing of any protests to the granting of said permit as prayed for had been posted and published as required by Ordinance No. 364-N. S., and this being the time set forth in such notices for such hearing, the City Clerk reported that no protests either oral or written had been filed; whereupon Commissioner Rogers introduced

RESOLUTION NO. 3122-N.S.

granting the permit to the petitioner as prayed for, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

10 IN THE MATTER OF  
ABATEMENT OF ODOR  
FROM SEWER:

A petition signed by 37 residents of the Fairview District was filed with the Council asking that immediate steps

be taken to abate the odor coming from the City sewer at the foot of Franklin Street.

Whereupon Commissioner Brown introduced

RESOLUTION NO. 3123-N.S.

referring the above matter to City Engineer Rossi for action, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
TITLE TO ARCHERY  
COURSE & TRESTLE  
GLEN PROPERTY:

The City Auditor reported to the Council that the Beard Land and Investment Company wished to have cancelled certain delinquent taxes against property known as Lots 17 to 20 inc. in Block 29 for the years 1931 to 1934 inclusive, in the amount of \$655.25. Whereupon after due consideration of the matter, and in view of the fact that the City of Modesto has never obtained title from the Beard Land and Investment Co. to a small tract of land containing approximately 3 Acres adjoining Beard Brook Park which is known as Trestle Glen and the Archery Course, Commissioner Neece thereupon introduced

RESOLUTION NO. 3124-N.S.

referring the matter to the City Attorney with instructions to negotiate for the exchange of the cancellation of the delinquent tax sales in question for clear title to the above described property, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor Pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
PETITION FOR ABOL-  
ISHING PARALLEL  
PARKING ON J St.:

Petition was filed with the Council by L. H. Enemark Asking the Council to abolish parallel parking on J Street stating that tenants in the building at the corner of 10th and J Street, of which he is trustee, complain about the parking provision. Commissioner Brown introduced

RESOLUTION NO. 3125-N.S.

instructing the City Clerk to advise the petitioner that because of narrowness of J Street no other angle of parking is considered feasible in relieving traffic congestion, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
MACHINE SHOP:

There was filed with the Council claim of the Modesto Steel Products Company for labor and material furnished to Contractor Ernest Green in construction of Machine Shop for the City of Modesto at the corporation yard, 8th and L Streets as follows:

Steel in the sum of \$19.40  
Labor in the sum of 35.20

Whereupon the Council ordered the claim filed, to be taken into consideration when final payment is made to said Contractor E. Green.

14

FINAL PAYMENT  
TO CONTRACTOR:

Pursuant to contract with Ernest Green for the construction of Machine Shop at the City corporation yard the final payment thereon in the sum of \$2462.50 is now due and payable. Whereupon Commissioner Rogers introduced

RESOLUTION NO. 3126-N.S.

directing the City Clerk and Auditor to issue warrant to said Ernest Green in final payment of contract price for construction of machine shop as aforesaid, the amount of the said warrant to be in the sum of \$2462.50 less an amount of \$70.00 to be withheld pending settlement of claim of the Modesto Steel Products Co. heretofore filed with the Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

15

IN THE MATTER OF  
NAMING "LA LOMA" ST.:

Pursuant to extension of 19th Street from H Street to connect with newly constructed bridge across Dry Creek and with the recently annexed LaLoma Addition to the City of Modesto, and it being deemed advisable to name this extension, Commissioner Rogers introduced

RESOLUTION NO. 3127-N.S.

naming the extension of 19th Street from H Street to Dry Creek "LaLoma Street", which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

16

IN THE MATTER OF  
SUBMITTING TO VOTERS  
QUESTION OF VALUATION  
SURVEY OF GAS CO.'S  
HOLDINGS:

Commissioner Rogers introduced

RESOLUTION NO. 3128-N.S.

directing the City Attorney to draft an ordinance to place upon the ballot at the General Municipal Election to be held April 9th, 1935, the matter of expenditure of funds for making a valuation survey of the holdings of the Modesto Gas Company in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

17

IN THE MATTER OF  
SUP'T AND ASS'T  
SUP'T OF CORPOR-  
ATION YARD:

Pursuant to completion of Machine Shop at the City's corporation yard, 8th and L Streets, Commissioner Rogers introduced

RESOLUTION NO. 3129-N.S.

naming F. J. Rossi Superintendent of Corporation Yard and placing under his jurisdiction all automobiles and motor equipment of all departments of the City of Modesto: and transferring Joe Mitchell, Master Mechanic of the Fire Department, to the Department of Public Works and naming him Ass't Superintendent of City Corporation Yard at a salary of \$165.00 per month, the same to be effective from and after March 15th, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
REPORTS:

The reports of the various departments for the month of February, 1935, were reviewed by the Council and ordered filed.

IN THE MATTER OF  
ADJOURNMENT:

Commissioner Brown introduced

RESOLUTION NO. 3130-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

A ttest: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto  
Special Meeting  
March 20th, 1935

The Council of the City of Modesto met in Special session this date at 7:30 P.M., the meeting having been called by Mayor Pack pursuant to Section 2 of Ordinance No. 2-N.S.

Present: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

A bsent: Councilmen: None

IN THE MATTER OF  
VALUATION SURVEY  
OF GAS COMPANY  
HOLDINGS IN CITY:

Pursuant to matter of a valuation survey of the holdings of the Modesto Gas Company within the City of Modesto with the intent of acquisition of the gas utility by the City of Modesto, and pursuant to Resolution No. 3128-N.S. providing for the placing upon the ballot in the General Municipal Election to be held April 9th, 1935, an initiative ordinance to determine the question of proceeding with the valuation survey as aforesaid, at this time the Council gave further consideration to the drafting of the said initiative ordinance and by unanimous consent postponed final action on the matter to a later date.

IN THE MATTER OF  
CLAIM AGAINST GEO.  
KEELEY:

There was filed with the Council a communication from L. V. Hammock, proprietor of the M. & H. Service Station, 11th and H Street, Modesto, filing a claim against a city employee, Sergeant Geo. Keeley of the Police Department in amount of \$29.63 representing balance due on account over period of 1933, 1934, and 1935. Whereupon Commissioner Brown introduced

RESOLUTION NO. 3131-N.S.

referring the matter to the Chief of Police for immediate adjustment, which resolution was regularly adopted by the following vote:

A yes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

4

IN THE MATTER OF  
WAIVING RENTAL FEE  
ON ROOSEVELT FIELD:

Pursuant to entering into agreement with Bert Lowry for a series of exhibition baseball games at Roosevelt Field during period from Feb. 15, 1935 to April 1, 1935, and it being the unanimous opinion of the Council that the benefits to the City at large derived from such games warrant the waiving of the \$20.00 flat rate rental fee heretofore charged for the use of Roosevelt Field; Whereupon Commissioner Neece introduced

RESOLUTION NO. 3132-N.S.

waiving the flat rate rental charge of \$20.00 for the use of Roosevelt Field by Bert Lowry for a series of exhibition baseball games as aforesated, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

5

IN THE MATTER OF  
GRANTING BEER  
LICENSE:

Pursuant to Ordinance No. 442- N.S. there was filed with the Council the application of the Milwaukee Brewery of San Francisco to sell at wholesale beverages containing 3.2% alcohol within the City of Modesto, and the said application having been heretofore investigated and approved by Commissioner of Public Health and Safety Brown, he introduced

RESOLUTION NO. 3133 -N.S.

approving the said application and directing the City Clerk to issue the license to the applicants as prayed for, which resolution was regularly adopted by the following vote:

A yes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

6

IN THE MATTER OF  
ADJOURNMENT

Commissioner Brown introduced

RESOLUTION NO. 3134-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

A yes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: None

A ttest: H. E. CRAGG  
CITY CLERK

\*\*\*\*\*

Council, City of Modesto  
Special Meeting  
March 22, 1935

1

The Council of the City of Modesto convened in special session this 22nd day of March, 1935, at 7:30 P.M., the meeting having been called by Mayor pro tem. Pack.

Present: Councilmen: Neece, Rogers, and Mayor pro tem. Pack  
Absent: Councilmen: Brown

2

IN THE MATTER OF  
VALUATION SURVEY OF  
GAS COMPANY HOLD-  
INGS IN CITY:

The matter of initiative ordinance for the submitting to voters at the General Municipal Election the question of a valuation survey of the holdings of the Modesto Gas

2 Company in the City with a view of acquisition of the gas utility was discussed by the Council and by unanimous consent action thereon was postponed to adjourned meeting of the Council to be held Saturday morning at eleven o'clock, March 23rd, 1935.

IN THE MATTER OF  
ADJOURNMENT:

There being no further business to come before the meeting, Commissioner Neece introduced

RESOLUTION NO. 3135-N.S.

3 adjourning the meeting to Saturday, March 23rd, 1935, at 11:00 A.M. which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: Brown

Attest: H. E. GRAGG  
CITY CLERK

\*\*\*\*\*

Council, City of Modesto  
Adjourned Session  
March 23rd, 1935

Pursuant to Resolution No. 3135-N.S. providing for adjourned meeting of the Council at 11:00 A.M. this 23rd day of March, 1935, there being no quorum present the meeting was not held.

Attest: H. E. GRAGG  
CITY CLERK

\*\*\*\*\*

Council, City of Modesto  
Special Meeting  
March 25th, 1935

1 The Council of the City of Modesto convened in special session this 25th day of March, 1935, at 11:00 A. M., the meeting having been called by Acting Mayor, Roy E. Pack.

Present: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack  
Absent: Councilmen: None

2 IN THE MATTER OF  
VALUATION SURVEY  
OF MODESTO GAS  
COMPANY'S HOLDINGS:

Pursuant to intent to submit to voters in the General Municipal Election to be held April 9, 1935, an initiative ordinance providing for a valuation survey of the holdings

of the Modesto Gas Company in Modesto, at this time Commissioner Rogers introduced a resolution, being

RESOLUTION NO. N.S.

providing for the submission of a proposed ordinance at the General Municipal Election April 9th, 1935, entitled: "AN ORDINANCE DECLARING THE POLICY OF THE CITY OF MODESTO WITH REFERENCE TO THE TAKING OVER A PUBLIC UTILITY, TO-WIT: THE MODESTO GAS COMPANY, ITS ENTIRE SYSTEM OF WORKS TOGETHER WITH ALL OF ITS APPURTENANCES, DECLARING THE JUDGMENT OF THE VOTERS OF MODESTO THEREON, PROVIDING FOR A SURVEY BY THE CALIFORNIA RAILROAD COMMISSION, DIRECTING THE CITY COUNCIL OF THE CITY OF MODESTO TO MAKE PROVISION FOR THE PAYMENT OF THE COST OF SUCH SURVEY IN THE BUDGET FOR THE FORTHCOMING FISCAL YEAR, AND AUTHORIZING AND DIRECTING THE CITY COUNCIL TO PROCEED WITH SUCH SURVEY AFTER SUCH PROVISIONS HAVE BEEN MADE" which said ordinance would become effective when and if a majority of voters vote thereon in the affirmative. Upon roll call the resolution failed to carry by the following tie-vote:

Ayes: Councilmen: Rogers and Brown

Noes: Councilmen: Neece and Mayor pro tem. Pack

Absent: Councilmen: None

Whereupon Mayor pro tem. Pack introduced

RESOLUTION NO. 3136-N.S.

3 entitled: "A RESOLUTION PROVIDING FOR THE SUBMISSION OF A PROPOSED ORDINANCE AT THE GENERAL MUNICIPAL ELECTION" and reading as follows:

WHEREAS, the City Council deems it for the best interests of the City of Modesto and its inhabitants that the City take over and acquire a certain public utility, to-wit: the sale and distribution of gas for heating, cooking, lighting power and other purposes, now operated by the Modesto Gas Company; and, preliminary thereto it is necessary that an appraisal or valuation of the properties of said utility be made, and

WHEREAS, the cost of such valuation or appraisal will be the approximate sum of Sixteen Thousand and Five hundred Dollars (\$16,500.00), and

WHEREAS, the funds therefore are not available out of the general or any other public funds belonging to said City, and, even if so available, could not, under Section 20 of Article XI of the State Constitution be expended without a vote of the people authorizing the same,

THEREFORE, BE IT RESOLVED by the City Council that the following ordinance be submitted for adoption or rejection by the electors of said City, at the next general municipal election of said City, to be held on April 9, 1935; that a copy of said ordinance be published in the Modesto Bee, the Official newspaper of said City of Modesto at least three days prior to said election, and that the City Clerk enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter at least three days prior to said election.

The said proposed ordinance is as follows:

INITIATIVE  
ORDINANCE NO. 485-N. S.

34 AN ORDINANCE LEVYING A SPECIAL TAX UPON THE TAXABLE PROPERTY IN THE CITY OF MODESTO FOR THE FISCAL YEAR BEGINNING JULY 1, 1935, TO RAISE MONEY TO PAY THE COST OF AN APPRAISEMENT OF A CERTAIN PUBLIC UTILITY, TO-WIT: THE PROPERTY OF THE MODESTO GAS COMPANY PRELIMINARY TO THE TAKING OVER AND ACQUISITION THEREOF BY THE CITY OF MODESTO

---oOo---

The people of the City of Modesto do ordain as follows:

Section 1.

There shall be and hereby is, levied for the fiscal year beginning July 1, 1935, in accordance with subdivision 17, Section 4, of the Charter of the City of Modesto, a special tax upon all the taxable real and personal property within said City of Modesto in the sum of Sixteen Thousand and Five Hundred Dollars (16,500.00) to raise the money necessary for the purpose of having a valuation and appraisement made of the properties of the Modesto Gas Company or its successors, within and/or adjacent to the corporate limits of the City of Modesto by the Railroad Commission of the State of California, and/or other competent engineers or authorities, as a preliminary step to the taking over and acquisition by the City of Modesto, of said property for public purposes.

Section 2.

The special tax herein provided for and authorized shall be in addition to the annual tax levy provided in Section 51 of the Charter. At the time when the City fixes the general tax rate for said City for the fiscal year beginning July 1, 1935, it shall also levy upon the assessed valuation of the property in said City, a rate of taxation for said fiscal year, sufficient to raise the special fund aforesaid. The provisions of Ordinance No. 396-N.S. shall apply to the levying and collection of said special tax.

Section 3.

The proceeds of such special tax levy are hereby appropriated, and their expenditure authorized for the purposes aforesaid, specified in Section 1, hereof, and for no other purpose. The same shall be kept in a separate fund. In event, however, that upon the expiration of five years from June 1, 1935, there shall remain an unexpended balance in said fund, the same may be transferred to the general fund. The City Council of the City of Modesto is hereby authorized and empowered to employ the Railroad Commission of the State of California, and if, by said Council deemed advisable, such additional engineers as may be necessary to make an inventory and appraisal and valuation of the properties of the Modesto Gas Company or such other utility as may serve the incorporated and/or adjacent territory of the City of Modesto, with gas for heat, cooking, lighting or power purposes, with the object of proceeding thereafter to have the same taken over and acquired by said City by condemnation or other proceedings.

Upon roll call the resolution was regularly adopted by the following vote:

A yes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

4 IN THE MATTER OF  
INITIATIVE ORDINANCE  
FIXING SALARY OF  
MAYOR:

Pursuant to intent to submit to voters in the General  
Municipal Election to be held April 9, 1935, the matter  
of fixing salary for the Mayor of the City of Modesto,

at this time Commissioner Neece introduced

RESOLUTION NO. 3137-N.S.

entitled: "A RESOLUTION PROVIDING FOR THE SUBMISSION AT THE GENERAL ELECTION OF A  
PROPOSED ORDINANCE FOR THE PAYMENT OF A SALARY TO THE MAYOR" and reading as follows:

WHEREAS, the Council of the City of Modesto desires to propose and submit to  
the electors of the City of Modesto, at the next general election, which will be held  
in said City April 9, 1935, the initiative ordinance hereinafter set forth.

THEREFORE, BE IT RESOLVED by the City Council that the following ordinance be  
submitted for adoption or rejection by the electors of said City at the next general  
municipal election of said City to be held on April 9, 1935: That a copy of said ordin-  
ance be published in the Modesto Bee, the official newspaper of the said City of Modesto  
at least three days prior to said election; and that the City Clerk enclose a printed  
copy thereof in an envelope with a sample ballot and mail the same to each voter at least  
three days prior to said election.

The said proposed ordinance is as follows:

INITIATIVE  
ORDINANCE NO. 486-N.S.

AN ORDINANCE PROVIDING FOR AND FIXING THE COMPENSATION OF SALARY FOR THE  
MAYOR OF THE CITY OF MODESTO

---oOo---

The people of the City of Modesto do ordain as follows:

Section 1.

The Mayor of the City of Modesto shall receive as compensation for his services  
as such, a salary in the sum of Fifty Dollars (\$50.00) per month, payable monthly in the  
same way that the compensation or salary of the other chief officials of the City of  
Modesto are paid.

Section 2.

This Ordinance shall go into and be in full force and effect from and after  
June 1, 1935.

Upon roll call the resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

5 IN THE MATTER OF  
ADJOURNMENT:

Commissioner Brown introduced

RESOLUTION NO. 3138-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted  
by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

A bsent: Councilmen: None

Attest: H. E. CRAGG  
CITY CLERK

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Council, City of Modesto  
March 27th, 1935

The Council of the City of Modesto met in regular session  
this 27th day of March, 1935, and there were present:

Councilmen: Rogers, Brown, Neece, and Mayor pro tem. Pack

Absent: Councilmen: None

1 IN THE MATTER OF  
MINUTES:

The minutes of the regular session of March 13th, 1935,  
and of the special sessions of March 20th, 22nd, and 25th,  
1935, having been heretofore read by each Councilman were unanimously approved as so read.

2 IN THE MATTER OF  
COMMUNICATIONS:

A communication was received from the League of California  
Municipalities giving bulletin of proposed legislation  
being considered by the State Legislature. Same was read by the Council and ordered  
filed.

3 A communication was received from Vaughn Wood, City Engineer  
of Huntington Park, relative to filing application for position of City Manager in event  
that form of government is adopted by the City of Modesto. Same was read by the Council  
and ordered filed.

4 IN THE MATTER OF  
PETITION FOR RE-  
FUND OF TAXES:

A petition was filed with the Council by J. W. Husband and  
Tax Research Inc. for the cancellation of taxes for the  
years 1931-32 to 1934-35 inclusive on property known as Lots 1 to 3 inc., Ely 40' by Nly  
70', Block 55, City of Modesto, by virtue of the fact that the taxes on this property were  
paid to the State of California by the Postal Telegraph Company as an operative public  
utility and also paid to the City of Modesto by J. W. Husband, the assessed owner of the  
property. After due consideration of the premises by the Council, Commissioner Neece  
introduced

RESOLUTION NO. 3139-N.S.

rejecting the claim of J. W. Husband and Tax Research Inc. for the refund of taxes  
paid as above set forth, and directing the City Clerk to advise the petitioners of the  
action taken, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

5 IN THE MATTER OF  
CLAIM AGAINST GEO.  
KEELEY:

There was filed with the Council claim of H. E. Gould  
against Geo. Keeley, employee of the Police Department  
for the sum of \$25.83 allegedly due him for meals. By order of the Council the said  
claim was referred to the Chief of Police for immediate adjustment.

6 IN THE MATTER OF  
SERA PROJECT IN  
LALOMA ADDITION:

There was filed with the Council a letter from T. E.  
Kewin reciting that he is willing to supply all materials  
necessary to complete the SERA project of constructing cement concrete curb and gutters  
in LaLoma Addition, which was recently annexed to the City of Modesto. Same was read  
by the Council and ordered placed on file.

7 IN THE MATTER OF  
CALLING GENERAL  
ELECTION:

Pursuant to Charter and ordinance provisions of the City  
of Modesto Commissioner Neece introduced a resolution,  
being,

RESOLUTION NO. 3140-N.S.

providing for a General Municipal Election in and for the City of Modesto and a General  
Election in and for the Modesto City School District, which resolution was regularly  
adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
PROTESTING PROPOSED  
BILL RELATIVE TO  
TRAFFIC FINES:

It having come to the attention of the Council that there has been introduced in the State Legislature a bill providing for the payment into the County treasuries of all fines for traffic violations collected by cities in any county, Commissioner Rogers introduced

RESOLUTION NO. 5141-N.S.

protesting against the passage of the above bill, and directing that a certified copy of this resolution be forwarded to Louis Burke, legal counsel of the League of California Municipalities, and to Assemblyman Hornblower, the sponsor of the bill in the Assembly, to Senator Fletcher, sponsor of the bill on the Senate, and to Senator Garrison, and Assemblyman Donnelly of this county, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
ODORS FROM SEWER  
AT END OF FRANKLIN:

Pursuant to petition of residents of the Fairview District for the abatement of nuisance created by odors from the City sewer at the end of Franklin Street, at this time City Engineer Rossi made an oral report to the Council stating that after investigation of the complaint it was the conclusion that waste water from the Barium Products Co. chemical plant, containing hydrogen sulphite; and also the deterioration of some kinds of refuse at the garbage dump grounds near Tuolumne River create the situation complained of, and that attempts would be made to correct it by having the waste water treated chemically and by having the deteriorating refuse covered with dirt. The Council approved of the action taken and directed the City Engineer to proceed with correction of the nuisance along the lines mentioned in his report.

IN THE MATTER OF  
ADJOURNMENT:

Commissioner Brown introduced

RESOLUTION NO. 5142-N.S.

10 adjourning this Council meeting now in session, which motion being duly seconded, was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto  
April 10th, 1935

The Council of the City of Modesto met in regular session this 10th day of April, 1935.

Present: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Absent: Councilmen: Brown

IN THE MATTER OF  
MINUTES:

The minutes of the regular session of March 27th, 1935, having been heretofore read by each Councilman, and no corrections or objections thereto having been made, they were unanimously approved as so read.

2 IN THE MATTER OF COMMUNICATIONS: (1) Communications were received from the LEAGUE OF CALIFORNIA MUNICIPALITIES relative to certain proposed measures now before the State Legislature for consideration. Same were read by the Council and referred to the City Attorney.

3 (2) Communication was received from the GENERAL COMMITTEE PUBLIC SCHOOLS WEEK relative to observance of National Public School Week during the week beginning April 8th. Same was read by the Council and ordered filed.

4 (3) Communication was received from the ADJUTANT GENERAL OF THE DIVISION OF MILITARY AFFAIRS relative to procuring federal approval of the armory program included in the Work Relief Bill now before Congress which would include the building of an armory for National Guard Troops in Modesto at a cost of \$35,000.00. Same was read by the Council and ordered referred to the Chamber of Commerce.

5 IN THE MATTER OF CLAIMS: (1) Claims against the City of Modesto for March, 1935, having been heretofore audited and approved by the Council, Commissioner Neece introduced

RESOLUTION NO. 3143-N.S.

allowing all of the said claims so audited and approved, reference being made to the Auditor's Cash Book for further details relative to amounts of withdrawals from the various funds as follows:

GENERAL FUND-----	\$18,808.93
WATER FUND-----	3,714.92
LIBRARY FUND-----	1,471.95
BOND RED. INT. FUND-----	----
ST. BOND RED. INT. FUND-----	----
Unapportioned Fund-----	----
TOTAL-----	\$23,995.80

Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: Brown

(2) There was presented to the Council claim of MRS. VAN DERSEN for damages to her automobile incurred when

6 wind uprooted a tree near St. Mary's Hospital and damaged the automobile to the extent of \$17.45; after due consideration of the said Claim by the Council, it was the unanimous opinion that the City was not liable for the same, and Commissioner Neece introduced

RESOLUTION NO. 3144-N.S.

rejecting the above claim and directing the City Clerk to advise the claimant of the action taken, which resolution was regularly adopted by the following vote:

A yes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: Brown

(3) A claim was presented to the City Council by R. L. Western in sum of \$8.25 for materials used in repair-

7 ing shoes at City Schools as S.E.R.A. Project; whereupon pursuant to Resolution No. 3075-N.S. Commissioner Neece introduced

RESOLUTION NO. 3145-N.S.

allowing the above claim and directing the City Clerk and Auditor to draw the warrant therefor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Brown

8  
IN THE MATTER OF  
PETITION FOR CITY  
WATER TO CARNIVAL  
GROUNDS:

There was filed with the Council a petition of the Veteran's of Foreign Wars asking that the Fire Department use its equipment and labor to fill with water a tank for a high-diving act for a carnival to be sponsored by them and located just outside the City limits on North Franklin Avenue. Upon due consideration of the matter, the Council referred the same to City Engineer, Frank Rossi, with instructions to work out some method for supplying water to the carnival as requested and to fix a rate to be charged therefor.

9  
IN THE MATTER OF  
PETITION FOR WAIV-  
ING OF TAX PENALTIES:

Attorney J. M. Cross appeared before the Council reciting that he is purchasing property known as the West 50' of the East 85' of Lot 2 in Block 567 upon which there are unredeemed tax sales for the years 1929 to 1933 inclusive, and that, in view of the fact that of the \$806.58 required to redeem the tax sales only \$466.76 covers the original amount of the taxes, the balance representing penalties and interest; and asking that he be permitted to pay the amount of the original taxes plus the regular rate of interest without the usual redemption penalties. After due consideration of the matter by the Council, it was, by unanimous consent of all members present, laid over indefinitely.

10  
IN THE MATTER OF  
PETITION FOR TAX  
REFUND ON POSTAL  
TELEGRAPH OFFICE:

Petition was filed with the Council by Tax Research Inc. and Grace T. Thomsen for the refund of Certain taxes for the years 1931-32 to 1934-35 inclusive, paid to the City of Modesto on Lots 1 to 3 incl., Wly 40' by Wly 70', Block 55, Und.  $\frac{1}{2}$  Interest, which said property is occupied by a utility company, to-wit: the Postal Telegraph Company which pays utility taxes to the State of California and therefore not subject to local taxation of the City of Modesto. After due consideration of the petition Commissioner Neece introduced

RESOLUTION NO. 3146-N.S.

denying the petition for refund of taxes as prayed for, and directing the City Clerk to advise the petitioners of the action taken in the matter, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Brown

11  
IN THE MATTER OF  
PETITION FOR ACTION  
IN COMPLETING 8TH  
ST. AGREEMENT WITH  
RAILWAY COMPANY:

There was filed with the Council petition of the Southern Pacific Railway Company seeking to hasten the completion of the terms of the agreement entered into with the City of Modesto for the exchange of a strip of land along 9th Street for a strip of land along 8th St., and to which the deed from the City to the Railway Co. for the 8th Street portion has never been executed, and also asking that certain corrections be made in the wording of Resolution No. 772-S.P. and 775-S. P. adopted in the street proceedings for the closing of the portion of 8th Street. By unanimous consent of the Council the matter was referred to the City Attorney with instructions to take immediate action.

in the matter.

12 IN THE MATTER OF  
PETITION FOR COM-  
PLETING RIGHT OF  
WAY COMPENSATION  
FOR 19TH ST. EXTEN-  
SION THRU BLK 133:

There was filed with the Council petition of Bomberger Bros. on behalf of Mrs. Fred Ekstein, reciting that she holds a deed of trust to property in Block 133, over which property T. H. Kewin granted to the City a right of way for the extension of 19th Street to the new Dry Creek Bridge, and seeking certain concessions in the way of cancellation of delinquent taxes against the remaining portion of the property owned by Mrs. Ekstein in exchange for the right of way taken by the City. The Council was of the opinion that Mrs. Ekstein was entitled to certain compensation in the matter, but in view of the fact that the tax compromise suggested was not feasible, the Council went on record as favoring the outright payment of a sum of money to Mrs. Ekstein for the said right of way, and since budget limitations prevent the expenditure at this time, Commissioner Rogers introduced

RESOLUTION NO. 3147-N.S.

postponing action on the above matter until after July 1st, 1935, at which time the budget for the ensuing fiscal year will give scope to the expense of payment for the said right of way, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilman Brown

13 IN THE MATTER OF  
APPROVAL OF MAP OF  
MASONIC CEMETERY:

There was presented to the Council for approval a subdivision map of the Masonic Cemetery; whereupon

Commissioner Rogers introduced

RESOLUTION NO. 3148-N.S.

approving the subdivision map of the Masonic Cemetery as presented and directing that it be placed on record in the Office of the County Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Brown

14 IN THE MATTER OF  
PAYMENT OF SALARY TO  
EMPLOYEE WHILE  
DRAWING COMPENSATION  
INS.:

Pursuant to injuries received by Traffic Sergeant Geo. Keeley in a motorcycle accident, at this time the City Auditor asked the Council to authorize, or to order

discontinued, the payment of salary to the said employee during the time the Compensation Insurance Fund pays compensation during the period of disability; whereupon commissioner Neece introduced

RESOLUTION NO. 3149-N.S.

authorizing the City Auditor to continue to carry the name of Traffic Sergeant Geo. Keeley on the City payroll during the period of his disability as aforesaid, which resolution was regularly adopted by the following vote:

A yes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilman; Brown

15 IN THE MATTER OF  
EXPERIENCE RATING  
OF COMPENSATION INS.  
POLICY:

The City Clerk filed with the City Council report of the State Compensation Insurance Fund showing the amount of \$348.24 earned premium refund on the original premium

paid. Same was review by the Council and ordered filed.

1935, for the election of a Mayor and two Councilmen; three members of the Modesto City Board of Education; and approve or reject two certain propositions appearing on the ballot, at this time the Council resolved itself into a canvassing board and proceeded to determine the results of the election. Commissioner Neece introduced

RESOLUTION NO. 3150-N. S:

A RESOLUTION DETERMINING THE RESULT OF ELECTION

---oOo---

WHEREAS, a general municipal election was held in and for the City of Modesto and a general school election in and for the Modesto City School District on the 9th day of April, 1935; 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 the returns from said election, and finds that the same are in proper form and have opened and canvassed the same, and ascertained the results of said election as hereinafter stated.

NOW THEREFORE, BE IT RESOLVED, CERTIFIED AND DECLARED by the Council of the City of Modesto that the said general municipal election in and for the City of Modesto and the general school election in and for the Modesto City School District was regularly called, held and conducted as provided by law; that the proper and complete returns have been made to and received by said Council and that the same were properly canvassed; that from the returns so canvassed, as aforesaid, it appears that the said Council finds as follows:

THAT at said General municipal election in and for the City of Modesto the total number of votes cast was 4297; that the number of votes received by the respective candidates for Mayor was as follows:

James King	1963 votes
Roy E. Pack	1562 votes
Dr. W.C. Wilcox	682 votes

THAT none of said candidates for the office of Mayor received the required number of votes for election to said office, namely, more than one-half of the number of ballots cast at such election, and that James King and Roy E. Pack were the two persons receiving the highest number of votes for said office and are entitled to be placed upon the ballot for a second election for the Office of Mayor. (There being one Mayor to be elected).

THAT the number of votes received by the respective candidates for the office of Councilman were as follows:

A. N. Brown	1270 votes
James M. Coffman	653 votes
Thos. E. Edwards	154 votes
G. D. Oliver Jr.	1963 votes
Harold L. Rogers	1742 votes
Carl Stanley	2298 votes

That of said candidates for the office of Councilman, Carl Stanley received 2298 votes, which is greater than one-half of the number of ballots cast at said election, and that said Carl Stanley was elected to the office of Councilman of the City of Modesto, and that a certificate of election be issued to him under the hand and seal of the City Clerk; that G. D. Oliver, Jr. and Harold Rogers were the two persons receiving the highest number of votes for the remaining office of Councilman, and are entitled to be placed upon the ballot for a second election for the office of Councilman. (There being one Councilman remaining to be elected).

The said City Council sitting as a canvassing board, as aforesaid, further finds and declares that at said general municipal election the following ordinance, to-wit: "An Ordinance providing for and fixing the compensation by way of salary for the Mayor of the City of Modesto" received 1555 votes in favor of its adoption, and that 2267 votes were cast against the adoption of said ordinance; that the number of votes cast in favor of the ordinance was less than one-half of the votes cast at said election, and that said ordinance was not adopted, but was defeated.

The said City Council sitting as a canvassing board further finds and declares that at said general municipal election the following ordinance, to-wit: "An ordinance levying a special tax upon the taxable property in the City of Modesto for the fiscal year beginning July 1st, 1935, to raise money to pay the cost of an appraisement of a certain public utility, to-wit: the property of the Modesto Gas Company, preliminary to taking over and acquisition by the City of Modesto" received 1206 votes in favor of the adoption of said ordinance and that 2625 votes were cast against the adoption of the said ordinance, and that the number of votes cast in favor of said ordinance was less than two-thirds of the number of votes cast as said election, and that said ordinance was not adopted but was defeated.

The said City Council sitting as such canvassing board, as aforesaid, further finds and declares that at said general school election in and for the Modesto School District the total number of votes cast was 5089, and the total number of votes received by the respective candidates for member of the Board of Education of the Modesto City School District were as follows:

D. P. Boothe	2651 votes
Lloyd D. Chapin	1913 votes
Ian Mensinger	1695 votes
Dr. E. F. Soderstrom	3017 votes
Hubert Wellman	3318 Votes

That the total number of votes received by D. P. Boothe, Dr. Ernest F. Soderstrom and Hubert Wellman and each of them, is greater than one-half of the total number of votes cast at said election, and that said D. P. Boothe, Dr. Ernest F. Soderstrom and Hubert Wellman were and each of them was elected members of the Board of Education of the City of Modesto School District, and that certificates of election be issued to them as such under the hand and seal of the City Clerk.

Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilman: Brown

17 IN THE MATTER OF  
PAYMENT OF ELECT-  
ION OFFICERS AND  
FOR POLLING BOOTHS:

Pursuant to the General Municipal Election in the City of Modesto and the City of Modesto School District, held on the 9th day of April, 1935, Commissioner Neece intro-

duced

RESOLUTION NO. 3151-N.S.

providing for the payment of election officials serving in precincts inside the City of Modesto the sum of \$5.00 for their services, and for the election officers serving outside the City in the Modesto City School District the sum of \$3.00 for their services, and that the sum of \$5.00 be paid for the use of such polling places used which it may be necessary to pay for, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilman: Brown

18 IN THE MATTER OF  
CALLING SECOND  
GENERAL ELECTION:

Pursuant to the General Municipal Election held on the 9th day of April, 1935, at which no candidate for the

office of Mayor received a majority of the votes cast, and only one candidate received a majority of votes cast for the office of Councilman, of which there are two to be elected, at this time Commissioner Neece introduced

RESOLUTION NO. 3152-N.S.

providing for a Second General Municipal Election to be held on the 23rd day of April, 1935, to fill the office of Mayor and to fill the office of one Councilman of the City of Modesto, and that the names of James King and Roy E. Pack be placed upon the ballot to be voted on at such election for the office of Mayor; and that the names of G. D. Oliver, Jr., and Harold Rogers be placed upon the ballot to be voted on at such election for the office of Councilman, which resolution was regularly adopted by the following vote:

19 IN THE MATTER OF  
COLLECTING ELECTION  
EXPENSES FROM SCHOOL  
DISTRICT:

Commissioner Neece introduced

RESOLUTION NO. 3153-N. S.

directing the City Auditor to determine the cost of conducting the General Municipal Election in and for the Modesto City School District outside the corporate City limits, and to bill the City Board of Education for same, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Brown

20 IN THE MATTER OF  
APPOINTMENT OF MEM-  
BER OF CITY PARK  
COMMISSION:

Pursuant to resignation of Mr. Frederick Knorr from the Park Commission on the 12th day of December, 1934, at this time Commissioner Neece introduced

RESOLUTION NO. 3154-N.S.

appointing Howard C. Keeley a member of the Modesto City Park Commission to fill the unexpired term of Mr. Knorr, to-wit: from and after this 10th day of April, 1935, to May 10th, 1937, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: Brown

IN THE MATTER OF  
TRANSFER OF CERTAIN  
EQUIPMENT FROM FIRE  
DEPT. TO MACHINE SHOP:

Pursuant to completion of Machine Shop at the  
City Corporation Yard, at this time there was filed  
with the Council a list of equipment heretofore  
purchases and used by the Fire Department which is contemplated being moved to the  
Machine Shop; whereupon Commissioner Rogers introduced

RESOLUTION NO. 3155-N. S.

authorizing the transfer of said equipment as aforesaid, and directing the City  
Auditor to make such entries in his books as are necessary to effect the transfer of  
the items of the machinery and equipment so transferred from the Fire Department to the  
Machine Shop at the corporation yard, which resolution was regularly adopted by the  
following vote:

A yes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: Brown

IN THE MATTER OF  
REPORTS:

The regular monthly report of the various depart-  
ments were reviewed by the council and ordered  
filed.

