

# 2005 Legislative History

## MINUTES

### City of Modesto

Safety & Communities Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

Monday, January 3, 2005, at 5:30 p.m.

Roll Call – Present: Committee Members Dunbar, Hawn, O’Bryant

Also Present: Councilmember Marsh

### ORAL COMMUNICATIONS

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

1. Consider receiving notification of Chief Wasden’s appointment to the International Association of Chiefs of Police Committee dealing with Police Tactics and Patrol.

**ACTION:** The Safety & Communities Committee approved this item.

#### CONSENT

2. Consider staff recommendation to approve the purchase of traffic unit equipment.

**ACTION:** The Safety & Communities Committee approved this item.

CONSENT

3. Consider staff recommendation to approve the purchase of investigative equipment.

**ACTION:** The Safety & Communities Committee approved this item.

CONSENT

4. Consider staff recommendation to approve a lease with the Arthur M. McElroy Marital Trust for the Modesto Police Department Evidence and Property Facility located at 1124 F Street.

**ACTION:** The Safety & Communities Committee approved this item.

CONSENT

5. Consider staff recommendation to approve agreement with Sylvan Union School District for the provision of one police officer to instruct the Drug Abuse Resistance Education (D.A.R.E.) program.

**ACTION:** The Safety & Communities Committee approved this item.

CONSENT

6. Consider staff recommendation to approve an amendment to the Stanislaus Drug Enforcement (SDEA) Joint Powers Agreement.

**ACTION:** The Safety & Communities Committee approved this item.

CONSENT

7. Consider staff recommendation to approve a grant agreement with the U. S. Department of Justice for the "Project Safe Neighborhoods for Stanislaus County".

**ACTION:** The Safety & Communities Committee approved this item.

CONSENT

8. Consider staff recommendation to amend Position Classification Plan to revise job specification for Firefighter/Firefighter Trainee.

**ACTION:** The Safety & Communities Committee approved this item.

## NEW BUSINESS

9. Review and discussion of current Stanislaus County/City of Modesto Animal Control Services Contract.

**ACTION:** No action taken. This item was for information only.

10. Discussion of issuance of citations for unattended vehicles with keys in vehicle or vehicle engine running.

**ACTION:** No action taken. This item was for information only.

11. Consider supporting recommendation by the Consultant Selection Committee to approve the short list of on-call landscape architectural service providers for a three-year period.

**ACTION:** The Safety Communities Committee approved Staff's recommendation with the condition that a cap be put in place.

12. Consider supporting staff recommendation to approve master plan and design development report for Sutton Community Park.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

13. Consider supporting staff recommendation to enter into agreements with the five Rotary Clubs of Modesto for consideration of surface landscaping of a ¼ mile section of Virginia Corridor.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

14. Consider staff recommendation to endorse an interim roundabout at the Coffee/Claratina intersection.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

15. Consider staff recommendation to not endorse a request for an all-way stop at Sharon and Fine intersection.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

### **COMMITTEE COMMENTS & REPORTS**

None.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **FUTURE AGENDA ITEMS**

1. Non-Motorized Transportation Plan
2. Parks and Park Security
3. 12-Month Review of Alcohol Permits
4. Fire Department ALS Program
5. ABC License Appeal Procedures
6. Midblock Crosswalk on Middleboro for Lakewood School

### **ADJOURNMENT**

This meeting adjourned at 7:00 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, January 4, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh,  
O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Art Herfurth, The Carpenter’s House

City Clerk’s Announcements – Item 10 removed from Consent  
Written communication item removed from agenda

Declaration of Conflicts of Interest Marsh – Item 4  
Keating Item - 12

### MISCELLANEOUS

#### Appointments

1. Consider reappointments to the following boards, commissions and committees with term expirations of January 1, 2009:
  - a. Reappointing John Rogers to the Airport Advisory Committee
    - Resolution reappointing John Rogers to the Airport Advisory Committee recommended.

**ACTION: Resolution 2005-1** (Jackman/Dunbar; unan.) reappointing John Rogers to the Airport Advisory Committee.

- b. Reappointing Tammy Spillers, Caroline Mitton, Charles Chituras and Brad Pitts to the Citizens Housing & Community Development Committee.

- Resolution reappointing Tammy Spillers, Caroline Mitton, Charles Chituras and Brad Pitts to the Citizens Housing & Community Development Committee recommended.

**ACTION: Resolution 2005-2** (Jackman/Dunbar; unan.) reappointing Tammy Spillers, Caroline Mitton, Charles Chituras and Brad Pitts to the Citizens Housing & Community Development Committee.

- c. Reappointing Jeffrey Mountain, Doug Moore and Jim Patton to the Citizens Advisory Committee on Recycling.
  - Resolution reappointing Jeffrey Mountain, Doug Moore and Jim Patton to the Citizens Advisory Committee on Recycling recommended.

**ACTION: Resolution 2005-3** (Jackman/Dunbar; unan.) reappointing Jeffrey Mountain, Doug Moore and Jim Patton to the Citizens Advisory Committee on Recycling.

- d. Reappointing David Lopez, Larry Dovichi, Alan Straus, Steve Olson, Lloyd Farris, George Shoemaker to the Community Qualities Forum.
  - Resolution reappointing David Lopez, Larry Dovichi, Alan Straus, Steve Olson, Lloyd Farris, George Shoemaker to the Community Qualities Forum recommended.

**ACTION: Resolution 2005-4** (Jackman/Dunbar; unan) reappointing David Lopez, Larry Dovichi, Alan Straus, Steve Olson, Lloyd Farris, George Shoemaker to the Community Qualities Forum.

- e. Reappointing Robert Moore to the Disabled Access Appeals Board.
  - Resolution reappointing Robert Moore to the Disabled Access Appeals Board recommended.

**ACTION: Resolution 2005-5** (Jackman/Dunbar; unan) reappointing Robert Moore to the Disabled Access Appeals Board.

- f. Reappointing Eric H. Benson and Andrew S. Mendlin to the Downtown Improvement District.
  - Resolution reappointing Eric H. Benson and Andrew S. Mendlin to the Downtown Improvement District recommended.

**ACTION: Resolution 2005-6** (Jackman/Dunbar; unan) reappointing Eric H. Benson and Andrew S. Mendlin to the Downtown Improvement District.

- g. Reappointing Jackie Deabler to the Equal Opportunity/Disability Commission.

- Resolution reappointing Jackie Deabler to the Equal Opportunity/Disability Commission recommended.