IN THE MATTER OF  
ADJOURNMENT:

Commissioner Neece introduced

RESOLUTION NO. 3156-N.S.

adjourning this Council meeting now in session, which resolution was regularly  
adopted by the following vote:

A yes: Councilmen: Neece, Rogers, and Mayor pro tem. Pack  
Noes: Councilmen: None  
Absent: Councilmen: Brown

Attest: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto  
April 24th, 1935

The Council of the City of Modesto met in regular  
session this date. There were present: Councilmen  
Brown, Neece, Rogers, and Mayor pro tem. Pack

Absent: Councilmen: None

IN THE MATTER OF  
MINUTES:

The minutes of the regular session of April 10th,  
1935, having been heretofore read by each Council-  
man, were unanimously approved as so read.

IN THE MATTER OF  
COMMUNICATION:

A Communication was received from the Department of  
Music of the California Pacific International Expos-  
ition at San Diego inviting the Modesto High School Band to participate in the exposi-  
tion. Commissioner Neece introduced

RESOLUTION NO. 3157-N.S.

directing that the communication be referred to the Boys Band Association, which resolu-  
tion was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

3  
IN THE MATTER OF  
CLAIM FOR RIGHT  
OF WAY:

Pursuant to Resolution No. 2948-N.S. authorizing the City Engineer to proceed to take right of way to portion of Lot 2 in Block 204 for the extension of 19th Street to Dry Creek, at this time there was filed with the Council by Hawkins and Hawkins, attorneys for the Lederle Estate, a claim in amount of \$2,250.00 for the value of the land used, severance damages, removal of shed therefrom, and the excavation of dirt therefrom. Whereupon in consideration of the premises, Commissioner Rogers introduced

RESOLUTION NO. 3157A N.S.

allowing the claim of the Lederle Estate in amount of \$2,250.00 as presented for the right of way for the extension of 19th Street through Block 204, and directing the City Clerk and Auditor to draw the warrant therefor, which resolution was defeated by the following vote:

Ayes: Councilmen: Brown and Rogers

Noes: Councilmen: Neece and Mayor pro tem. Pack

Absent: Councilmen: None

The Claim was thereupon ordered filed and no further action taken thereon.

4  
IN THE MATTER OF  
CLAIM FOR DAMAGES:

Mrs. Marie Braun, 205 Jennie Street, filed with the Council a claim in the amount of \$29.50 for damages to rugs in her residence resulting from the flushing of City sewers on Jennie Street April 22nd, 1935. After due consideration of the matter by the Council, Commissioner Rogers introduced

RESOLUTION NO. 3158-N.S.

allowing the claim of Mrs. Marie Braun in the amount above stated, and directing the City Clerk and Auditor to draw the warrant therefor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

5  
IN THE MATTER OF  
ELECTRICAL LICENSE:

T. M. Baker filed with the Council a petition for an electrical contractor's license, the same being accompanied by bond in the sum of \$2,500 as required by Ordinance No. 352-NS. It appearing that the bond was in the proper form, Commissioner Rogers introduced

RESOLUTION NO. 3159-N.S.

approving the said bond of T. M. Baker and directing the City Clerk to issue the electrical contractor's license as prayed for when all provisions of City Ordinance relative to license fee have been complied with, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

6  
IN THE MATTER OF  
EXCHANGE OF PROP-  
ERTY WITH SOU. PAC.  
RAILWAY CO.:

Pursuant to agreement with the Southern Pacific Railway Co. for the exchange of a portion of 8th Street along the Railroad Reservation for a right of way for the widening of 9th Street, at this time the City Attorney reported that the deed to the Railway Company

was not yet in final form for execution by the City as petitioned by the Railway Company on April 10th, 1935. The matter was laid over until the next regular meeting.

IN THE MATTER OF  
PAYMENT OF SALARY  
TO POLICE OFFICER:

The City Auditor brought to the attention of the Council the matter of payment of salary to Patrolman Walter Anderson during illness over period from January 26th, 1935, to the present date, asking that the Council ratify the action in continuing to keep the name of Mr. Anderson on the City Payroll. After due consideration of the premises, Commissioner Brown introduced

RESOLUTION NO. 3160-N.S.

confirming action of the City Auditor in retaining the name of Walter Anderson, patrolman, on the City Payroll during his illness, and directing that his name be dropped from the Payroll from and after April 15th, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, and Mayor pro tem. Pack

Noes: Councilmen: Rogers

Absent: Councilmen: None

IN THE MATTER OF CANVASSING  
RETURNS OF SECOND GENERAL  
MUNICIPAL ELECTION:

Pursuant to holding of Second General Municipal Election on April 23rd, 1935, for purpose of electing a mayor and one councilman, the Council proceeded to resolve itself into a canvassing board for purpose of determining result of said election. Commissioner Neece introduced

RESOLUTION NO. 3161-N.S.,

determining the result of election, in detail as follows:

WHEREAS, a second municipal election was held in and for the City of Modesto on the 23rd day of April, 1935, for the purpose of electing one Mayor and one Councilman of the City of Modesto; and

WHEREAS, the City Council of said City of Modesto is now on this 24th day of April, 1935, sitting as a canvassing board to canvass the result of said second municipal election and has received all of the returns of said election and finds that the same are in proper form, and have opened and canvassed the same and ascertained the result of said election as hereinafter stated;

NOW THEREFORE, BE IT RESOLVED, CERTIFIED AND DECLARED BY THE COUNCIL OF THE CITY OF MODESTO that said second municipal election in and for said City of Modesto was regularly called, held and conducted as required by law; that the proper and complete returns of said election have been made to and received by the City 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 second municipal election in and for said City of Modesto the total number of votes cast was 4121 votes; that the number of votes received by the respective candidates for Mayor were as follows:

James King	<u>2410</u> votes
Roy E. Pack	<u>1635</u> votes

That the number of votes received by James King is greater than one-half of the ballots cast at said second municipal election, and that said James King was elected to the office of Mayor of the City of Modesto, and that a certificate of election be issued to him as such under the hand and seal of the Clerk of the City of Modesto.

That the number of votes received by the respective candidates for Councilman were as follows:

G. D. Oliver, Jr.	<u>2591</u> votes
Harold Rogers	<u>1682</u> votes

That the number of votes received by G. D. Oliver is greater than one-half of the number of ballots cast at said second municipal election, and that said G. D. Oliver, Jr. was elected to the office of Councilman of the City of Modesto, and that a certificate of election be issued to him as such under the hand and seal of the Clerk of the City of Modesto.

The resolution, being duly introduced and a motion for its adoption having been made and seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

9  
IN THE MATTER OF  
PAYMENT OF ELECTION  
OFFICIALS AND FOR  
POLLING BOOTHS:

Commissioner Neece introduced

RESOLUTION NO. 3162-N.S.

authorizing and directing the City Clerk and Auditor to pay to election officials serving in the Second General Municipal Election held April 23rd, 1935, the sum of \$5.00 each for their services, and for the rental of each polling booth which it is necessary to pay for, the sum of \$5.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

10  
IN THE MATTER OF  
CONFIRMATION OF  
DISMISSAL OF EM-  
PLOYEE IN DEPT. OF  
PUBLIC WORKS:

Commissioner Rogers introduced

RESOLUTION NO. 3163-N.S.

ratifying action taken in his capacity of Commissioner of Public Works in dismissing L. L. Brooks from the position of horticulturist in the Department of Public Works and confirming the appointment of J. M. Cole as successor to Mr. Brooks at the same wages heretofore in effect, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

11  
IN THE MATTER OF  
RESTORING SALARIES  
AND WAGES TO EMPLOY-  
EES AT FORMER FIGURE:

Commissioner Rogers addressed the Council relative to restoration of salary and wage cuts to City employees which became effective with the adoption of the annual budget for the fiscal

year 1932-33, pointing out that the federal government and private industry have made increases in wages in keeping with the increasing costs of living, and that the reductions in salaries and wages had been made as an emergency measure with the promise from the Council to employees that the salaries and wages would be restored to their former level just as soon as financial conditions permitted, and introduced

RESOLUTION NO. 3164-N.S.

directing that all salaries and wages be restored to their former figure prior to the adoption of budget for 1932-33, the increase to take effect July 1st, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

12  
IN THE MATTER OF  
ADJOURNMENT:

There being no further business to come before the meeting  
Commissioner Brown introduced

RESOLUTION NO. 3165-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Brown, Neece, Rogers, and Mayor pro tem. Pack

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H. E. CRAGG  
CITY CLERK

May 10th, 1935

The Council of the City of Modesto met in regular session this 10th day of May, 1935.

Present: Councilmen: Oliver, Pack, Stanley, and Mayor King

Absent: Councilman: Neece

IN THE MATTER OF  
ORGANIZATION:

Pursuant to the General Municipal Election of April 9th, 1935, and the Second General Municipal Election of April 23, 1935, the certificates of election and oaths of office of Mayor J. H. King and Councilmen Carl Stanley and G. D. Oliver, Jr. were duly declared filed with the City Clerk and the Council proceeded to organize as provided by Sections 33 and 34 of the City Charter.

IN THE MATTER OF  
VICE-PRESIDENT AND  
MAYOR PRO TEM.:

Commissioner Pack introduced a resolution, being

RESOLUTION NO. 3166-N.S.

designating and selecting Commissioner Stanley as the Vice-president of the Council of the City of Modesto to act as Mayor pro tempore during the temporary absence or disability of the Mayor, if any, and that Commissioner Oliver be selected as Mayor pro tempore of the City of Modesto in case of the temporary absence or disability of both the Mayor and Vice-president, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Neece

IN THE MATTER OF  
ASSIGNING COMMISSIONS:

Mayor King introduced a resolution, being

RESOLUTION NO. 3167-N.S.

designating the commissionerships of the members of the Council as follows: Councilman Oliver to be Commissioner of Finance and Revenue; Councilman Stanley to be Commissioner of Public Health and Safety; Councilman Pack to be Commissioner of Public Works; and Councilman Neece to be Commissioner of Public Supplies; and designating the duties of said commissioners to be those set forth and determined by the Charter of the City of Modesto and ordinances and resolutions heretofore adopted by the City Council, reference being particularly made to Resolution No. 2655-N. S. and also to Ordinance No. 377-N.S., as amended by No. 439-N.S., which includes in the duties of the Commissioner of Finance and Revenue the supervision of the parks of the City of Modesto, provided that in addition to having jurisdiction over the parks said Commissioner, as a part of the park department, shall have jurisdiction and control over the trees growing along and upon the City streets, with the power to assign and delegate to the City Engineer the immediate control and supervision thereof, including the power to employ and discharge the necessary assistance and labor in carrying out the duties and functions pertaining to the parks and the street trees, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Neece

4 IN THE MATTER OF  
SIGNING OF CITY  
WARRANTS:

Commissioner Stanley introduced

RESOLUTION NO. 3168-N. S.

providing that in event of the temporary absence or disability of Mayor King the duties imposed upon the Mayor by Section 54 of the City Charter relative to signing warrants of the City of Modesto shall be discharged by Commissioner Stanley, vice-president of the Council; and that in event of the temporary absence or disability of both Mayor King and Commissioner Stanley, such duties shall be imposed upon Commissioner Oliver as Mayor Pro Tempore of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Oliver, Pack, Stanley, and Mayor King

Noes; Councilmen: None

Absent: Councilmen: Neece

IN THE MATTER OF  
MINUTES:

The minutes of the regular session of April 24, 1935, having been heretofore read by each Councilman were

unanimously approved as so read.

5 IN THE MATTER OF  
RESCINDING RESOL-  
UTION RE: RESTOR-  
ATION OF WAGE CUTS:

Pursuant to the adoption of Resolution No. 3164-N.S. by the City Council at the regular meeting of April 24, 1935, restoring salary and wage cuts theretofore made applicable

to City officers and employees, it being the unanimous opinion of the Council that said Resolution should be rescinded, pending further consideration of the matter of salaries and wages of City officials and City employees with a view to readjusting the same upon a fair and equitable basis, Commissioner Oliver introduced

RESOLUTION No. 3169-N.S.

rescinding said Resolution No. 3164-N.S. and providing that the salaries and wages in effect pursuant to resolutions and orders of the Council theretofore adopted be continued in force and effect until further order of the Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Neece

6 IN THE MATTER OF  
CLAIMS:

The claims against the City of Modesto for the month of April, 1935, having been heretofore audited and approved

by the Council, Commissioner Pack introduced

RESOLUTION NO. 3170-N.S.

ordering that all of the said claims so audited and approved be allowed, reference being made to the Auditor's Cash Book for further details relative to the amounts of withdrawals from the various funds as follows:

GENERAL FUND-----	\$ 17,549.99
WATER FUND-----	3,269.55
LIBRARY FUND-----	1,296.03
BOND RED. INT. FUND-----	
ST. BOND. RED. INT. FUNDS-----	
UNAPPORTIONED FUND-----	
TOTAL-----	\$ 22,115.57

Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Neece

IN THE MATTER OF  
ADJOURNMENT

Commissioner Stanley introduced

providing that, in view of the fact that word had been received of a death in the family of Commissioner Geo. Neece, the meeting be adjourned out of respect to Mr. Neece, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Oliver, Pack, Stanley, and Mayor King  
 Nones: Councilmen: None  
 Absent: Councilmen: Neece

A TEST: H. E. CRAGG  
 CITY CLERK

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Council, City of Modesto  
 Special Meeting  
 May 13th, 1935

The Council of the City of Modesto met in special session this 13th day of May, 1935, at 7:30 P.M., the meeting having been called by Mayor King, and notices thereof having been duly delivered to the members of the Council as specified by Ordinance No. 2-N.S.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
 Absent: Councilmen: None

IN THE MATTER OF  
 MOSQUITO CONTROL:

C. M. Fulkereth appeared before the Council calling attention to the mosquito menace in the City of Modesto at this time of the year, and outlining methods of control now in effect in the cities of Redding and Alameda, and citing the special instance of the City of Marysville financing control expenses by a tax of four mills on each one hundred dollars valuation. He asked that a committee be appointed to investigate the feasibility of formation of abatement districts for Modesto; whereupon Mayor King appointed City Engineer, F. J. Rossi, a committee of one to obtain data relative to cost and effective methods of control of the mosquito nuisance.

IN THE MATTER OF  
 CLAIMS:

There was filed with the Council claim of City Attorney, A. J. Carlson, in amount of \$6.95 for cash expended for phone calls and fees for serving summons in matters pertaining to the City of Modesto; whereupon Commissioner Oliver introduced

allowing the said claim, and approving the warrant drawn therefor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King  
 Nones: Councilmen: None  
 Absent: Councilmen: None

IN THE MATTER OF  
 FINAL PAYMENT TO  
 ERNEST GREEN:

Pursuant to completion of contract for construction of machine shop by E. Green, and the subsequent filing of claim in amount of \$54.60 by the Hunt Steel & Supply Co. for materials and labor supplied to said E. Green for which payment had never been made, and the withholding of the sum of \$70.00 from contract price pending adjusting of the said claim, at this time the matter of final settlement of the claim was brought up for discussion, and action thereon laid over to the next regular meeting.

5 IN THE MATTER OF COMMUNICATIONS:

Communications were received from the LEAGUE OF CALIFORNIA MUNICIPALITIES in the form of bulletins on certain

proposed legislation now pending consideration before the State Legislature. Said communications were read by the Council and referred to the City Attorney for such action as he might deem advisable.

6 Communication was received from THE MODESTO BEE expressing appreciation for the cooperation of the City Council in making the Bee's annual Stanislaus County Tennis Championship contest a success. Same was read by the Council and ordered filed.

7 Communication was received from MR. AND MRS. CEO. NEECE in acknowledgement of expressions of sympathy during their recent bereavement. Same was read by the Council and order filed.

8 IN THE MATTER OF PETITIONS FOR ERECTION OF TENTS FOR REVIVAL MEETINGS:

There was on file with the Council petitions for the erection of tents for conducting of religious revival services as follows:

Four Square Gospel Church----Tent on Property known as Lots 20 and 21 in Block 113

Pentecostal Apostolic Church-Tent on Property known as Lots 30 and 31 in Block 307.

After due consideration of the petitions, Commissioner Pack introduced

RESOLUTION NO. 3173-N.S.

granting permission to the applicants to erect the tents and conduct the meetings as prayed for, providing that such tents be erected under the direction and supervision of the City Engineer, and provided further that the permission so granted shall be revoked after two months from this date, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King.

Noes: Councilmen: None

Absent: Councilmen: None

9 IN THE MATTER OF PETITION FOR SITE FOR CLUBHOUSE:

There was filed with the Council petition of the Women's Improvement Club citing that at one time the City of

Modesto offered a clubhouse site to their organization in the present City park located at the corner of 17th and G Streets in Block 127; and that their Club is now in a position to accept the offer. After due consideration of the petition, Commissioner Pack introduced

RESOLUTION NO. 5174-N.S.

taking under advisement the petition of the Women's Improvement Club for a clubhouse site in the City park as above stated, and instructing the City Clerk to advise the proper officials of the Club of the action taken, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

10 IN THE MATTER OF PETITION FOR PERMIT TO CONDUCT BUSINESS IN RESIDENCE ZONE:

D. K. Weisbrod filed with the Council a petition with the Council, pursuant to provisions of Zoning Ordinance No. 364-N.S., seeking permission to carry on the business of

auto top repairing, upholstering and painting at his residence at 315 Maple Street, known as Lots 1 and 2 in Block 415. By unanimous order of the Council the City Clerk was instructed to cause notices to be posted and published as provided by said Ordinance, setting forth the next regular meeting as time for hearing any protests to granting of permit as prayed

for.

IN THE MATTER OF  
PETITION FOR PER-  
MIT TO ERECT HALL:

The Japanese Association of Modesto filed with the Council a petition conforming with provisions of Ordinance No. 364-N.S., seeking a permit to erect a meeting hall on Lots 25 and 26 in Block 31. By unanimous order of the Council the City Clerk was instructed to cause notices to be posted and published as provided by said Ordinance, setting forth the next regular meeting as a time for hearing any protests to granting of the permit as prayed for.

IN THE MATTER OF  
EX-OFFICIO MEMBER  
OF PLANNING COM-  
MISSION:

Pursuant to provision of Ordinance No. 414-N.S. providing that the Commissioner of Public Works be also an ex-officio member of the City Planning Commission, Mayor

King introduced

RESOLUTION NO. 3175-N.S.

naming Roy E. Pack, Commissioner of Public Works, ex-officio member of the City Planning Commission during his term of office as such commissioner, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Cliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
SIGNATORY FOR  
S.E.R.A. PROJECT:

Pursuant to several public works projects now being done and contemplated being done by the State Emergency Relief Administration, and it being necessary to designate a signatory to enter into agreements for the execution of such projects on behalf of the City of Modesto, Commissioner Stanley introduced

RESOLUTION NO. 3176-N.S.

authorizing and empowering J. H. King, Mayor of the City of Modesto, to enter into such applications and agreements with the State Emergency Relief Administration as he may deem proper and necessary for work projects to be done in and for the City of Modesto under the SERA program of public works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
PURCHASE OF GRADER  
WITH GAS TAX FUNDS:

It appearing that the City of Modesto will be entitled to a credit with the Department of Public Works of the State of California in the sum of approximately \$2466.07 at the end of the biennium June 30, 1935, on account of apportionment of gas tax funds, and there being no highways within the City upon which such funds need to be expended at this time, but that there is needed a motor grader for the maintenance of City Streets, for which there is not available sufficient funds from the City budget to purchase same; Commissioner Neece introduced

RESOLUTION NO. 3177-N.S.

directing that application be made to the State Department of Public Works for permission to have the above unexpended balance used in the purchase of a grader for the City as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Cliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

15 IN THE MATTER OF  
PROPERTY EXCHANGE  
WITH SOU. PACIFIC:

The Matter of completing the exchange of a portion of 8th street for right of way along Ninth Street with the Southern Pacific Company was by unanimous consent of the Council laid over to the next regular meeting.

16 IN THE MATTER OF  
COMENDING SENATOR  
GARRISON:

Mayor King introduced

RESOLUTION NO. 3178-N.S.

expressing the appreciation of the City Council to Senator Garrison for his active and efficient assistance in having a proposed bill now before the Legislature limiting the liability of cities and counties to \$5,000.00 for damages arising out of or from defective conditions of sidewalks or other public property, reported from the Judiciary Committee with a "do-pass" recommendation and for the support he is now giving the measure in the Senate; and further directing the City Clerk to forward to Senator Garrison a certified copy of the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

17 IN THE MATTER OF  
REMITTING RENTAL CHARGE  
TO MODESTO REDS:

It having been called to the attention of the Council that the Modesto Reds Baseball Team is now indebted to the City of Modesto in amount of \$60.00 for rental charged for Roosevelt Field on the dates of April 28th, May 5th and 12th, 1935, which sum the organization is unable to pay at the present time; and after due consideration of the matter it was the unanimous opinion of the Council that the rental charge now in arrears should be remitted; Commissioner Oliver introduced

RESOLUTION NO. 3179-N.S.

remitting the sum of \$60.00 due the City of Modesto by the Modesto Reds Baseball Team for rental of Roosevelt Field on the above named dates, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

18 IN THE MATTER OF  
OPPOSING BILL TO  
GRANT EXCLUSIVE  
RIGHT TO TAX AUTOS  
TO STATE:

A Bulletin from the League of California Municipalities having been received by the Council setting forth that a joint Revenue and Taxation Committee composed of members of both the Senate and Assembly have recommended to the State Legislature the passage of a measure providing that the State tax all automobiles on the basis of weight and value in lieu of personal property ad valorem taxes now levied by cities and counties, Commissioner Pack introduced

RESOLUTION NO 3180-N.S.

declaring the City Council of the City of Modesto is not in favor of the said measure, inasmuch as it would deprive the cities and counties of the revenue now obtained from the personal property tax on automobiles, and instructing the City Clerk to forward a certified copy of this resolution to Senator Garrison and to Assemblyman Donnelley, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

14 IN THE MATTER OF  
ARCHERY COURSE IN  
LA LOMA TRACT:

There was filed with the City Council a resolution of the City Planning Commission asking that the Archery Range be changed from its present location to a site in La Loma Addition which T. H. Kewin has offered to the City for park purposes with the stipulation that the City develop a portion of the park each year. The matter was informally discussed by the Council and no official action taken thereon.

20 IN THE MATTER OF  
REPORT OF BUSINESS  
LICENSE ORD. COMMITTEE:

By unanimous consent of the Council the report of the Business License Ordinance Committee upon progress made on drafting of a proposed business license ordinance was laid over to the next regular meeting.

22 IN THE MATTER OF  
REPORTS:

The reports of the various departments for the month of April, 1935, were reviewed by the Council and ordered filed.

24 IN THE MATTER OF  
ADJOURNMENT:

Commissioner Pack introduced

RESOLUTION NO. 5181-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Attest: \_\_\_\_\_  
H. E. GRAGG  
CITY CLERK

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Council, City of Modesto  
May 22nd, 1935

The Council of the City of Modesto met in regular session this 23rd day of May, 1935, Present: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King  
Absent: Councilmen: None

1 IN THE MATTER OF  
MINUTES:

The minutes of the regular session of May 8th, 1935, and the special session of May 13th, 1935, having been heretofore read by each Councilman, were corrected in certain particulars, and approved as so corrected and read.

2 IN THE MATTER OF  
PETITION TO WAIVE  
DOG LICENSE FEE:

Mr. Ruppert, 725 4th Street, appeared before the Council and made oral petition for exemption from provisions of Ordinance No. 203-N.S., requiring payment of license fee for dogs kept within the City limits, reciting that he is unemployed and unable to pay such fee, and that the dog is needed by his family. The matter was taken under advisement by the Council.

3  
IN THE MATTER OF  
PETITION TO WAIVE  
FEE FOR WATER CON-  
NECTION OUTSIDE  
CITY:

Mr. L. L. Dennett appeared before the Council, on behalf of two homeowners in the Magnolia Addition outside the City Limits, asking that the fee of \$150.00 now charged for water connection service outside the City be reduced, suggesting that a slightly higher rate for the water consumed might be imposed in lieu of the connection fee. The matter was taken under advisement by the Council.

4  
IN THE MATTER OF  
CLAIM FOR ELECTRIC  
HAMMER:

There was filed with the Council claim of Supan and Brown for one Vandocorn Electric Hammer in amount of \$35.00 purchased by the Department of Public Works; whereupon Commissioner Neece introduced

RESOLUTION NO. 3182-N.S.

allowing the above claim and approving the warrant drawn in payment thereof, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes; Councilmen: None

Absent: Councilmen: None

5  
IN THE MATTER OF  
COMPLETING PAYMENT  
TO E. GREEN FOR  
MACHINE SHOP:

Pursuant to Resolution No. 3126-N.S. allowing final payment to Ernest Green for the construction of Machine Shop at the Corporation Yard, less the sum of \$70.00 to cover claim filed against said contractor by the Modesto Steel Products Co., and the time having now elapsed for the instigation of suit by the said claimant for recovery of the said sum, Commissioner Pack introduced

RESOLUTION NO. 3183 -N.S.

providing for the payment of the above mentioned sum of \$70.00 to Ernest Green, contractor for the construction of the Machine Shop, completing the final payment therefor in accordance with contract entered into, which resolution was regularly adopted by the following vote:

A yes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes : Councilmen: None

Absent: Councilmen: None

6  
IN THE MATTER OF  
COMMUNICATIONS:

A Communication was received from the League of California Municipalities giving bulletin of proposed legislation now before the State Legislature. Same was read by the Council and referred to City Attorney Carlson.

7  
Communications were received from Senator Garrison in acknowledgement of resolutions sent to him by the City Council pertaining to certain proposed legislation. Same were read by the Council and ordered filed.

8  
Communication was received from Assemblyman Donnelly in acknowledgement of resolution sent to him by the Council protesting against the passage of a proposed bill to turn over all automobile taxes to the State. Same was read by the Council and ordered filed.

9  
Communication was received from Lieutenant Louis W. Proper of Hamilton Field making certain constructive suggestions relative to improvement of the Modesto Municipal Airport, particularly that some trees near the edge of the south approach to the field be removed in order to make

landing less hazardous for large army planes. It appearing that the said trees are located upon property owned by L. L. Dennett, and Mr. Dennett being present, he advised the Council that he had no objection to the removal of the trees in question.

IN THE MATTER OF  
HEARING PROTESTS  
TO GRANTING OF  
PETITIONS:

Pursuant to the filing of petitions with the Council as follows:

D. K. Weisbrod - to conduct business at 315 Maple St., being Lots 1 and 2 in Block 415.

Japanese Association - to construct meeting hall at 618 Sixth St., being Lots 25 and 26 in Blk 31

and it appearing from affidavits on file that a notice setting forth a time for hearing any and all protests to the granting of the petitions has been posted and published as required by Zoning Ordinance No. 364-N.S., and this being the time set forth for such hearing, the City Clerk reported that no protests, either oral or written have been filed; whereupon Commissioner Pack introduced

RESOLUTION NO. 3184-N.S.

granting permits to the applicants as prayed for, when all provisions relative to building permit fees shall have been complied with, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
PETITION FOR CLUB-  
HOUSE SITE IN  
BLOCK 127:

By unanimous consent of the Council, action on the petition heretofore filed with the Council by the Women's Improvement Club for a clubhouse site in

Block 127 was laid over to the next regular meeting.

IN THE MATTER OF  
EXECUTION OF DEED TRANS-  
FERRING PORTION OF  
EIGHTH ST. TO SOUTHERN  
PACIFIC:

Pursuant to Resolution of Intention No. 218 and Resolution No. 2843-N.S., authorizing the transfer of title to a portion of 8th Street to the Southern

Pacific Company in exchange for their deed to the City of Modesto of certain portions of 8th Street for widening said street to conform to highway specifications, at this time the City Attorney submitted the deed in question in its final form for execution; whereupon Commissioner Pack introduced

RESOLUTION NO. 3185-N.S.

authorizing the Mayor and City Clerk to affix their signatures thereto on behalf of the City of Modesto, completing the property exchange as per agreement heretofore entered into by the City of Modesto with the Southern Pacific Railway Co., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
BUSINESS LICENSE  
ORDINANCE:

Pursuant to Resolution No. 3047-N.S. appointing a committee of nine business men, to-wit: G. H.

Berkendorf, Ray Ward, L. L. Dennett, R. Fair, Fred Condit, T. H. Kewin, Geo. F. Covell, C. J. Munnally, and R. G. Benson, to draft a business license ordinance for the City of Modesto, at this time the said committee filed with the Council a report of its activities, together with a completed draft of a proposed business license ordinance with the recommendation that it be passed so as to become operative with the beginning of the

13 fiscal year July 1st, 1935. After due consideration of the matter by the Council, Commissioner Oliver introduced

ORDINANCE NO. 487-N.S.

providing for the licensing and regulating the carrying on of certain professions, trades, callings and occupations in the City of Modesto providing the method of collecting such licenses and repealing certain ordinances, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

14 IN THE MATTER OF  
PARKING AND TRAFFIC  
PROBLEMS:

Commissioner Stanley introduced

RESOLUTION NO. 3166-N.S.

authorizing and instructing Mayor King to appoint a committee of seven members to make a study of traffic and parking conditions in the City and to report their findings and recommendations to the City Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Thereupon Mayor King appointed a committee as follows:

Chairman, C. A. Wheery; Logan Bowen; W. L. Marr; Felix Rainey; Clyde Boothe; Geo. Freitas; and L. J. Nevrumont.

15 IN THE MATTER OF  
INSURANCE CARRIED  
BY CITY:

Commissioner Oliver introduced

RESOLUTION NO. 3187-N.S.

authorizing and directing the Mayor to appoint a committee of three members, all members of the Insurance Association, to make a survey of the insurance needs of the City of Modesto and the insurance now being carried by the City and report to the Council their recommendations and suggestions for any changes that might be beneficial to the City, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Thereupon Mayor King named a committee as follows; Chairman,

W. H. Westmorland, Wade E. Powell; and E. W. Andrews.

16 IN THE MATTER OF  
RESIGNATION OF TWO  
MEMBERS OF THE  
PARK COMMISSION:

Commissioner Oliver introduced

RESOLUTION NO. 3188-N.S.

directing the City Attorney to address a communication to Howard Keeley and Mrs. Lora Brown, members of the City Park Commission, asking that they submit to the Council their resignations from the said Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: Neece

Absent: Councilmen: None

17 IN THE MATTER OF  
COMMITTEE ON LEAS-  
ING ROOSEVELT  
FIELD IN 1936:

Communication was received from Bert Lowry relative to permission granted him by Resolution No. 3085-N.S. for the use of Roosevelt Field for exhibition games in the spring of 1936.

17 asking certain concessions, and setting forth figures showing benefits derived by the City from such games; and it appearing that certain other parties are interested in obtaining this concession also, Commissioner Oliver introduced

RESOLUTION NO. 3189-H.S

authorizing Mayor King to appoint a committee of three members of the Council to confer with Bert Lowry and other prospective lessees of Roosevelt Field and work out a rental arrangement therefor satisfactory to the lessees and acceptable to the City, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Heece, Oliver, Stanley, Pack, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Thereupon Mayor King named a committee as follows:

Commissioners Heece, Oliver, and Pack.

18 IN THE MATTER OF REPORTS:

City Engineer Rossi made a verbal report to the effect that he has sent out inquiries about methods of and costs of mosquito control but that to date no replies have been received. Whereupon the matter was laid over to the next regular meeting.

19 City Engineer Rossi also made a verbal report of conferring with the Archery Club relative to establishment of an archery course in the proposed park in La Loma Tract, but that no definite agreements or conclusions in the matter had been arrived at.

IN THE MATTER OF ADJOURNMENT:

Commissioner Pack introduced

RESOLUTION NO. 3190-H.S.

20 adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Heece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H.E. GRAGG  
CITY CLERK

\*\*\*\*\*

Council, City of Modesto  
June 12th, 1935

The Council of the City of Modesto met in regular session this date.

Present: Councilmen: Heece, Oliver, Pack, Stanley, and Mayor King

Absent: Councilmen: None

21 IN THE MATTER OF MINUTES:

The minutes of the regular session of May 22nd, 1935, having been heretofore read by each Councilman, were unanimously approved as so read.

22 IN THE MATTER OF COMPLAINT RE: LICENSE ORDINANCE:

Mr. O. L. Denton, 715 Second Street, appeared before the Council, and complained that the provisions of Ordinance No. 464-H.S., regulating and licensing the selling of fruits and vegetables at wholesale, were being violated by certain dealers, and

not properly enforced by City officials; and further stating that the license fee of \$ 75.00 per year should be reduced to a more nominal fee. The matter was taken under advisement by the City Council.

3 IN THE MATTER OF PETITION FOR PERMIT TO HOLD WALKATHON CONTEST:

Mr. L. Welch appeared before the Council on behalf of the Veterans of Foreign Wars asking permission for that organization to sponsor a Walkathon contest in Modesto. Whereupon Mayor King directed the petitioner to obtain the full particulars concerning the conducting of the contest and submit them to the Council for further consideration.

4 IN THE MATTER OF CLAIMS:

The Claims against the City of Modesto for the month of June, 1935, having been heretofore audited and approved by the Council, Commissioner Oliver introduced

RESOLUTION NO. 3191-N.S.

allowing the said claims, and referring to the Auditor's Cash Book for further details relative to amounts of withdrawals from the various funds as follows:

GENERAL FUND-----	\$17,071.58
WATER FUND-----	3,945.13
LIBRARY FUND-----	1,448.88
Unapportioned Fund-----	<u>12.68</u>
TOTAL-----	\$22,478.27

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

5 IN THE MATTER OF COMMUNICATIONS:

Legislation:

Communication was received from the League of California Municipalities relative to progress of proposed measures affecting municipalities in the State Legislature. The proposed measure to give to the State the power to tax all automobiles and abolishing the power of cities and counties so to do, being now before the Legislature; and in view of the facts presented by the League of Municipalities in reference to this measure, Commissioner Pack introduced

RESOLUTION NO. 3192-N.S.

favoring the passage of the measure as now amended and submitted to the Legislature, and directing that copies of the resolution be transmitted to Senator Garrison and Assemblyman Donnelly, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack, Oliver, Stanley, and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

6 Protest:

A Communication in the form of a resolution was received from the Baptist Brotherhood protesting against the holding of a four-day Fourth of July Celebration ending on Sunday, July 7th, 1935, and requested that it be ended Saturday, July 6th, 1935. In view of the fact that the City of Modesto is not in charge of and is not sponsoring the celebration, the City Clerk was instructed to advise the Baptist Brotherhood that the Council is powerless to act in the matter but that their resolution would be referred to the Modesto Chamber of Commerce.

7 Convention:

A Communication was received from the State Compensation Insurance Fund relative to the Western Safety Conference to be held in San Francisco from June 11th, 1935, to June 13th, 1935. Same was read by the Council and ordered filed.

8  
Complaint: A Communication was received from H. T. Crow complain-  
ing aga inst the nuisance and noises created by the  
Three Star Beer Parlor at 1011 H Street. Same was read by the Council and referred to  
Police Commiss ioner Stanley.

9  
Complaint: A Communication was received from Dr. F. G. DeStone,  
911 13th Street, complaining against the public nuis-  
ance of a radio with a loud speaker, and other noises at the Reed & Bell Root Beer Stand  
at 12th and I Sts. The matter was referred to the Chief of Police.