**ACTION: Resolution 2005-7** (Jackman/Dunbar; unan) reappointing Jackie Deabler to the Equal Opportunity/Disability Commission.

- h. Reappointing Linda Ohlson, Carlos DeLa Fuente and Laura Norwood to the Housing Rehabilitation Loan Committee.

- Resolution reappointing Linda Ohlson, Carlos DeLa Fuente and Laura Norwood to the Housing Rehabilitation Loan Committee recommended.

**ACTION: Resolution 2005-8** (Jackman/Dunbar; unan) reappointing Linda Ohlson, Carlos DeLa Fuente and Laura Norwood to the Housing Rehabilitation Loan Committee.

- i. Reappointing William R. Mitchell and Julius Manrique to the Landmark Preservation Commission.

- Resolution reappointing William R. Mitchell and Julius Manrique to the Landmark Preservation Commission recommended.

**ACTION: Resolution 2005-9** (Jackman/Dunbar; unan) reappointing William R. Mitchell and Julius Manrique to the Landmark Preservation Commission.

- j. Reappointing Kent Newswander to the Planning Commission.

- Resolution reappointing Kent Newswander to the Planning Commission recommended.

*City Manager's Office; George Britton; 577-5223; [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Resolution 2005-10** (Jackman/Dunbar; unan) reappointing Kent Newswander to the Planning Commission.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 2 through 15

**ACTION** Consent Items 2, 3, 5, 6, 7, 8, 9, 11, 13, 14, 15: Dunbar/Hawn;  
unan.

**ACTION 4:** Jackman/Hawn unan. Marsh absent

**ACTION 10:** Dunbar/Jackman; majority, O'Bryant no

**ACTION 12:** Dunbar/Jackman; unan. Keating absent

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

2. Consider approval of the minutes of the regular City Council meeting of December 14, 2005.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)

**ACTION:** By Motion (Dunbar/Hawn; unan.) approving the minutes of December 14, 2004.

**CONSENT**

3. Consider final adoption of Ordinance No. 3376-C.S. – an ordinance amending Section 9-4-9 of the Zoning Map of the City of Modesto to prezone to Prezoned Planned Development zone, P-PD(570), approximately 20 acres of property located south of Glenn Avenue and East of Crows Landing Road. (Eagle Valley Investments, Inc.).

- Motion approving final adoption of Ordinance No. 3376-C.S. – an ordinance amending Section 9-4-9 of the Zoning Map of the City of Modesto to prezone to Prezoned Planned Development zone, P-PD(570), approximately 20 acres of property located south of Glenn Avenue and East of Crows Landing Road. (Eagle Valley Investments, Inc.) recommended.

City Attorney; Mike Milich; 577-5284; [mmilich@modestogov.com](mailto:mmilich@modestogov.com)

**ACTION:** By Motion (Dunbar/Hawn; unan.) approving **final adoption of Ordinance No. 3376-C.S.** – an ordinance amending Section 9-4-9 of the Zoning Map of the City of Modesto to prezone to Prezoned Planned Development zone, P-PD(570), approximately 20 acres of property located south of Glenn Avenue and East of Crows Landing Road. (Eagle Valley Investments, Inc.)

CONSENT – Marsh absent due to conflict of interest

4. Consider annexing additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 6).
  - Resolution of intention to annex additional territory (“additional territory”) to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (“CFD No. 2004-1”) recommended.

*City Manager-CFD; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-11** (Jackman/Hawn; unan. Marsh absent due to conflict) a resolution of intention to annex additional territory (“additional territory”) to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (“CFD No. 2004-1”).

CONSENT

5. Consider authorizing the District Administrator to execute an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and American Home Builders, Inc. with a maximum reimbursement amount of \$164,662 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with an Addendum for the Shadow Creek Apartments Multi-Family Final Development Plan (EA/C&ED No. 2004-20).
  - Resolution authorizing the District Administrator to execute an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and American Home Builders, Inc. with a maximum reimbursement amount of \$164,662 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with an Addendum for the Shadow Creek Apartments Multi-Family Final Development Plan (EA/C&ED No. 2004-20).

*City Manager-CFD; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-12** (Dunbar/Hawn; unan.) authorizing the District Administrator to execute an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and American Home Builders, Inc. with a maximum reimbursement amount of \$164,662 and finding that the potential environmental effects of this agreement have been

adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with an Addendum for the Shadow Creek Apartments Multi-Family Final Development Plan (EA/C&ED No. 2004-20).

#### CONSENT

6. Consider amending the contract with Maze & Associates for performance of the City's annual financial audits. Additional costs for the 2004 Single Audit work is \$5,263, and for the 2005 annual audits is \$21,058.
  - Resolution approving a fourth amendment to the contract for audit services with Maze and Associates at a cost not to exceed \$5,263 for additional 2004 audit work, and \$21,058 for additional 2005 audit work, and authorizing the Acting City Manager to execute the agreement recommended.

*Clerk-Auditor; Gary Nienhuis, 571-5544; [gnienhuis@modestogov.com](mailto:gnienhuis@modestogov.com)*

**ACTION: Resolution 2005-13** (Dunbar/Hawn; unan.) approving a fourth amendment to the contract for audit services with Maze and Associates at a cost not to exceed \$5,263 for additional 2004 audit work, and \$21,058 for additional 2005 audit work, and authorizing the Acting City Manager to execute the agreement.

#### CONSENT

7. Consider approving an agreement not to exceed \$68,839, with Turnstone Consulting for preparation of an Initial Study and Notice of Preparation for the Roselle Neighborhood Specific Plan, pursuant to the California Environmental Quality Act.
  - Resolution approving agreement not to exceed \$68,839, with Turnstone Consulting for preparation of an Initial Study and Notice of Preparation for the Roselle Neighborhood Specific Plan, pursuant to the California Environmental Quality Act recommended.

*Community & Economic Development; Patrick Kelly; 571-5539, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION: Resolution 2005-14** (Dunbar/Hawn; unan.) approving agreement not to exceed \$68,839, with Turnstone Consulting for preparation of an Initial Study and Notice of Preparation for the Roselle Neighborhood Specific Plan, pursuant to the California Environmental Quality Act.

#### CONSENT

8. Consider approving an allocation of \$68,791 from FY 2004-2005 HOME CHDO Operating Fund to Habitat for Humanity, Stanislaus; and an allocation of \$206,372 from FY 2004-2005 HOME CHDO Set-Aside Fund to Habitat for Humanity, Stanislaus, pending staff and Citizens Housing & Community Development Committee's approval of the revised proposal.