10  
IN THE MATTER OF  
PERMIT TO OPERATE  
BUSINESS IN RESID-  
ENCE ZONE:

Pursuant to petition of Mrs. John W. Davis having been  
filed with the City Clerk for permit to conduct and  
carry on the business of a photographic studio at her  
residence at 2111 Downey Avenue, and it appearing from affidavits on file that due  
notices thereof have been posted and published by the City Clerk as required by Ordi-  
nance No. 364-N.S., and this being the time set forth insaid notices for the hearing of  
any and all protests to the granting of a permit to the applicant as prayed for, the City  
Clerk reported that there were no protests, either oral or written on file; whereupon  
Commissioner Pack introduced

RESOLUTION NO. 3193-N.S.

granting permit to the applicant to carry on the business as prayed for in her applica-  
tion, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

11  
IN THE MATTER OF  
LICENSE TO SELL  
BEER, ETC.:

There having been filed with the Council application  
of Mrs. Lucille Kizer for a license to sell: 3.2% bev-  
erages at her place of business at 7th and H Streets, and the same having been duly  
investigated and approved, Commissioner Stanley introduced:

RESOLUTION NO. 3 194-N.S.

approving the application submitted and directing the City Clerk to issue the license  
to the applicant as prayed for, which resolution was regularly adopted by the following  
vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

12  
IN THE MATTER OF  
PETITION TO ABATE  
NUISANCE OF OBSTRUCT-  
IONS ON SIDEWALKS:

There was filed with the Council petition of Eugene L.  
Cramer for abatement of public nuisance created by  
water sprinkling systems and hoses spraying water on  
sidewalks so as to prevent passage by pedestrians, and citing the addresses of certain  
houses committing the offense. Whereupon the petition was read by the Council and re-  
ferred to the City Engineer.

13  
IN THE MATTER OF  
PETITION OF CHAMBER  
OF COMMERCE FOR SUB-  
SIDY:

There was filed with the Council petition of the Modesto  
Chamber of Commerce for a subsidy of \$200.00 for finan-  
cing a four-day Fourth of July Celebration, and for the  
aid of the Police, Fire and Public Works Department in carrying out the details of plans  
for the events, and farther asking permission to hold motor boat races in Lake Modesto.

13 Whereupon Commissioner Oliver introduced

RESOLUTION NO. 3195-N.S.

granting a subsidy of \$200.00 to the Chamber of Commerce as prayed for, providing for the cooperation of the Police, Fire and Public Works Department with the Celebration Committee; and, in view of the uncertainty of the Council's jurisdiction in the matter of motor boat races, naming Commissioner Oliver official to represent the City Council in conferring with the Chamber of Commerce relative to motor boat races and such other matters as may come up for consideration in connection with the said celebration, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

14 IN THE MATTER OF  
ARCHERY RANGE IN  
LALOZA ADDITION:

Pursuant to recommendations heretofore made to the City Council by the City Planning Commission for the accepting of a deed to and development and improvement of an Archery Course in Laloza Addition to the City of Modesto, at this time City Engineer Rossi made an oral report setting forth a tentative estimate of the cost of the project at \$1700.00. No further action in the matter was taken by the Council.

15 IN THE MATTER OF  
FINAL ADOPTION OF  
ORD. 487-N.S.:

Ordinance No. 487-N.S., licensing and regulating the engaging in, carrying on and conducting of a business, trade or profession in the City of Modesto, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1935, and having been published as required by the Charter of the City of Modesto, coming on for final adoption at this time, it was so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

16 IN THE MATTER OF  
PROPOSED ORDINANCE  
FOR CONTROL OF TREES  
AND POLE CONSTRUCTION:

A proposed ordinance regulating the trimming of trees and pole construction in the City of Modesto was laid over to the next regular meeting.

17 IN THE MATTER OF  
COMPLETING PAYMENT  
TO E. GREEN FOR  
MACHINE SHOP:

Pursuant to contract entered into by Ernest Green with the City of Modesto for the construction of a machine shop at the corporation yard, which contract was completed on February 6th, 1935, and the work accepted by the City of Modesto February 13th, 1935, and thereafter one claim having been filed against the balance due said Ernest Green by virtue of said contract, which claim was filed March 6th, 1935, and the City Council having thereupon withheld from the final payment due to said Ernest Green the sum of Seventy Dollars (\$70.00) to satisfy said claim, it was at this time called to the attention of the Council that more than ninety days have expired since said claim was filed, and that no action to enforce the collection of same has been commenced, by virtue of which the City of Modesto has been cleared of liability on account of the filing of said claim. Whereupon Commissioner Pack introduced

RESOLUTION NO. 3196-N. S.

providing for the payment of the amount withheld from Ernest Green on said final payment pursuant to said claim, to-wit: the sum of Seventy Dollars (\$70.00), which resolution was

regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

18 IN THE MATTER OF  
CALLING FOR BIDS  
FOR LAMP GLOBES:

Pursuant to termination of contract with H. A. Trueblood for purchase of lamp globes for street

lighting and City buildings on June 30th, 1935, ~~1936~~, Commissioner Pack introduced

RESOLUTION NO. 3197-N.S.

directing the City Clerk to advertise for bids for incandescent lamps for Municipal lighting for a period of one year beginning July 1, 1935, the said bids to be received at the regular meeting of June 26, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

19 IN THE MATTER OF  
RESIGNATION OF MRS.  
BROWN FROM PARK  
COMMISSION:

Pursuant to Resolution No. 3188-N.S. Mrs. Lora D Brown tendered the Council her resignation from the City Park Commission; whereupon Commissioner Oliver

introduced

RESOLUTION NO. 3198-N.S.

accepting the resignation of Mrs. Brown from the City Park Commission and declaring a vacancy on the said Commission as a result thereof, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

20 IN THE MATTER OF  
APPOINTMENT OF  
MEMBERS OF PARK  
COMMISSION:

Pursuant to vacancy on the City Park Commission resulting from resignation therefrom of Mrs. Lora D. Brown, and to vacancy thereon as result of expiration of term of J. A. Davis on May 10, 1935, at this time Commissioner Oliver introduced

RESOLUTION NO. 3199-N.S.

appointing Mrs. G. H. Benkendorf a Member of the City Park Commission to fill the unexpired term of Mrs. Brown, to-wit: from this date to May 10, 1936; and reappointing J. A. Davis a member of the Park Commission for term beginning May 10, 1935, and ending May 10, 1938, which resolution was regularly adopted by the following vote:

A yes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

21 IN THE MATTER OF  
SITE FOR WOMEN'S  
CLUBHOUSE:

Pursuant to petition of the Women's Improvement Club for a site for clubhouse in Block 127, and the same having been laid over to this meeting, by unanimous consent of the Council action thereon was again postponed to the next regular meeting.

22 IN THE MATTER OF  
REPORT OF TRAFFIC  
COMMITTEE:

Mr. C. W. Wherry, chairman of a committee appointed by Mayor King to study and make recommendations for

solution of traffic problems in Modesto, made an oral report to the Council of progress, stating that regular meetings are being held by the Committee, and that a complete report with recommendations would be made in the near future.

23 IN THE MATTER OF  
REPORT OF INSURANCE  
COMMITTEE:

The Committee, appointed by Mayor King to make a survey of City insurance and recommendations for improvement in the present method of handling same, submitted a written report setting forth certain recommendations; whereupon Commissioner Oliver introduced

RESOLUTION NO. 3200-N.S.

adopting the recommendations set forth in said report, with the exception of the following: recommendation that appraisement by an experienced appraiser be made to establish proper values; and recommendation that public liability insurance covering the baseball park and golf course be carried, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

24 IN THE MATTER OF  
REPORT OF ROOSE-  
VELT FIELD COMMITTEE:

The report of the Committee heretofore appointed by Mayor King to act in regard to leasing of Roosevelt Field in 1936 was laid over to the next regular meeting.

25 IN THE MATTER OF REPORT  
ON MOSQUITO CONTROL:

City Engineer Rossi reported to the Council that he was proceeding to obtain data and costs relative to the mosquito control projects in other cities and localities, and read to the Council communications received by him pertaining to same.

26 IN THE MATTER OF  
REPORT OF RECREATION  
COMMITTEE:

Pursuant to the organization of a Recreation Committee of fifteen citizens of Modesto together with S.E.R.A. officials for the purpose of improving recreational facilities in Modesto, a written report of the Committee was submitted to the City Council outlining recreation needs of the City, and citing the fact that all would be supplied through S. E. R. A. funds with the exception of the supervising director who would be supplied by the City of Modesto, and asking the City Council to consider the various recommendations made. The report was read by the Council and taken under advisement.

27 IN THE MATTER OF  
DEPARTMENTAL  
REPORTS:

Reports of the various departments for the month of May, 1935, were reviewed by the Council and ordered filed.

28 IN THE MATTER OF  
ADJOURNMENT:

Commissioner Pack introduced

RESOLUTION NO. 3201-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H. E. GRAGG  
CITY CLERK

The Council of the City of Modesto met in special session this 19th day of June, 1935, at 7:30 P. M., the meeting having been called by Mayor King and written notices thereof duly delivered to the members of the Council as provided in Section 2 of Ordinance No. 2-N.S.

Present: Councilmen: Hecce, Oliver, Pack, Stanley, and Mayor King

Absent; Councilmen: None

1  
2  
IN THE MATTER OF  
BOAT RACES IN  
LEGION PARK:

Mr. Darrell Hill and G. W. Smith appeared before the Council asking reconsideration of former request to the Council for sponsorship of motor boat races in Tuolumne River at Legion Park during the Fourth of July Celebration. Upon further discussion of the matter by the Council, Mayor King informed the petitioners that the City could not in any way sponsor or grant permission for the proposed races since the matter is entirely out of their jurisdiction.

3  
IN THE MATTER OF  
INSURANCE OF  
TAXI OPERATORS:

Messrs. B. Handy and L. Kephart, taxicab operators, appeared before the Council in regard to the matter of insurance required to be carried by operators of taxicabs and jitneys in the City of Modesto. Mayor King replied to their inquiries, informing them that the insurance carried by most operators has been inadequate and not in conformance with Ordinance Nos. 405-N.S. and 411-N.S., and that if the proper policies are not filed on or before June 26, 1935, their licenses to operate taxicabs in the City will be revoked.

4  
IN THE MATTER OF  
INSURANCE OF CITY  
TRANSIT CO.:

It having been called to the attention of the Council that the insurance policy of the City Transit Company and/or Willis Kleinenbroich for the operation of motor buses in the City is not written by a solvent and responsible surety or insurance company as specified by Ordinance No. 306-N. S., Commissioner Stanley introduced

RESOLUTION NO. 3202-N. S.

directing the Chief of Police to stop the operation of the motor buses of the City Transit Company and/or Willis Kleinenbroich as provided in Subsection A of Section 5, Ordinance No. 306-N. S., until such insurance policy, duly approved by the City Attorney, shall be filed with the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Hecce, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

5  
IN THE MATTER OF  
SLOT MACHINES:

The matter of amending Ordinance No. 469-N.S. licensing and regulating slot machines in the City of Modesto was discussed by the Council and action in the matter postponed to some future date.

6  
IN THE MATTER OF  
PETITION FOR TAX  
SETTLEMENT:

A. A. Fields appeared before the Council petitioning a tax settlement of delinquent taxes accrued against property known as Lots 37 and 38 in Block 591, proposing payment of a figure of \$45.00. The said amount being out of line with amount of delinquent taxes in question, the petition was by order of the Council tabled indefinitely.

7 IN THE MATTER OF  
BUDGETS FOR 1935-1936:

The proposed budgets of the various departments for the fiscal year 1935-36 were filed with the Council for consideration. Whereupon, after discussion of same, action thereon was laid over to the next meeting.

8 IN THE MATTER OF  
ADJOURNMENT:

Commissioner Pack introduced

RESOLUTION NO. 3203-N.S.

adjourning this Council meeting now in session, which motion being duly seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pa ck, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto

June 26th, 1935

The Council of the City of Modesto met in regular session this date, and there were Present: Councilmen:

Neece, Oliver, Pack, Stanley, and Mayor King

Absent: Councilmen: None

1 IN THE MATTER OF  
MINUTES:

The minutes of the regular session of June 12th, 1935 and of the special session of June 19, 1935, having been heretofore read by each Councilman, were unanimously approved as so read.

2 IN THE MATTER OF  
PETITION FOR PER-  
MIT TO CONDUCT  
WALKATHON CONTEST:

Dr. J. K. Ransom appeared before the Council on behalf of the Disabled War Veterans' organization, seeking a permit to conduct a Walkathon endurance contest in the City of Modesto. Mr. T. R. La ssey addressed the Council briefly outlining the method of operating such contests and reading several letters and telegrams from officials and parties in cities where such contests have been held. The Council informed the petitioners that the matter would be taken under advisement.

3 IN THE MATTER OF  
PETITION FOR REDUCTION  
IN WATER BILL:

Mr. H. T. Crow appeared before the Council seeking adjustment of amount of \$91.69 charged for water consumed by him on a stand-by water service meter in his hotel, stating that considerable sand was pumped through the meter and that he believed, therefore, that the meter was registering incorrectly. The matter was by unanimous consent of the Council referred to the City Engineer.

4 IN THE MATTER OF  
TAX DEED TO CER-  
TAIN PROPERTY:

Pursuant to petition of A. A. Fields on June 19th, 1935, seeking adjustment of amount required to redeem delinquent tax sales against property in the City of Modesto known as Lots 37 and 38 in Block 591, covering a period of ten years, at this time the Council directed the City Tax Collector to take a tax deed to the said property as provided in Ordinance No. 596-N.S., and record the same in the office of the County Recorder.

5 IN THE MATTER OF  
COMMUNICATION FROM  
LEAGUE OF MUNICIP-  
ALITIES:

Communication was received from the League of California Municipalities giving a bulletin of legislation enacted

5 by the State Legislature prior to adjournment. Same was referred to City Attorney Carlson.

6 IN THE MATTER OF  
COMMUNICATION FROM  
KIWANIS CLUB:

Communication was received from the Kiwanis Club informing the Council that their organization had adopted a resolution favoring any action of the Modesto City Council towards securing a Civic Auditorium for Modesto at the present time while money is available for such projects from the federal government. The Communication was read by the Council, ordered filed, and the City Clerk directed to write a letter thanking the members of the Kiwanis Club for their interest in promoting civic progress in Modesto.

7 IN THE MATTER OF  
COMMUNICATION FROM  
CHURCH OF THE  
NAZARENE:

Communication was received from the Church of the Nazarene protesting against the holding of the Fourth of July Celebration on Sunday, July 7th, 1935. The City Clerk was directed to advise the protestants that the City Council is not in any way sponsoring the continuance of the celebration over the Sabbath.

8 IN THE MATTER OF  
INSURANCE APPRAISAL:

Communication was received from W. P. Barry concerning an appraisal of all buildings of the City of Modesto for insurance purposes, and quoting a price of \$475 for same. Whereupon Commissioner Oliver introduced

RESOLUTION NO. 3204-N.S.

accepting the services of W. P. Barry for making a detailed appraisement of all City buildings and their contents for insurance purposes, at the price of \$475.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

9 IN THE MATTER OF  
PETITION FOR BEER  
LICENSE:

Mr. L. Ratti filed with the Council an application for a license to sell 3.2% beer at his place of business at 822 9th Street, and the application having been duly investigated and approved as provided by Ordinance No. 442-N.S. Commissioner Stanley introduced

RESOLUTION NO. 3205-N.S.

approving the application of the said L. Ratti as aforestated, and directing the City Clerk to issue the license as prayed for, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

10 IN THE MATTER OF  
CONDUCTING BUSINESS  
IN RESIDENCE ZONE:

Pursuant to the posting of and publishing of notices of the filing of petition of H. F. Lederle for permit to conduct a business of selling novelties and concessionary supplies at 221 Locust Street, and this being the time set forth in said notices for the hearing of any and all protests to the granting of such permit by the Council, and it appearing that there are no protests, either oral or written, on file, Commissioner Pack introduced

RESOLUTION NO. 3206-N.S.

granting permit to the petitioner as prayed for for the conducting of business at his residence, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

11 IN THE MATTER OF  
PETITION FOR EXEMPTION FROM  
BUSINESS LICENSE:

Mrs. L. Chase, together with Geo. Channing of San Francisco,  
appeared before the Council seeking the exemption of

Christian Scientist practitioners from the provisions of License Ordinance No. 487-M.S.

The petitioners represented that they are not engaged in a commercial profession but a religious enterprise in the same classification as all other ministers of religion. Whereupon the matter was, by order of the Council, referred to the Commissioner of Finance and Revenue.

12 IN THE MATTER  
OF PETITION FOR  
REFUND OF WHOLESALE  
PRODUCE LICENSE:

There was filed with the Council petition of the Camp  
West Lowe Farms Inc. for the refund of a \$75.00 whole-  
sale produce license paid by a truckman, Lee Wilson,

who was selling their produce in Modesto at wholesale when apprehended by the License Collector; the refund being petitioned on the ground that the petitioner produces, packs and markets its own produce and therefor entitled to exemption from a license fee. The matter was referred to the City Attorney.

13 IN THE MATTER OF  
PETITION FOR POP-  
CORN WAGON:

There was filed with the Council petition of Joe Smith  
for a permit to operate a popcorn wagon at the south-  
easterly corner of 11th and I Streets on the 11th Street

side in front of the Regal Drug Store. After due consideration of the matter by the Council, Commissioner Stanley introduced

RESOLUTION NO. 3207-M.S.

granting a temporary permit to the applicant to operate a popcorn wagon as petitioned, the said permit to be revocable at the will and pleasure of the City Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

14 IN THE MATTER OF  
CITATION OF TAXI  
OPERATORS FOR HEAR-  
ING RELATIVE TO VIOL-  
ATION OF LICENSE:

Jos. A. Sequeira having been cited to appear before the  
Council and show cause why his license to operate a  
taxicab in the City of Modesto should not be revoked,

appeared before the Council and represented that he had discharged the driver who had been guilty of such violation of traffic ordinances after he had learned of such infraction. Whereupon Mayor King informed Mr. Sequeira that his license would be reinstated but that any further infractions of City ordinances by either him or his drivers would cause his license to be revoked.

Mr. Edw. Hawkins having been cited to appear before the  
Council and show cause why his license should not be re-

15 voked for operation of a taxicab in the City of Modesto, appeared before the Council to answer charges that one of his drivers had violated traffic ordinances twice by speeding. Mr. Hawkins stated that the driver maintains that he had been going but 32 miles per hour when apprehended and not 40 miles per hour as charged. Whereupon Commissioner Stanley introduced a resolution, being

RESOLUTION NO. 3208-M.S.

providing for the reinstatement of Mr. Hawkins' taxicab license on the express condition

that he dismiss from his employ the driver guilty of the speeding charges and providing further for the immediate revocation of such license at the instance of any further traffic violations coming to the attention of the Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King  
 Noes: Councilmen: None  
 Absent: Councilmen: None

Mr. B. D. Handy and W. H. Whittier having been cited to appear before the Council and show cause why their license to operate a taxicab in the City of Modesto should not be revoked for failure to move their cab at the request of the operator of the city street sweeper, at this time Mr. Handy represented to the Council that he had not known of the incident, and Mr. Whittier claimed that it had happened but once. Mayor King admonished Mr. Handy to be sure that no such further incidents come to the attention of the Council lest his license to operate a taxicab be revoked.

IN THE MATTER OF  
 BIDS FOR LAMP  
 GLOBES:

Pursuant to advertising for bids for incandescent lamp globes, and this being the time set forth for receiving of such bids, the City Clerk reported that there were on file nine bids, which the Council proceeded to open and declare as follows:

BIDDER	Brand:	Disc. Stand. Pkg.	Broken Pkgs.	Cash Disct.
F & F ELECTRIC CO.	G. E. Mazda	27%	17%	2%
CHANSLOR & LYON STORES	G. E. Mazda	27%	17%	2%
INCANDESCENT SUPPLY CO.	G. E. Mazda	27%	17%	2%
KELLY & ZIMMERMAN	Edison	27%	17%	--
MODESTO STEEL PRODUCTS	"Save"	30%	30%	2%
STANISLAUS IMPLEMENT & HARDWARE CO.	Edison Maz.	27%	17%	--
H. A. TRUEBLOOD	Champion	32%	32%	--
H. A. TRUEBLOOD	Westinghouse	27%	17%	--
WILLE ELECTRIC	Champion	32%	32%	2%
WILLE ELECTRIC	G. E. Maz	27%	17%	2%
LOSHER & HODGERT	No certified check accompanying bid			

Whereupon Commissioner Pack introduced

RESOLUTION NO. 3200-N.S.

disqualifying and rejecting the bid of Losher & Hodgert for failure to enclose certified check or bidding bond as specified in the notice to bidders, and referring the remaining eight bids to the City Engineer for tabulation and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King  
 Noes: Councilmen: None  
 Absent: Councilmen: None

IN THE MATTER OF  
 BIDS FOR PRINTING  
 AND ADVERTISING:

Pursuant to notice to bidders for printing and advertising contract for fiscal year ending June 30, 1936, and this being the time set forth for the receiving of said bids, the City Clerk reported that there was on file one bid, which when opened read as follows:

THE MODESTO BEE:

For all official printing and advertising, not including delinquent lists, the sum of  
 (for first insertion)-----55¢ per Sq.  
 Each subsequent insertion-----40¢ per Sq.

For the publication of delinquent assessment lists for street work, the sum of  
 (for first insertion)-----70¢ per Sq.  
 Each subsequent insertion-----40¢ per Sq.

Whereupon Commissioner Oliver introduced

RESOLUTION NO. 3210-N.S.

accepting the bid of the Modesto Bee at the prices above stated, and directing the Mayor and City Clerk to enter into a contract therefor on behalf of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

19 IN THE MATTER OF  
ORDINANCE FOR CONTROL  
OF TREES AND POLES:

A proposed ordinance regulating tree trimming and pole construction in the City of Modesto was by unanimous consent of the Council laid over to the next regular meeting.

20 IN THE MATTER OF  
ORDINANCE RE: LIABILITY  
INSURANCE OF TAXICABS:

Commissioner Stanley introduced

ORDINANCE NO. 488-N.S.

amending Section 1 of Ordinance No. 405-N.S. with relation to public liability insurance for taxicabs, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

21 IN THE MATTER OF  
INSURANCE OF MOTOR  
BUSES IN CITY:

Commissioner Stanley introduced

Ordinance No. 489-N.S.

amending Section 5 (a) of Ordinance No. 306-N.S. relating to public liability insurance of motor buses operating in the City of Modesto, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

22 IN THE MATTER OF  
MARATHON ENDURANCE  
CONTESTS:

Commissioner Stanley introduced

ORDINANCE NO. 490-N.S.

prohibiting marathon or endurance contests in the City of Modesto, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

23 IN THE MATTER OF  
KEEPING CALVES IN  
CITY:

Commissioner Stanley introduced

ORDINANCE NO. 491-N.S.

prohibiting the keeping of calves in the City of Modesto, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

24 IN THE MATTER OF  
STATE COMPENSATION  
INSURANCE:

There having been filed with the City Council a renewal policy for compensation insurance for employees by the

State Compensation Insurance Fund for the coming fiscal year, Commissioner Oliver introduced

24 accepting the renewal policy of the State Compensation Insurance Fund and directing the City Clerk and Auditor to draw a warrant therefor in amount of \$2197.40 in the same manner and at the same time the regular claims for the month of July are allowed, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

25 IN THE MATTER OF  
BOND OF PLUMBER:

There having been submitted to the Council for approval the bond of L. E. Moore to conduct and carry on the business of plumbing in the City of Modesto as provided by Ordinance No. 276-O.S., and the same appearing to be in proper form, Commissioner Pack introduced

## RESOLUTION NO. 3212-N.S.

approving the bond of L.E. Moore, plumber, and directing the City Clerk to place the same on file, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: none

Absent: Councilmen: None

26 IN THE MATTER OF  
SITE FOR WOMEN'S  
CLUBHOUSE:

The matter of granting to the Women's Improvement Club a site for a clubhouse in Block 127 was by unanimous consent of the Council laid over to the next regular meeting.

27 IN THE MATTER OF  
RECREATION COMMITTEE:

Pursuant to petition and report of the Recreation Committee of Modesto asking for the cooperation of the City of Modesto with S.E.R.A. project for bettering recreational facilities in the City of Modesto, which petition and report was filed with the Council June 12th, 1935, at this time Commissioner Oliver introduced

## RESOLUTION NO. 3213-N.S.

providing for the cooperation of the City of Modesto with the S.E.R.A. Recreation Committee as outlined in their report, and authorizing the expenditure of a sum of not to exceed \$110.00 for the supplying of equipment for carrying out the plans of the Committee, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

28 IN THE MATTER OF  
RENTAL OF ROOSE-  
VELT FIELD:

Pursuant to entering into agreement with Stanley Sanders for the rental of Roosevelt Field on terms of \$20.00 flat rate rental for each game and a tax of 5¢ on each grandstand ticket sold for each game, at this time Commissioner Oliver introduced

## RESOLUTION NO. 3214-N.S.

rescinding that portion of the agreement providing for the payment of a \$20.00 flat rate rental for each game, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

29 IN THE MATTER OF REPORTS:  
meeting.

By unanimous consent of the Council the report of the Traffic Committee was laid over to the next regular

30 regular meeting.

By unanimous consent of the Council the report of the Roosevelt Field Committee was laid over to the next

31 IN THE MATTER OF ADJOURNMENT:

Commissioner Pack introduced

RESOLUTION NO. 3215-N.S.

providing for adjournment of this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H.E. GRAGG  
CITY CLERK

*Handwritten:*  
5-19-35

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Council, City of Modesto  
July 10th, 1935

The Council of the City of Modesto met in regular session this 10th day of July, 1935. Present: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King.

Absent: Councilmen: None

IN THE MATTER OF MINUTES:

The minutes of the regular session of June 26, 1935, having been heretofore read by each Councilman, were ordered corrected in certain particulars and approved as so corrected and read.

IN THE MATTER OF EXPRESSION OF THANKS TO COUNCIL:

Jas. E. McCormick and S. E. Hayes appeared before the Council and expressed their thanks and appreciation for the cooperation and courtesy shown to them by the Council in the past in their handling of the insurance matters of the City of Modesto, and offering their assistance in working out any problems or programs in the insurance field that may arise in the future. Mayor King thanked Messrs. McCormick and Hayes on behalf of the Council for their interest and proffer of assistance.

3 IN THE MATTER OF PETITION FOR SWIMMING POOL:

There was presented to the Council by a group of its proponents a petition signed by approximately 52 residents of Modesto asking that a swimming pool be constructed in Westside Park instead of the sunken garden planned to be constructed therein. Same was referred to the Commissioner of Finance and Revenue.

4 IN THE MATTER OF CLAIMS FOR JUNE, 1935:

Claims against the city of Modesto for the month of June, 1935, having been heretofore approved and audited by the Council, Commissioner Oliver introduced

RESOLUTION NO. 3216-N.S.

allowing the said claims, reference being made to the Auditor's Cash Book for further details relative to amounts of withdrawals from the various funds as follows:

GENERAL FUND-----\$18,991.36

WATER FUND-----	\$ 4,627.89
LIBRARY FUND-----	961.60
BOND REDEMPTION INT. FUND---	937.50
UNAPPORTIONED FUND-----	15.87

TOTAL-----\$25,534.22

which resolution was regularly adopted by the following vote:

4 Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

5 IN THE MATTER OF  
CLAIM OF MODESTO  
TERMINAL CO. FOR  
9TH ST. RIGHT OF WAY:

There was presented to the Council the claim of the Modesto Terminal Co. in amount of \$1,000.00 for removing Baker & Co. warehouse from right of way along Block 48 at the intersection of 9th and B Streets; and also claim in amount of \$150.00 for repairing 9th Street at the intersection of 9th and B Street as per agreement for settlement of suit entered into and accepted by the City of Modesto on the 14th day of June 1933, by Resolution No. 2504-N.S. Whereupon, after due consideration of the said claim, Commissioner Pack introduced

RESOLUTION NO. 3217-N.S.

allowing the above mentioned claims of the Modesto Terminal Co. in amount of \$1150.00 and directing that the warrant be drawn therefor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Thereupon, in view of the terms and conditions of the above mentioned agreement, providing that the warehouse of Baker & Co. be permitted to remain upon the right of way in question in Block 48 until the expiration of their lease October 31, 1935, at which time the said warehouse was to be moved, the City paying the cost thereof less the difference between the rental paid by the said Baker & Co. for the occupancy of the warehouse and the rental if the removal and remodeling had been done at the time of entering into the agreement, Commissioner Pack introduced

RESOLUTION NO. 3218-N.S.

directing that delivery of the warrant to the Modesto Terminal Company be held up pending a statement showing such rental paid by Baker & Co. as above stated, and the amount of credit to be received by the City of Modesto pursuant thereto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
CLAIM OF DISTRICT  
ATTORNEY FOR EX-  
PENSES:

There was filed with the Council claim of the District Attorney in amount of \$60.00 for expenses involved in the prosecution of certain reckless driving cases in the Police Court. Whereupon in view of the fact that the City of Modesto received the revenue of the fines imposed as a result of such prosecution, Commissioner Stanley introduced

RESOLUTION NO. 3219-N.S.

allowing the claim of the District Attorney as aforesaid, and directing the City Clerk and Auditor to draw the warrant therefor in the amount above stated, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

8  
IN THE MATTER OF  
COMMUNICATION FROM  
W. P. BARRY:

Communication was received from W. P. Barry, pursuant to Resolution No 3204-N S stating that the appraisal of City buildings for insurance valuations would commence later in the week. Same was read by the Council and ordered filed.

9  
IN THE MATTER OF  
COMMUNICATION RE:  
TRIMMING TREES:

Communication was received by the Council from Alla Sharp, 530 14th Street, protesting against the present method of trimming trees by keeping them topped below telegraph poles. Same was read by the Council and referred to the City Engineer.

10  
IN THE MATTER OF  
GRANTING PERMIT  
FOR CONDUCTING  
BUSINESS IN RES-  
IDENCE ZONE:

Pursuant to filing of petition by E. R. Whiffert with the City Clerk for permit to conduct business at his residence at 602 4th Street, and notices thereof having been duly printed and posted as required by City Zoning Ordinance No. 364-N.S., and this being the time set forth in the said notices for the hearing of any and all protests to the granting of the permit as prayed for, and it appearing that no protests, either oral or written have been filed, Commissioner Pack introduced

RESOLUTION NO. 3220-N.S.

granting permit to the petitioner for conducting business at his residence as prayed for, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

11  
IN THE MATTER OF  
REFUND OF BEER LICENSE:

Lucille Kizer having filed petition with the City Council for refund of license fee of \$25.00 paid for license to sell 3.2% beverages in the City of Modesto under the provisions of Ordinance No. 442-N.S., the license having been issued June 12, 1935, and said Ordinance No. 442-N.S. having been repealed by Ordinance 487-N.S., effective July 1st, 1935; and L. Ratti having likewise been granted such license on June 26, 1935, at this time the Council upon consideration of the matter was of the opinion that the license fees paid by the said parties should be refunded; whereupon Commissioner Stanley introduced

RESOLUTION NO. 3221-N.S.

authorizing the refund to Lucille Kizer and to L. Ratti the license fees paid by them under the provisions of Ordinance No. 442-N.S. which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

12  
IN THE MATTER OF  
PETITION FOR AD-  
JUSTMENT OF WATER  
BILL:

Pursuant to petition of H. T. Crow for adjustment of water charges made for a stand-by service meter during the period February 11th to June 13th, 1935, in amount of \$95.99 and after consideration of the matter by the Council, it does not appear that the charges are erroneous but represent the actual amount of cubic feet of water consumed, Commissioner Pack introduced

RESOLUTION NO. 3222-N.S.

denying any adjustment in the amount of the charge, inasmuch as the meter registered the correct amount of water consumed, and directing the Water Collector to proceed to collect the charges as provided by City ordinance, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, and Stanley

Noes: Mayor King

Absent: Councilmen: None

IN THE MATTER OF  
EXEMPTION FROM  
BUSINESS LICENSE:

Pursuant to petition of Mrs. L. Chase heretofore made to the City Council for exemption of Christian Scientist practitioners from the business and professional license levied by Ordinance No. 487-N.S., and the Council being of the Unanimous opinion that the particular instance of religious practitioners was not intended to be licensed under provisions of the ordinance, Commissioner Oliver introduced

RESOLUTION NO. 3223-N.S.

interpreting the provisions of Ordinance No. 487-N.S. as not including religious practitioners in the class of business and professions upon which a license is imposed, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
PETITION FOR SERVICE STATION:

Pursuant to provisions of Section 1 of Ordinance 344-N.S., there was filed with the Council petition of the General Petroleum Corporation for permit to construct, operate and maintain a gasoline service station on property known as the railroad reservation at the southwest corner of 9th and I Streets, upon the present Chamber of Commerce building site: whereupon after due consideration of the petition by the Council, Commissioner Pack introduced

RESOLUTION NO. 3224-N.S.

granting permit to the General Petroleum Corporation as prayed for, when all ordinances pertaining to the erection, operation and maintenance of gasoline service stations shall have been complied with, the construction of such station to be under the supervision of the City Engineer, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
BIDS FOR LAMP  
GLOBES:

Pursuant to the receiving of bids for incandescent lamp globes and postponing action thereon until this time, and it appearing that the bid of Kelly & Zimmerman is the lowest and best bid, Commissioner Neece introduced

RESOLUTION NO. 3225-N.S.

accepting the bid of Kelly & Zimmerman for the furnishing of incandescent lamp globes to the City of Modesto during the fiscal year beginning July 1, 1935, and ending June 30, 1936, the amount of the purchases not less than \$1200.00 during the said year; and authorizing the return of certified checks and bidding bonds to the unsuccessful bidders, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

16 IN THE MATTER OF  
PROPOSED ORDINANCE:

A proposed ordinance regulating tree trimming and pole construction in the City of Modesto was by unanimous consent of the Council laid over to the next regular meeting.

17 IN THE MATTER OF  
GAMING MACHINES:

Commissioner Stanley introduced

ORDINANCE NO. 492-N.S.

licensing and regulating pin and ball machines and other amusement games of skill, prohibiting the operation of slot machines, and repealing Ordinance No. 469-N.S., which ordinance was duly read to the Council.

Commissioner Neece introduced an amendment to the Ordinance as submitted so as to permit the operation of 35 machines under one license rather than 30 machines as provided by the ordinance. Mayor King thereupon called a vote upon the amendment submitted, and the same was upon roll call defeated by the following vote:

Ayes: Councilmen: Neece and Pack

Noes: Councilmen: Oliver, Stanley, and Mayor King

Absent: Councilmen: None

Thereupon the vote was called upon the ordinance as originally submitted by Commissioner Stanley, and upon roll call the same was adopted and ordered printed and published by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

18 IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE 488-N.S.:

Ordinance No, 488-N.S., amending Ordinance No. 205-N.S.

relating to public liability of jitneys in the City of Modesto, having been introduced and ordered printed and published at the regular meeting of June 26, 1935, and having been so printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this time, it was so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

19 IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE NO. 489-N.S.:

Ordinance No. 489-N.S., amending Ordinance No. 306-N.S.

relating to public liability of motor busses operated in the City of Modesto, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on June 26, 1935, and having been so printed and published as required by the City Charter, coming on for final adoption at this time it was so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

20 IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE 490-N.S.:

Ordinance No. 490-N.S., prohibiting walkathon or marathon

endurance contests in the City of Modesto, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on June 26, 1935, and thereupon having been printed and published as required by the City Charter, coming on for final adoption at this time, it was so

finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE 491-N.S.:

Ordinance No. 491-N.S. prohibiting the keeping of Calves  
within the City limits, having been introduced and ordered

printed and published at a regular meeting of the Council held on June 26th, 1935, and  
thereupon having been printed and published as required by the Charter of the City of  
Modesto, coming on for final adoption at this time, it was so finally adopted by the  
following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
SALE OF PROPERTY  
FOR TAX CLAIM:

Pursuant to petition filed with the Council on June 19,  
1935, by A. A. Fields seeking a settlement of tax claim

on certain property, at this time Mr. Fields appeared before the Council asking that prop-  
erty known as Lots 37 and 38 in Block 591 be sold at public sale for the delinquent taxes  
unredeemed thereon, and asking that the Council determine that the value of the property  
warrants the acceptance of a less amount than the sum of \$149.47 representing the delin-  
quent taxes now accrued against the same, and asking that such amount be fixed at \$55.00;  
whereupon after due consideration of the matter by the Council, Commissioner Pack intro-  
duced

RESOLUTION NO. 3226-N.S.

determining that the value of property known as Lots 37 and 38 in Block 591, to which  
the City of Modesto holds tax title, warrants the acceptance of a sum of \$55.00 for the  
redemption of delinquent taxes thereon, and directing that a notice be published pur-  
suant to Section 35 of Ordinance No. 396-N.S. setting forth a date for the public sale  
of the above mentioned property for a sum of not less than \$55.00 as aforesaid, which  
resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley, Pack, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

23 IN THE MATTER OF  
SITE FOR WOMEN'S  
CLUBHOUSE:

By unanimous consent of the Council the matter of site for  
Women's Clubhouse in Block 127 was laid over to the next

regular meeting.

24 IN THE MATTER OF  
REPORT OF COMMITTEE  
ON INSURANCE:

THE Committee on Insurance heretofore appointed by the  
Mayor, pursuant to Resolution No. 3187-N.S., filed with

the Council a written report of insurance premiums and bonds required for the current  
fiscal year, and also making recommendations for insurance not carried by the City at  
the present time. Same was read by the Council and ordered filed.

25 IN THE MATTER OF  
REPORT OF TRAFFIC  
COMMITTEE:

By unanimous consent of the Council the report of the  
Traffic Committee was laid over to the next regular

meeting.

26 IN THE MATTER OF  
REPORT OF ROOSE-  
VELT FIELD COM-  
MITTEE:

By unanimous consent of the Council the report of the  
committee on the leasing of Roosevelt Field was laid

over to the next regular meeting.

17 IN THE MATTER OF ANNUAL REPORTS: The annual reports of the Fire Department, the Police Department, and of the Public Works Department were reviewed by the Council and ordered filed.

18 IN THE MATTER OF MONTHLY REPORTS: The reports of the various departments for the month of June, 1935, were reviewed by the Council and ordered filed.

29 IN THE MATTER OF ADJOURNMENT: Commissioner Pack introduced

RESOLUTION NO. 3227-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H. E. GRAGG  
CITY CLERK

\*\*\*\*\*

Council, City of Modesto  
July 24th, 1935

The Council of the City of Modesto met in regular session this date.

Present: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Absent : Councilmen: None

1 IN THE MATTER OF CLERK PRO TEM: In the absence of H. E. Gragg, City Clerk, A. J. Carlson was appointed Clerk pro tem. of the Council.

2 IN THE MATTER OF MINUTES: The minutes of the regular meeting of July 10th, 1935, having been heretofore read by each Councilman, were directed to be corrected in the following particular: that Resolution No. 3225-N.S. be corrected by striking out the words "the amount of the purchases not to exceed \$1200.00 during the said year" and inserting in lieu thereof the words "the amount of the purchases to be not less than \$1200.00 during the said year," and as so corrected the minutes were ordered approved.

3 IN THE MATTER OF PETITION FOR SEGREGATION OF TAXES: Mr. Amos Bomberger appeared before the Council on behalf of the Building and Loan Commissioner with reference to an adjustment of taxes on Lots 3 and 4 in Block 9. He stated that the bulk of the taxes against this property, which was assessed originally with Lots 1 and 2 in Block 9, are improvement taxes for the paving of I Street; that the ownership of the property has since been divided, Lots 3 and 4 having a dwelling thereon upon which the Building and Loan Commissioner is forced to foreclose, and Lots 1 and 2 being unoccupied; that to reinstate Lots 1 and 2 as well as 3 and 4 involve more money than the property is worth. He asked for an order of the City Council permitting the clearance of the property from tax sales by paying only the arrearages and delinquencies chargeable to Lots 3 and 4. In conjunction with his appeal he filed a preliminary title report

from the Pitts Title Company setting forth the tax situation. By unanimous consent of the Mayor and Council the matter was referred to a Committee consisting of Commissioner of Finance Oliver, the City Clerk and the City Attorney for examination and a report at a later date.

4 IN THE MATTER OF  
PETITION FOR AD-  
JUSTMENT OF EKSTEIN  
PROPERTY TAXES:

Mr. Paul Bomberger appeared before the Council on behalf of Mrs. Fred Ekstein, who was also present, and stated that the amount which it would now take to pay taxes and affect redemption of Lots 1 to 11 and 19 to 32 inclusive in Block 133 of the City of Modesto is the sum of \$ 1721.67; that Mrs. Ekstein had previously made an offer in writing to convey to the City of Modesto a right of way for the 19th Street extension and the small strip of property lying northerlythereof for the payment of these taxes. Mayor King advised Mr. Bomberger that the matter would be taken up and given consideration by the Council.

5 IN THE MATTER OF  
PETITION OF R.E. SMITH  
FOR TAX ADJUSTMENT:

Mr. Robt. E. Smith of Hanford appeared before the Council and filed a written request for the adjustment of delinquent taxes on Lots 31 and 32 in Block 118 of the City of Modesto. The written application of Mr. Smith was ordered filed in the Clerk's office and is hereby referred to for greater particulars. Mayor King advised Mr. Smith that his application would be given further consideration by the Council.

6 IN THE MATTER OF  
COMPLAINT RE: NOISE:

Mr. Reese Eagar, proprietor of a refreshment stand at 12th and I Street, appeared before the Council at the request of the Mayor, and advised the Council that he was willing to do everything in his power to abate the noises complained of at his place of business; that the radio is now shut off at midnight and that his employees have been instructed to be as quiet as possible in relaying orders.

7 IN THE MATTER OF  
PETITION FOR FREE  
LICENSE:

Mr. Jas. L. Rice appeared before the Council on behalf of the Disabled Veterans Organization and stated that their boxing and wrestling exhibitions are purely charitable, operating without any profit, and that he desired to have a license issued therefor without the payment of a fee. He was advised that upon the basis of the investigations so far made, including the manual which had been furnished the license collector, it appears that the organization is required to pay a certain amount of income to national headquarters and therefore not purely charitable in purpose, and a license would be required. He stated that the rules had been changed and was advised to present his proof to the City License Collector in accordance with Section 201 of Ordinance No. 487-N.S. so that an intelligent examination of his position could be made.

8 IN THE MATTER OF  
APPLICATION OF  
AUCTIONEER FOR  
REDUCTION IN FEE:

Mr. O. Leachman appeared before the Council and stated that the amount of business done as an auctioneer would not justify license fee required by Ordinance 487-N.S. He was advised by the Council that it was not their disposition at the present time to change the ordinance requirements.

9 IN THE MATTER OF  
COMMUNICATION FROM  
NAT'L EMERGENCY COUNCIL:

A Communication was received from J. F. Sears, State Director for the National Emergency Council, outlining the procedure to be followed in making applications for federal moneys for public works. By order of the Mayor one copy of the communication was referred to the City Engineer and another to the City Attorney for their files.

10 IN THE MATTER OF ANONYMUS COMMUNICATIONS:

Two Communications without the signatures of the writers were received by the Council, one concerning a disturbance in a theatre, and the other the care of the municipal golf course. The Mayor stated that it was the policy of the Council to pay no attention to anonymus communications and that the same would not be answered but merely filed.

11 IN THE MATTER OF CLERK OF POLICE COURT:

A Communication was received from B. C, Hawkins, Judge of the Police Court, setting forth that it would be convenient to have Mrs. Kittie Briggs designated as Clerk of the Police Court in order that she might be authorized to perform certain official acts, such as issuing various court processes, etc., without delay to police officers while he is engaged in trial of cases or otherwise occupied, and that for such service a nominal compensation should be allowed; whereupon Commissioner Stanley introduced

RESOLUTION NO. 3228-N.S.

creating the position of Clerk of the Police Court, defining the duties thereof, providing for the payment of salary of \$10.00 per month therefor, and designating Mrs. Kittie Briggs Clerk of the said Court to serve at the pleasure of the Council, effective July 1, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF PETITION OF E.R.McCREA FOR REFUND OF LICENSE:

E. R. McCrea filed an application for refund of beer license fee paid on October 10, 1934, for one year. The Council having heretofore decided that no beer licenses in effect more than 30 days prior to July 1, 1935, should be entitled to refund pursuant to the adoption of general business license Ordinance No. 487-N.S., Commissioner Stanley introduced

RESOLUTION NO. 3229-N.S.

denying the application for refund, and moved its adoption, which motion being duly seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

13 IN THE MATTER OF PETITION OF MRS. KOCH FOR TRANSFER OF LICENSE FEE:

Mrs. V. E. Koch filed a written application for transfer to a delicatessen license fee the \$5.00 fee paid by her for conducting a lunch wagon on city streets, stating in her communication that the business had not proved profitable; thereupon Commissioner Oliver introduced

RESOLUTION NO. 3230-N.S.

denying the application for such transfer, and moved its adoption, which motion being duly seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

14 IN THE MATTER OF PETITION FOR REFUND OF TAXES ON POSTAL TELEGRAPH OFFICE:

An application was filed by Tax Research, Inc. asking for a refund of taxes of J.W.Husband and Grace T. Thomsen for 1934-35 upon that portion of the Ely 40' of the Nely 70' of

Lots 1 to 3 in Block 55 of the City of Modesto on the ground that it is occupied by the Postal Telegraph Co., which pays a public utility tax to the State, and that the property was not taxable for municipal purposes for the years stated. By order of the Mayor and Council the matter was referred to the City Attorney for investigation and report.

IN THE MATTER OF  
COMMUNICATION FROM  
THE MERCHANTS' ASSN:

The Merchants Association Adjustment Bureau filed application for an amendment to Ordinance 487-N.S. so as to impose a license fee on solicitors of accounts who have no fixed place of business in Modesto. By direction of the Mayor and Council, the same was referred to the City Attorney for consideration.

IN THE MATTER OF  
CABLE ON F STREET:

Pursuant to a complaint heretofore filed with the Council by Mrs. Alla Sharp protesting against present methods of trimming trees especially on F Street, Assistant City Engineer, M. H. Crews, filed an estimate of cost of installation of a cable to carry city wires and public utility wires along the area involved, stating that without installation of the cable it would be impossible at that particular point to avoid trimming the trees in question, and giving estimate of the cost as \$2436.50. The estimate was ordered filed and the matter laid over for consideration at some future time.

IN THE MATTER OF  
STREET SWEEPER:

Assistant City Engineer, M. H. Crews, reported that the present street sweeper is now in such a condition that further repairs thereto are impractical, and stated that the cost of a new one would be approximately \$7500.00. Whereupon Commissioner Neece introduced

ORDINANCE NO. 493-N.S.

entitled "AN ORDINANCE APPROPRIATING THE SUM OF \$7500.00 FOR THE PURCHASE OF A STREET SWEEPER", and moved its adoption and passage to print, which motion being duly seconded, upon roll call the ordinance was adopted and ordered printed and published by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
MILK INSPECTION:

Frank E. Holtham, Sanitary Inspector, appeared before the Council and expressed that it is desired to provide legislation for inspection fees on the milk graded by the Inspection department so as to include not only all milk inspected for sale in the City but also all milk inspected by the Department, and suggested the adoption of an ordinance which he had prepared and which had been revised and approved by the City Attorney; whereupon Commissioner Stanley introduced

ORDINANCE NO. 494-N.S.

entitled: "AN ORDINANCE PROVIDING FOR MILK INSPECTION DEPARTMENT OF THE CITY OF MODESTO", and moved its adoption and publication, which motion being duly seconded, upon roll call the ordinance was adopted and ordered printed and published by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
AMENDING ORD. 487-N.S.:

The proposed amending of Ordinance 487-N.S. was by unanimous consent of the Council laid over to the next meeting.

20

IN THE MATTER OF  
FINAL ADOPTION OF  
ORD. 492-N.S.:

Ordinance No. 492-N.S., having been published as required by  
law, coming on at this time for final adoption, Councilman  
Stanley moved its final adoption, which motion being duly seconded, it was upon roll  
call so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

21

IN THE MATTER OF  
SITE FOR WOMEN'S  
CLUBHOUSE:

No report having been made on this matter, it was by unanimous  
consent laid over to the next meeting.

22

IN THE MATTER OF  
TRAFFIC COMMITTEE:

The report of the Traffic Committee heretofore appointed  
not having been made, but having been promised to be filed  
within a week, by unanimous consent of the Council the same was laid over to the meeting  
of the Council proposed to be held July 31, 1935.

23

IN THE MATTER OF  
REPORT OF ROOSEVELT  
FIELD COMMITTEE:

No formal report of the Committee was filed but Commissioner  
Oliver stated that he had had some conversations with Mr. Bert  
Lowry with regard to use of Roosevelt Field for the ensuing season, and he felt that an  
arrangement should be made with Mr. Lowry but that it should include arrangements whereby  
the local team, the Modesto Reds, could participate in practice and playing of some of  
the exhibition games. No action was taken beyond a discussion that it was the sense of  
the Council that a contract be entered into with Mr. Lowry upon the submission to the  
Council, through Commissioner Oliver, of satisfactory terms and arrangements, the resolu-  
tion and contract to be adopted and accepted at a later meeting.

24

IN THE MATTER OF  
ANNUAL REPORT OF  
LIBRARY:

The annual report of Miss Silverthorn, librarian, with refer-  
ence to the operation of McHenry Public Library was received  
and ordered filed.

25

IN THE MATTER OF  
ADJOURNMENT:

No further business coming before the Council, Commissioner  
Neece introduced

RESOLUTION NO. 3231-N.S.

adjourning this Council meeting now in session, and moved its adoption, which motion  
being duly seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H. E. Gragg  
CITY CLERK

\*\*\*\*\*

Council, City of Modesto  
Special Session  
July 31, 1935

The Council of the City of Modesto met in special  
session this date at 7:30 P. M., the meeting having  
been called by Mayor King and notices thereof duly delivered to each Councilman as pro-  
vided by Ordinance No. 2-N.S.

Present: Councilmen: Neece, Pack, Stanley and Mayor King

Absent: Councilmen: Oliver

2 IN THE MATTER OF  
REPORT OF TRAFFIC  
COMMITTEE:

Pursuant to Resolution No. 3186-N.S. authorizing Mayor

King to appoint a committee of citizens of Modesto to

study traffic problems and make recommendations for the solution thereof, and to the subsequent appointment of said committee at this time Mr. L. J. Nevrumont, secretary, filed with the Council the written report of their findings and recommendations for the improvement of traffic and parking conditions in the City. The Council reviewed the report, laid over for future consideration the recommendations contained therein, and ordered the same filed in the office of the City Clerk, which report is hereby referred to for greater particulars.

3 IN THE MATTER OF  
ADOPTION OF BUDGET  
FOR 1935-36:

The budgets of the various departments for the fiscal year 1935-36 were reviewed by the Council, certain changes

made therein, and tentatively accepted, the formal adoption thereof, however, being laid over to a future meeting of the Council.

4 IN THE MATTER OF  
AMENDING ORDINANCE  
487-N.S.:

It being deemed advisable to make certain changes in the provisions of general business license Ordinance No.

487-N.S., Commissioner Pack introduced an ordinance being

ORDINANCE NO. 495-N.S.

entitled: "AN ORDINANCE ADDING TWO NEW SECTIONS TO ORDINANCE NO 487-N.S. (RELATING TO LICENSES) AND AMENDING SECTIONS 112 AND 123 THEREOF," and moved its adoption and passage to print, which motion being duly seconded, it was upon roll call adopted and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Neece, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Oliver

5 IN THE MATTER OF  
PETITION FOR RE-  
FUND OF LICENSE:

There was filed with the Council petition of Mrs. Nellie Unbaugh for the refund to her of \$50.00 deposit made to

the City License Collector in accordance with the provisions of Section 101 of Ordinance No. 487-N.S. covering the operation of a business in the City of Modesto setting forth that she is physically unable to work and is in need of the money during her illness, and her statements being verified by certification of Dr. N. B. Gould, Commissioner Neece introduced

RESOLUTION NO. 3233-N.S.

authorizing the refund of said deposit to the petitioner as prayed for, and directing the City Clerk and Auditor to draw the warrant therefor, and moved its adoption, which motion being duly seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Neece, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: ~~None~~ Oliver

6 IN THE MATTER OF  
ADJOURNMENT:

Commissioner Pack introduced

RESOLUTION NO. 3234-N.S.

adjourning this Council meeting now in session, and moved its adoption, which motion being duly seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Neece, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: ~~None~~ Oliver

ATTEST: H.E. GRAGG  
CITY CLERK

The Council of the City of Modesto met this 5th day of August, 1935, at 10:00 A.M. in the Council Chambers of the City Hall to sit as a Board of Equalization for the purpose of hearing complaints and to correct, modify, strike out or raise any Assessment Roll of the City Assessor, pursuant to Section 49, Article LX of the City Charter.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent : Councilmen: None

IN THE MATTER OF  
PETITIONS FILED:

Mr. Claude Shackelford appeared before the Board and filed a written petition seeking an adjustment in the assessed value of merchandise of the Shackelford Ullman Company, setting forth that due to error and inadvertance in determining and computing the valuations to be placed upon its personal property as of March 4th, 1935, the valuation should be reduced by the sum of \$3460.00 and that there should be refunded the amount of personal property tax paid on that figure. The petition was taken under advisement by the Council.

IN THE MATTER OF  
ADJOURNMENT:

There being no further business to come before the Board, upon motion duly made by Commissioner Pack, duly seconded and unanimously carried, the meeting was adjourned to Tuesday, August 6th, 1935, at 10:00 A.M.

\*\*\*\*\*

Board of Equalization  
August 6th, 1935

Pursuant to adjournment of August 5th, 1935, the Council of the City of Modesto met this 6th day of August, 1935, at 10:00 A.M., sitting as a Board of Equalization in and for the City of Modesto.

Present: - Councilmen: Neece, Pack, Stanley and Mayor King

Absent : Councilmen: Oliver

IN THE MATTER OF  
PETITIONS FILED:

Mr. Henry Day appeared before the Board seeking a general reduction in assessed valuation of property owned by him in the City of Modesto known as Lots 6 and 7 in Block 18; Lots 11 and 12 in Block 41, and Lots 29 and 30 in Block 24, contending that the true value of the property does not warrant the high valuations thereon. The petition was taken under advisement by the Board.

Mr. J. D. Cozad appeared before the Council relative to assessed valuation of property at 1740 Almond Avenue, known as Lots 3 and 4 in Block 564, and asked that a reduction be made in the present figure. The request was taken under advisement by the board.

Miss Corda tone appeared before the Board and asked that a reduction be made on certain property owned by her in the City, namely: Lots 6 and 7 in Block 112. Her request was taken under advisement by the Board.

Mr. E. E. Burt appeared before the Board seeking a reduction in the assessed valuation of property at 138 Sunset Boulevard, being Lots 25 and 26 in Block 326. The request was taken under advisement by the Board.

IN THE MATTER OF  
ADJOURNMENT:

There being no further business to come before the Board,

Councilman Pack moved that the meeting be adjourned to  
Wednesday, August 7th, 1935, at 10:00 A.M., which motion being duly seconded, it was  
unanimously adopted and the meeting declared adjourned.  
\*\*\*\*\*

Board of Equalization

August 7th, 1935

Pursuant to adjournment of August 6th, 1935, the Council  
of the City of Modesto met this date at 10:00 A.M., sit-  
ting as a Board of Equalization in and for the City of Modesto.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent: Councilmen: None

IN THE MATTER OF  
PETITIONS FILED:

A written petition of Robt. E. Smith was filed with the  
Board by Chas. L. Thwing, seeking an adjustment of the  
assessed valuation to a figure more equitable with the true value of property known as  
Lots 31 and 32 in Block 118 of the City of Modesto. Same was taken under advisement by  
the Board.

The written petition of Geo. Friend, made to the City  
Assessor, was filed with the Board, asking for a reduction in the assessed valuation of  
improvements on property known as Lots 9 to 12 inc. in Block 32. Same was taken under  
advisement by the Board.

A written petition on behalf of Theresa Richards was  
filed with the Board by Brown & Chamberlain, asking for a reduction of assessment on  
property known as Lots 25 and 26 in Block 3 of the City of Modesto. Same was taken under  
advisement by the Board.

Mrs. L. D. Spicer appeared before the Board seeking a  
reduction in assessment of property known as Lots 14 and 15 in Block 553. Her request  
was taken under consideration by the Board.

A. P. Wisecarver filed a written petition with the Board  
seeking adjustment of assessment values on property known as Lots 11 and 12 in Block 572  
and also Lots 17 to 19 inc. in Block 92. Same was taken under advisement by the Council.

IN THE MATTER OF  
ADJOURNMENT:

There being no further business to come before the Board,  
Commissioner Pack moved that the meeting be adjourned to  
Thursday, August 8th, 1935, at 10:00 A.M., which motion being duly seconded, it was un-  
animously adopted and the meeting declared adjourned.

\*\*\*\*\*

Board of Equalization

August 8th, 1935

Pursuant to adjournment of August 7th, 1935, the Coun-  
cil met this date at 10:00 A.M., sitting as a Board of  
Equalization in and for the City of Modesto.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent: Councilmen: None

IN THE MATTER OF  
PETITIONS FILED:

Oscar L. Beam appeared before the Board seeking a  
reduction in the assessment of property known as Lots  
8 and 9 in Block 580, stating that in comparison to valuation taken by the county ass-  
essor, the City's figure is too high. The petition was taken under advisement by the

Council.

3 R. L. Ward of Ward Furniture Co. appeared before the Council seeking a reduction in the assessed value of inventory for the year 1935-36, due to error in computing the returns filed with the Assessor. His petition was taken under consideration by the Council.

4 Mr. Melville Harris appeared before the Council seeking a reduction in the assessed value of inventory of D. & G. D. Plato for the year 1935-36, basing his petition upon the same facts as that set forth by R. L. Ward. His petition was taken under consideration by the Council.

5 IN THE MATTER OF  
ADJOURNMENT:

There being no further business to come before the Board, Commissioner Pack moved that the meeting be adjourned to Friday, August 9th, 1935 at 10:00 A.M., which motion being duly seconded, it was unanimously adopted and the meeting declared adjourned.

\*\*\*\*\*

Board of Equalization

August 9th, 1935

Pursuant to adjournment of August 8th, 1935, the Council met this date at 10:00 A.M., sitting as a Board of Equalization in and for the City of Modesto.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent: Councilmen: None

2 IN THE MATTER OF  
SHACKELFORD-ULLMAN  
PETITION:

The petition of Claude Shackelford on behalf of Shackelford-Ullman Company for a reduction of the valuation placed by the Assessor upon its personal property as the result of error in determining and computing the same, and for a refund of the taxes paid thereon, having been duly considered by the Council, and it being the unanimous opinion that some reduction should be made, Commissioner Oliver introduced

RESOLUTION NO. 3239-N.S.

authorizing and directing the City Assessor to reduce the valuation on the property assessment of Shackelford Ullman Company for the year 1935-36 from \$17,360.00 to \$13,900.00; directing that a refund in the amount of \$44.98 be made, being the amount of tax on the reduction of \$3,460.00 in valuation; that the Unsecured Personal Property Tax Roll be corrected accordingly; and moved its adoption, which motion being duly seconded, it was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

3 IN THE MATTER OF  
PETITION OF HENRY  
DAY:

The Petition of Henry Day for adjustment of assessed valuations having been duly considered by the Board, Commissioner Oliver introduced

RESOLUTION NO. 3240-N.S.

authorizing and directing the City Assessor to lower the assessed valuation of improvements on Lots 29 and 30 in Block 24 by \$200.00; denying any reduction in values of Lots 6 and 7 in Block 18 and Lots 11 and 12 in Block 41; and moved its adoption, which motion

being duly seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

4  
IN THE MATTER OF  
PETITION OF R. L.  
WARD:

The petition of R. L. Ward for a reduction in the amount of assessment on merchandise inventory of the Ward Furniture Company having been duly considered by the Board, and it being the unanimous opinion of the Council that some reduction should be made in view of the facts set forth, Commissioner Oliver introduced

RESOLUTION NO. 3241-N.S.

authorizing and directing the City Assessor to make a reduction in the assessment on merchandise inventory of the Ward Furniture Co. in amount of \$5,985.00 and to correct the General Assessment Roll accordingly; and moved its adoption, which motion being duly seconded, it was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

5  
IN THE MATTER OF  
PETITION OF D. &  
G. D. PLATO:

The petition of Melville Harris for reduction in the amount of assessment on merchandise inventory of D. & G. D. Plato's store having been duly considered by the Board, and it being the unanimous opinion of the Council that some reduction should be made in view of the facts set forth, Commissioner Oliver introduced

RESOLUTION NO. 3242-N.S.

authorizing and directing the Assessor of the City of Modesto to make a reduction in the assessment on merchandise inventory of D. & G. D. Plato in amount of \$2465.00; directing that a refund of \$32.05 be made on the amount of the reduction; directing that the unsecured Personal Property Tax Assessment Roll be so corrected; and moved its adoption, which motion being duly seconded, it was upon roll call carried, and the resolution adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

6  
IN THE MATTER OF  
VARIOUS PETITIONS:

The petitions of the following persons:

J. D. Gozad  
E. E. Burt  
Miss Corda Stone  
Robt. E. Smith  
Geo. Friend  
Theresa Richards  
Mrs. L. D. Spioer  
A. P. Wisecarver  
Oscar L. Beam

having been heretofore filed with the Board, and thereupon duly considered, a survey of the properties in question having been carefully made and comparison of the assessed values thereof made with other property of like nature and similar location in the City, and it being the unanimous opinion of the Council that the assessments heretofore made by the City Assessor are in line with the assessments on other property within the City, Commissioner Oliver introduced

RESOLUTION NO. 3243-N.S.

denying any reductions in the assessed valuations of the various properties as prayed for by the various petitioners; directing the City Clerk to write to each petitioner setting forth the findings of the Board in each instance; and moved its adoption, which motion being duly seconded, it was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

7

IN THE MATTER OF  
ADJOURNMENT:

The Board of Equalization having convened and conducted its meeting as required by State Statute and the Charter of the City of Modesto, and there being no unfinished business pending before the Board, Commissioner Oliver introduced

RESOLUTION NO. 3244-N.S.

adjourning the Board of Equalization for the year 1935, and moved its adoption, which motion being duly seconded, it was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto  
Special Session  
August 7th, 1935

The Council met in special session this date at the appointed time and place, notices thereof having been duly delivered to each Councilman as provided by Ordinance No. 2-N.S.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent: Councilmen: None

2  
IN THE MATTER OF  
PETITION OF R. FAIR  
FOR FIRE PROTECTION:

There was filed with the Council a written petition of R. Fair seeking fire protection from the Modesto City Fire Department at a packing plant which he proposes to build south of the Modesto City limits. The petition was referred to Commissioner Stanley and Geo. E. Wallace, Fire Chief, for investigation and recommendation to the Council.

3  
IN THE MATTER OF  
PUMPING PLANT SITE  
IN MENSINGER TRACT:

There was received by the Council communication from L. L. Dennett relative to pumping plant site in the Mensinger Tract outside the city limits as per agreement heretofore entered into between the City of Modesto and W. R. Mensinger. It appearing that the City has until November, 1936, to begin work on the project, the matter was laid over until a later date.

4  
IN THE MATTER OF  
EMPLOYEES NOT PAY-  
ING DEBTS:

Commissioner Stanley introduced

RESOLUTION NO. 3235-N.S.

providing for the dismissal of City employees upon failure to pay debts, and further prohibiting advances on salaries, and moved its adoption, which motion being duly seconded, it was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

5 IN THE MATTER OF  
REFUNDS ON TRUCK  
LICENSES:

Pursuant to amendment of Ordinance No. 487-N.S reducing  
the amount of truck license fee from \$10.00 to \$5.00,

Commissioner Oliver introduced

RESOLUTION NO. 3236-N.S.

providing for refunds to be made to those persons who heretofore paid the \$10.00 fee,  
and directing the City Auditor to cause such refunds to be made when application therefore  
is made by the licensees, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

6 IN THE MATTER OF  
ADOPTION OF BUDGET  
FOR 1935-1936:

The budget of expenditures of the various departments  
for the fiscal year beginning July 1, 1935, and ending

June 30, 1936, having been heretofore audited, corrected, and approved by the Council,

Commissioner Pack introduced

RESOLUTION NO. 3237-N.S.

adopting the budgets of the various departments as so audited and approved, reference  
being made to the said budgets now on file in the office of the City Clerk for further  
particulars, and moved its adoption, which motion being duly seconded, it was upon roll  
call carried and the resolution adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

7 IN THE MATTER OF  
ADJOURNMENT:

Commissioner Pack introduced

RESOLUTION NO. 3238-N.S.

adjourning this Council meeting now in session, which motion being duly seconded, upon  
roll call the resolution was adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto  
August 14, 1935

The Council of the City of Modesto met in regular session  
this date, and there were present: Councilmen: Neece,  
Oliver, Stanley and Mayor King

Absent: Councilmen: Pack

IN THE MATTER OF  
MINUTES:

The minutes of the regular session of July 24th, 1935, of  
the special sessions of July 31, 1935, and August 7th,  
1935, and of the minutes of the Board of Equalization of August 5th to 9th inclusive,

having been heretofore read by each Councilman, and ordered corrected in certain particulars, were approved as so corrected and read.

2 IN THE MATTER OF DAMAGES Pursuant to the filing of petition with the City Council by  
FOR EXTENDING 19th ST. Hawkins & Hawkins on behalf of the co-tenants to property  
THRU LEDERLE PROPERTY: known as Lot 2 in Block 204, assessed in the name of Albion H. Lederle et al, with the  
Council on April 26, 1935, seeking damages for the land taken by the City for the Extension of 19th Street through said Block 204 and the claim having been tabled by a tie-vote of the Council, at this time Attorney Hawkins appeared before the Council and asked that the petition again be considered, and definite action taken thereon within a month or six weeks. Mayor King informed the petitioner that the matter would be brought up for consideration in conformance with his request.

3 IN THE MATTER OF TAX Mr. Paul Bomberger appeared before the Council asking that the  
COMPROMISE WITH MRS. Council take some action on his petition heretofore filed  
EKSTEIN: seeking a tax compromise on delinquent taxes of Mrs. Fred Ekstein in exchange for a clear right of way to her property in Block 133, through which the City of Modesto constructed an extension of 19th Street. Mayor King informed Mr. Bomberger that the Council would take final action in the matter within the next two weeks.

4 IN THE MATTER OF Pursuant to request heretofore made to the Council by the  
FREE LICENSE TO Disabled American Veterans for exemption from license provisions  
D.A.V. FOR BOXING and Wrestling of Ordinance No. 487-N.S. pertaining to boxing and wrestling  
AND WRESTLING: exhibitions, at this time Attorney McVay presented to the Council certification and proof of the funds derived from such exhibitions being used for charitable purposes only; whereupon Commissioner Oliver introduced

RESOLUTION NO. 3245-N.S.

authorizing and directing the City Clerk and License Collector to issue a free license to the Disabled American Veterans for the holding of boxing and wrestling exhibitions, the said license to be revocable at the will and pleasure of the City Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece; Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

5 IN THE MATTER OF Attorney H. Paul appeared before the Council on behalf of the  
PETITION FOR TRAFFIC Dry Creek Grange asking the Council to declare 14th Street  
IMPROVEMENTS: from H Street to Grand Street a boulevard and erect stop signs at each intersection of other streets therewith; and further petitioning the Council to carry out the recommendations of the Citizens Traffic Committee for improvement of existing traffic conditions within the City. Mayor King informed Mr. Paul that the petition would be taken under consideration by the Council.

6 IN THE MATTER OF Clyde James appeared before the Council representing that he  
PETITION FOR AD- is the owner of a scissors grinding and knife sharpening bus-  
JUSTMENT OF FEE: iness at 907 Commercial Way, and as such pays the license fee provided under Section 101 of Ordinance 487-N.S.; that transients who maintain no fixed place of business and yet solicit and carry on the same class of business pay the same fee as that required of persons maintaining a fixed place of business; that the license provisions should be adjusted

to eliminate this discrepancy. Whereupon Mayor King informed the petitioner that the Council would consider an amendment to Ordinance 487-N.S. along the lines suggested.

IN THE MATTER OF CLAIMS: Claims against the City of Modesto for the month of July, 1935, having been heretofore audited by the City Council and approved, Commissioner Oliver introduced

RESOLUTION NO. 3246-N.S.

allowing the said claims so audited and approved, reference being made to the Cash Book of the City Auditor for further details relative to amounts of withdrawals from the various funds as follows:

GENERAL FUND-----	\$24,865.58
WATER FUND-----	5,247.31
LIBRARY FUND-----	1,330.84
BOND RED. FUND-----	7,112.50
ST. BOND RED & INT. FUND-----	45,007.38
UNAPPORTIONED FUND-----	-----
TOTAL-----	\$83,563.61

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: Pack

IN THE MATTER OF CLAIM OF LEAGUE OF CALIF. MUNICIPALITIES: There was presented to the Council for approval a warrant in amount of \$75.00 drawn in favor of the League of California Municipalities for the City Of Modesto's share of expense in sending expert valuation engineers and attorneys before the Board of Equalization in connection with the return of valuations of utilities to the cities by the said Board. In view of the fact that no formal statement for same had been filed by the said League with the Council, Commissioner Oliver introduced

RESOLUTION NO. 3247-N.S.

authorizing and directing the City Clerk and Auditor to cancel the said warrant and postponing the payment of the said contribution pending the rendition of statement therefor by the said League, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: ~~None~~ Pack

9 IN THE MATTER OF VALUATION OF UTILITY PROPERTY IN CITY: Pursuant to the placing of a tentative valuation on public utility property within the City of Modesto at a figure of \$1,203,260.00 by the State Board of Equalization, in accordance with state statute, and the said figure being the same amount of valuation as that returned to the Assessor of Stanislaus County, notwithstanding that it is the practice of the City of Modesto to use a higher valuation percentage than does the County of Stanislaus. Commissioner Oliver introduced

RESOLUTION NO. 3248-N.S.

authorizing and directing the City Auditor to prepare and file with the State Board of Equalization a protest against the tentative assessment or valuation now placed upon properties of public utilities, and to request that the said valuations be increased to correspond with the valuations placed upon similar property in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

10 IN THE MATTER OF  
COMMUNICATIONS:

A Communication was received from the National Emergency Council relative to federal works projects. Same was referred by the Council to the City Engineer.

11 Communications were received by the Council from the League of California Municipalities relative to recent state legislation and also to valuations of public utility property. Same were referred to the City Attorney:

12 IN THE MATTER OF  
DELEGATE TO CON-  
VENTION:

Pursuant to receipt of Communication from the Pacific Coast Association of Fire Chiefs relative to convention of that organization from Sept. 9th to 11th, 1935, in Sacramento, Commissioner Stanley introduced

RESOLUTION NO. 3249-N.S.

naming Fire Chief Geo. E. Wallace a delegate of the City of Modesto to the said convention, the expenses incurred to be paid by the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

13 IN THE MATTER OF  
ACCEPTANCE OF VAL-  
UATION SURVEY:

Pursuant to Resolution No. 3204-N.S. engaging the services of W. P. Barry for making a complete survey of City buildings and contents for insurance purposes, at this time a communication was received from Mr. Barry, together with his appraisal report, setting forth that the McHenry Library had not been included in the original list of buildings upon which his quotation for services was made, and that he had accordingly made an additional nominal charge therefor; whereupon Commissioner Neece introduced

RESOLUTION NO. 3250-N.S.

accepting the appraisal report submitted, and approving the action of the City Clerk and Auditor in drawing warrant in payment therefor, in amount of \$499.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

14 IN THE MATTER OF  
FIRE PROTECTION  
TO R. FAIR:

Pursuant to petition of R. Fair for fire protection to building proposed to be erected by him outside the City limits, and the subsequent reference of same to Commissioner Stanley and the Fire Chief for investigation and recommendation, at this time the said Committee reported that it would seem to the best interest of all parties concerned to grant fire protection as petitioned in consideration of the payment of a sum of \$100.00 per year stand-by service, and the sum of \$50.00 for each truck called to respond to a fire alarm at the said building, and introduced

RESOLUTION NO 3251-N.S.

granting fire protection to R. Fair on the above outlined basis, and agreement to be drawn up including the said provisions and duly executed by the City of Modesto through its Mayor and City Clerk and by the said petitioner, which

resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

15 IN THE MATTER OF  
FIRE PROTECTION TO  
DRYDEN POULTRY FARM:

Pursuant to requests heretofore made to various city officials by the Dryden Poultry Farm for fire protection to their buildings outside the City limits, and after due consideration of same by the Council, Commissioner Stanley introduced

RESOLUTION NO. 3252-N.S.

granting fire protection to the Dryden Poultry Farm in consideration of the payment of the sum of \$150 stand-by service per year and \$50.00 for each truck called to respond to a fire alarm, upon the entering into agreement containing the above provisions, duly executed by the petitioner and by the Mayor and City Clerk of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

16 IN THE MATTER OF  
SEGREGATION OF  
TAXES:

By unanimous consent of the Council the petition of Amos Bömberger for a segregation of taxes on Lots 3 and 4 in Block 9 from the assessment including Lots 1 to 4 inc. in Blk 9 of said City was laid over to the next regular meeting.