- Resolution approving an allocation of \$68,791 from FY 2004-2005 HOME CHDO Operating Fund to Habitat for Humanity, Stanislaus; and an allocation of \$206,372 from FY 2004-2005 HOME CHDO Set-Aside Fund to Habitat for Humanity, Stanislaus, pending staff and Citizens Housing & Community Development Committee's approval of the revised proposal recommended.
- Resolution amending the FY 2004-2005 operating budget to reflect revenues and appropriations for carryover amounts from prior year.

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417;*

[jhannon@modestogov.com](mailto:jhannon@modestogov.com)

**ACTION: Resolution 2005-15** (Dunbar/Hawn; unan) approving an allocation of \$68,791 from FY 2004-2005 HOME CHDO Operating Fund to Habitat for Humanity, Stanislaus; and an allocation of \$206,372 from FY 2004-2005 HOME CHDO Set-Aside Fund to Habitat for Humanity, Stanislaus, pending staff and Citizens Housing & Community Development Committee's approval of the revised proposal

**ACTION: Resolution 2005-16** (Dunbar/Hawn; unan) amending the FY 2004-2005 operating budget to reflect revenues and appropriations for carryover amounts from prior year.

#### CONSENT

9. Consider approving the request for a Housing Maintenance Program (HMP) loan from Mary G. Perez, secured by her property at 1701 Connie Way, Modesto, in the amount of \$117,075,10, with a 3%, 50-year deferred.
  - Resolution approving the request for a Housing Maintenance Program (HMP) loan from Mary G. Perez, secured by her property at 1701 Connie Way, Modesto, in the amount of \$117,075,10, with a 3%, 50-year deferred recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417;*

[jhannon@modestogov.com](mailto:jhannon@modestogov.com)

**ACTION: Resolution 2005-17** (Dunbar/Hawn; unan) approving the request for a Housing Maintenance Program (HMP) loan from Mary G. Perez, secured by her property at 1701 Connie Way, Modesto, in the amount of \$117,075,10, with a 3%, 50-year deferred.

#### Removed from Consent

10. Consider accepting a report updating Council on the status of converting the three water zones into a single zone.
  - Motion acknowledging receipt of report recommended.

*Public Works; Jana Coons; 642-2281; [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION:** By Motion (Marsh/Dunbar; majority; O'Bryant no) acknowledging receipt of report.

#### CONSENT

11. Consider approving the award to Brown & Caldwell a \$548,922 professional services agreement for design serves for the Dissolved Air Flotation Facility project.
- Resolution approving the award of a professional services agreement to Brown and Caldwell, for \$548,922 to complete Design Services for the Dissolved Air Flotation Facility project, and authorizing the Acting City Manager to execute the agreement recommended.
  - Resolution amending the current Capital Improvement budget returning \$105,000 to reserves from account Engineering Systems Analysis 6210-430-A209; a reappropriation of \$105,000 from reserves to account 6210-430-A215 Dissolved Air Flotation; fund transfer of \$55,000 from account 6210-480-5213 Water Treatment Secondary; and a fund transfer of \$50,000 from account 6210-480-5214 Water Treatment Primary to fully fund a contract with Brown and Caldwell for design services for a Dissolved Air Flotation Facility project recommended.

*Public Works; Dean Phillips; 577-5260; [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-18** (Dunbar/Hawn; unan) approving the award of a professional services agreement to Brown and Caldwell, for \$548,922 to complete Design Services for the Dissolved Air Flotation Facility project, and authorizing the Acting City Manager to execute the agreement

**ACTION: Resolution 2005-19** (Dunbar/Hawn; unan) amending the current Capital Improvement budget returning \$105,000 to reserves from account Engineering Systems Analysis 6210-430-A209; a reappropriation of \$105,000 from reserves to account 6210-430-A215 Dissolved Air Flotation; fund transfer of \$55,000 from account 6210-480-5213 Water Treatment Secondary; and a fund transfer of \$50,000 from account 6210-480-5214 Water Treatment Primary to fully fund a contract with Brown and Caldwell for design services for a Dissolved Air Flotation Facility project.

*Councilmember Keating absent due to conflict of interest.*

12. Consider accepting the bid and approving a \$724,000.00 contract with Soares Pipeline, Inc. for the "Annual Sewer Rehabilitation 2004" project and authorizing the Acting City Manager to execute the contract. Total estimated cost of this project is \$854,320.00.
- Resolution accepting the bid and approving a \$724,000.00 contract with Soares Pipeline, Inc. for the "Annual Sewer Rehabilitation 2004" project and authorizing the Acting City Manager to execute the contract recommended.

- Resolution amending the current CIP budget.

*Public Works; Dean Phillips; 577-5260; [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-20** (Dunbar/Jackman; unan. Keating absent due to conflict) accepting the bid and approving a \$724,000.00 contract with Soares Pipeline, Inc. for the “Annual Sewer Rehabilitation 2004” project and authorizing the Acting City Manager to execute the contract

**ACTION: Resolution 2005-21** (Dunbar/Jackman; unan. Keating absent due to conflict) amending the current CIP budget.

#### CONSENT

13 Consider approving the award of a professional services agreement to Kimley-Horn and Associates, Inc., for \$236,858.15 to complete Design Services for the Pedestrian Overcrossing of Sylvan Avenue at Millbrook Avenue project, and authorizing the Community Facilities District Administrator to execute the agreement.

- Resolution approving the award of a professional services agreement to Kimley-Horn and Associates, Inc., for \$236,858.15 to complete Design Services for the Pedestrian Overcrossing of Sylvan Avenue at Millbrook Avenue project, and authorizing the Community Facilities District Administrator to execute the agreement recommended.

*Public Works; Dean Phillips; 577-5260; [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-22** (Dunbar/Hawn; unan) approving the award of a professional services agreement to Kimley-Horn and Associates, Inc., for \$236,858.15 to complete Design Services for the Pedestrian Overcrossing of Sylvan Avenue at Millbrook Avenue project, and authorizing the Community Facilities District Administrator to execute the agreement

#### CONSENT

14. Consider accepting the work by Collins Electrical Company, Inc., for the “Installation of Closed Circuit Television Cameras” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,178,156.63 per the contract. Total project cost is \$1,344,969.10.

- Resolution accepting the work by Collins Electrical Company, Inc., for the “Installation of Closed Circuit Television Cameras” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,178,156.63 per the contract recommended.

*Public Works; Pamela Marquez, 577-5423, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-23** (Dunbar/Hawn; unan) accepting the work by Collins Electrical Company, Inc., for the “Installation of Closed Circuit Television Cameras” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,178,156.63 per the contract.