17 IN THE MATTER OF  
PLUMBER'S BOND:

There was filed with the Council for approval the bond of California Metal and Pipe Co. for conducting and carrying on the business of plumbing in the City of Modesto. The said bond appearing to be in due and proper form, but not having been thoroughly investigated by the City Engineer, Commissioner Neece introduced

RESOLUTION NO. 3253-N.S.

approving the said bond, such approval subject, however, to revocation upon adverse report of the City Engineer after investigation of the qualifications ~~of the qualifications~~ of the applicants, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

18 IN THE MATTER OF  
PETITION FOR ABATE-  
MENT OF NUISANCE:

There was filed with the Council petition signed by several residents of East Modesto in the vicinity of 130 Elmwood protesting against the nuisance caused by dogs at that address. By order of the Council the City Clerk was instructed to write to each of the signers of said petition acknowledging receipt thereof, and assuring all concerned that they have the sympathy of the Council and that it is the intent of the Council to do all within their legal power to abate such conditions.

19 IN THE MATTER OF  
PROPOSED ORDINANCE  
REGULATING TREE  
TRIMMING AND POLE  
CONSTRUCTION:

Pursuant to proposed ordinance to regulate pole construction and the trimming of trees by utilities within the City of Modesto, at this time there was filed with the Council a written request of the Pacific Telephone & Telegraph Co. asking that action on this ordinance be delayed until September 11, 1935, pending their further

investigation in the matter; whereupon by unanimous consent of the Council action upon the said ordinance was laid over to the first regular meeting in September.

20 IN THE MATTER OF  
PROPOSED ORDINANCE  
REGULATING PAWN-  
BROKERS:

There was presented to the Council for adoption a proposed ordinance regulating the business of pawnbrokers in the City of Modesto. By unanimous consent of the Council, same was laid over to the next regular meeting.

21 IN THE MATTER OF  
APPROP. FOR ADDITION  
TO LEGION PARK:

Commissioner Oliver introduced

ORDINANCE 496-N.S.

appropriating the sum of \$1500.00 for the purchase of additional land for Legion Park, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

22 IN THE MATTER OF  
AMENDING ORD. 487-N.S.:

Commissioner Neece introduced

ORDINANCE NO. 497-N.S.

amending Ordinance 487-N.S. by adding a new section thereto providing for the payment of a license fee of \$15.00 per quarter by persons carrying on the business of sharpening and grinding scissors, knives, tools, etc. and maintaining no fixed place of business within the City of Modesto, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

23 IN THE MATTER OF  
TAX RATE:

Commissioner Oliver introduced

ORDINANCE NO. 498-N.S.

fixing the rate of taxation in and for the City of Modesto for the fiscal year 1935-36 at \$1.10 per hundred dollars valuation, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

24 IN THE MATTER OF  
FINAL ADOPTION OF  
ORD. 493-N.S.:

Ordinance No. 493-N.S., appropriating funds for purchase of a street sweeper, having been introduced and ordered

printed and published at a regular meeting of the Council held on July 24, 1935, and having been printed and published as required by the City Charter, coming on for final adoption at this time, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

25 IN THE MATTER OF  
FINAL ADOPTION OF  
ORD. 494-N.S.:

Ordinance No. 494-N.S., providing for milk inspection department of the City of Modesto, having been introduced

and ordered printed and published at a regular meeting of the Council held on July 24, 1935, and having been printed and published as required by the Charter of the City

of Modesto, coming on for final adoption at this time, Commissioner Stanley moved that it be finally adopted, which motion being duly seconded, it was upon roll call adopted and the ordinance finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

26 IN THE MATTER OF Ordinance No. 495-N.S., amending Ordinance No. 487-N.S.,  
FINAL ADOPTION OF ORD. 495-N.S.: having been introduced and ordered printed and published at a special meeting of the Council held on the 31st day of July, 1935, and having been printed and published as required by the City Charter, coming on for final adoption at this time, Commissioner Oliver moved its final adoption, which motion being duly seconded was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

27 IN THE MATTER OF Commissioner Neece introduced  
SIGNATORY FOR W.P.A. PROJECTS: RESOLUTION NO. 3254-N.S.

authorizing the Mayor or Mayor pro tempore and the City Engineer to make applications to and enter into contracts with the Works Progress Administration of the Public Works Administration of the federal government, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

28 IN THE MATTER OF Commissioner Oliver introduced  
FIXING SALARIES OF VARIOUS EMPLOYEES: RESOLUTION NO. 3255-N.S.

fixing the amounts of salaries of certain employees of the City of Modesto to conform with salary expenditures set forth in the budget for the fiscal year 1935-36, heretofore adopted by the Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

29 IN THE MATTER OF There was filed with the Council by Attorneys Griffin &  
SUIT FOR PENSION: Boone a notice of suit to collect from the City on behalf of Mrs. Thos. G. McCarthy, widow of the late police patrolman, Thos. G. McCarthy. Same was taken under cognizance by the Council and referred to the City Attorney.

30 IN THE MATTER OF Pursuant to petition of the Women's Improvement Club for  
SITE FOR WOMEN'S CLUBHOUSE: a site in Block 97 for the erection of a clubhouse, and to the postponement of action thereon from time to time, Commissioner Neece introduced

RESOLUTION NO. 3256-N.S.

finding it impractical to grant a site in the said Block for the purpose petitioned,

and directing the City Clerk to write to the petitioners and ask that they find a more suitable site for the building, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

31  
IN THE MATTER OF  
PERMIT FOR SERVICE  
STATION:

There was filed with the Council by G. N. Hilburn on behalf of J. S. West & Co., a petition for permit to erect a gasoline service station on H Street between 8th and 9th Street on the existing site of the J. S. West Company storage warehouse, and the plans therefor having been submitted to and approved by the City Engineer, Commissioner Stanley introduced

RESOLUTION NO. 3257-N.S.

granting permission for the erection of the service station as petitioned, providing that all City ordinances pertaining to such erection and construction be complied with, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

32  
IN THE MATTER OF  
FEE FOR RECORDING  
TAX EXEMPTIONS:

Pursuant to recently enacted state legislation permitting County Recorders to charge cities and other taxing bodies the sum of 25¢ for each certificate of redemption of delinquent taxes filed, written petition of Pitts Title Company and of the Security Title Insurance Company were filed with the Council objecting to the practice of the City Auditor in not including this fee in the estimate of the amount of redemption and the subsequent filing of same in the Recorder's office, but to deliver to the person making such redemption the said certificate for recording, stating that over a period of time a number of such redemptions will not be recorded and redeemed taxes will appear upon the County Recorder's records as unpaid. After consideration of the matter by the Council, and an expression of the view of the City Auditor were made, Commissioner Oliver introduced

RESOLUTION NO. 3258-N.S.

directing the City Clerk to write to other cities to determine the method they are following in recording such redemptions, and postponing final action in the matter, pending receipt of data from other cities, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

33  
IN THE MATTER OF  
FEES TO BE CHARGED  
AT AIRPORT:

Commissioner Oliver introduced

RESOLUTION NO. 3259-N.S.

fixing the fees and charges to be paid to the City of Modesto for the use of the Municipal Airport on Waterford Road, from and after September 1st, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

34 IN THE MATTER OF  
LEAVE OF ABSENCE  
TO MAYOR KING:

Pursuant to request of Mayor King Commissioner Oliver  
introduced

RESOLUTION NO. 3260-N.S.

granting to Mayor King a leave of absence of 60 days from his official duties as Mayor of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

35 IN THE MATTER OF  
REPORT OF COMMITTEE  
ON SALARIES:

There was filed with the Council the written report of a committee heretofore appointed by Mayor King to investigate and make recommendations in the matter of salaries of various employees of the City of Modesto. Whereupon Commissioner Oliver introduced

RESOLUTION NO. 3261-N.S.

accepting the report of the said committee, and extending to the members thereof a vote of thanks for their cooperation and invaluable aid to the Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

36 IN THE MATTER OF  
REPORTS:

Reports of the various departments for the month of July, 1935, were reviewed by the Council and ordered filed.

37 IN THE MATTER OF  
ADJOURNMENT:

Commissioner Oliver introduced

RESOLUTION NO. 3262-N.S.

adjourning this Council meeting now in session, which motion being duly seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

Attest: H. E. GRAGG  
CITY CLERK

\*\*\*\*\*

Council, City of Modesto  
August 28th, 1935

The Council of the City of Modesto met in regular session this date, with Commissioner Stanley acting as Mayor pro tem. in the absence of Mayor King.

Present: Councilmen: Stanley, Pack and Neece

Absent: Councilmen: Oliver, and Mayor King

IN THE MATTER OF  
MINUTES:

The minutes of the regular session of August 14th, 1935, having been heretofore read by each Councilman, were unanimously approved as so read.

2 IN THE MATTER OF  
PETITION FOR  
LOADING ZONE:

There appeared before the Council Mr. James Mortensen seeking a permit to establish a "loading zone" along the curb at 712 9th Street. The petition was taken under consideration by the Council.

3 IN THE MATTER OF  
CLAIM FOR REFUND  
OF LICENSE:

There having been filed with the Council a claim of the Disabled American Veterans for refund of the sum of \$10.00, which amount was paid to the City License Collector for license fee for conducting two wrestling exhibitions in the City of Modesto, and the Council having subsequently, by action taken under Resolution No. 3245-N.S., granted a free license for the conducting of such exhibitions by the said organization, Commissioner Pack introduced

RESOLUTION NO. 3263-N.S.

authorizing and directing the City Clerk and Auditor to issue a warrant in the sum of \$10.00 to the Disabled American Veterans for the refund as petitioned, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack, and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

4 IN THE MATTER OF  
PETITION FOR RE-  
FUND OF DEPOSIT  
ON LICENSE:

There was filed with the Council written petition and claim of E. N. Nickel seeking refund of a \$50.00 deposit made to the City License Collector for business license taken out pursuant to provisions of Ordinance 487-N.S. It appearing that the said petitioner has not completed all obligations required by the said ordinance and that six months has not elapsed since the granting of the said license, the City Clerk was directed to notify the petitioner to that effect.

5 IN THE MATTER OF COM-  
MUNICATIONS FROM THE  
LEAGUE OF MUNICIPALITIES:

There were received by the Council communications from the League of California Municipalities as follows:

(1) Communication extending invitation to the Modesto City Council to delegate City officials to attend the annual convention of the League in San Francisco September 23-26, 1935 and to enter a municipal exhibit or display of forms, models, reports, etc. Whereupon Commissioner Neece introduced

RESOLUTION NO. 3264-N.S.

naming the City Attorney, the City Engineer, the City Clerk, and the Sanitary Inspector official delegates of the City of Modesto to the said Convention, and appointing Commissioner Pack, the City Engineer and the City Clerk a committee to plan and enter a municipal exhibit of the City of Modesto at the said convention, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor Pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

(2) Communication summarizing the progress of the League legal representatives in utility valuation hearings before the State Board of Equalization. Whereupon Commissioner Neece introduced

RESOLUTION NO. 3265-N.S.

authorizing and directing the City Clerk and Auditor to draw a warrant in the sum of \$75.00 in favor of the League of California Municipalities as the City of Modesto's allotment of expense in having the League representation at the said hearings

and directing the City Clerk to write to the League officials a letter of thanks and appreciation of the City of Modesto for their efforts in protecting the interests of the Cities at the said hearings, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

7 IN THE MATTER OF  
COMMUNICATION FROM  
CITY OF FRESNO:

Communication from the City of Fresno was received by the Council asking the co-operation of the City of Modesto officials in obtaining for Fresno the convention of the League of Municipalities in 1936. Same was read by the Council and action thereon laid over to the next regular meeting.

8 IN THE MATTER OF  
COMMUNICATION FROM  
BANK OF AMERICA:

Communication was received from the Bank of America pertaining to license tax levied by Ordinance No 487-N.S. as affecting checking service of banks, and claiming exemption therefrom. Same was ordered referred to the City Attorney.

9 IN THE MATTER OF  
APPLICATION FOR  
AMUSEMENT MACHINE  
DEVICES:

Pursuant to provisions of Ordinance 492-N.S., there was filed with the Council the application of J. J. Mehegan, 307 10th Street for a permit to operate amusement machines or devices within the City of Modesto, and the same having been duly investigated and approved by the Commissioner of Public Health and Safety, Commissioner Pack introduced

#### RESOLUTION NO. 3266-N.S.

approving the application and directing the City License Collector to issue the license as prayed for, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack, and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

16 IN THE MATTER OF  
PETITION FOR RE-  
DUCTION OF LICENSE  
FEE:

There was filed with the Council petition of the Shasta Water Company for a reduction of the license fee and reclassification of the business which they transact in the City of Modesto. Same was, by unanimous order of the Council, referred to the City Attorney:

11 IN THE MATTER OF  
PETITION FOR TAXI  
STAND AT 10TH AND  
J STREETS:

There was filed with the Council petition of Clarence Worden for use of a portion of the street at the north-west corner of Tenth and J Streets for a taxi stand. After consideration of the request, Commissioner Pack introduced

#### RESOLUTION NO. 3267-N.S.

granting permission to the applicant to maintain a taxi stand as petitioned, when he shall have filed with the City Clerk a letter from the property owner giving consent thereto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

12

IN THE MATTER OF  
SEGREGATION OF  
TAXES:

Pursuant to petition of A. Bomberger heretofore filed with the Council seeking a segregation of delinquent taxes for the year 1926-27 covering property known as Lots 1, 2, 3 and 4 in Block 9 so as to permit the redemption of taxes on Lots 3 and 4 in said Block only, at this time Commissioner Neece introduced

RESOLUTION NO. 3268-N.S.

authorizing and directing the City Auditor to segregate the said delinquent taxes as petitioned and issue certificate of redemption upon payment by the petitioner of the amount of delinquent taxes chargeable against the said lots 3 and 4 in Block 9, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

13

IN THE MATTER OF  
PETITION FOR THE  
CREATION OF FIRE  
DISTRICT:

There was filed with the Council by The Grange Company a petition on behalf of certain residents living outside the corporate City limits in the Coldwell-Olivewood Tract, the M. & W. Olivewood Tract and the Mensinger Tract, stating that the Board of Supervisors of Stanislaus County have been asked to create a fire district in the said areas but that the said Board of Supervisors will not take action thereon until it has been ascertained whether or not the City of Modesto will extend to the proposed district the desired fire protection and the annual cost thereof, and asking the City Council for a commitment as to the granting of and the cost of the service. The Council wishing to make a further study of the matter, action thereon was laid over to the next regular meeting.

14

IN THE MATTER OF  
BIDS FOR STREET  
SWEEPER:

Pursuant to Ordinance No. 493-N.S., appropriating funds for the purchase of a street sweeper, Commissioner Neece introduced

RESOLUTION NO 3269-N.S.

directing the City Clerk to advertise for bids for the said street sweeper as per the specifications furnished by the City Engineer, the said bids to be received and opened at the regular meeting of September 11, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack, and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

15

IN THE MATTER OF  
BIDS FOR TRAFFIC  
SIGNAL:

By unanimous consent of the Council the matter of calling for bids for an automatic traffic signal was laid over to the next regular meeting.

16

IN THE MATTER OF  
PROPERTY EXCHANGE:

There was received from the Southern Pacific Company a request that the matter of closing the property exchange, whereby the City of Modesto deeded a portion of 8th Street to the said railway company for certain rights of way for the widening of Ninth Street, be concluded, a title report furnished, and an amendment be adopted to Resolution No. 775-S.P. to correspond with Resolution No. 772-S.P. Whereupon Commissioner Pack introduced

RESOLUTION NO. 3270-N.S.

authorizing and directing the City Attorney to procure a title report and furnish the same to the Southern Pacific Railway Co. to that portion of 8th Street which was closed and deeded to said Company pursuant to Resolution of Intention No. 218, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

Commissioner Pack also introduced

RESOLUTION NO. 775<sup>A</sup>S.P.

amending a certain portion of Resolution No. 775-S.P., adopted by the City Council on the 8th day of February, 1933, namely: inserting in lieu of the following words:

"Saving and excepting and excluding all existing cross streets included and contained within the aforesaid description."

the following words:

"Saving, excepting and excluding the easement right of the public to use for street purposes certain existing cross streets herein included and contained."

Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

17 IN THE MATTER OF  
PROPOSED ORDINANCE  
REGULATING PAWN-  
BROKERS:

The City Attorney having reported that proposed ordinance regulating the business of pawnbrokers in the City of Modesto is not yet in final form, by unanimous consent of the Council action thereon was laid over to the next regular meeting.

18 IN THE MATTER OF  
APPROPRIATION FOR  
AUTO EQUIPMENT:

Commissioner Stanley introduced

ORDINANCE NO. 499-N.S.

appropriating money for the purchase of motor equipment for the Police Department and for the Fire Department, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

19 IN THE MATTER OF  
ORDINANCE LICENSING  
ITINERANT MECHANICS:

Commissioner Pack introduced

ORDINANCE NO. 500-N.S.

amending Ordinance 487-N S. so as to license and regulate the business of itinerant mechanic in the City of Modesto, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

20 IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCES:

Ordinance No. 496-N.S., appropriating funds for the purchase of an addition to Legion Park, having been heretofore introduced and ordered printed and published at the regular meeting of August 14, 1935, and having been so printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this time, Commissioner Pack moved its final adoption, which motion being duly seconded, it was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

21 IN THE MATTER OF FINAL ADOPTION OF ORDINANCE No. 497-N.S.;

Ordinance No. 497-N.S., amending Ordinance 487-N.S., was by unanimous consent of the Council tabled indefinitely.

22 IN THE MATTER OF FINAL ADOPTION OF ORDINANCE NO. 498-N.S.:

Ordinance No. 498-N.S., fixing the rate of taxation in and for the City of Modesto for the fiscal year 1935-36, having been heretofore introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1935, and having been so printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this time, Commissioner Pack moved its final adoption, which motion being duly seconded, it was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

23 IN THE MATTER OF CLAIM FOR DAMAGES:

Claims of heirs of the Lederle Estate for damages to property in Block 204, Lot 2, as a result of the extension of 19th Street therethrough, having been heretofore filed with the Council, and the Council not wishing to take action thereon at this time, it was by unanimous consent laid over to the next regular meeting.

24 IN THE MATTER OF TAX COMPROMISE WITH MRS. EKSTEIN:

The petition of Paul Bomberger heretofore filed with the Council, for a cancellation of certain delinquent taxes of Mrs. Fred Ekstein in exchange for right of way taken through her property in Block 133, by the City of Modesto for the extension of 19th Street therethrough, was by unanimous consent of the Council laid over to the next regular meeting.

25 IN THE MATTER OF ACCEPTING BID OF A.A. FIELDS TO PROPERTY SOLD FOR TAXES:

Pursuant to Resolution No. 3226-N.S. authorizing and directing that property known as Lots 37 and 38 in Block 591 of the City of Modesto be sold at public auction to the highest bidder for cash, which property was heretofore conveyed to the City of Modesto by the Tax Collector for delinquent taxes, and the said sale having been held on the 20th day of August, 1935, at this time the City Tax Collector reported that the highest bid received for said property was that of A.A. Fields in the amount of \$55.00, and asked the Council to formally accept or reject same. Whereupon Commissioner Neece introduced

RESOLUTION NO. 3271-N.S.

accepting the said bid, and authorizing and directing that the deed therefor be duly executed in favor of the said bidder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

26 IN THE MATTER OF SALE OR TRADE OF OLD SAFE CABINET:

There having been submitted to the Council by Kendall's Inc. of Stockton a proposition to trade certain new

equipment for an old, unused safe cabinet in the City Clerk's office, and the Council being of the opinion that the said safe cabinet might be of use to some of the departments of the City at some future time, by unanimous consent rejected the offer for trade.

27  
IN THE MATTER OF  
EXTENDING TIME FOR  
PAYMENT OF LICENSES  
WITHOUT PENALTIES:

Pursuant to provisions of Ordinance No. 487-N.S. providing that a 25% delinquent penalty be added to all business licenses imposed thereby from and after sixty days from date due, and the said ordinance having become effective July 1st, 1935, and delinquent penalties therefore due and collectible from and after August 31st, 1935, the Council, after due consideration of the matter was of the opinion that inasmuch as the ordinance has been operative for such a short time an additional time in which to pay the said licenses should be provided; whereupon Commissioner Pack introduced

RESOLUTION NO. 3272-N.S.

authorizing the City License Collector to collect all license fees imposed by Ordinance 487-N.S., and amendments thereto, up to and including September 10, 1935, without the addition of delinquent penalty, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Stanley and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

28  
IN THE MATTER OF  
RECORDING TAX  
REDEMPTIONS:

Pursuant to Resolution No. 3258-N.S., the City Auditor filed with the Council the result of his findings in the matter of method of handling of recording of tax redemption certificates in other cities, and it appearing from the data gathered that the present method used by the City of Modesto, namely: requiring the party or parties making the delinquent tax redemptions to assume responsibility of filing such redemptions with the County Recorder is used in cities having the same tax set-up as Modesto, Commissioner Pack introduced

RESOLUTION NO. 3273-N.S.

authorizing and directing the City Auditor to continue to handle the matter of recording the said redemptions as has been the practice heretofore, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Stanley and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

29  
IN THE MATTER OF REPORT  
OF COMMITTEE ON UTILITY  
PROPERTY:

There was filed with the Council report of the City Attorney and the City Clerk on a meeting with the members of the State Board of Equalization at Sacramento on August 16, 1935, stating that the Board has made the assurance that the final valuations of public utility properties returned to the City for taxation purposes will be increased by a percentage equal to that by which the County valuations are exceeded by City valuations on the other taxable property within the City. Whereupon Commissioner Pack introduced

RESOLUTION NO. 3274-N.S.

accepting report of the Committee, and authorizing and directing that warrant be drawn in the sum of \$7.50 in payment of claim of City Attorney Carlson for transportation expense for the Committee in attending the said meeting, which resolution

was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

IN THE MATTER OF Commissioner Pack introduced  
ADJOURNMENT:

RESOLUTION NO. 3275-N.S.

30 adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Pack and Mayor Pro tem. Stanley

Noes: Councilmen: None

Absent: Councilmen: Oliver and Mayor King

ATTEST: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto

September 11, 1935

The Council of the City of Modesto met in regular session this 11th day of September, 1935, and there were present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent: Councilmen: None

1 IN THE MATTER OF The minutes of the regular session of August 28th, 1935, MINUTES: having been heretofore read by each Councilman, were ordered corrected in certain particulars and approved as so corrected and read.

2 IN THE MATTER OF Mr. H. R. Windus appeared before the Council supporting PROTEST TO TAXI a written petition filed by him, protesting against the STAND AT TENTH granting of permit for the location of a taxi stand at AND J STREETS: the corner of Tenth and J Street near the Curtner Building, setting forth the reasons for advancing the protest. After due consideration of the matter, the Council ordered revoked permission heretofore given to Clarence Worden for location of his taxi stand at the protested location, without prejudice, however, to the granting of permit for a stand at some more suitable location.

3 IN THE MATTER OF Mr. Frank Shaw appeared before the Council protesting PROTEST TO STAND- against a proposed charge of \$150.00 per annum for a stand- BY SERVICE CHARGE against a proposed charge of \$150.00 per annum for a stand- FOR FIRE PROTECTION: by service for the fire protection heretofore extended to packing plants outside the City limits on the Crows Landing road. Mayor King informed the petitioner that the matter would be taken up by a special committee of councilmen and city officials at a later date.

4 IN THE MATTER OF Claims against the City of Modesto for the month of CLAIMS: August, 1935, having been heretofore audited and approved by the Council, Commissioner Oliver introduced

RESOLUTION NO. 3276-N.S.

allowing all the claims so audited and approved, reference being made to the Auditor's Cash Book for further details relative to amounts of withdrawals from the various funds as follows:

GENERAL FUND-----	\$19,241.47
WATER FUND-----	5,106.52
LIBRARY FUND-----	1,797.12
BOND REDEMPTION INT. FUND---	-----
ST. BOND RED. INT. FUND-----	1,593.67
UNAPPORTIONED FUND-----	77.03
TOTAL-----	\$27,815.81

Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

5 IN THE MATTER OF  
CLAIM OF LEDERLE  
HEIRS FOR RIGHT  
OF WAY DAMAGES:

By unanimous consent of the Council the matter of claim of the Lederle Estate for damages for a right of way heretofore taken by the City through Block 206, Lot 2, for the extension of 19th Street, was laid over to the next regular meeting.

6 IN THE MATTER OF  
COMMUNICATIONS:

Communications having been received from the City of Fresno and the City of San Diego seeking cooperation of delegates of the City of Modesto to the convention of the League of California Municipalities for obtaining for the respective cities the convention for 1936, the Council expressed the opinion that the delegates should be left without instructions in the matter, to vote for whatever City it appears best, in their opinion, to vote for.

7 IN THE MATTER OF  
PETITION TO ABATE  
NUISANCE OF DOGS:

There was received by the Council a protest petition of J. W. Fredericks, seeking abatement of nuisance created by the dogs kept by C. H. Vogelmann at Tenth and K Streets, in the vicinity of apartment house owned by him. Mayor King directed the City Clerk to advise the petitioner that a committee of citizens is being appointed to study and make recommendations for solving the dog problem in Modesto, and that action in the above matter would be deferred pending their report.

8 IN THE MATTER OF  
PETITION FOR AD-  
JUSTMENT OF WATER  
BILL:

Mrs. Frances Watts filed with the Council a petition for adjustment of a water bill covering metered service to property at 334 Rosedale, on the ground that it was excessive and that the tenants using the water had moved from the premises without paying for same. In view of the fact that the statement for the water consumed was in fact correct, and was actually used at the premises, Commissioner Pack introduced

RESOLUTION NO. 3277-N.S.

denying the petition of Mrs. Watts for reduction in the bill as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

9 IN THE MATTER OF  
PETITION FOR FIRE  
PROTECTION TO PRO-  
POSED FIRE DISTRICT:

Pursuant to petition heretofore filed with the Council by the Grange Company seeking commitment from the Council as to the granting of fire protection to a proposed fire district outside the City limits in the Goldwell, Olivewood, and Mensinger Districts, at this time the Council declared that after due and careful consideration of the matter, it was the opinion that the petition should not be granted.

Whereupon Commissioner Pack introduced

RESOLUTION NO. 3278-N.S.

denying the said petition of the Grange Company, and directing the City Clerk to advise the petitioners of the action taken, setting forth that in explanation of its action the Council wished to stress the fact that the granting of the same would establish a precedent for other areas outside the City to demand the same service, resulting in great expense to taxpayers of the City; that it would create a possible hazard in having the Fire Department with its limited equipment responsible for protecting large areas outside the City and at the same time afford the unimpaired protection to property inside the City; and that it would be unfair to taxpayers who contribute to the support of the City to extend to non-taxpayers outside the City the use of a department and equipment all built up by and acquired from tax funds, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

10  
IN THE MATTER OF  
BIDS FOR STREET  
SWEEPERS:

Pursuant to calling for bids for on motor pick-up street sweeper, and this being the time and place set forth in the notice to bidders for the opening of said bids, at this time the City Clerk reported receipt of two bids, which, when opened, read as follows:

<u>NAME:</u>	<u>MODEL:</u>	<u>ALLOWANCE ON OLD SWEEPER:</u>	<u>NET PRICE 30 DAYS:</u>
Associated Equipment Co.	Elgin "D"	\$100.00	\$7216.69
Austin-Western Road Machinery Co.	Austin-Western	\$100.00	\$7204.85

Whereupon Commissioner Neece introduced

RESOLUTION NO. 3279-N.S.

appointing a purchasing committee consisting of Commissioner of Public Works, Roy E. Pack; Commissioner of Public Supplies, Geo. F. Neece; and City Engineer, F. J. Rossi; and delegated to the said committee full authority to investigate the respective merits of the two bids above set forth, and award the contract for the equipment proposed to be purchased to the company whose bid is deemed to be lowest and best bid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

11  
IN THE MATTER OF  
BIDS FOR AUTOMATIC  
TRAFFIC SIGNAL:

By unanimous consent of the Council the matter of calling for bids for one automatic traffic signal was laid over to the next regular meeting.

12  
IN THE MATTER OF RE-  
MOVAL OF TREES AND  
WIRES NEAR AIRPORT:

It having been reported to the Council that trees on the property of L. L. Dennett, adjacent to the municipal airport, and also poles and wires near the airport on the right of way of the Modesto Irrigation District, had been removed in order to decrease the hazard created thereby to airplanes landing and taking off at the municipal airport, by order of the Council the City Clerk was instructed to write to Mr. Dennett and to the Modesto Irrigation District a letter of thanks and appreciation of their cooperation with the City officials in making possible the above improvement at the airport.

IN THE MATTER OF  
SHRUBS AT INTER-  
SECTIONS:

City Engineer, F. J. Rossi, brought to the attention of the Council the fact that at many street intersections hedges and shrubs on private property are permitted to grow in such manner as to obstruct the view of drivers of vehicles approaching intersections, and thereby creating a traffic hazard. Whereupon after discussion of means and methods of eliminating this hazard, Commissioners Oliver and Pack were named a committee to investigate and make recommendations in the matter.

IN THE MATTER OF  
RENEWAL OF AGREE-  
MENT WITH LEO PLAGG:

Agreement of the City of Modesto with Leo Plagg for certain concessions in Beard Brook Park, in return for services as caretaker of Lake Modesto dam, expiring on the 12th day of September, 1935, Commissioner Oliver introduced

RESOLUTION NO. 3280-N.S.

authorizing and directing that agreement with Leo Plagg be renewed for the period September 12, 1935 to September 12, 1936, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
RENEWAL OF AGREE-  
MENT WITH J. VEN-  
TURINI:

Agreement of the City of Modesto with J. Venturini for services as caretaker and attendant at the City Dumps having expired on the 1st day of May, 1935, Commissioner Pack introduced

RESOLUTION NO. 3281-N.S.

authorizing and directing that agreement with J. Venturini for his services as caretaker and attendant at the City Dumps be renewed for the period May 1, 1935, to May 1, 1936, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
RATIFYING AGREEMENT  
WITH BERT LOWRY:

Agreement with Bert Lowry for certain exhibition baseball games at Roosevelt Field in the spring of 1936, having been heretofore authorized by the Council, and now being presented in its final form and found to be entirely satisfactory, Commissioner Oliver introduced

RESOLUTION NO. 3282-N.S.

ratifying the agreement with Bert Lowry as presented, and authorizing the Commissioner of Finance and Revenue and the City Clerk to affix their signatures thereto on behalf of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
REGULATING THE  
BUSINESS OF PAWN-  
BROKERS:

Pursuant to proposed ordinance to regulate pawnbrokers in the City of Modesto having been heretofore considered by the Council, and now being submitted in its final form, Commissioner Stanley introduced

ORDINANCE NO. 501-N.S.

entitled: AN ORDINANCE REGULATING THE BUSINESS OF PAWNEROKERS, SECOND-HAND DEALERS, REQUIRING SUCH DEALERS TO MAKE REPORTS, PROVIDING FOR A LICENSE, AND PRESCRIBING A PENALTY FOR THE VIOLATION THEREOF, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
ORDINANCE TO REG-  
ULATE USED AUTO  
BUSINESS:

There appeared before the Council Messers. F. Paradis and W. J. Silva seeking the passage of an ordinance imposing stricter regulations on dealers from other cities starting used car lots and "dumping" automobiles on the market that could not be disposed of elsewhere. By order of the Council the City Attorney was directed to confer with the petitioners with the view of drafting an ordinance embodying the proposed measure.

IN THE MATTER OF  
PROPOSED ORDINANCE  
REGULATING TREE  
TRIMMING AND POLE  
CONSTRUCTION:

The proposed ordinance to regulate tree trimming and pole construction by utility companies, having been heretofore considered by the Council, and action thereon deferred to this time, pending filing of protests thereto by the utility companies, it was reported to the Council that the said companies are willing to abide by rules and regulations proposed in the ordinance, but that they consider the adoption of the ordinance would establish a precedent in other cities and might prove derogatory to their interests in other localities, and therefor asked that the ordinance be not adopted but that the proposed rules and regulations be enforced through the medium of the City Engineer's office. After due consideration of the request, the Council, by unanimous consent, tabled indefinitely the said ordinance with the understanding that the City Engineer will present, at a future date, a set of such rules and regulations to be officially acted on by the Council.

IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE No. 499-N.S.

Ordinance No. 499-N.S., appropriating funds for the purchase of automobile equipment for the Police and Fire Departments, having been introduced and ordered printed and published at a regular meeting of the Council held August 28th, 1935, and thereupon duly printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this time, it was so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE 500-N.S.:

Ordinance No. 500-N.S., amending Ordinance 487-N.S. and licensing and regulating itinerant mechanics, having been introduced and ordered published at a regular meeting of the Council held on the 28th day of August, 1935, and having been printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this time, it was so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
APPROVING BOND OF  
PLUMBER:

The bond of C. C. Pence for carrying on the business of plumbing in the City of Modesto having been submitted to

the Council for approval, pursuant to provisions of Ordinance 276-O.S., and the same appearing to be in proper form, Commissioner Pack introduced

RESOLUTION NO. 3283-N.S.

approving the said bond of G. C. Spence, and directing the City Clerk to issue license to the applicant for the business of plumbing when all provisions of Ordinance 487-N.S. have been complied with, relative to payment of license fee, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

23 IN THE MATTER OF  
TAX COMPROMISE  
WITH MRS. FRED EKSTEIN:

By unanimous consent of the Council action on the tax compromise with Mrs. Fred Ekstein for 19th Street right of way through Block 133 was laid over to the next regular meeting.

24 IN THE MATTER OF  
INTERPRETATION OF  
SECTION 111, ORD.  
487-N.S.:

The City License Collector having asked the Council to interpret the provisions of Section 111 of Ordinance No. 487-N.S. imposing a license fee for carrying on the business of an apartment house, court dwellings, etc., and the Council being undecided as to the exact interpretation of the meaning of "apartment house", Commissioner Oliver introduced

RESOLUTION NO. 3284-N.S.

appointing the City Clerk, the City Attorney and the City Engineer a committee to decide upon the said definition and to arrive at a conclusion as to the number of apartments constituting same, insofar as license provisions apply to same, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

25 IN THE MATTER OF Pursuant to provisions of Ordinance No. 487-N.S. levying  
"HOME OCCUPATIONS" AND  
BUSINESS LICENSE DEPOSIT: a business license charge upon all persons engaged in any business, trade, profession or occupation, and it being apparent that an injustice is effected by the inclusion of home occupations in the license provision; and pursuant to provisions of the said ordinance requiring the deposit of \$50.00 with the City License Collector for a period of six months for each new business established, with no exceptions being provided in those cases of local residents and property owners, Commissioner Oliver introduced

RESOLUTION NO. 3285-N.S.

declaring that any business in which the gross receipts are less than \$100.00 per annum shall constitute a "home occupation" and shall be exempt from license provisions of the above ordinance; and further declaring the interpretation of Section 101 of said Ordinance No. 487-N.S., in regard to deposit for new business establishments, be modified so as to exempt persons owning the property in which the business is to be conducted, or persons who are residents of Modesto and who have a five-Year lease on the Building in which the business is to be conducted, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

26  
IN THE MATTER OF  
REFUNDING ELECT-  
RICAL LICENSES:

Pursuant to effective date of Ordinance 487-N.S. on July 1, 1935, licensing electrical contractors in the City of Modesto, and it being called to the attention of the Council that many licenses heretofore issued to the said contractors under provisions of Ordinance 352-N.S., imposing a license fee of \$50.00 per annum, are paid and effective to dates after July 1, 1935; Commissioner Pack introduced

RESOLUTION NO. 3286-N.S.

authorizing and instructing the City Clerk and Auditor to issue City of Modesto warrants refunding to such electrical contractors amount of licenses paid under Ordinance 352-N.S., pro-rated from July 1, 1935, to the expiration date of the licenses, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

27  
IN THE MATTER OF  
PETITION FOR BLDG.  
PERMIT AND FOR EX-  
EMPTION FROM BUSINESS  
LICENSE DEPOSIT:

There was filed with the Council petition of Paul Worthen for permit to construct a business building in the residential district at 962 Stoddard Street for conducting the business of lunch room and school supply store; and also seeking exemption from business license deposit required by Ordinance 487-N.S., since he is the owner of the said property. Whereupon Commissioner Pack introduced

RESOLUTION NO. 3287-N.S.

directing the City Clerk to proceed to post and publish notices setting Wednesday, September 25, 1935, at 7:30 P.M. as the time and place when and where the Council will hear any and all protests to the granting of the building permit as prayed for, and further directing, pursuant to Resolution No. 3285-N.S., that the petitioner be exempt from provisions of Ordinance 487-N.S. requiring business license deposit, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

28  
IN THE MATTER OF  
PAYMENT OF SALARY  
TO J. W. CLARK DURING  
TWO WEEKS VACATION:

Commissioner Oliver introduced

RESOLUTION NO. 3288-N.S.

authorizing and directing the City Clerk and Auditor to draw a warrant in the sum of \$17.50 payable to J. W. Clark, the same being reimbursement for money paid out by him for hiring a substitute to perform his services as janitor at the City Hall during his vacation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

29  
IN THE MATTER OF  
REPORTS:

Reports of the various departments for the month of August, 1935, were reviewed by the Council and ordered filed.

30  
IN THE MATTER OF  
ADJOURNMENT:

Commissioner Pack introduced

adjourning this Council meeting now in session, which motion being duly seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
 Nces: Councilmen: None  
 Absent: Councilmen: None

Attest: H. E. GRAGG  
 CITY CLERK

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Council, City of Modesto  
 September 25, 1935

The Council of the City of Modesto met in regular session this date, and there were present:

Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
 Absent: Councilmen: None

1 IN THE MATTER OF MINUTES: The minutes of the regular session of September 11, 1935, having been heretofore read by each Councilman, were corrected in certain particulars and approved as so corrected and read.

2 IN THE MATTER OF PETITION FOR INSTALLATION OF FLOOD-LIGHTS ON 8th ST.: Capt. Jos. W. Freeman appeared before the Council seeking the installation of two floodlights near 8th and H Streets, at which location the 184th Infantry of the National Guard Unit holds weekly drill practice, stating that the local company has been requested by superior officers to attempt to secure better lighting facilities. Mayor King informed the petitioner that the Council would cooperate to the fullest extent with the National Guard in providing the improvement asked for, and that he would appoint a committee at a later date to investigate the matter of cost and installation thereof.

3 IN THE MATTER OF REPORT OF COMMITTEE ON DOGS: Mr. O. N. Rowe appeared before the Council relative to report of a committee heretofore appointed by Mayor King to study the dog situation in Modesto. He was informed by the Mayor that the Committee would file formal report with the Council within the next two weeks, and advised to file any complaint or suggestion with Mr. M. H. Zion, chairman.

4 IN THE MATTER OF CLAIM OF LEDERLE ESTATE FOR DAMAGES: Pursuant to claim heretofore filed with the Council by the Lederle Estate for damages to their property in Block 206 resulting from right of way taken therethrough by the City of Modesto for the extension of 19th Street to Dry Creek Bridge, and pursuant to request of Mayor King for a review of facts upon which the claim is made, at this time there was filed a written statement by Hawkins and Hawkins, attorneys for the petitioners, citing the various facts upon which the claim is based. In view of the efforts being made by the City to obtain gasoline tax funds from the state for financing the extension of 19th Street project, by unanimous consent of the Council action upon the said claim was laid over to the next regular meeting.

5 IN THE MATTER OF DONATION TO BOYS' BAND: There was filed with the Council claim of the Stanislaus County Boys' Band in the sum of \$500.00 for band concerts

5 In the various City parks during the summer months, which subsidy is included in the Music & Promotion Budget of the City of Modesto for the year 1935-36. It being the opinion of the Council that one-half of this amount should be paid at this time, and the remaining half at some future date, Commissioner Oliver introduced

RESOLUTION NO. 3290-N.S.

authorizing and instructing the City Clerk and Auditor to draw a warrant in the sum of \$250.00 payable to the Stanislaus County Boys' Band, and to advise the said organization that action on the balance of the claim will be taken at a later date, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

6 IN THE MATTER OF CLAIM OF PANTHER OIL & GREASE CO.:

There was filed with the Council claim of the Panther Oil & Grease Company in the sum of \$56.10 for lubricating oils and greases purchased by the City of Modesto, and offer of a special discount for immediate payment, namely: \$2.10; whereupon Commissioner Pack introduced

RESOLUTION NO. 3291-N.S.

authorizing and instructing the City Clerk and Auditor to draw a warrant in the sum of \$54.00 in payment of the above claim, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

6# IN THE MATTER OF CLAIM FOR INSURANCE PREMIUMS:

There was filed with the Council claim of the Modesto Insurance Agents Association in the sum of \$1368.69 covering premiums on policies written for City buildings and contents. Commissioner Oliver introduced

RESOLUTION NO. 3291A-N.S.

allowing the above claim and directing the City Clerk and Auditor to draw a warrant in payment thereof, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

7 IN THE MATTER OF BUDGET LIMITATION OF CITY EXPENDITURES:

There was received by the Council a communication from the League of California Municipalities relative to the budget limitation law of the State of California as affecting expenditures of municipalities. Same was, by unanimous consent of the Council, referred to the City Clerk and City Attorney.

7# IN THE MATTER OF COMMUNICATION FROM VOLUNTEER FIREMEN:

A Communication was received by the Council from the Modesto Volunteer Fire Department, thanking the Council for the increase in compensation to volunteer firemen for their services during the fiscal year 1935-36. Same was read by the Council and ordered filed.

8 IN THE MATTER OF PERMIT TAXI STAND AT 11TH & I STS:

There was filed with the Council communication from Chas. J. Foret and A. P. Meily, tenant and owner, respectively,

of the building at the southwest corner of 11th and I Streets, granting permission for six months to Albert L. Johnson to locate a taxi stand along 11th Street in front of said building: whereupon Commissioner Stanley introduced

RESOLUTION NO. 3292-N.S.

formally granting permission to Albert L. Johnson to operate the taxicab at the location as above stated, when all ordinance provisions relative to operation of taxicabs and payment of license fees therefor have been complied with, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Cliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

9 IN THE MATTER OF Petition of the Modesto Brewery Inc. was filed with the  
REFUND ON BEER Council, asking for refund of a portion of \$100.00 whole-  
LICENSE: sale beer license fee paid to the City of Modesto for the year beginning April 11,  
1935, under provisions of Ordinance No. 442-N.S., stating that the said license be-  
came void upon the passage of new business license ordinance 487-N.S. which became  
effective July 1, 1935. Whereupon, after due consideration of all facts in the  
matter, Commissioner Oliver introduced

RESOLUTION NO. 3293-N.S.

authorizing and directing the City Clerk to refund to the petitioner the said  
wholesale license fee less the pro-rated amount for the months during which  
Ordinance 442-N.S. was effective, which resolution was regularly adopted by the  
following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

10 IN THE MATTER OF Pursuant to request to the City Council for a free build-  
PETITION FOR FREE ing permit for the remodeling of house at 900 James Street  
BUILDING PERMIT AT to the extent of \$8,000.00 under the Better Housing Act,  
900- JAMES STREET: and the Council having determined that the said house is to be sold for individual  
profit after such remodeling has been completed, and no plausible reason having  
been advanced for granting of same, it was the unanimous opinion of the Council  
that the request should be denied. Whereupon Commissioner Pack introduced

RESOLUTION NO. 3294-N.S.

denying the request for free building permits aforesaid, which resolution was  
regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

11 IN THE MATTER OF Pursuant to posting and publishing of notices as required  
PERMIT FOR BLDG. by Ordinance No. 364-N. S. setting a time for hearing of  
AT 962 STODDARD: protests to the granting of permit to Paul Worthen to erect a building for a school  
supply store and lunch room at 962 Stoddard Avenue, and this being the time set forth  
in such notices for said hearing, and there being no protests, either oral or writ-  
tten, on file, Commissioner Pack introduced

RESOLUTION NO. 3295-N.S.

granting permit to the applicant for the erection of the building and conduction of the business as prayed for, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

12 IN THE MATTER OF OBTAINING GAS TAX FUNDS FOR OPENING 19TH STREET.

By unanimous consent of the Council further discussion of the matter of obtaining gasoline tax funds for the extension of 19th Street was laid over to the next regular meeting.

13 IN THE MATTER OF TAX COMPROMISE WITH MRS. EKSTEIN:

By unanimous consent of the Council the matter of tax compromise with Mrs. Fred Ekstein for 19th Street right of way in Block 133 was laid over to the next regular meeting.

14 IN THE MATTER OF DELEGATE TO CONVENTION OF BUILDING INSPECTORS:

Pursuant to receipt of communication from the Pacific Coast Building Officials Conference relative to annual convention to be held in Pasadena October 8 to 12, 1935, Commissioner Pack introduced

RESOLUTION NO. 3296-N.S

delegating G. L. Baker, assistant building inspector, to attend the state conference of the above organization, and authorizing the payment of expenses incurred in attending same to the extent of \$25.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

15 IN THE MATTER OF POSTPONING FINAL ADOPTION OF ORD. 501-N.S.:

Ordinance No. 501-N.S., regulating the business of pawnbrokers and second-hand dealers in the City of Modesto, having been introduced at a regular meeting of the Council held on the 11th day of September, 1935, and having been duly printed and published as required by the Charter of the City of Modesto coming on for final adoption at this time, by unanimous consent of the Council, action thereon was postponed until the next regular meeting of Council.

16 IN THE MATTER OF CREATING SPECIAL GAS TAX STREET IMPROVEMENT FUND:

Commissioner Pack introduced

ORDINANCE NO. 502-N.S.

entitled: AN ORDINANCE RELATING TO THE CARE AND EXPENDITURE OF MONEYS RECEIVED FROM THE STATE OF CALIFORNIA UNDER THE PROVISIONS OF ARTICLE 5, CHAPTER I OF THE STREETS AND HIGHWAYS CODE, and moved its adoption and passage to print and publish, which motion being duly seconded, it was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Neece, Pack, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

17 IN THE MATTER OF USED AUTOMOBILE BUSINESS:

Pursuant to proposed ordinance regulating the business of used automobile dealers at this time Commissioner

Stanley introduced an ordinance, being

ORDINANCE NO. 503-N.S.

entitled: AN ORDINANCE REGULATING THE BUSINESS OF DEALING IN USED MOTOR VEHICLES, DEFINING A USED MOTOR VEHICLE DEALER, PROVIDING FOR THE LICENSING AND BONDING OF SUCH DEALERS ~~AND PROVIDING FOR THE LICENSING AND BONDING OF SUCH DEALERS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF~~, and moved its adoption and passage to print, which motion being duly seconded, it was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
REPORT OF FIRE  
CHIEF ON CONVEN-  
TION:

There was filed with the Council by Fire Chief Geo. E. Wallace a report of the annual convention of Fire Chiefs recently held in Sacramento. Same was reviewed by the Council and ordered filed.

IN THE MATTER OF  
ADJOURNMENT:

Commissioner Neece introduced

RESOLUTION NO. 3297-N.S.

adjourning the meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

ATTEST: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto

October 9, 1935

The Council of the City of Modesto met in regular session this 9th day of October, 1935.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent: Councilmen: None

IN THE MATTER OF  
MINUTES:

The minutes of the regular session of September 25, 1935, having been heretofore approved by each Councilman, were unanimously ordered approved as so read.

IN THE MATTER OF  
PETITION FOR PRO-  
POSED ORDINANCE  
REGULATING SALE  
OF FOOD:

Mr. F. O. Hoover appeared before the Council as spokesman for a group of retail grocerymen in Modesto, and presented a petition purportedly signed by 90% of the grocers within the City, asking that a proposed ordinance be adopted regulating the conduct of grocery stores and fixing the hours for opening and closing thereof. He gave a brief summary of the benefits of the proposed ordinance, and also presented communications from the Stanislaus County Central Labor Council; the Modesto Merchants Bureau; the Modesto Ministerial Union; and the First Church of Christ, Scientist, all of which endorsed the ordinance and urged its adoption. Mayor King informed the petitioners that the ordinance would be considered by the

Council at a special meeting to be called in the near future, whereat the arguments of opponents to and proponents of the said ordinance would be heard.

3 IN THE MATTER OF ALLOWING MONTHLY CLAIMS:

Claims against the City of Modesto for the month of September, 1935, having been heretofore audited and approved by the Council, Commissioner Oliver introduced

RESOLUTION NO. 3298-N.S.

allowing the above mentioned claims for the month of September, 1935, reference being made to the Auditor's Cash Records for further details relative to amounts of withdrawals from the various funds as follows:

GENERAL FUND-----	\$ 27,884.62
WATER FUND-----	4,127.45
LIBRARY FUND-----	1,907.19
BOND RED. INT. FUND-----	19.44
ST. BOND RED. INT. FUND-----	\$
UNAPPORTIONED FUND-----	\$
TOTAL-----	\$ 34,540.71

Which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King
- Noes: Councilmen: None
- Absent: Councilmen: None

4 IN THE MATTER OF PAYMENT FOR STREET SWEEPER:

Pursuant to Resolution No. 3279-N.S. delegating authority to a committee to investigate bids submitted for a street sweeper and to award the contract therefor to the firm presenting the lowest and best bid, and pursuant to action of said committee awarding the contract to the Elgin Sweeper Company through its western representative, Associated Equipment Company, at this time there was presented to the Council for approval claim of the said Elgin Sweeper Company in the amount of \$7318.15, being the amount of purchase price set forth in their bid, whereupon Commissioner Pack introduced

RESOLUTION NO. 3299-N.S.

approving the action of the said committee in award of said bid, and allowing the claim of the Elgin Sweeper Company in amount above stated, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King
- Noes: Councilmen: None
- Absent: Councilmen: None

5 IN THE MATTER OF REFUND OF LICENSES TO TRUCK OPERATORS:

Pursuant to provisions of Ordinance No. 492-N.S., amending Ordinance 487-N.S. imposing a license fee of \$5.00 per quarter on trucks transporting goods of any nature into or out of the City, there was at this time filed with the Council claims of F. H. Petersen, H. E. Tong, L. P. Beidleman, and C. C. Mudget for a refund of the license fee heretofore paid by them, representing that they are operating their trucks under contract for the Borden Western Company, a licensed wholesale firm in the City of Modesto, and are, therefore, exempt from further license provisions. After consideration of the matter by the Council, Mayor King appointed a committee consisting of Commissioner Stanley and City Attorney Carlson to investigate the claims of the above named persons, and report their findings to the Council at the next regular meeting.

IN THE MATTER OF REFUND OF LICENSE TO INSURANCE BROKER:

Pursuant to decision of the City Attorney that license provisions of Ordinance 487-N.S. are not applicable to insurance

agencies dealing exclusively in insurance, there was filed with the Council claim of the Haack Insurance Agency for refund of \$5.00 license fee heretofore paid to the City License Collector. After discussion of the matter by the Council, it was the unanimous opinion that in those cases where agents handle insurance only, and do not deal in real estate, bonds, etc. in connection with their insurance business refunds of license fees should be made. Whereupon Commissioner Oliver introduced

RESOLUTION NO. 3300-N.S.

authorizing and directing the City Clerk and Auditor to draw a warrant in amount of \$5.00 in favor of Haack Insurance Agency for refund of license fee as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
REFUND OF DEPOSIT  
TO H. McQUAID:

Herbert McQuaid presented to the Council a lease on property at 907 Tenth Street for a term of five years and asked that a \$50.00 business license deposit heretofore made to the City License Collector be refunded to him. In view of the provisions of Resolution No. 3285-N.S. exempting persons having a five-year lease on property from the payment of business license deposit as specified in Ordinance 487-N.S., Commissioner Oliver introduced

RESOLUTION NO. 3301-N.S.

authorizing and directing the City License Collector to refund to the petitioner the deposit as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
COMMUNICATION FROM  
LEAGUE OF MUNICIPAL-  
ITIES:

Communication was received from the League of California Municipalities relative to federal excise taxes as affecting municipalities. Same was referred to the City

Attorney:

IN THE MATTER OF  
EXEMPTIONS FROM  
BUSINESS LICENSE  
ORDINANCE PROVISIONS:

Commissioner Neece introduced  
RESOLUTION 3302-N.S .  
exempting from provisions of Section 101 of Ordinance 487-N.S ., requiring a deposit of \$50.00 for the commencement of a new business, persons who are owners of the property upon which the new business is to be established or business acquired from a previous owner; persons who have a bona fide lease for a term of at least one year on the building in which the business is to be established or business acquired from a previous owner is to be carried on; and further providing for the exemption from license provisions of said ordinance 487-N.S. all trades and occupations carried on and operated by any person from his own home or apartment where the gross income received from such trade or calling is less than \$25.00 per quarter, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

10  
IN THE MATTER OF  
HEARING OF PROTESTS  
TO BUSINESS IN RES-  
IDENCE ZONE:

Pursuant to posting and publishing of notices setting forth this time for hearing of any and all protests to the use of property at 440 Hackberry for business purposes by H. H. Smith, and there being no protests either oral or written filed with the Council, Commissioner Pack introduced

RESOLUTION NO. 3303- N.S.

granting permit to the petitioner for the use of property as prayed for in his petition, when all provisions of City Ordinances relative to building permits shall have been complied with, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

11  
IN THE MATTER OF  
PETITION OF MODESTO  
JUNIOR COLLEGE FOR  
USE OF GOLF COURSE:

There was filed with the Council petition of the Modesto Junior College for the use of the Municipal golf course on two days per week for two hours each day by a class of students enrolled in a class for instruction in golf, and asking that the charge therefor be not more than \$3.00 per student for the semester. After due consideration of the matter by the Council, Commissioner Oliver introduced

RESOLUTION NO. 3304-N.S.

granting to the Modesto Junior College exclusive right to the free use of the municipal golf course from 2:00 P. M. to 4:00 P.M. on Friday of each week during the current semester; provided, however, that such use be limited to the students enrolled in the class for instruction in golf and that they be at all times under the supervision of the class instructor; and provided further, that such students using the course on other days during the week shall be required to pay the usual fee, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

12  
IN THE MATTER OF  
PETITION FOR TAX  
COMPROMISE:

There was filed with the Council petition of the Modesto Investment Company by T. H. Kewin for a tax compromise on delinquent tax sale against property in Block 55 known as Lots 12 to 16 inclusive, excepting the SWly 50' of the SEly 70', by remitting the delinquent penalties imposed by Ordinance 396-N.S. After discussion of the matter by the Council, Commissioner Oliver introduced

RESOLUTION NO. 3305-N.S .

denying the petition of the Modesto Investment Co. for remitting of delinquent tax penalties, in view of the fact that the Council has no legal authority to set aside in individual cases the provisions of said ordinance, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

15  
IN THE MATTER OF  
MORATORIUM ON  
DELINQUENT TAXES:

The Council discussed at length the advisability of amending Ordinance 396-N.S. to conform to state legislation

providing for the redemption of delinquent taxes without delinquent penalty and in installments over a period of years. By unanimous order of the Council, the City Attorney was directed to work upon an amendment to the tax ordinance along the lines discussed.

IN THE MATTER OF PETITION OF CAPITAL COMPANY FOR EXEMPTION FROM LICENSE FEE ON APARTMENTS: Communication was received from the Capital Company declaring exemption from provisions of Ordinance No. 487-N.S., requiring an annual license on apartment house building controlled by it in this City, known as the "Campbell Apartments", the exemption being claimed by virtue of the National Banking Act. By order of the Council the matter was referred to the City Attorney for a ruling as to legality of the claim for exemption from the license.

IN THE MATTER OF PETITION OF FIELD FINANCE CO. FOR EXEMPTION FROM BUSINESS LICENSE: The City License Collector having advised the Council that Field Finance Co. claims exemption from provisions of business license Ordinance No. 487-N.S. in view of the fact that it is licensed under state statute. By order of the Council the matter was referred to the City Attorney, for ruling as to legality of the claim for exemption.

IN THE MATTER OF PETITION OF R. B. MACBRIDE FOR REFUND OF LICENSE: There having been filed with the Council petition of R. B. MacBride to the City License Collector for a refund of \$5.00 license fee paid under the provisions of Section 101 of Ordinance 487-N.S., the same having been paid twice for his automobile business at 722 I Street. The City License Collector pointed out that the petitioner has not yet paid the license fee for a used car lot maintained at 1132 Tenth Street, contending that same is not a place of business but used for display purposes only; whereupon Commissioner Oliver introduced

#### RESOLUTION NO. 3306-N.S.

denying petition of R. B. MacBride for the refund as above stated, and directing the City Clerk to apply the \$5.00 fee to license for the used car lot operated by him at 1132 Tenth Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Paek, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF PROTEST OF CONTRACTOR'S TO BUSINESS LICENSE: It having been called to the attention of the Council that contractors are protesting against the payment of license fees imposed by Ordinance 487-N.S. Section 101, contending that inasmuch as material purchased by them comprises more than half of the Contract prices; that dealers from whom the material is purchased also pay the license fees thereon; and that in some cases sub-contracts are let, upon which the license fees are also paid, thus making double and triple taxation of the same material and labor. After consideration of all facts in the matter, the Council was of the opinion that in many cases the material is not purchased from dealers within the City of Modesto; that in other cities contractors are licensed under somewhat similar license provisions; and that the present license provisions are as equitable as any other licensing method.

IN THE MATTER OF PETITION OF SALVATION ARMY FOR SUBSIDY: The Salvation Army having petitioned the City Council for subsidy, setting forth the amount of expenses incurred in

meeting relief needs within the City, Mayor King named the Chief of Police a committee of one to investigate the activities of the Salvation Army, the extent of relief offered, and any other recommendations as to the amount of subsidy which should be allowed.

19 IN THE MATTER OF  
BIDS FOR TRAFFIC  
SIGNALS:

Commissioner Stanley introduced

RESOLUTION NO. 3307-N.S.

authorizing and directing the City Clerk to advertise for bids for four (4) one-way traffic signals, the said bids to be opened at the regular meeting of the Council to be held October 23rd, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

20 IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE 502-N.S.:

Ordinance No. 502-N.S., creating a special gasoline tax fund, having been introduced and ordered printed and published at the regular meeting of the 25th day of

September, 1935, and having been published as required by the Charter of the City of Modesto, coming on for final adoption at this time, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

21 IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE NO. 503-  
N.S.:

Ordinance No. 503-N.S., regulating the business of used motor cars in the City of Modesto, having been introduced at a regular meeting of the Council of the City of Modesto

held on the 25th day of September, 1935, and thereupon published as required by the Charter of the City of Modesto, was called up for final adoption at this time.

Attorney Thoe. Griffin, representing a delegation of used automobile dealers, addressed the Council opposing certain features of the ordinance as adopted. W. J. Silva, automobile dealer, upheld the provisions as being advantageous to local dealers. Whereupon Mayor King directed the delegations to arrive at some agreement on the contested issues and present the ordinance as corrected to the Council for further consideration.

22 IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE 501-N.S.

By unanimous consent of the Council the final adoption of Ordinance No. 501-N.S. regulating the business of pawn-

brokers, junk dealers, etc., was laid over to the next regular meeting.

23 IN THE MATTER OF  
AMENDING POOL ROOM  
ORDINANCE:

Commissioner Oliver introduced

ORDINANCE NO. 504-N.S.

entitled: "An Ordinance Fixing the License Fee to Be Paid for Operation of Billiard Tables", and moved its adoption and passage to print, which motion being duly seconded it was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

24 IN THE MATTER OF  
EXPENSE IN OPER-  
ATING TELETYPE:

It having been called to the attention of the Council that the teletype system recently installed in Police headquarters is used to a great extent by the County Sheriff's office and it being deemed equitable that the County of Stanislaus carry a part of the burden of expense in operating and maintaining this system, Mayor King named Commissioner Stanley and the Chief of Police a committee to confer with the County Sheriff and Board of Supervisors in apportioning amount of expense to be paid by the County.

25 IN THE MATTER OF  
PURCHASE OF LOTS  
14 to 16 in BLOCK  
40:

There was filed with the Council a proposal of F. W. Huber for the sale to the City of Lots 14, 15 and 16 in Block 40, being situate at the corner of 8th and K Street, at a price of \$2500.00. In view of limitations of budgeted expenditures, the Council went on record as favoring the purchase of said property but taking no definite action thereon at this time.

26 IN THE MATTER OF  
PURCHASE OF BONDS  
WITH INACTIVE DE-  
POSITS:

The City Attorney reported to the Council that, under provisions of statutes, it is within the power of the Council to cause surplus City funds to be invested in its own outstanding bonds, school district bonds within the local school district bonds within the local school district or county, State of California bonds, and United States bonds, as a paying investment to the City. The purchase of the bonds could be made either at the time of issue or after having been issued. By order of the Council the findings of the City Attorney was made a matter of record.

27 IN THE MATTER OF  
LICENSING OF APART-  
MENT HOUSES:

Pursuant to appointing of Committee to make a survey of the license provisions of Ordinance 487-N.S. affecting apartment houses, and to define more clearly the words "apartment House" for licensing purposes, at this time the said committee submitted its recommendations to the Council; whereupon Commissioner Pack introduced

RESOLUTION NO. 3308-N.S.

adopting the definitions set forth by the above mentioned committee, namely, that in the enforcement of license provisions of Section 111 of Ordinance 487-N.S. an apartment house be construed to mean any building or portion of building which is rented or leased as the home of three or more families, in addition to the owner or manager, living independently of each other and doing their own cooking therein; that a series of court apartments shall consist of not less than three buildings or structures, in addition to that occupied by the owner or manager, on the same lot or set of lots, and designed for separate families living independently, and which are for lease or hire, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

28 IN THE MATTER OF  
REFUND OF LICENSES:

Commissioner Pack introduced

RESOLUTION NO. 3309-N.S.

authorizing and directing the City Clerk and Auditor to refund to those parties license fees paid for apartment houses and courts which are exempted under provisions of Resolution No. 3308-N.S., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

29 IN THE MATTER OF REPORTS ON LEAGUE CONVENTION: The City Attorney and the City Clerk filed with the Council reports on their attendance at the annual convention of the League of California Municipalities. Same were reviewed by the Council and ordered filed.

30 IN THE MATTER OF REPORTS FOR SEPTEMBER, 1935: Reports of the various departments for the month of September, 1935, were reviewed by the Council and ordered filed.

31 IN THE MATTER OF ADJOURNMENT: Commissioner Pack introduced

RESOLUTION NO. 3310-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

ATTEST: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto  
Special Session  
October 16, 1935.

1 The Council of the City of Modesto met in special<sup>session</sup> this 16th day of October, 1935, at 7:30 P.M., the meeting having been called by Mayor King and written notices thereof duly delivered to each Councilman.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent: Councilmen: None

2 IN THE MATTER OF HEARING ON PROPOSED ORDINANCE REGULATING GROCERY STORES: Pursuant to proposed ordinance to regulate the closing hours of grocery stores in the City having been presented to the Council for consideration, together with accompanying petition purportedly signed by one hundred per cent of merchants in the downtown area; at the regular meeting of October 9, 1935; and the same having been laid over for a public hearing thereon, at this time various commendations, suggestions, and protests were filed with the Council as follows:

3 (a) Written communication from Mrs. Ida Blacknell opposing the regulation of neighborhood grocery "service" stores;

4 (b) Mr. E. L. Maxwell, speaking on behalf of the Central California Religious Liberty Association vigorously opposed adoption of the ordinance holding that it is un-American and an infringement upon civil liberties.

5 (c) Mr. L. L. Dennett upheld the ordinance, contradicting the statements of Mr. Maxwell, declaring the purpose of the ordinance is to abolish unfair competition and to afford better living conditions to workers in grocery stores in accord with the trends in economic legislation throughout the country.

6 (d) Mr. C. C. Nunnally, Stanislaus County Central Labor

Council representative, declared that the ordinance would create better living condition for the workers in grocery stores, since under existing conditions long working hours are required of store employees, and that, therefore, the labor organization was strongly backing the ordinance.

7 (e) Mr. R. W. Jones of the Thrifty Mart advised the Council that when it was first presented to him for consideration, he was opposed to the ordinance; but since that time had changed his opinion and was now heartily in favor of its adoption. He held, however, that during certain months of the year it is a service to the public to keep stores open later than eight o'clock in the evening, and proposed that the closing hours be regulated as follows: Closing hour not later than 8:00 P. M. during months from October to March, inclusive, of each year; closing hour no later than 10:00 P.M. during months of April to September, inclusive, of each year; and closing hour no later than 11:00 P.M. on Saturdays and days immediately preceding holidays set forth in the ordinance.

8 (f) Mr. A. J. Honett addressed the Council citing the advantages to be gained from adoption and enforcement of the ordinance.

9 (g) Mr. I. W. Ayres spoke in favor of adoption of the Ordinance, but in opposition to a changing of the hours for closing as proposed by Mr. Jones.

10 (h) Mr. A. Pearl advised the Council that he had been asking his customers as to their opinion and reaction to closing hours set forth in the proposed ordinance, and found each one in favor of its adoption with the exception of but one customer.

After consideration of the statements made by the various speakers, the Council was of the opinion that before definite action be taken on the proposed ordinance, the grocers decide definitely upon the closing hours desired.

11 Thereupon Mayor King appointed a committee consisting of I. W. Ayres, M. Angelo, Al Pearl, A. J. Honett, and R. W. Jones to draft the ordinance in its final form for presentation to the Council when the closing hours shall have been definitely decided upon.

12 IN THE MATTER OF  
ADJOURNMENT:

There being no further business to come before the meeting, Commissioner Pack introduced

RESOLUTION NO. 3311-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

Attest: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto

October 23rd, 1935

The Council of the City of Modesto met in regular session this date, and there were present: Councilmen: Neece, Oliver, Stanley and Mayor King.  
Absent: Councilmen: Pack

1 IN THE MATTER OF MINUTES:

The minutes of the regular session of October 9, 1935, and of the special session of October 16, 1935, having been heretofore read by each Councilman, were ordered approved as so read.

2 IN THE MATTER OF REDUCTION OF DELINQUENT TAX PENALTIES:

Mr. L. B. Schlingheyde appeared before the Council and spoke concerning the proposed tax moratorium ordinance now being considered by the Council, making certain recommendations for provisions to be contained therein. Mayor King advised Mr. Schlingheyde that the points stressed in his talk would be kept in mind when the ordinance is finally drafted.

3 IN THE MATTER OF PROTESTS AGAINST SPECIAL OFFICERS AT LODGE DANCES:

A delegation of members of various lodges and fraternal orders appeared before the Council, and with Mr. Nathan McVey acting as spokesman for the group, vigorously protested against the provisions of Ordinance No. 482-N.S. requiring the presence of a special <sup>Police</sup> officer at public dances. It was pointed out that such dances are usually held in conjunction with, and secondary to card parties, the profits from which are used solely for lodge functions and charities; that the payment of the required fee for a police officer imposes a financial burden on the lodges; and that the presence of such officer is unnecessary. Mayor King suggested that all the interested organizations appoint a committee to work out a complete draft of their views of the matter and present them in writing to the Council for action thereon.

4 IN THE MATTER OF LUNCH STAND AT 1301 12TH STREET:

Representing his client, Ben Cohn, attorney E. H. Zion appeared before the Council relating that Mr. Cohn was desirous of establishing a lunch stand on private property at 1301 12th St.; that he had attempted to obtain sufficient signatures of property owners in the neighborhood to comply with provisions of Zoning Ordinance No. 364-N.S.; that all signatures had been obtained with the exception of that of the Modesto City School District; that the Board of Trustees had declared that while they did not object to the use of the property for the aforementioned purpose, they would not sign the petition in favor thereof; that the signatures of the Board of trustees is necessary to fully comply with the said ordinance; that his client has invested a sum of not less than \$200.00 to date in connecting with City water mains, sewer mains, and in construction of the lunch stand; and that permission of the Council is desired for his proceeding with construction of the lunch stand and operating same. Mayor King advised Mr. Zion that he would appoint a committee of councilmen to consider the matter and advise him of their findings and recommendations.

5 IN THE MATTER OF CLAIMS FOR REFUND OF LICENSES TO TRUCK DRIVERS:

Pursuant to appointing a committee to investigate the claims of certain truck drivers for refund of licenses paid under provisions of Ordinance No. 487-N.S., the exemption being claimed by virtue of contracts entered into for such hauling with the Borden Western Company; and the committee not having completed its investigations in the matter, by unanimous consent of the Council the claims were laid over to the next regular meeting.

6 IN THE MATTER OF REFUND OF LICENSES TO INSURANCE AGENTS:

Pursuant to ruling of the City Attorney that the license provisions of Ordinance No. 437-N.S. cannot apply to insurance agents handling insurance exclusively, there was filed with the Council claims of the following agents for refund of license fees heretofore paid to the City License Collector under provisions of said ordinance: G. M. Brut, Walter E. Thompson, J. W. Utterback, Raymond Purdy and Howard M. Palmer; and the said claims

being supported by affidavits of the said agents that the business carried on by  
L them is strictly the sale of insurance and the acts incidental thereto, Commissioner  
Neece introduced

RESOLUTION NO. 3312-N.S.

authorizing and directing the City Clerk and Auditor to issue warrants to the above  
named insurance agents refunding the license fees heretofore paid as above set forth,  
which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

1 IN THE MATTER OF                      Pursuant to Section 8 of Ordinance No. 487-N.S . imposing  
REFUND OF DELIN-                      delinquent penalties of 25% on all license fees not paid  
QUENT PENALTIES:                      within sixty days from the date due; and the Council being of the opinion that  
inasmuch as the ordinance imposing such fees has but recently become effective;  
and that many persons have been unaware of the existence of the ordinance until the  
delinquent penalties accrued, some relief should be afforded in the matter; whereupon  
Commissioner Neece introduced

RESOLUTION NO. 3313-N.S.

directing the City License Collector to waive delinquent penalties on licenses im-  
posed by Ordinance No. 487-N.S .when such licenses are being procured for the first  
time; and authorizing the refund to, or credit the accounts of, persons having paid  
the said delinquent penalties heretofore, which resolution was regularly adopted by  
the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

8 IN THE MATTER OF                      There having been filed with the Council claim of the  
CLAIM OF THE GRANGE                      Grange Co. for refund of taxes in amount of \$59.29 levied  
CO. FOR REFUND OF                      by the City Assessor on a warehouse in Block 39, which  
TAXES:                                      was erroneously assessed inasmuch as the said warehouse had burned down prior to  
the first Monday in March, 1935; and the City Assessor having verified the facts  
set forth in the said claim, Commissioner Neece introduced

RESOLUTION NO. 3314-N.S.

directing the City Clerk and Auditor to issue warrant to the Grange Company in  
amount of \$59.29 for refund of taxes paid on the above mentioned warehouse, which  
resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

9 IN THE MATTER OF                      The Texas Company having filed with the Council a claim  
CLAIM OF THE TEXAS                      for refund of unsecured personal property taxes in amount  
COMPANY:                                      of \$7.80 paid to the City of Modesto on a tank car which had been assessed by the  
State Board of Equalization and taxes subsequently levied thereon by the City on the  
Tax Roll compiled by the State Board of Equalization in the City of Modesto, namely:  
Assessment No. 3721, Commissioner Neece introduced

RESOLUTION NO. 3315-N.S.

authorizing and instructing the City Clerk and Auditor to issue warrant to the Texas Company for refund of personal property taxes heretofore paid to the City as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

10

IN THE MATTER OF BRIDGE OVER CANAL:

There was filed with the Council a communication from the Modesto Junior College urging the construction of a bridge over the M. I. D. Canal at College Avenue to eliminate the traffic hazard caused thereby. By order of the Council, the City Clerk was directed to advise the principal of the College that the construction of the bridge in question has been submitted to the W. P. A. of the federal government for approval as a part of the works project program in Modesto, and upon its being approved, no further delay will be made in proceeding with the reconstruction of said bridge.