**CONSENT**

15. Consider authorizing the Purchasing Supervisor to formally solicit Request for Proposals (RFP) for armed/uniformed security guard services for an initial two-year period, the three (3) one-year contract extension options for an estimated annual cost of \$425, 000.
- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Proposals (RFP) for armed/uniformed security guard services for an initial two-year period, the three (3) one-year contract extension options for an estimated annual cost of \$425, 000 recommended.
- Public Works-Purchasing; Tom Reddie, 571-5164; [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-24** (Dunbar/Hawn; unan) authorizing the Purchasing Supervisor to formally solicit Request for Proposals (RFP) for armed/uniformed security guard services for an initial two-year period, the three (3) one-year contract extension options for an estimated annual cost of \$425, 000.

**COUNCIL COMMENTS & REPORTS**

16. At the request of Councilmember Jackman, consider amending the 2005 Council Meeting Calendar to restore the regular meeting of July 26, 2005 and cancel the special meeting of August 3, 2005.

**ACTION: Motion made by Councilmember Jackman died due to lack of a second.**

**WRITTEN COMMUNICATIONS**

17. Letter from Carmen Sabatino requesting the City of Modesto explain its policy on how it achieves compliance with the Public Records Act and the provisions of Proposition 59.

**ACTION: Removed from the agenda**

**NEW BUSINESS**

18. Consider appointing a new Vice Mayor for calendar year 2005.
- Resolution appointing a new Vice Mayor for calendar year 2005 recommended.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION: Resolution 2005-25** (Hawn/Dunbar; unan.) appointing Councilmember Jackman as the new Vice Mayor for calendar year 2005.

19. Consider approving the City of Modesto Development Process Improvement Program Action Plan.

- Resolution approving the City of Modesto Development Process Improvement Program Action Plan.

*Community & Economic Development; Brad Kilger; 577-5228;  
[bkilger@modestogov.com](mailto:bkilger@modestogov.com)*

**ACTION: Resolution 2005-26** (Keating/Marsh; unan.) approving the City of Modesto Development Process Improvement Program Action Plan.

20. Consider accepting an oral report regarding the status of the Pelandale/Claratina Roadway Projects.

- Motion acknowledging receipt of report recommended.

*Public Works; Dean Phillips; 577-5260; [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Motion** (Dunbar/Jackman; unan.) acknowledging receipt of report.

### **MATTERS TOO LATE FOR THE AGENDA**

None

### **ADJOURNMENT**

This meeting adjourned at 7:15 p.m.

### **CLOSED SESSION**

All closed session heard prior to the City Council meeting.

### **CONFERENCE WITH LABOR NEGOTIATOR**

(Pursuant to Section 54957.6 of the Government Code)

#### **Agency Negotiators:**

George Britton, Acting City Manager  
Robin Renwick, Personnel Director

**Employee Organization:** Unrepresented Management/Confidential Employees

**CONFERENCE WITH LABOR NEGOTIATOR**

(Pursuant to Section 54957.6 of the Government Code)

**Agency Negotiators:** George Britton, Acting City Manager  
Robin Renwick, Personnel Director

**Employee Organization:** Modesto Police Officers Association

## MINUTES

# City of Modesto

Audit Committee Meeting/  
Special City Council Workshop Meeting

Tenth Street Place, 2<sup>nd</sup> Floor, Room 2008

1010 10<sup>th</sup> Street

Modesto, California

Thursday, January 6, 2005, at 10:00 a.m.

Roll Call – Present: Councilmembers Keating, O’Bryant, Mayor Ridenour

### ORAL COMMUNICATIONS

None

Any and all of the following agenda items are subject to action by the Modesto City Council/Audit Committee.

### NEW BUSINESS

1. Consider request to amend contract with Maze and Associates for additional non-audit work consisting of preparing the State Controller’s report.

**ACTION:** The Committee approved Staff’s recommendation.

2. Consider recommendation to accept the Comprehensive Annual Financial Report (CAFR) for Fiscal Year ending June 30, 2004 prepared by Maze and Associates.

**ACTION:** The Committee approved Staff’s recommendation.

### COMMITTEE COMMENTS & REPORTS

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:10 AM

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

Monday, January 10, 2005, at 5:30 p.m.

Roll Call: Committee Members Present: Councilmembers Jackman, Keating, Marsh

Also Present: Councilmember Hawn

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 6

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

CONSENT

1. Consider receiving status report of development projects processed by the Community & Economic Development Department

**ACTION:** The Economic Development Committee approved Staff's recommendation.

CONSENT

3. Consider receiving traffic flow map annual update

**ACTION:** The Economic Development Committee approved Staff's recommendation.

CONSENT

4. Consider approving recommendation to endorse roundabout at Sharon Avenue and Fine Avenue intersection

**ACTION:** The Economic Development Committee approved Staff's recommendation.

CONSENT

5. Consider approving recommendation to solicit Request for Proposals for on-call engineering services for the Public Works Wastewater Collections Division

**ACTION:** The Economic Development Committee approved Staff's recommendation.

CONSENT

6. Consider recommendation to grant an exception to MMC Section 4-5.10 for the purpose of hanging a banner over I Street celebrating Modesto's 25<sup>th</sup> year as a Tree City USA

**ACTION:** The Economic Development Committee approved Staff's recommendation.

CONSENT

7. Consider approving recommendation to proceed with Request for Proposals for advertising on the exterior of Modesto Area Express (MAX) buses

**ACTION:** The Economic Development Committee approved Staff's recommendation without designating a Councilmember to participate on the panel.