11

IN THE MATTER OF COMMUNICATION FROM SOUTHERN PACIFIC CO.:

There was filed with the Council a communication from the Southern Pacific Railway Company asking that the revised deed and title report on 8th Street property exchange in connection with widening and improving of 9th Street be forwarded to them. Same was referred to the City Attorney with instructions to comply with the request at once.

12

IN THE MATTER OF PETITION FOR TRANSFER OF LICENSE:

There was filed with the Council the petition of R. G. Johnson, Spudette Co. representative, seeking the transfer to his name of business license heretofore issued to H. H. Dieterich, former representative. In view of provisions of City Ordinance No. 487-N.S., Commissioner Oliver introduced

RESOLUTION NO. 3316-N.S.

denying the petition, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

13

IN THE MATTER OF PETITION FOR ELIMINATION OF TRAFFIC HAZARD:

There was filed with the Council petition signed by residents on Magnolia Avenue asking that the traffic hazard created by a pole and obstructed view at the southwesterly intersection of K and Needham Streets be eliminated. The City Engineer reported to the Council the approximate cost of resetting the pole and cutting back the curb to give greater visibility at the said intersection, and it appearing that funds for such work in the budget for the current fiscal year are limited, the Council directed the City Clerk to advise the petitioners that the improvement would be made at the earliest possible date.

14

IN THE MATTER OF EXEMPTIONS FROM BUSINESS LICENSE:

Petition of the Capital Company seeking exemption from apartment house license provisions of Ordinance No. 487-N.S. heretofore referred to the City Attorney; and

15

Petition of the Field Finance Co. for exemption from provisions of Ordinance No. 487-N.S. as applicable to a finance company having been heretofore referred to the City Attorney; and

the City Attorney having reported that additional time is desired in which to complete a study of the claims upon which the exemptions are based, by unanimous consent of the Council same was laid over to the next regular meeting.

14 IN THE MATTER OF EXEMPTION OF BANKS FROM LICENSE:

The matter of exemption of banks from the license provisions of Ordinance No. 487-N.S. having been considered by the Council from time to time, Mayor King named Commissioner Oliver and himself a committee to investigate the matter and report their findings to the Council.

17 IN THE MATTER OF BIDS FOR TRAFFIC SIGNAL:

Pursuant to advertising for bids for four one-way traffic signals, and this being the time set forth in said notice for opening of bids, the City Clerk reported six bids on file, which were opened and declared as follows:

BIDDER:	REMARKS:	AMOUNT:
EAGLE SIGNAL CORPORATION	F. O. B. Modesto, Tax Incl.	\$ 488.48
	Alternate	385.13
GENERAL ELECTRIC CO.	F. O. B. Modesto, Tax Incl.	566.75
	Alternate	540.94
FALMER ELECTRIC CO.	F. O. B. Modesto, Tax Incl.	391.00
ACME TRAFFIC SIGNAL CO.	F. O. B. Modesto, Tax Incl.	501.75
TAPER TUBE POLE CO.	F. O. B. Modesto, Tax Incl.	566.75
	Alternate	540.94
COLLINS POWELL CO.	F. O. B. Elizabethtown, N.J. tax not Included	374.41

Whereupon by order of the Council, the said bids were referred to the City Engineer and Commissioner Neece for tabulation and report of their recommendations to the Council.

18 IN THE MATTER OF ZONING PLAN:

The City Planning Commission filed a recommendation with the Council for the appropriation of funds in the 1936-37 budget for the preparation of a comprehensive zoning ordinance and zoning plan. The Council ordered the matter placed on the calendar for consideration prior to preparation of the 1936-37 budget in May or June, 1936.

19 IN THE MATTER OF FIXING FEES AT GOLF COURSE:

By unanimous consent of the Council the matter of new schedule of fees to be charged at the municipal golf course was referred to Commissioner Oliver.

20 IN THE MATTER OF PROPOSED ORDINANCE REGULATING GROCERY STORES:

Pursuant to proposed ordinance regulating closing hours for grocery stores, and to the appointing of a committee of grocerymen to decide upon the closing hours desired, it was reported to the Council that the committee had been unable to arrive at a unanimous decision, but that the ordinance had been re-drafted to include certain changes in the original draft.

21 Mr. J. W. Hawkins addressed the Council briefly urging the adoption of the ordinance, and setting forth the advantages of its provisions.

22 Mr. Melville Harris addressed the Council on behalf of the Modesto Merchants Association, stating that the officials of that organization are 100% for the adoption of the ordinance, and that the percentage of grocery store owners favoring the ordinance justify its adoption.

Mayor King advised the spokesmen that the Council wished to give the matter further consideration before taking action thereon.

23 IN THE MATTER OF PROPOSED ORDINANCE PROVIDING FOR MOR- ATORIUM ON TAX PEN- ALTIES:

The City Attorney submitted to the Council a proposed draft of ordinance for a moratorium on penalties for redeeming delinquent taxes. Same was discussed by the Council and laid over for further consideration to the next regular meeting.

24 IN THE MATTER OF ORDINANCE REGULATING ELECTRICAL CONTRACTORS, INSTALLATION, ETC.:

Commissioner Stanley introduced

ORDINANCE NO. 505-N.S.

entitled: "AN ORDINANCE REGULATING THE INSTALLATION, REPAIR, OPERATION, AND MAINTENANCE OF ELECTRICAL WIRING AND EQUIPMENT WITHIN THE CITY OF MODESTO, PROVIDING FOR LICENSES, REGISTRATIONS, PERMITS, INSPECTIONS AND APPROVAL OF ELECTRICAL WORK, THE PAYMENT OF FEES THEREFOR AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE", which ordinance was passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

25 IN THE MATTER OF FINAL ADOPTION OF ORD. 501- N.S.:

The matter of final adoption of Ordinance No. 501-N.S. reg- ulating the business of pawnbrokers, junk dealers, etc. was laid over to the next regular meeting.

26 IN THE MATTER OF FINAL ADOPTION OF ORDINANCE 503-N.S.:

The matter of final adoption of Ordinance No. 503-N.S., reg- ulating the business of used car dealers, was by unanimous consent of the Council laid over to the next regular meeting.

27 IN THE MATTER OF FINAL ADOPTION OF ORDINANCE 504-N.S.:

Ordinance No. 504-N.S. , amending Ordinance No. 196-N.S. relative to licenses to be paid for billiard or pool tables from and after January 1, 1936, having been introduced and ordered printed and published at a regular meeting of the Council held on the 9th day of October, 1935, and coming on for final adoption this 23rd day of October, 1935, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

28 IN THE MATTER OF LICENSING OF APART- MENT HOUSE:

The matter of licensing apartment houses under Section 111, Ordinance No. 487-N.S. was brought before the Council for adjusting certain apparent inequalities thereof. By unanimous consent of the Council the matter was laid over to the next regular meeting.

29 IN THE MATTER OF CANCELLING ERRONEOUS ASSESSMENT OF THE P. G. & E. CO.:

The Pacific Gas & Electric Co. filed with the Council a statement showing that assessment No. 2797 on the General Tax Roll of the City of Modesto is a duplicate assessment of the same property on the Operative Tax Roll compiled by the State Board of Equal- ization; whereupon Commissioner Neece introduced

RESOLUTION NO. 3317-N.S.

directing that Assessment No. 2797- on the General Tax Roll be cancelled, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

30 IN THE MATTER OF  
CANCELLING ERROR-  
EQUOUS ASSESSMENT OF THE  
TIDEWATER RAILWAY CO:

The Tidewater Railway Company filed with the Council a statement showing that Assessment No. 3089 of the General Tax Roll Covers the same property as that assessed by the State Board of Equalization in the City of Modesto and Known as Assessment No. 3792 whereupon Commissioner Neece introduced

RESOLUTION NO. 3318-N.S.

directing that Assessment No. 3089 of the General Tax Roll be cancelled which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

31 IN THE MATTER OF  
CALLING FOR BIDS FOR  
AUTOMOBILE EQUIPMENT:

Commissioner Stanley introduced

RESOLUTION NO. 3319-N.S.

authorizing and directing the City Clerk to advertise for bids for automobile for fire department and two automobiles for the police department as per the specifications to be filed by the chiefs of the said departments, the bids to be opened at the regular meeting of November 13, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

32 IN THE MATTER OF  
ACCEPTING FLEET  
AUTOMOBILE INSURANCE:

There was filed with the Council by the Insurance Committee for acceptance insurance policy for the City's fleet of automobile equipment, and the same appearing to be in proper form, Commissioner oliver introduced

RESOLUTION NO. 3320-N.S.

accepting the said insurance policy, and authorizing payment of the premium therefor with the regular claims for the month of October, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: Pack

33 IN THE MATTER OF  
REPORT OF COMMITTEE  
ON COUNTY'S SHARING  
EXPENSE FOR OPERATING  
TELETYPE:

The Committee heretofore appointed by the Mayor to take up with the County officials the matter of sharing the expense of operating the teletype machine in the Police Office, reported that the Board of Supervisors had expressed a willingness to pay a portion of this expense, but that the budget for the current fiscal year contains no funds available therefor, but that if the matter were brought to their attention in May or June, 1936, such budget provisions would be considered. Whereupon the Mayor directed the City Clerk to place the matter on the calendar in May, 1936, for consideration.

34 IN THE MATTER OF  
REPORT OF COMMITTEE  
ON SALVATION ARMY  
SUBSIDY:

By unanimous consent of the Council this matter was laid over to the next regular meeting.

35 IN THE MATTER OF  
ADJOURNMENT:

Commissioner Oliver introduced

RESOLUTION NO. 3321-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Stanley and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: Pack

Attest: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto  
Special Session  
November 1, 1935

The Council of the City of Modesto met in special session this date, the meeting having been duly called and convened as set forth in section 2 of Ordinance No. 2-N.S.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
Absent: Councilmen: None

IN THE MATTER OF RESIGNATION OF CITY ATTORNEY: The matter of reduction of salary of the City Attorney from \$250.00 per month to \$150.00 per month in the budget for the fiscal year 1935-36 having caused dissatisfaction to the incumbent, Mr. A. J. Carlson, and the Council feeling that a competent legal advisor can be retained for the City at a salary of \$150.00 per month, Commissioner Oliver introduced

RESOLUTION NO. 3322-N.S.

requesting Mr. A. J. Carlson to tender his resignation from the office of City attorney on or before 5:00 P.M., Tuesday, November 5, 1935; and directing that he proceed to clear up all legal matters pending during the month of November and receive full compensation of \$150.00 therefor, providing that he deliver to the City Clerk all papers, memorandum, etc. pertaining to matters than cannot be cleared up in that time. which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

IN THE MATTER OF PROTESTS TO HOGS AT CITY DUMPS: Communication was filed with the Council from Health Officer, Dr. E. F. Reamer, setting forth that protest petitions signed by residents in the Fairview and Paradise districts had been filed with him, requesting correction of the nuisance and health menace caused by the hog ranch at the City dumps and the condition in which garbage is allowed to remain uncovered. The communication further set forth certain recommendations for correcting the nuisance complained of. By unanimous order of the Council the matter was referred to the City Engineer.

IN THE MATTER OF ADJOURNMENT: Commissioner Pack introduced

RESOLUTION NO. 3323-N.S.

adjourning this Council meeting now in session which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

35  
Budget filed here 2-24-42

2

3

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Council, City of Modesto  
Special Session  
November 4th, 1935

The Council of the City of Modesto met in special session  
this date, the meeting having been called and convened as set forth in Section 2 of  
Ordinance 2-N.S.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
Absent: Councilmen: None

1  
2  
IN THE MATTER OF  
RESIGNATION OF THE  
CITY ATTORNEY:

There was filed with the Council the written resignation  
of A. J. Carlson from the office of City Attorney of the  
City of Modesto. Whereupon Commissioner Stanley introduced

RESOLUTION NO. 3324-N.S.

accepting the resignation of Mr. Carlson from the office of City Attorney, and  
declaring the said office vacant, which resolution was regularly adopted by the fol-  
lowing vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

3  
IN THE MATTER OF  
APPOINTING A CITY  
ATTORNEY:

Pursuant to the resignation of A. J. Carlson from the  
Office of City Attorney, and a vacancy now existing in  
that office, there was filed with the Council the written application of Myron C.  
Moyle and the oral application of R. P. Fowler for appointment to the position.  
After due consideration of the said applications by the Council, Commissioner  
Oliver introduced

RESOLUTION NO. 3325-N.S.

appointing Mr. Robert B. Fowler to the office of City Attorney of the City of  
Modesto to serve at the pleasure of the Council, effective November 5th, 1935, and  
fixing the compensation to be paid for his services at \$150.00 per month, payable  
at the same time and in the same manner as other city officials are paid, which  
resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

4  
IN THE MATTER OF  
ADJOURNMENT:

Commisdoner Pack introduced

RESOLUTION NO. 3326-N.S.

adjourning this Council meeting now in session, which resolution was regularly  
adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

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November 16, 1935

The Council of the City of Modesto met in regular session this date.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent: Councilmen: None

1 IN THE MATTER OF MINUTES: The minutes of the regular session of October 23, 1935, and of the special sessions of November 1st and 4th, 1935 having been heretofore read by each Councilman, were unanimously ordered approved as so read.

2 IN THE MATTER OF PETITION FOR APPROVAL OF ESTABLISHMENT OF STAGE LINE THROUGH MODESTO: There appeared before the Council Mr. Norman Asp, representing the Santa Fe Railway Company, asking the Council to give its endorsement and approval to their petition now before the State Railroad Commission for the establishment of a stage line in the State of California, with a depot stop in Modesto. Officials of the Southern Pacific Railway Company also addressed the Council, opposing any such action contending that the State of California is now adequately served by the stage line operated by its subsidiary, Pacific Greyhound Lines. Mayor King advised the petitioners that the Council does not wish to act in such matters without having in writing the statements of both the proponents and opponents, and that proper consideration will be given when such statements have been filed.

3 IN THE MATTER OF CLAIMS FOR OCTOBER: The claims against the City of Modesto for the month of October, 1935, having been heretofore audited and approved by the Council, Commissioner Oliver introduced

RESOLUTION NO. 3327-N.S.

directing that all of said claims so audited and approved be allowed, reference being made to the Auditor's Cash Record for further details relative to the amounts of withdrawals from the various funds as follows:

GENERAL FUND-----	\$ 22,161.80
WATER FUND-----	\$ 4,258.10
LIBRARY FUND-----	\$ 1,461.16
BOND RED. INT. FUND-----	\$ 62.94
ST. BOND RED. INT. FUND-----	\$ 1.62
UNAPPORTIONED FUND-----	\$ 7.80
<i>St. Bond Red. Int. Fund</i>	<i>2,000.00</i>
TOTAL-----	\$ 30,053.43

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

4 IN THE MATTER OF REFUNDS FOR CLAIMS OF INSURANCE AGENTS: Claims of C. R. Toomes, G. H. Bertram and Stanley Peterson for refunds of licence fees having been heretofore filed with the City Auditor, and pursuant to exemption of such persons from local license fees by virtue of state corporation statutes, Commissioner Oliver introduced

RESOLUTION NO. 3328-N.S.

authorizing the refund of license fees to the said petitioners as prayed for which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

5 IN THE MATTER OF  
CLAIMS OF TRUCK  
DRIVERS FOR REFUNDS:

Claims of various truck drivers under contract with the Borden Western Co. for the transportation of milk having been heretofore filed with the Council and the Committee not having fully completed investigation of the claims, by unanimous order of the Council, action thereon was laid over to the next regular meeting.

6 IN THE MATTER OF  
COMMUNICATIONS:

There was filed with the Council communication from the Stanislaus County Pomona Grange asking the Council to consider the repeal of a license tax on trucks transporting any goods into or out of the City, contending that the license is not absorbed by trucking concerns but passed on to the farmers at increased hauling rates. By order of the Council the City Clerk was directed to advise the Stanislaus County Pomona Grange that the exclusion of truck operators from payment of license fee imposed by City ordinance would be discrimination and therefore illegal.

7 There was received by the Council communication from the Southern Pacific Railway Company asking that deed and title report on property on 8th Street exchanged for Ninth Street right of way be delivered at this time. Former City Attorney Carlson reported that he had sent to the Southern Pacific Co. offices the deed in question and that the title report had been ordered made.

8 There was received by the Council from Miss Bernice Wood a communication asking the cooperation of the Council in starting a campaign for attendance in classes for instruction to adult illiterates. Mayor King directed the City Clerk to advise Miss Wood that while there are not available funds in the current budget to give financial aid to the project, the Council is willing to cooperate in any other way possible.

9 There was received by the Council a communication from the League of California Municipalities giving certain information relative to civil service for cities and the state gas tax. Same were referred to City Attorney Fowler.

10 IN THE MATTER OF  
HEARING OF PROTESTS  
AND GRANTING PERMIT  
FOR MORTUARY:

The City Clerk having posted and published notices setting forth this time for hearing of protests to the granting of permit to Carl W. Shannon to construct, operate and maintain a mortuary at 1605 I Street, all in accordance with Zoning Ordinance No. 364-N.S., and there being no protests either oral or written on file, Commissioner Pack introduced

RESOLUTION NO. 3329-N.S.

granting permit to C. W. Shannon to erect, operate and maintain a mortuary at the above address when all provisions of City ordinances relative to building permit fees and construction have been complied with, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

11 IN THE MATTER OF  
PERMIT FOR SHELL OIL  
CO. STATION AT  
NINTH AND G STS.:

Pursuant to Ordinance No. 344-N.S. there was filed with the Council for approval the application of the Shell Oil Company to erect, operate and maintain a service station on property known as Lots 29 to 32 inc. in Block 53, being situate at the North-

westerly corner of Ninth and G Streets, and the plans therefor having been heretofore checked and approved by the City Engineer, Commissioner Pack introduced

11) RESOLUTION NO. 3330-N.S.

granting permit to the Shell Oil Company to erect, operate and maintain service station as prayed for, when all provisions of City ordinances relative to building permit and the regulations for storage and dispensing of gasoline have been complied with, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

12) IN THE MATTER OF DESIGNATING ALLEY AS "BAKER WAY":

G. D. Swan having requested the Council to designate by an official name the alley running between blocks 558, 559, 560 and 561, being between Maynell, Morris, McHenry and Johnson Streets, and having suggested the name "Baker Street", Commissioner Pack introduced

RESOLUTION NO. 3331-N.S.

officially designating the above described alley as "BAKER WAY", and directing that the United States Postoffice be notified of the action taken, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

13) IN THE MATTER OF BIDS FOR AUTOMOBILES:

Pursuant to advertising for bids for one automobile for the Fire Department and two automobiles for the Police Department, and the time for opening said bids having now arrived, the City Clerk reported receipt of seven bids, which when opened read as follows:

(See Supplementary Sheet Attached)

Whereupon Commissioner Neece introduced

RESOLUTION NO. 3332-N.S.

referring the above bids to a committee composed of Councilmen Stanley and Neece for investigation and recommendation as to the lowest and best bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

14) IN THE MATTER OF AWARD OF BID FOR TRAFFIC SIGNALS:

Pursuant to the receiving of bids for automatic traffic signal for the intersection of Ninth and H Streets, and the said bids having been laid over to this time, it appears that the alternate bid of Eagle Signal Corporation is the lowest and best bid. Whereupon, Commissioner Neece introduced

RESOLUTION NO. 3333-N.S.

accepting the alternate bid for automatic traffic signal of the Eagle Signal Corporation at the price of \$385.13 as set forth in their written proposal, and directing the City Clerk to return to the unsuccessful bidders the certified checks accompanying their bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

15 IN THE MATTER OF  
INSTALLMENT CONTRACTS  
FOR WATER SERVICES  
OUTSIDE THE CITY:

The attention of the Council having been called to the practice of granting water connections with City water mains outside the City on installment contracts for payment of the connection fee of \$150.00 stipulated in Ordinance No. 432-N.S., and there having been no specific terms heretofore set forth by the Council for such installment payments, Commissioner Neece introduced

RESOLUTION NO. 3334-N.S.

providing for the payment of \$150.00 water connection fee on services outside the City on installment basis when an initial payment of \$50.00 is made and agreement signed for payment of \$10.00 per month thereafter for a period of ten months, with interest on the unpaid balance at the rate of 7%, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

16 IN THE MATTER OF  
LEASE OF PROPERTY  
ADJACENT TO THE  
CORPORATION YARD:

Pursuant to building of machine shop for the City of Modesto on portion of property known as Lots 1 to 13 in Block 40, and it now being deemed advisable and necessary to acquire possession and use of property adjacent to the said machine shop, namely: Lots 14, 15 and 16 in Block 40, at this time there was presented to the Council a lease providing for the rental of the said Lots in consideration of payment of rental of \$14.00 per month, payable to the Modesto Title Company, up to and including July 1st, 1935. After due consideration of same, Commissioner Pack introduced

RESOLUTION NO. 3335-N.S.

approving and ratifying the lease as presented, and directing the City Clerk and Auditor to draw warrants in payment of the rental fee specified on the first day of each month during the period stated, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

17 IN THE MATTER OF  
PAYMENT FOR TITLE  
EXPENSE FOR LEASE  
OF PROPERTY:

Pursuant to acceptance of lease for rental of property known as Lots 14 to 16 inc. in Block 40, there was filed with the Council claim of the Modesto Title Company in amount of \$13.50 for title expense involved in preparation and execution of the said lease. Whereupon Commissioner Pack introduced

RESOLUTION NO. 3336-N.S.

authorizing and directing the City Clerk and Auditor to draw a warrant in amount of \$13.50 in favor of the Modesto Title Company in payment of claim as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

18  
IN THE MATTER OF  
19TH ST. EXTENSION  
RIGHTS OF WAY:

(a) Pursuant to the extension of 19th Street to Dry Creek, and to the matter of rights of way therefor, there was filed with the Council a communication from Anthony Zlatnick on behalf of Mrs. N. J. Fuller relative to rights of way through a portion of Lots 23 in Block 200. Same was read by the Council and ordered filed.

19  
(b) Pursuant to consideration of matter of settlement of claim of Mrs. Fred Ekstein for right of way heretofore taken by the City through Block 133, at this time Commissioner Pack introduced

RESOLUTION NO. 3337-N.S.

authorizing and offering the sum of \$1200.00 to Mrs. Ekstein for the said right of way, including the triangular portion of said Block 133 cut off by the 19th Street extension, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

20  
IN THE MATTER OF  
PROPOSED ORD. TO  
FIX CLOSING HOURS  
FOR GROCERY STORES:

Pursuant to proposed ordinance fixing the closing hours for grocery stores within the City, there was filed with the Council a written opinion of Louis Burke, legal counsel of the League of California Municipalities relative to constitutionality of the proposed ordinance. Same was read by the Council and ordered filed.

21  
The sponsors of the above proposed ordinance having withdrawn their request for the adoption of same, by unanimous consent of the Council further action thereon was laid over indefinitely and the ordinance tabled.

22  
IN THE MATTER OF  
PROPOSED ORDINANCE  
FOR PAYMENT OF DEL.  
TAXES IN INSTALLMENTS:

The matter of proposed amendment to Ordinance No. 396-N.S. so as to permit the payment of delinquent taxes in installments was by unanimous consent of the Council referred to a committee composed of City Attorney Fowler, Councilman Neece and City Tax Collector Gragg for investigation and recommendation.

23  
IN THE MATTER OF  
FINAL ADOPTION OF  
ORD. 501-N.S.  
(PAWN-BROKERS):

The final adoption of Ordinance No. 501-N.S., regulating the business of pawnbrokers, dealers in second hand goods, etc., having been heretofore postponed to this time, by unanimous consent of the Council such final adoption was laid over to the next regular meeting, specifying that at that time all protests to the adoption thereof will be heard.

24  
IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE 503-N.S.:

The final adoption of Ordinance No. 503-N.S., regulating the business of used motor car dealers, was by unanimous consent of the Council tabled indefinitely until called up for further action by its sponsors.

25  
IN THE MATTER OF  
FINAL ADOPTION OF  
ORDINANCE 505-N.S.:

The final adoption of Ordinance 505-N.S., regulating the installation, construction of and maintenance of electrical wiring within the City of Modesto, was by unanimous consent of the Council laid over to the next regular meeting.

26  
IN THE MATTER OF  
LICENSE FEES, CLASS-  
IFICATIONS, ETC.:

Pursuant to various business license ordinances now in effect the following matters were called to the attention of the Council for rulings, classifications, etc.

(a) A dance floor operated in conjunction with a restaurant by T. A. Davis at 1728 9th Street was deemed to come within the provisions of Ordinance 482-N.S. regulating public dance halls within the City.

(b) The claim of exemption of Field Finance Co. from business license fee, having been declared by former City Attorney Carlson to be without merit and the business to be licensable, same was referred to City Attorney Fowler for further investigation.

(c) The claim of Capital Company for exemption from license fees on apartment house owned by them, known as "Campbell Apartments", former City Attorney Carlson filed a written opinion to the effect that since the said apartments are leased to the County of Stanislaus for welfare purposes the license fee in question would not be collectible.

(d) The imposition of license fees on banks for check and service charges as stipulated in Ordinance 487-N.S. was discussed by the Council, and upon report of investigating committee, the fees were held to be uncollectible.

(e) The matter of the Modesto Tribune distributing handbills with its weekly newspaper was held to be a violation of Ordinance 487-N.S. and licensable under provisions of Section 117 thereof: provided, that advertising matter of the same size as the newspaper would not constitute such violation.

(f) Apartment house licenses and the inequality of the present license fee were duly discussed by the Council and the City Attorney directed to draft an ordinance amending Section 123 of Ordinance 487-N.S. to correct the inequality.

32 IN THE MATTER OF  
SUBSIDY TO THE  
SALVATION ARMY:  
meeting.

The matter of subsidy to the Salvation Army was by unanimous consent of the Council laid over to the next regular

33 IN THE MATTER OF  
REPORT OF AUDITORS  
FOR 1934-35:  
Oliver introduced

The annual audit of the City of Modesto accounts having been completed by Messers. Hicklin, Redmond and Co., the report thereof was filed with the Council for approval; whereupon Commissioner

#### RESOLUTION NO. 3338-N.S.

accepting the report submitted by Messers Hicklin, Redmond and Co. and ratifying the payment heretofore made by the City Clerk and Auditor in the sum of \$400.00 for services of the above named auditors, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

34 IN THE MATTER OF  
PROTEST TO HOGS  
AT DUMPS:

Pursuant to referring matter of protests of residents in the vicinity of the City Dumps, leased from J. Venturini, to the hogs kept thereat and the permitting of garbage to remain uncovered, at this time Assistant City Engineer, M. H. Crews, reported that Mr. Venturini will correct the conditions complained of at once.

35 IN THE MATTER OF  
REPORT OF COMMITTEE  
ON DOGS:

Committee heretofore appointed by Mayor King to study the dog situation in Modesto to make recommendations for the correction of unsatisfactory conditions existing, at this time there was filed with the Council the written report of the Committee's findings and recommendations.

Whereupon Commissioner Stanley introduced

RESOLUTION NO. 3339-N.S.

35 accepting the report of the Committee and thanking the members thereof for their services in the matter, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

36 IN THE MATTER OF  
REPORTS:

Reports of the various departments for the month of October, 1935, were reviewed by the Council and ordered filed.

37 IN THE MATTER OF  
ADJOURNMENT:

There being no further business to come before the Council, Commissioner Pack introduced

RESOLUTION NO. 3340-N.S.

declaring the meeting adjourned, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

ATTEST: H. E. GRAGG  
CITY CLERK

\*\*\*\*\*

NAME OF BIDDER:	MODEL:	ITEM NO. 1			ITEM NO. 2			ITEM NO. 3		
		PRICE:	ALLOW. 1925 BUICK:	NET PRICE:	PRICE:	ALLOW. POLICE CAR #2	NET PRICE:	PRICE:	ALLOW. POLICE CAR #3	NET PRICE:
JEROME CYR (Add Sales Tax to all Items)	OLDSMOBILE	\$997.25	\$70.00	\$927.25	\$1122.25	\$300.00	\$822.25	\$1122.25	\$350.00	\$772.25
HELM CHEVROLET COMPANY	CHEV. STANDARD	774.10	65.00	709.10	892.55	300.00	592.55	892.55	320.00	572.55
	CHEV. MASTER	842.59	65.00	777.59	961.05	300.00	661.05	961.05	320.00	641.05
PAT C. HARPER	DESOTO DELUXE	1045.15	65.00	980.15	-	-	-	-	-	-
R. B. MACBRIDE	DODGE SEDAN	999.61	64.61	935.00	1054.46	304.46	750.00	1054.46	304.46	750.00
	PLYMOUTH DELUXE	894.86	64.86	830.00	958.26	300.00	658.26	958.26	300.00	658.26
F. PARADIS CO.	STAND. FORD	786.33	50.00	736.33	904.26	325.00	579.26	904.26	350.00	554.26
W. J. SILVA	STUDE. DICTATOR	1020.73	65.00	955.73	1091.80	332.00	759.80	1091.80	357.00	734.80
J. SINGLETON	BUICK SED. #41	1165.96	65.96	1100.00	1238.06	338.06	900.00	1238.06	358.06	880.00
	8. PONTIAC D. L.	1077.38	67.38	1010.00	1159.78	339.78	720.00	1159.78	359.76	700.00
	8. PONTIAC D. L.	1053.69	68.69	985.00	1136.09	336.09	800.00	1136.09	356.09	780.00
	6. PONTIAC D. L.	1023.82	68.82	955.00	1106.22	336.22	770.00	1106.22	356.22	750.00
	6. PONTIAC D. L.	998.07	68.07	930.00	1080.47	335.47	745.00	1080.47	355.47	725.00
	PONTIAC MAS.	981.59	66.59	915.00	1066.05	336.05	730.00	1066.05	356.05	710.00
PONTIAC MAS.	956.87	66.87	890.00	1039.27	339.27	700.00	1039.27	359.27	680.00	

November 27, 1935

The Council of the City of Modesto convened in regular session on the above date.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent: Councilmen: None

1 IN THE MATTER OF MINUTES:

The minutes of the regular session of November 13, 1935, having been heretofore read by each Councilman, were ordered approved as so read.

2 IN THE MATTER OF CLAIMS:

There was filed with the Council claim of Chas. D. Elaine for refund of license fee heretofore paid pursuant to Ordinance No. 487-N.S., the claim setting forth that all business transacted by him is exempt from municipal taxation by virtue of state insurance statutes. Whereupon Commissioner Oliver introduced

RESOLUTION NO. 3341-N.S.

allowing the claim of Chas. D. Elaine for refund of license fee and directing the City Clerk and Auditor to draw warrant therefor as prayed for, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

3 IN THE MATTER OF CLAIM OF G. L. HAWLEY FOR REFUND OF FEE:

There was filed with the Council claim of G. L. Hawley for refund of \$5.00 license registration fee heretofore paid by him for retail business conducted by him, setting forth that the license was erroneously procured since he transacts only wholesale business within the City of Modesto, for which he has obtained wholesale license; whereupon, in view of the facts presented, Commissioner Oliver introduced

RESOLUTION NO. 3343-N.S.

allowing the claim of G. L. Hawley for refund of retail license fee heretofore paid by him, and directing the City Clerk and Auditor to issue warrant therefor as prayed for, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

4 IN THE MATTER OF LICENSE FEES OF TRUCK DRIVERS:

Pursuant to the filing of claims of L. P. Beidleman, C. C. Mudgett, F. H. Petersen and H. E. Tong for refund of license fees heretofore paid by them pursuant to Section 101 of Ordinance 487-N.S. covering the operation by them of trucks under contract with the Borden Western Co., and action on said claims having been postponed from time to time pending investigation of same by the Council, and it now appearing that the operation of trucks as aforesaid comes within the license provisions of City Ordinance No. 487-N.S., Commissioner Pack introduced

RESOLUTION NO. 3343-N.S.

rejecting the claims of the above named truck operators for refund of license fees, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

5 IN THE MATTER OF  
PAYMENT OF ADDITION-  
AL PREMIUM ON COMPEN-  
SATION INS. POLICY:

There was filed with the Council statement from the State Compensation Insurance Fund of experience rating on compensation insurance policy for the year ending June 30, 1935, setting forth additional premium payment of \$324.32. Whereupon Commissioner Oliver introduced

RESOLUTION NO. 3344-N.S.

directing the City Clerk and Auditor to draw warrant in the sum of \$324.32 in favor of State Compensation Insurance Fund in payment of additional premium due for policy effective during the fiscal year ending June 30, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

6 IN THE MATTER OF  
COMMUNICATIONS:

(1) There was received by the Council a communication from the Wood Colony Grange #522 voicing opposition to the practice of municipalities of levying truck licenses. Same was read by the Council, ordered filed, and the City Clerk directed to acknowledge receipt thereof.

(2) Communication was received from the Brigadier General of the State Division of Military Affairs relative to proposed construction of an armory for the state militia in Modesto as a P. W. A. project. Same was read by the Council and ordered filed.

(3) Communication was received from the Central Valley Division of the League of California Municipalities inviting City officials to a regional meeting of the Division to be held in Sonora, Saturday evening, November 30, 1935. Same was read by the Council, ordered filed, and the City officials expecting to attend directed to so advise the City Clerk,

9 IN THE MATTER OF  
PROTESTS TO PROPOSED  
SANTA FE BUS LINE:

Pursuant to the oral petition of the Santa Fe Transportation Company for the endorsement of the City Council of a petition now on file with the State Railroad Commission for the establishing of regular bus stops in cities throughout the State of California, including Modesto, at this time there was filed with the Council the written protests of the Southern Pacific Company and the Pacific Greyhound Lines setting forth objections to the proposed bus system, and asking the Council not to act in endorsing same. Both protests were ordered filed, and no further action taken upon the petition of the Santa Fe Transportation Co. in view of the fact that it is not within the scope of the City Council to act upon same.

10 IN THE MATTER OF  
PERMIT TO COCA  
COLA CO. FOR BLDG.:

Pursuant to the City Clerk's having posted and published notices setting forth this time for hearing of protests to the granting of permit to the Coca Cola Bottling Company of Turlock to construct, operate and maintain a building for conducting of its business on property known as Lots 1 to 3 inc. in Block 63 of the City of Modesto, all in accordance with Zoning Ordinance No. 364-N.S., and there being no protests either oral or written on file, Commissioner Pack introduced

RESOLUTION NO. 3345-N.S.

granting permit to the Coco Cola Bottling Co. of Turlock to construct, operate and maintain a building for business purposes on said property as prayed for, when all provisions of City ordinances pertaining to building permit and regulations have been complied with, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
AWARD OF BIDS FOR  
AUTOMOBILES:

Pursuant to receiving of bids for one automobile for the Fire Department and for two automobiles for the Police Department and to the subsequent referring of same to a committee for investigation and recommendation, at this time the said committee reported its findings in the matter, stating the lowest and best bids for the equipment to be purchased as follows:

Item #1. Automobile for Fire Department. Bid of W. J. Silva for 1 Studebaker Dictator Sedan - as per the specifications set forth in Notice to Bidders - at the net price of .....\$955.73

Item #2. Automobile for Police Department. Bid of F. Paradis Co. for 1 Ford Standard Sedan - as per the specifications set forth in Notice to Bidders - at the net price of.....\$579.26

Item #3. Automobile for Police Department. Bid of J. L. Singleton for 1 Pontiac Master 6 Sedan - as per the specifications set forth in Notice to Bidders - at the net price of.... .....\$680.00

Whereupon Commissioner Neece introduced

RESOLUTION NO. 3346-N.S.

awarding bids as above set forth, and directing the City Clerk and Auditor to draw warrants in payment therefor at prices above set forth upon delivery and acceptance of the said equipment, and to return to the unsuccessful bidders the certified checks accompanying their bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
PURCHASE OF FILING  
CABINET FOR  
CITY ATTORNEY:

Commissioner Oliver introduced

RESOLUTION NO. 3347-N.S.

authorizing and directing that a filing cabinet be purchased for the City Attorney, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
LEASE CONCESSION  
TO SHELL OIL CO.:

The matter of approving lease of gasoline concession at the airport to the Shell Oil Co. was by unanimous consent of the Council laid over to the next regular meeting.