**NEW BUSINESS**

8. Presentation and discussion of Ad Hoc Committee Report

**ACTION:** The Economic Development Committee recommended the Ad Hoc Committee Report be forwarded on to full Council.

9. Consider supporting recommendation to name Modesto Centre Plaza terrace level in honor of former Mayor Dick Lang, announce capital campaign, and seek proposals for architects/designers

**ACTION:** The Economic Development Committee approved Staff's recommendation.

10. Consider informational report and discussion on status of master plans and utility assessments related to development

**ACTION:** No action was taken. This item was for information only.

11. Review and discussion of prioritization of City Master Plans/Major Capital Improvement Projects and private sector development projects

**ACTION:** This item was continued to a Special Economic Development Committee meeting scheduled for January 13, 2005.

12. Review and discussion of Kiernan Business Park Economic Development Implementation Plan status

**ACTION:** This item was continued to a Special Economic Development Committee meeting scheduled for January 13, 2005.

13. Review current vacancies and consider applications on file

**ACTION:** This item was continued to a Special Economic Development Committee meeting scheduled for January 13, 2005.

#### **WRITTEN COMMUNICATIONS**

14. Letter from Dennis E. Wilson, Horizon Consulting Services, requesting committee consider Hughes Commercial Real Estate Project Kiernan Avenue

**ACTION:** The Economic Development Committee directed staff to return this item to the Committee in 30 days.

#### **COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

## **FUTURE AGENDA ITEMS**

1. Street Name Change, N. Martin Luther King Drive
2. Discussion of funding from existing homeowners to address Twin Bonds  
“problem”
3. General Plan Update Work Program
4. Kansas-Woodland Business Park
5. Prescott/Bangs Proposed Roundabout
6. Shackelford Study Area
7. Work Program – 2005 Urban Growth Review Update
8. 132/99 Connectivity and Carpenter Road Interchange Issue
9. Recycled Wastewater Feasibility Report
10. Modesto Reservoir Surface Water Treatment Plant Expansion Environmental  
Work
11. Outdoor Dining Ordinance Revision

## **ADJOURNMENT**

This meeting adjourned at 8:10 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, January 11, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh,  
O’Bryant, Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Pastor Chuck Adams, The Carpenter’s House

City Clerk’s Announcements Item 5 removed from Consent

Declaration of Conflicts of Interest None

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Robert Howard, Deputy Director of Public Works, and Peter Cowles, Director of Public Works, to Oscar Madrigal, Senior Operator, Water Quality Control for his recent nomination as Operator of the Year by the Local Section of the California Water Environment Association (CWEA).

**ACTION: Presentation made by Robert Howard, Deputy Director of Public Works**

2. Presentation by Robert Howard, Deputy Direct of Public Works, and Peter Cowles, Director of Public Works, to Aaron Trott, Water Quality Control Maintenance Supervisor for his recent nomination as Supervisor of the Year by the Local Section of the California Water Environment Association (CWEA).

**ACTION: Presentation made by Robert Howard, Deputy Director of Public Works**

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

Raul Ortega spoke regarding the loss of military personnel and the affects of war on veterans.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 13

**ACTION Consent Items 3, 4, 6, 7, 8, 9, 10, 11, 12, 13: Jackman/Marsh; unan.**

**ACTION Item 5: Hawn/Marsh; unan.**

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

#### CONSENT

3. Consider approval of the minutes of the regular City Council meeting of January 4, 2005.

- Motion approving recommended.

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Marsh; unan.) approving the minutes from January 4, 2005.

#### CONSENT

4. Consider the sale of one parcel of surplus land at the corner of Elm Street and Escamilla Avenue in Salida, CA in accordance with the Government Code (Assessor's Parcel Number: 135-004-045).

- Resolution declaring the parcel of land located at the corner of Elm Street and Escamilla Avenue in Salida, CA as surplus and authorizing Staff to take all appropriate actions to complete the property sale according to the Government Code for sale of surplus land, and authorizing the Acting City Manager to execute all required documents related to the property sale recommended.

*Community & Economic Development; Linda Boston, 571-5179,*

*[lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Resolution 2005-27** (Jackman/Marsh; unan) declaring the parcel of land located at the corner of Elm Street and Escamilla Avenue in Salida, CA as surplus and authorizing Staff to take all appropriate actions to complete the property sale according to the Government Code for sale of surplus land, and authorizing the Acting City Manager to execute all required documents related to the property sale.

## REMOVED FROM CONSENT

5. Consider approving a 25% senior/disabled discount applied to water per section No. 11 of Resolution 2004-627 to add the Senior/Disabled discount program.
- Resolution approving a 25% senior/disabled discount applied to water per section No. 11 of Resolution 2004-627 to add the Senior/Disabled discount program recommended.

*Finance; Laura Akin, 342-4703, [lakin@modestogov.com](mailto:lakin@modestogov.com)*

**ACTION: Resolution 2005-28** (Hawn/Marsh; unan.) approving Option A, a 25% senior/disabled discount applied to water, sewer, storm drain and garbage per section No. 11 of Resolution 2004-627 to add the Senior/Disabled discount program.

## CONSENT

6. Consider accepting the monthly investment report for November 2004.
- Motion acknowledging receipt of report recommended.

*Finance; Belinda Duerksen; 577-5376, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION:** By Motion (Jackman/Marsh; unan.) acknowledged receipt of the monthly investment report for November 2004.

## CONSENT

7. Consider authorizing the donation of Laerdal Heartstart 3000 defibrillation equipment, supplies and training equipment to Medical Ambassadors International.
- Resolution authorizing the donation of Laerdal Heartstart 3000 defibrillation equipment, supplies and training equipment to Medical Ambassadors International recommended.

*Fire Department; Lori Martinez, 572-9660, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Resolution 2005-29** (Jackman/Marsh; unan) authorizing the donation of Laerdal Heartstart 3000 defibrillation equipment, supplies and training equipment to Medical Ambassadors International.

## CONSENT

8. Consider approving a grant application for \$1,000,000 in funding from the Urban Streams Restoration Program Grant Administered by California Department of Water Resources, for Phase I of the Dry Creek Area of the Tuolumne River Regional Park Gateway Project.
- Resolution approving a grant application for \$1,000,000 in funding from the Urban Streams Restoration Program Grant Administered by California Department of Water Resources, for Phase I of the Dry Creek Area of the

Tuolumne River Regional Park Gateway Project, and authorizing the Acting City Manager to execute the application.

*Parks, Recreation & Neighborhoods; Bev Hatcher; 571-5582; [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-30** (Jackman/Marsh; unan.) approving a grant application for \$1,000,000 in funding from the Urban Streams Restoration Program Grant Administered by California Department of Water Resources, for Phase I of the Dry Creek Area of the Tuolumne River Regional Park Gateway Project, and authorizing the Acting City Manager to execute the application.

#### CONSENT

9. Consider approving a contract for \$58,960 with Cotton/Bridges/Associates to provide services to prepare the City of Modesto's Five-Year Consolidated Plan (2005-2010) and Analysis of Impediments to Fair Housing Update, and consider amending the budget to fully fund the contract.

- Resolution approving a contract for \$58,960 with Cotton/Bridges/Associates to provide services to prepare the City of Modesto's Five-Year Consolidated Plan (2005-2010) and Analysis of Impediments to Fair Housing Update recommended.
- Resolution amending the FY 04-05 operating budget to transfer \$10,000 from 1130-320-3252-0181, salary adjustment, to 1130-320-3252-0235, Services, Professional & Other recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-31** (Jackman/Marsh; unan) approving a contract for \$58,960 with Cotton/Bridges/Associates to provide services to prepare the City of Modesto's Five-Year Consolidated Plan (2005-2010) and Analysis of Impediments to Fair Housing Update.

**ACTION: Resolution 2005-32** (Jackman/Marsh; unan) amending the FY 04-05 operating budget to transfer \$10,000 from 1130-320-3252-0181, salary adjustment, to 1130-320-3252-0235, Services, Professional & Other.

#### CONSENT

10. Consider amending the Position Classification Plan to revise the job specification for Firefighter/Firefighter Trainee.

- Resolution amending the Position Classification Plan to revise the job specification for Firefighter/Firefighter Trainee recommended.

*Personnel; Cherree Platt, 577-5439; [cplatt@modestogov.com](mailto:cplatt@modestogov.com)*

**ACTION: Resolution 2005-33** (Jackman/Marsh; unan) amending the Position Classification Plan to revise the job specification for Firefighter/Firefighter Trainee.

## CONSENT

11. Consider approving a lease with Arthur M. Mc. Elroy Marital Trust for the Modesto Police Department Evidence and Property Facility located at 1124 F Street, Modesto and authorizing the Acting City Manager or his designee to execute the lease.
- Resolution approving a lease with Arthur M. Mc. Elroy Marital Trust for the Modesto Police Department Evidence and Property Facility located at 1124 F Street, Modesto and authorizing the Acting City Manager or his designee to execute the lease recommended.

*Police; Lieutenant Bill Gentry, 572-9517; [gentryw@modestopd.com](mailto:gentryw@modestopd.com)*

**ACTION: Resolution 2005-34** (Jackman/Marsh; unan.) approving a lease with Arthur M. Mc. Elroy Marital Trust for the Modesto Police Department Evidence and Property Facility located at 1124 F Street, Modesto and authorizing the Acting City Manager or his designee to execute the lease.

## CONSENT

12. Consider establishing angle parking on the east side of 10<sup>th</sup> Street between G and I Streets, and rescinding Resolution No. 2004-642. Total cost: \$2,000.
- Resolution establishing angle parking on the east side of 10<sup>th</sup> Street between G and I Streets, and rescinding Resolution No. 2004-642 recommended.

*Public Works; Jeffrey Barnes, 577-5468, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: Resolution 2005-35** (Jackman/Marsh; unan) establishing angle parking on the east side of 10<sup>th</sup> Street between G and I Streets, and rescinding Resolution No. 2004-642.

## CONSENT

13. Consider approving a second amendment to the lease agreement with Modesto Executive Air Charter, dba Sky Trek Aviation, which allows a suspension until December 31, 2005 of a 5% sublease fee that Sky Trek Aviation pays to the City on gross rents received. This suspension will reduce revenues approximately \$650 per month, or \$7,800 annually.
- Resolution approving a second amendment to the lease agreement with Modesto Executive Air Charter, dba Sky Trek Aviation, which allows a suspension until December 31, 2005 of a 5% sublease fee that Sky Trek Aviation pays to the City on gross rents received, and authorizing the Acting City Manager, or his designee, to execute the amendment on behalf of the City recommended.

*Public Works; Michael Musca; 577-5213; [mmusca@modestogov.com](mailto:mmusca@modestogov.com)*

**ACTION: Resolution 2005-36** (Jackman/Marsh; unan) approving a second amendment to the lease agreement with Modesto Executive Air Charter, dba Sky Trek Aviation, which allows a suspension until December 31, 2005 of a 5% sublease fee that Sky Trek Aviation pays to the City on gross rents received, and authorizing the Acting City Manager, or his designee, to execute the amendment on behalf of the City

## COUNCIL COMMENTS & REPORTS

None

### WRITTEN COMMUNICATIONS

14. Letter from Carmen Sabatino requesting the City of Modesto explain its policy on how it achieves compliance with the Public Records Act and the provisions of Proposition 59.

**ACTION: No action taken.**

### HEARINGS

15. Hearing to consider finding that the potential environmental effects of Freedom Neighborhood Park have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the Supplemental EIR (SCH No. 90020181), with addenda for the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and the Village One Facilities Master Plan Update (EA/CM 2003-03); approving the Design Development Report and Master Plan included therein for Freedom Neighborhood Park; and amending the contract of Callander Associates Landscape Architecture, Inc. to include professional services to prepare construction documents for road improvements adjacent to the park for an additional amount not to exceed \$41,320.00.

- Resolution finding that the potential environmental effects of Freedom Neighborhood Park have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the Supplemental EIR (SCH No. 90020181), with addenda for the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and the Village One Facilities Master Plan Update (EA/CM 2003-03)
- Resolution approving the Design Development Report and Master Plan included therein for Freedom Neighborhood Park
- Resolution amending the agreement with Callander Associates Landscape Architecture, Inc. to include professional services to prepare construction documents for road improvements adjacent to the park for an additional amount not to exceed \$41,320.00, and authorizing the Acting City Manager to execute the amendment to the contract.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526,  
[nhoux@modestogov.com](mailto:nhoux@modestogov.com)*

**ACTION: Resolution 2005-37** (Marsh/Jackman; unan.) finding that the potential environmental effects of Freedom Neighborhood Park have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the Supplemental EIR (SCH No. 90020181), with addenda for

the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and the Village One Facilities Master Plan Update (EA/CM 2003-03).

**ACTION: Resolution 2005-38** (Marsh/Jackman; unan) approving the Design Development Report and Master Plan included therein for Freedom Neighborhood Park.

**ACTION: Resolution 2005-39** (Marsh/Jackman; unan) amending the agreement with Callander Associates Landscape Architecture, Inc. to include professional services to prepare construction documents for road improvements adjacent to the park for an additional amount not to exceed \$41,320.00, and authorizing the Acting City Manager to execute the amendment to the contract.

- Boy Scout Troop 2 was introduced by Judge Shaver.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 6:10 p.m. to the following:

### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**One Case** (Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: *Del Rio Community Association, et al. v. City of Modesto, et al.*  
Stanislaus County Superior Court No. 352962

#### **CONFERENCE WITH LABOR NEGOTIATOR**

(Pursuant to Section 54957.6 of the Government Code)

**Agency Negotiators:** George Britton, Acting City Manager  
Robin Renwick, Personnel Director

**Employee Organization:** Modesto Police Officers Association

The City Attorney returned at 7:30 PM to state that no reportable action was taken.