IN THE MATTER OF  
ADOPTING BUDGET  
FOR GAS TAX EXPEND-  
ITURES:

Pursuant to receipt of Project Statement from the State Department of Public Works relative to the expenditure of money obtained from the apportionment of the one-quarter cent gasoline tax, setting forth the obligations of the City of Modesto in connection therewith, Commissioner Pack introduced

RESOLUTION NO. 3348-N.S.

adopting the said statement as its budget for the fiscal year ending June 30, 1936, for such expenditures, and designating Mayor J. H. King and City Engineer Rossi signatories thereto on behalf of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
APPROVING AGREEMENT  
FOR MTC. OF STATE  
HIGHWAY ROUTES IN  
CITY:

Pursuant to filing with the City Council for ratification and signature and agreement relative to the expenditure of moneys by the State Department of Public Works obtained from the apportionment of the one-fourth gasoline tax on improvement of state highway routes within the City of Modesto, setting forth in detail the obligations of the State and the obligations of the City of Modesto in connection therewith, Commissioner Pack introduced

RESOLUTION NO. 3349-N.S.

ratifying and approving the said Agreement, and designating Mayor J. H. King signatory official thereto on behalf of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
TRANSFERRING \$2,000  
FROM GENERAL TO GAS  
TAX FUND:

Commissioner Pack introduced

RESOLUTION NO. 3350-N.S.

authorizing and instructing the City Auditor and Treasurer to transfer the sum of \$2,000.00 from the General Fund to the Gasoline Tax Fund created by Ordinance No. 502-N.S., the said sum to be transferred back to the General Fund upon receipt of gasoline tax appropriations from the State, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
LIGHTING APPROACH  
TO GIRL SCOUTS'  
CLUBHOUSE:

The matter of lighting the approach to the Girl Scouts Clubhouse in Beard Brook Park having been brought before the Council for consideration, and it being the opinion of the Council that such lighting should be installed Commissioner Oliver introduced

RESOLUTION NO. 3351-N.S.

directing the Department of Public Works to proceed to install lighting facilities for the approach to the Girl Scouts Clubhouse in Beard Brook Park, using materials now on hand and authorizing the purchase of such additional materials as may be

deemed necessary, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

18  
IN THE MATTER OF  
INSTALLING SIGNS  
AT ENTRANCES TO  
CITY RE: TRUCK  
LICENSES:

It having been called to the attention of the Council that some cities having ordinances imposing truck license fees have installed signs at the entrances to the City advising truck drivers of the existence of such ordinances and the name and address of the official to whom the licenses are payable, Mayor King named Commissioner Stanley and S. F. DeYoe, deputy license collector, a committee to investigate the feasibility of constructing such signs, and report its findings to the Council at the next regular meeting.

19  
IN THE MATTER OF  
AMENDMENT TO  
DANCE ORDINANCE:

There was received by the Council a communication from Nathan B. McVey relative to amendment to Ordinance No. 482-N.S. so as to exclude dances held by lodges in conjunction with card parties from the provisions thereof relative to police officers on duty thereat. Same was referred to the City Attorney for reply.

20  
IN THE MATTER OF  
PROPOSED ORD. TO  
PERMIT PAYMENT OF  
DELINQUENT TAXES  
IN INSTALLMENTS:

By unanimous consent of the Council the matter of proposed ordinance amending Ordinance 396-N.S. so as to permit the payment of delinquent taxes on installment basis was laid over to the next regular meeting.

21  
IN THE MATTER OF  
FINAL ADOPTION OF  
ORD. 501-N.S. RE:  
PAWNBROCKERS:

The final adoption of Ordinance No. 501-N.S. regulating the business of pawnbrokers, second-hand dealers, etc., having been laid over for further consideration until this time, Mayor King announced that protests to the ordinance in its present form would be heard by the Council.

22  
Whereupon A. J. Carlson, representing second-hand tire dealers, addressed the Council citing the objections of his clients to the ordinance in its present form, and suggested that one of two proposed amendments to the ordinance, namely: the exclusion in the same manner that the ordinance excludes furniture dealers, of dealers in used automobile tires and tubes and farm implements; or the exempting from provisions of the ordinance goods, merchandise, etc. purchased from a dealer holding a permit to do business under the California State Retail Sales Tax Act.

23  
Attorney E. T. Taylor, representing the owners of two junk yards in Modesto, protested against the ordinance in any form on the grounds of unconstitutionality and by reason of the fact that it is an unreasonable and unjust interference with private business.

24  
Legal representative for the California Metal & Pipe Co. voiced opposition to the ordinance as applying to his client, holding that plumbing and bathroom fixtures come under the classification of household furniture and that the provisions of the ordinance are too indefinite to warrant its adoption.

25  
Mr. L. J. Peterson, engaged in the tire retreading business in Modesto, protested against the time limit of 30 days which the ordinance stipulates for the holding of second hand goods purchased before resale, stating that it would work a hardship on his particular class of business.

Whereupon, Mayor King advised the spokesmen that it is not the purpose of the Council in adopting the ordinance to be unreasonable in its enforcement, but deems it mandatory to afford some protection to the public at large in recovering stolen property, and by unanimous consent of the Council final consideration of the ordinance was postponed to the next regular meeting, pending an investigation of its enforcement in the City of Stockton.

26 IN THE MATTER OF Ordinance No. 505-N.S., regulating installation and maintenance of electrical wiring, etc. in the City of Modesto, having been heretofore ordered printed and published, and coming up for final adoption at this time, it was, by unanimous consent of the Council, tabled indefinitely.

27 IN THE MATTER OF Commissioner Pack introduced  
ORDINANCE REGULATION ELECTRICAL WIRING, ETC. IN CITY: ORDINANCE NO. 506-N.S.  
entitled: An Ordinance regulating the installation, repair, operation and maintenance of electrical wiring and equipment within the City of Modesto, providing for licenses, registrations, permits, inspections and approval of electrical work, the payment of fees therefor, and providing for penalties for the violation of this ordinance", which ordinance was duly passed to print and publish in the regular manner by the following vote:  
Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
Noes: Councilmen: None  
absent: Councilmen: None

28 IN THE MATTER OF Commissioner Stanley introduced  
FIRE PREVENTION BUREAU: ORDINANCE NO. 507-N.S.  
entitled: "An Ordinance creating a Bureau of Fire Prevention, providing officers therefor, and defining its powers and duties, which ordinance was duly passed to print and publish in the regular manner by the following vote:  
Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

29 IN THE MATTER OF Commissioner Oliver introduced  
AMENDING ORD. 487- N. S. RE: DELINQUENT DATE FOR LICENSES: ORDINANCE NO. 508-N.S.  
entitled: A n Ordinance amending Section 8 of Ordinance 487-N.S. of the City of Modesto (License Ordinance) and moved its adoption to print and publish, which motion being duly seconded, it was upon roll call carried and the ordinance so ordered printed and published by the following vote:  
Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King  
Noes: Councilmen: None  
Absent: Councilmen: None

30 IN THE MATTER OF Commissioner Neece introduced  
AMENDING ORD. 487- N. S. RE: APARTMENT HOUSE LICENSES: ORDINANCE NO. 509-N.S.  
entitled: "A n Ordinance amending section 111 of Ordinance No. 487-N.S. of the City of Modesto (License Ordinance), and moved its adoption to print and publish, which motion being duly seconded, it was upon roll call carried and the ordinance

so ordered printed and published by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

31 IN THE MATTER OF  
LICENSE INTERPRET-  
ATIONS:

Pursuant to adoption and enforcement of business license ordinance No. 487-N.S., the following matters having been called to the attention of the Council for rulings, classifications, etc, the Council ordered as follows:

(a) Used car lots, when maintained and operated by the owner of a garage, automobile agency, or other business, and located at a different address than such garage, automobile agency, or other business, were held to be a separate place of business and licensable as such under subdivision C of Section 157, of Ordinance 487-N.S.

32 (b) Automobile and truck agencies shall pay 1½ mill tax stipulated in Section 101 of Ordinance 487-N.S. on the gross sales or income, and not upon the gross commissions received as result of such sales.

33 (c) Exemption of Field Finance Co. from license provisions of Ordinance 487-N.S. was referred to City Attorney Fowler.

34 IN THE MATTER OF  
REPORT OF FORMER  
CITY ATTY. ON  
LEGAL MATTERS OF  
THE CITY:

There was filed with the Council by A. J. Carlson, former City Attorney, a complete resume of the present status of legal matters of the City in his charge, together with signed substitutions of Attorney Robt. B. Fowler, incumbent City Attorney, for each case now pending with the exception of that of the Modesto Gas Company Suit. Same was reviewed by the Council and ordered filed.

35 IN THE MATTER OF  
SUBSIDY TO THE  
SALVATION ARMY:

By unanimous consent of the Council the matter of subsidy to the Salvation Army was laid over for further consideration at the next regular meeting.

36 IN THE MATTER OF  
LIGHTING OF NINTH  
ST. BRIDGE:

Commissioner Pack reported to the Council that Modesto Irrigation District through its electrical engineer, Mr. B. W. Creim, has proposed to the City that if the lights on 9th Street Bridge are kept burning all night a rate reduction would be made so as to cause no extra cost to the City for the additional energy consumed. He also reported that a general schedule of rate reductions to the City is now being considered by the Modesto Irrigation District officials.

37 IN THE MATTER OF  
ADJOURNMENT:

Commissioner Pack introduced  
RESOLUTION NO. 3352-N.S .  
adjourning this Council meeting now in session, which motion being duly seconded, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

ATTEST: H. E. GRAGG  
CITY CLERK

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December 11, 1935

The Council of the City of Modesto met in regular session this 11th day of December, 1935.

Present: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Absent : Councilmen: None

1 IN THE MATTER OF MINUTES:

The minutes of the regular session of November 27, 1935, having been heretofore read by each Councilman, were unanimously approved as so read.

2 IN THE MATTER OF TAXI DRIVERS VIOLATING TRAFFIC ORDINANCES:

Pursuant to citation of the various operators of taxicabs and jitneys in the City of Modesto to appear before the Council at this time, Mayor King addressed the assembled group stating that many complaints have been made of the flagrant violation of traffic ordinances by operators of jitneys and taxicabs, and warned that henceforth for first offense in such violation a heavy fine will be imposed, and on occasion of a second offense, the license of the operator will be revoked. Defending the jitney operators, Mr. John Duckart advised the Council that cut-rates made it mandatory for taxi operators to get a volume of business by speeding from their station to fare destinations and back. Mayor King replied that irrespective of the argument presented, the mandamus as above stated would be enforced.

3 IN THE MATTER OF CLAIMS:

Claims against the City of Modesto for the month of November, 1935, having been heretofore audited by the Council and found to be correct, Commissioner Oliver introduced

RESOLUTION NO. 3353-N.S.

directing that all of said claims so audited and approved be allowed, reference being made to the Auditor's Cash Book for further details relative to amounts of withdrawals from the various funds as follows:

GENERAL FUND-----	\$ 19,090.06
WATER FUND-----	\$ 3,097.24
LIBRARY FUND-----	\$ 1,798.00
ST. BOND. RED. INT. FUND-----	2.49
BOND RED. INT. FUND-----	.02
UNAPPORTIONED FUND-----	\$
TOTAL-----	\$ 23,988.11

Which resolutions were regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

4 IN THE MATTER OF SUBSIDY TO BOYS' BAND:

Pursuant to budget appropriation of \$500.00 for subsidy to the Stanislaus County Boys' Band, and to payment of \$250.00 for subsidy pursuant to action authorized by Resolution No. 3290-N.S., there was at this time a claim of \$250.00 presented to the Council by the treasurer of the Boys' Band for balance of the subsidy. Whereupon Commissioner Oliver introduced

RESOLUTION NO. 3354-N.S.

authorizing and directing the City Clerk and Auditor to issue warrant in the sum of \$250.00 to the Stanislaus County Boys' Band for balance of budget appropriation for subsidy as aforesaid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King.

Noes: Councilmen: None

Absent: Councilmen: None

5 IN THE MATTER OF Pursuant to exemption of insurance agents from license fee  
CLAIM FOR REFUND imposed by Section 101 of Ordinance No. 487-N.S., there was  
OF LICENSE FEE: at this time filed with the Council claim of Cooper & Damin for refund of business  
license fee heretofore paid, whereupon Commissioner Oliver introduced

RESOLUTION 3355-N.S.

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

6 IN THE MATTER OF There was received by the Council communications from the  
COMMUNICATION RE: State Railroad Commission and from the League of California  
TRUCK RATES: Municipalities relative to a hearing before the Railroad Commission on truck rates  
effective throughout the State. Same were read by the Council and referred to the  
City Attorney.

7 IN THE MATTER OF There was received by the Council a communication from the  
CIVIC AUDITORIUM: Modesto Chamber of Commerce relative to need of a civic  
auditorium in Modesto. Same was read by the Council and ordered filed.

8 IN THE MATTER OF There was received by the Council copy of communication  
BRIDGE OVER CANAL: from L. L. Dennett addressed to the Board of Directors of  
the Modesto Irrigation District, opposing the construction of a bridge or bridges  
across the Modesto Irrigation District canal in the northwesterly portion of the  
City, contending that a legal suit is being contemplated for declaring the canal  
a nuisance and requiring its abatement by construction of an underground canal in  
its stead. Same was read by the Council and ordered filed.

9 IN THE MATTER OF There was filed with the Council recommendation of the  
PARKING ON G ST.: Chief of Police that parking on G Street from 9th to 11th be  
changed from angle to parallel parking, citing the congestion of traffic on this  
portion of G Street makes such action mandatory for public safety. Whereupon  
Commissioner Stanley introduced

RESOLUTION 3356-N.S.

providing that parallel parking of vehicles on G Street between 9th and 11th Streets  
in accordance with Section 34 of Ordinance 345-N.S. be forbidden and prohibited after  
the adoption of this resolution and that all vehicles parking within the limits  
designated shall stop, stand or park the same parallel with the curb and with the two  
right hand wheels of the vehicle within a foot of the regularly established curb  
line of said portions of said street and that the Public Works Department shall proceed  
to ~~make~~ mark streets for parallel parking; which resolution was regularly adopted by  
the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

10 IN THE MATTER OF  
LEASING GASOLINE  
CONCESSION TO SHELL  
CO. AT AIRPORT:

There was presented to the Council for ratification a lease and agreement for gasoline concession at municipal airport to the Shell Oil Company; whereupon, it being ascertained that the same are agreeable to the best interests of the City, Commissioner Pack introduced

RESOLUTION NO. 3357- N.S.

accepting the terms of said lease and agreement, and authorizing the Mayor and City Clerk to affix their signatures thereto on behalf of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

11 IN THE MATTER OF  
PROPOSAL FOR SALE  
TO CITY OF TWO  
WAREHOUSES:

There was filed with the Council written proposal of Bomberger Bros. for the sale to the City of two sheet iron warehouses on 7th Street between G and H Streets, stating that same are available either for renting, leasing or exchange for other property. Same was read by the Council and ordered filed.

12 IN THE MATTER OF  
INCREASING SALARY  
OF GOLF COURSE  
EMPLOYEE:

Commissioner Oliver introduced

RESOLUTION NO. 3358-N.S.

authorizing and directing that the compensation of B. DeArmond, golf course employee on the semi-monthly payroll be increased to \$50.00 per month, effective December 1, 1935, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

13 IN THE MATTER OF  
M. I. D. RATE  
REDUCTION:

There was filed with the Council formal statement from the Modesto Irrigation District of reductions in electric rates charged the City for Street lighting, together with schedule of rates now in effect; Same was read by the Council and ordered filed.

14 IN THE MATTER OF  
PROPOSED ORD. REG-  
ULATING CLEANING  
ESTABLISHMENTS:

There was filed with the Council petition signed by owners of cleaning and pressing establishments in Modesto, asking that a proposed ordinance adopting a code of fair competition be enacted by the City of Modesto, and submitting a copy of such ordinance now in effect in the City of Sacramento. Same was taken under consideration by the Council and referred to Commissioner Oliver and Neece for investigation and report.

15 IN THE MATTER OF  
PROPOSAL TO BUY  
CITY'S TAX CLAIM  
ON CERTAIN PROPERTY:

Mrs. Cameron filed oral proposal with the Council for purchasing City's claim to Lot 19 in Block 37 at the sum of \$125.00, payable on terms of ~~\$15.00 payable on terms of \$15.00~~ down and \$5.00 per month. Same was taken under consideration by the Council.

16 IN THE MATTER OF  
ORDINANCE LIFTING  
ZONING RESTRICTIONS  
IN CERTAIN AREA:

By unanimous consent of the Council proposed ordinance lifting zoning restrictions in a certain area of the City was laid over to the next regular meeting .

17 IN THE MATTER OF  
ORD. APPROPRIATING  
FUNDS FOR 19TH ST.  
RIGHTS OF WAY:

Commissioner Pack introduced

ORDINANCE NO. 510-N.S.

Appropriating money and providing for the purchase of rights of way on LaLoma and 19th Streets, and for the construction of a bridge on Sycamore Avenue across M.I.D. Lateral No. 4, and for the construction of a new well, and for the repair and improvement of Lake Modesto dam, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

18 IN THE MATTER OF  
ORDINANCE PROVIDING  
FOR PMT. of del. TAXES  
IN INSTALLMENTS:

By unanimous consent of the Council proposed ordinance providing for payment of delinquent taxes in installments was laid over to the next regular meeting.

19 IN THE MATTER OF  
FINAL ADOPTION OF  
ORD. 501-N.S. (PAWN-  
BROKERS):

Mr. E. J. Taylor appeared before the Council opposing the adoption of Ordinance 501-N.S. regulating pawnbrokers and second-hand dealers. The investigations of the Council in regard to this ordinance not having been completed, by unanimous consent final adoption thereof was laid over to the next regular meeting.

20 IN THE MATTER OF  
FINAL ADOPTION OF  
506-N.S. (ELECT.):

Ordinance No. 506-N.S., regulating electrical wiring construction in the City of Modesto, having been introduced and ordered printed and published at the regular meeting of November 27, 1935, and having been so published as required by the Charter of the City of Modesto, it was upon roll call finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

21 IN THE MATTER OF  
FINAL ADOPTION OF  
507-N.S. (FIRE PRE-  
VENTION)

Ordinance No. 507-N.S., creating Bureau of Fire Prevention and defining duties thereof, having been heretofore introduced and ordered printed and published at the regular meeting of November 27, 1935 and thereupon printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this time, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

22 IN THE MATTER OF  
FINAL ADOPTION OF  
508-N.S. (DELIN.  
DATE OF LICENSES):

Ordinance No. 508-N. S., Amending 487-N.S. regarding date for adding delinquent penalties on licenses, having been heretofore introduced and ordered printed and published at the regular meeting of November 27, 1935, and thereupon printed and published as required by the Charter of the City of Modesto coming on for final adoption at this time, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley, and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

23 IN THE MATTER OF  
FINAL ADOPTION OF  
509-N.S. (Abolish Fees  
on Apartments):

Ordinance No. 509-N.S., Amending 487-N.S. Eliminating License fee on Apartment Houses, having been heretofore introduced

and ordered printed and published at the regular meeting of November 27, 1935 and thereupon printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this time, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

24 IN THE MATTER OF                      Commissioner Oliver introduced  
TRANSFERRING FUNDS:

RESOLUTION 3359-N.S.

authorizing and directing City Treasurer and Auditor to make such entries on their books as may be necessary to transfer \$50,000.00 from the Water to the General Fund of the City of Modesto, which was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

25 IN THE MATTER OF                      It was presented to the Council for approval agreements for  
APPROVING DEPOSIT:                      inactive deposits of city funds with the America Trust  
Company and the Bank of America, same appearing to be in proper form, Commissioner Oliver introduced

RESOLUTION 3360-N.S.

Approving the deposit agreements presented and accepting the specified term for Notice of Withdrawal, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

26 IN THE MATTER OF                      It having been called to the attention of the Council that  
CANCELLING TAXES                      certain taxes have been levied against property known as  
COUNTY OF STANISLAUS:                      block 595 and said property having been acquired by the County of Stanislaus, Commissioner Oliver introduced

RESOLUTION 3361-N.S.

authorizing and instructing the City Tax Collector and Auditor to make such entries on his records as may be necessary to cancel taxes levied for the current year against Block 595 which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

27 IN THE MATTER OF                      Pursuant to appointment of Robert Fowler as City Attorney  
APPOINTING EX-OFFICIO                      of the City of Modesto and pursuant to provisions of Ordinance  
MEMBER OF PLANNING                      414-N.S., Commissioner Pack introduced  
COMMISSION:

RESOLUTION NO. 3362-N.S.

designating Robert Fowler ex-officio member of City Planning Commission to serve during the tenure of office, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

28 IN THE MATTER OF SUBSIDY TO SALVATION ARMY: By unanimous consent of the Council the matter of subsidy to Salvation Army was laid over to the next regular meeting.

29 IN THE MATTER OF LICENSE DEPOSIT OF R. BRAYTON, CONTRACTOR: R. Brayton made petition to the City Council through the City License Collector for return of business license deposit before the expiration of the six month's period specified by Ordinance 487-N.S. and whereupon after due consideration of the matter by the Council, Commissioner Oliver introduced

RESOLUTION NO. 3363-N.S.

authorizing City License Collector to refund the said deposit when such contract work shall have been completed and all provisions of Ordinance 487-N.S. relative to payment of milltax on contract price shall have been paid.

30 IN THE MATTER OF LICENSE FOR USE OF CURE BY GAS STATIONS, GARAGES, ETC.: By unanimous consent of the Council this matter was referred to Commissioner Pack for investigation and report.

31 IN THE MATTER OF INSTALLING SIGNS FOR TRUCKS AT ENTRANCES TO CITY By unanimous consent of the Council the matter of installing signs in regard to truck license at entrances to the city was referred to Commissioner Neece and City Engineer Rossi.

32 IN THE MATTER OF LICENSE OF FIELD FINANCE COMPANY By unanimous consent of the Council the matter of exemption of Field Finance Company from business license was laid over to the next regular meeting.

33 IN THE MATTER OF AUDIT OF GROSS RECEIPTS Pursuant to conducting audit of gross receipts of various business firms in Modesto for license purposes, the City License Collector reported that certain corporations had filed certified statements in lieu of personal audits, whereupon after discussion of the matter by the Council, by unanimous consent such certifications were accepted.

34 IN THE MATTER OF REPORTS Reports of the various departments of the City of Modesto for the month of November, 1935, were reviewed by the Council and ordered filed.

35 IN THE MATTER OF ADJOURNMENT Commissioner Neece introduced

RESOLUTION 3364-N.S.

adjourning this Council meeting now in session and in view of the fact that the date of the next meeting falls on a holiday, Thursday, December 26th was set as the date for the next regular meeting which resolution was regularly adopted.

ATTEST: H. E. GRAGG  
CITY CLERK

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The Council of the City of Modesto met in Special session this date, the meeting having been called and convened as set forth in Section 2 of Ordinance 2-N.S.

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent : Councilmen: None

1 IN THE MATTER OF  
AMENDING ORD. 396  
N.S. RE: PAYMENT  
OF PROPERTY TAX

Commissioner Oliver introduced

ORDINANCE NO. 511-N.S.

entitled "An Ordinance amending Section XXXIII of Ordinance No. 396-N.S. of the City of Modesto, (Providing for property taxes in and for the City of Modesto and providing a system for the assessment, levy and collection thereof; and further providing for the levy and collection of public improvement assessments and other purposes in said city) and moved its adoption to print and publish, which motion being duly seconded, it was upon roll call carried and the ordinance so ordered printed and published by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

2 IN THE MATTER OF  
REGULATING THE  
BUSINESS OF PAWN-  
BROKERS ET AL:

Pursuant to proposed ordinance to regulate pawnbrokers in the City of Modesto having been heretofore considered by the Council, and now being submitted in its final form, Commissioner

Stanley introduced

ORDINANCE NO. 501-N.S.

entitled: " An Ordinance regulating the business of Pawnbrokers, Second-Hand Dealers, Junk Dealers and Auto Wreckers requiring such dealers to make reports, providing for a License, and prescribing a penalty for the violating thereof, which ordinance was duly passed to print and publish by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

3 IN THE MATTER OF  
REQUIRING MODESTO  
TRIBUNE PAY LICENSE  
FEE FOR DISTRIBU-  
TING CIRCULARS

Pursuant to distribution of circulars and handbills by the Modesto Tribune, Mr. B. J. Kimber of the Modesto Tribune appeared before the Council protesting the payment of

license fee under Section 117 of Ordinance 487-N.S. as he thinks it is within his right to distribute circulars and handbills. After considerable discussion Commissioner Oliver introduced

RESOLUTION NO. 3365-N.S.

requiring the Modesto Tribune to take out a license in accordance with section 117 of Ordinance 487-N.S. pertaining to the distribution of handbills and circulars, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

4 IN THE MATTER OF  
LICENSE FEES ON  
SACK, SHOCK, TWINE

Pursuant to decision of the City Council that license provisions of Ordinance 487-N.S. are applicable to concerns selling feed, sacks, shock, twine and merchandise sold by the Pacific Gas & Electric Company and Modesto Irrigation District and also fees collected by storage companies for the storage of merchandise of all kind and description, Commissioner Oliver introduced

RESOLUTION NO. 3366-N.S.

requiring that all companies operating within the corporate limits of the City of Modesto selling commodities as listed above should be subject to the tax set forth in Ordinance 487-N.S. which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

5 IN THE MATTER OF  
CLAIM OF LEDERLE  
ESTATE FOR DAMAGES

Pursuant to claim heretofore filed with the Council by the Lederle Estate for damages to their property in Block 206 resulting from right of way taken therethrough by the City of Modesto for the extension of the 19th Street to the LaLoma Extension, Commissioner Oliver introduced

RESOLUTION 3367-N.S.

authorizing and instructing the City Clerk and Treasurer to draw up warrant in the sum of \$2000.00, payable to the Title Company when delivery is made of report showing a clear title to the property together with a deed for the same, if and when the money is available in the Gasoline Tax fund, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

6 IN THE MATTER OF  
ADJOURNMENT

Commissioner Neece introduced

RESOLUTION NO. 3368-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

ATTEST: H. E. GRAGG  
CITY CLERK

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Council, City of Modesto  
December 26, 1935

The Council of the City of Modesto met in regular session  
this 26th day of December, 1935

Present: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Absent: Councilmen: None

1 IN THE MATTER OF  
MINUTES

The minutes of the regular session of December 11, 1935 and  
the special session of December 16, 1935 having been

heretofore read by each Councilman were unanimously approved as so read.

2 IN THE MATTER OF  
GRANTING FRANCHISE  
TO B. D. HANDY

At this time Mr. B. D. Handy, an operator of a taxi in the City of Modesto appeared before the Council asking if it would be possible that he be granted an exclusive franchise to control all taxicabs operating in the City of Modesto. Mayor King stated that he thought one could be worked out along the lines whereby a franchise could be sold to anyone but that one person could not be granted exclusive rights. Mayor King stated that an investigation would be made of the matter and at a latter time a report made.

3 IN THE MATTER OF  
BUILDING JAP CHURCH

At this time H. T. Kiyoi appeared before the Council with an application for the use of land within residence district for business purposes. He stated that the Japanese people wanted to build a church at 6th & D Streets, lots 17-18-19-20 in Block 29. He was unable to obtain the necessary signatures of property owners to the application and asked that the Council permit them to build the church without obtaining the necessary signatures. The council advised him that they could not override the ordinance but would have to comply strictly with the terms of the same. City Clerk was authorized to write the applicant, George Yahiro to this effect.

4 IN THE MATTER OF  
PARKING SPACE FOR  
RECCA CLEANING WORKS

Mr. Recca of the Recca Cleaners & Dyers doing business at 1045 11th Street appeared before the Council asking that he be permitted a parking space reserved for his use in front of his place of business. Mayor King advised him that in as much as the Council had not yet had time to consider the matter it would be best to advise him later as to the decision of the Council.

5 IN THE MATTER OF  
CLAIM FOR REFUND  
OF LICENSE FEE  
HARRY WINDUS

Pursuant to exemption of insurance agents from license fee imposed by Section 101 of Ordinance No. 487-N.S. there was at this time filed with the Council claim of Harry R. Windus for refund of business license fee heretofore paid. It was by unanimous consent of the Council that this matter was carried over until the next meeting as Mayor King wished to contact Mr. Windus to learn if he was conducting other lines of business other than insurance.

6 IN THE MATTER OF  
COMMUNICATION RE:  
HEATING EQUIPMENT

There was received by the Council a communication from J. S. West & Company relative to heating equipment for the City Hall. Same was read by the Council and ordered filed.

7 IN THE MATTER OF  
COMMUNICATION RE:  
DISTRIBUTION OF  
CIRCULARS & SAMPLES

There was received by the Council a communication from Kellogg's asking them that they be relieved of paying the license fee for distributing samples and advertising matter in the City of Modesto. Same was read by the Council and the City Clerk was authorized to write them explaining that it would be impossible to grant them an exception to provisions of Ordinance 487-N.S.

8 IN THE MATTER OF  
COMMUNICATION RE:  
BUILDING OF FENCE  
BY RAMOS

There was received by the Council a communication from Modesto Transportation Service requesting that they be permitted to erect a fence on lots 9-10-11 located in Block 51, City of Modesto. Same was read by the Council and the City Clerk was notified to write the above referring them to the engineer's office for decision of this matter.

IN THE MATTER OF  
PERMIT TO COHN &  
SHAPIRO TO OPERATE  
LUNCH STAND

The City Clerk having posted and published notices setting forth this time for hearing of protests to the granting of permit to Ben Cohn and A. Shapiro to construct, operate and maintain a lunch stand at 1301 Twelfth Street, all in accordance with Zoning Ordinance No. 364-N.S., and there being no protests either oral or written on file, Commissioner Pack introduced

RESOLUTION NO. 3369-N.S.

granting permit to Ben Cohn and A. Shapiro to erect, operate and maintain a lunch stand at the above address when all provisions of City Ordinance relative to building permit fees and construction have been complied with. This permit is subject to be revoked at any time the Council sees fit to do so. This resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Stanley, Pack, Oliver and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
HEARING PROTESTS  
TO GRANTING OF  
PETITIONS

Pursuant to the filing of petitions with the Council as follows:

Leslie H. Wallis-- to conduct electric repair shop at 1206 13th St. being in rear of lots 19 & 20 Block 109

Pearl Latimer--- to conduct laundry at 318 California St., being lots 23 & 24, Block 402

and it appearing from affidavits on file that a notice setting forth a time for hearing any and all protests to the granting of the petitions has been posted and published as required by Zoning Ordinance No. 364-N.S. and this being the time set forth for such hearing, the City Clerk reported that no protests either oral or written have been filed: whereupon Commissioner Pack introduced

RESOLUTION NO. 3370-N.S.

granting permits to the applicants as prayed for, when all provisions relative to building permit fees shall have been complied with, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

IN THE MATTER OF  
DOG ORDINANCE

Commissioner Stanley introduced

ORDINANCE NO 512-N.S.

entitled: "An Ordinance providing for the licensing, care and maintenance of dogs and dog kennels, and providing a penalty for the violation thereof" and moved its adoption to print and publish, which motion being duly seconded, it was upon roll call carried and the ordinance so ordered printed and published by the following vote:

Ayes: Councilmen: Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: Neece

Absent: Councilmen: None

12 IN THE MATTER OF  
AMEND ORD. 364-N.S.  
RE: ZONING

Commissioner Pack introduced

ORDINANCE 513-N.S.

12 entitled "An Ordinance amending Ordinance No. 364-N.S. of the City of Modesto entitled an Ordinance Creating Resident and Non-residence districts in the City of Modesto, and providing for the use of property in the City limits and establishing set back lines and prescribing a penalty for the violation of the provisions herein contained" and moved its adoption to print and publish, which motion being duly seconded, it was upon roll call carried and the ordinance so ordered printed and published by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

13 IN THE MATTER OF Ordinance No. 501-N.S. regulating business of pawn-brokers, FINAL ADOPTION OF second hand dealers, junk dealers and auto wreckers having ORD. 501-N.S. pawnbrokers been introduced and ordered printed and published at the Special meeting held on December 16, 1935 and having been so published as required by the Charter of the City of Modesto, it was upon roll call finally adopted by the following vote:

Ayes: Councilman: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

14 IN THE MATTER OF Ordinance 511-N.S. providing for the payment of delinquent FINAL ADOPTION OF 511-N.S. (Del. Taxes) taxes having been heretofore ordered printed and published at the Special meeting of December 16, 1935 and thereupon printed and published as required by the Charter of the City of Modesto coming on for final adoption at this time, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

15 IN THE MATTER OF Ordinance 510-N.S. providing for appropriation of money for FINAL ADOPTION OF 510-N.S. APPROP. the purchase of rights of way on LaLoma and 19th Street and FUNDS FOR 19TH ST construction of a bridge on Sycamore Avenue, across M.T.D. RIGHT OF WAY Lateral No. 4 and for the construction of a new well and for the improvement of Lake Modesto Dam having been introduced and ordered printed and published at the regular meeting of December 11, 1935 and thereupon printed and published as required by the Charter of the City of Modesto, coming on for final adoption at this time, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

16 IN THE MATTER OF Fire Chief George Wallace appeared before the Council asking ABATE NUISANCE that dwelling located at 1114 N Street owned by George F. COVELL DWELLING Covell and which was partially destroyed by fire a number of years ago, be declared a public nuisance as it was a fire hazard and that the owner either remodel or tear the building down. Commissioner Pack introduced

RESOLUTION NO 3371-N.S.

authorizing City Clerk to draw up necessary documents to declare this building a public nuisance and request the presence of the owner at the next regular meeting

of the Council to show cause why said structure should not be conclusively found to constitute a nuisance and why the same should not be summarily abated by the destruction thereof or remodeling.

17 IN THE MATTER OF  
SUBSIDY TO SALVA-  
TION ARMY

By unanimous consent of the Council, the Matter of subsidy to Salvation Army was laid over to next meeting.

18 IN THE MATTER OF  
LICENSE FOR USE OF  
CURB BY GAS STATIONS  
GARAGES, ETC.

By unanimous consent of the Council, this matter was laid over until alater meeting for report by Commissioner Pack.

19 IN THE MATTER OF  
INSTALLING SIGNS

Commissioner Neece and City Engineer Rossi reported that they had ordered signs to be painted regarding truck license and Commissioner Stanley introduced

RESOLUTION NO. 3372-N.S.

ordering these signs to be installed at entrances to the City which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

20 IN THE MATTER OF  
LICENSE OF FIELD  
FINANCE COMPANY

By unanimous consent of the Council the matter of exemption of Field Finance Company from business license was laid over to the next regular meeting until Mayor King had had time to interview this company

21 IN THE MATTER OF  
LICENSE OF USED CAR  
LOT OPERATORS

At this time there appeared before the Council, Frank Paradis and James Wingleton protesting paying license fee on used car lots in accordance with Ordinance 487-N.S. After some discussion it was agreed that they should pay the license fee and they agreed to send in their checks

22 IN THE MATTER OF  
ADJUSTING POSITIONS  
IN FIRE DEPARTMENT

Commissioner Stanley introduced

RESOLUTION 3373-N.S.

appointing E. H. Stockwell to the position of First Assistant Fire Chief as of January 1, 1936 at a salary of \$160.00 per month, Burton Fairfield as operator as of January 1, 1936 at a salary of \$145.00 and C. Y. Green as driver as of January 1, 1936 at a salary of \$140.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

23 IN THE MATTER OF  
ADJOURNMENT

Commissioner Neece introduced

RESOLUTION NO. 3374-N.S.

adjourning this Council meeting now in session, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Neece, Oliver, Pack, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

ATTEST: H. E. GRAGG  
CITY CLERK

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