MINUTES  
SPECIAL ECONOMIC DEVELOPMENT COMMITTEE  
WORKSHOP MEETING  
January 13, 2005, at 10:00 a.m.

The meeting was called to order at 10:05 a.m.

Present: Janice Keating, Chair and Denny Jackman, Vice Chair, Garrad Marsh was absent.

Oral Communications: None

Committee member Garrad Marsh arrived at 10:10.

New Business:

1. Review and discussion of Kiernan Business Park Economic Development Implementation Plan status.

By motion the Committee recommended the Council consider a mixed use plan for the Kiernan Business Park that is still primarily a business park but includes other uses provided the property owners collectively propose a master plan for the entire area through the use of a facilitator. Further, the City's contribution to the related planning costs (EIR, amendment to the specific plan, amendment to the general plan, etc.) will consist exclusively of an amount to be borrowed from the economic development bank loan previously established by the Stanislaus County Board of Supervisors in an amount yet to be determined with the remainder of all planning costs to be funded by the property owners. The Committee further recommends that this matter be discussed at the February 1, 2005 workshop of the Modesto City Council. Motion was made by Garrad Marsh, seconded by Denny Jackman and passed unanimously.

2. Review and discussion of prioritization of City Master Plans/Major Capital Improvement Projects and private sector development projects.

No action taken.

3. Review current vacancies and consider applications on file.

With regard to the vacancy on the Board of Zoning Adjustment, the Committee recommends that the Council appoint Willie McDaniel. Motion was made by Denny Jackman, seconded by Garrad Marsh and passed unanimously. The Committee could not reach consensus on any of the other names submitted to fill this vacancy.

Denny Jackman leaves the meeting at 11:55.

On a motion made by Janice Keating, seconded by Garrad Marsh and passed unanimously the Committee recommends that:

Amanda Evans and John Huey be appointed to the Citizens Advisory Committee on Recycling.

Michael Pratt be appointed to the Citizens Housing and Community Development Committee.

Michael Pratt and Tammy Maisetti be appointed to the Citizens Redevelopment and Advisory Commission.

Chris McCoy be appointed to the Community Qualities Forum. Councilmembers Jackman, Marsh and O'Bryant be reminded that they have the ability to appoint one member each to the committee without further action by the City Council.

With regard to the Culture Commission, staff is directed to ask Marge Leopold if she would be willing to serve on the Culture Commission as the one commission member who is not required to be a city resident. The Committee recommends to the Council that Alice Ingham Richards be appointed to the Culture Commission.

The Committee recommends that John Huffman be appointed to the Local Cable Programming Committee for a 4 year term with the recommendation that he be considered as chairperson of this committee and that Chris Murphy be appointed by the City Council to a 4 year term on the Local Cable Programming Committee.

The meeting adjourned at 12:25.

## MINUTES

# City of Modesto

## Special Finance Committee Meeting/ Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place

1010 10<sup>th</sup> Street, Modesto, California

Tuesday, January 18, 2005 at 1:30 p.m.

Roll Call: Present: Councilmembers Dunbar, Hawn, Jackman

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 1

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

Any and all of the following agenda items are subject to action by the Finance Committee.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

1. Consider informational report regarding January 2005 Monthly Budget Adjustments.

**ACTION:** The Finance Committee approved Staff's recommendation.

### NEW BUSINESS

2. Consider informational report regarding Village One Facilities Prioritization List Update.

**ACTION:** The Finance Committee approved Staff's recommendation.

3. Consider informational report on General Fund Revenue and Expenditures Update 2<sup>nd</sup> Quarter FY 04-05

**ACTION:** The Finance Committee approved Staff's recommendation.

4. Provide Oral Report on FY 05-06 Budget Process

**ACTION:** No action taken. This item was for information only.

5. Provide Oral Report on Water Fund Activity and Project Tracking and Reporting

**ACTION:** No action taken. This item was for information only.

6. Continued Discussion from the November 22<sup>nd</sup> meeting on Utility Users Tax

**ACTION:** No action taken. This item was for information only.

7. Consider informational report regarding Increase Graffiti Abatement Budget (Org 4722)

**ACTION:** The Finance Committee approved Staff's recommendation.

8. Consider informational report on Multi-Year Capital Improvement Program (CIP) Policy & Proposed Schedule for CIP Adoption

**ACTION:** The Finance Committee approved Staff's recommendation.

9. Consider informational report on California Communities VLF Gap Loan Financing Program

**ACTION:** The Finance Committee approved Staff's recommendation.

10. Consider informational report on Proposed refunding of Series 1993 and Series 1997 Wastewater Revenue Bonds

**ACTION:** The Finance Committee approved Staff's recommendation.

#### **COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 3:30 p.m.

## MINUTES

# City of Modesto

## Special Finance Committee Meeting/ Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place

1010 10<sup>th</sup> Street, Modesto, California

Monday, January 24, 2005 at 5:30 p.m.

Roll Call: Present: Councilmembers Dunbar (left at 7:45 p.m.), Hawn, Jackman, Keating (left at 8:00 p.m.), Marsh, Mayor Ridenour (left at 8:00 p.m.)

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 0 through 0

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

None.

### NEW BUSINESS

1. Consider informational report regarding Community & Economic Budget Amendment to the FY2004-05 Operating Budget.

**ACTION:** The Finance Committee approved staff's recommendation.

11. Consider request to add one additional Modesto Police Lieutenant to oversee operations of the Communication Center to the Police Department's Position Allocation.

**ACTION:** The Finance Committee approved staff's recommendation.

12. Consider request to add one additional Community Service Officer to the Police Department's Position Allocation.

**ACTION:** The Finance Committee discussed this item and deferred making a recommendation until the tow franchise is considered.

13. Provide Oral Report on 5-Year General Fund Proforma

**ACTION:** The Finance Committee forwarded this item to full Council on February 8, 2005.

14. Provide Oral Report on Water Connection Fees

**ACTION:** The Finance Committee advanced the policy issues and next steps on to the full Council.

15. Provide Oral Report on Pelandale Widening Improvement Options

**ACTION:** This item was for information only. No action was taken.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 8:30 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, January 25, 2005, at 5:30 p.m.

Roll Call – Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Pastor Scott Loureiro, Mill Creek Church

City Clerk’s Announcements: Item 22 removed from Consent

Declaration of Conflicts of Interest

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Associated Students of Modesto Junior College to recognize the City Council for its continued support of Modesto Junior College.

**ACTION: Presentation made by students to the City Council and City staff.**

### MISCELLANEOUS

Legislation  
Appointments  
Other

2. Consider appointments to the following boards, commissions and committees:
  - a. Willie McDaniel to the Board of Zoning Adjustment.
    - Resolution appointing Willie McDaniel to the Board of Zoning Adjustment with a term ending January 1, 2009 recommended

**ACTION: Resolution 2005-40** (Hawn/Keating; unan.) appointing Willie McDaniel to the Board of Zoning Adjustment with a term ending January 1, 2009

- b. Amanda Evans and John Huey to the Citizens Advisory Committee on Recycling.

- Resolution appointing Amanda Evans, with a term ending January 1, 2006, and John Huey, with a term ending January 1, 2007, to the Citizens Advisory Committee on Recycling recommended.

**ACTION: Resolution 2005-41** (Hawn/Keating; unan.) appointing Amanda Evans, with a term ending January 1, 2006, and John Huey, with a term ending January 1, 2007, to the Citizens Advisory Committee on Recycling

- c. Alice Ingham Richard to the Culture Commission.
- Resolution appointing Alice Ingham Richards to the Culture Commission with a term ending January 1, 2009 recommended.

**ACTION: Resolution 2005-42** (Hawn/Keating; unan.) appointing Alice Ingham Richards to the Culture Commission with a term ending January 1, 2009.

- d. John Huffman and Chris Murphy to the Local Cable Programming Committee.
- Resolution appointing John Huffman, with a term ending January 1, 2009, and Chris Murphy, with a term ending January 1, 2009, to the Local Cable Programming Committee recommended.

*City Manager's Office, George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Resolution 2005-43** (Hawn/Keating; unan.) appointing John Huffman, with a term ending January 1, 2009, and Chris Murphy, with a term ending January 1, 2009, to the Local Cable Programming Committee.

### **ORAL COMMUNICATIONS**

**Three minute time limit per speaker**

Newly elected Board of Supervisor Bill O'Brien introduced himself to the Council.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 25

**ACTION Consent Items 3- 18, 20, 21, 23- 25: Jackman/Keating; unan.**

**ACTION Item 19: Jackman/Keating; unan.**

**ACTION Item 22: Hawn/Dunbar; unan.**

### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

CONSENT

3. Consider approval of the minutes of the regular City Council meeting of January 11, 2005.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan.) approved the minutes of January 11, 2005.

CONSENT

4. Consider amending the contract with Maze and Associates to prepare the annual State Controller Report, at a cost not to exceed \$8, 925, and authorizing the Acting City manager to execute the agreement.
- Resolution amending the contract with Maze and Associates to prepare the annual State Controller Report, at a cost not to exceed \$8, 925, and authorizing the Acting City manager to execute the agreement recommended.
- Clerk-Auditor; Gary Nienhuis, 571-5544, [gnienhuis@modestogov.com](mailto:gnienhuis@modestogov.com)*

**ACTION: Resolution 2005-44** (Jackman/Keating; unan.) amending the contract with Maze and Associates to prepare the annual State Controller Report, at a cost not to exceed \$8, 925, and authorizing the Acting City manager to execute the agreement.

CONSENT

5. Consider approving an Acquisition & Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Meritage Homes of California, Incorporated; and approving a Right Of Way Acquisition Agreement between CFD No. 2004-1 and SCC-Canyon II, a Delaware Limited Liability Corporation and finding that the potential environmental effects of both agreements have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with Addendums for Kodiak Village Vesting Tentative Subdivision Map (EA/C&ED No. 2003-92) and for Kodiak Village II Vesting Tentative Subdivision Map (EA/C&ED No. 2004-22)
- Resolution authorizing the District Administrator to execute an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and Meritage Homes of California, Incorporated with a maximum reimbursement amount of \$282,755 and finding that the potential environmental effects of the agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with Addendums for Kodiak Village Vesting Tentative Subdivision Map (EA/C&ED No. 2003-92) and for Kodiak Village II Vesting Tentative Subdivision Map (EA/C&ED No. 2004-22) recommended.

- Resolution authorizing the District Administrator to execute an Right Of Way Acquisition Agreement between City of Modesto Community Facilities District No. 2004-1 and SCC-Canyon II, a Delaware Limited Liability Corporation with a maximum reimbursement amount of \$280,000 and finding that the potential environmental effects of the agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with Addendums for Kodiak Village Vesting Tentative Subdivision Map (EA/C&ED No. 2003-92) and for Kodiak Village II Vesting Tentative Subdivision Map (EA/C&ED No. 2004-22) recommended.

*City Manager-CFD; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-45** (Jackman/Keating; unan) authorizing the District Administrator to execute an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and Meritage Homes of California, Incorporated with a maximum reimbursement amount of \$282,755 and finding that the potential environmental effects of the agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with Addendums for Kodiak Village Vesting Tentative Subdivision Map (EA/C&ED No. 2003-92) and for Kodiak Village II Vesting Tentative Subdivision Map (EA/C&ED No. 2004-22)

**ACTION: Resolution 2005-46** (Jackman/Keating; unan) authorizing the District Administrator to execute an Right Of Way Acquisition Agreement between City of Modesto Community Facilities District No. 2004-1 and SCC-Canyon II, a Delaware Limited Liability Corporation with a maximum reimbursement amount of \$280,000 and finding that the potential environmental effects of the agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with Addendums for Kodiak Village Vesting Tentative Subdivision Map (EA/C&ED No. 2003-92) and for Kodiak Village II Vesting Tentative Subdivision Map (EA/C&ED No. 2004-22)

#### CONSENT

6. Consider approving the Monthly Budget Adjustments for January 2005.
  - Resolution approving the Monthly Budget Adjustments for January 2005 recommended.

*Finance; Gail Bailey, 571-5511, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-47** (Jackman/Keating; unan) approving the Monthly Budget Adjustments for January 2005.

#### CONSENT

7. Consider approving a 60 day extension of Comcast's obligation to demonstrate substantial compliance with the required outside plant safety codes.
  - Resolution approving a 60 day extension of Comcast's obligation to demonstrate substantial compliance with the required outside plant safety codes recommended.  
*Information Technology; Joyce Engberg, 577-5229, [jengberg@modestogov.com](mailto:jengberg@modestogov.com)*

**ACTION: Resolution 2005-48** (Jackman/Keating; unan) approving a 60 day extension of Comcast's obligation to demonstrate substantial compliance with the required outside plant safety codes.

#### CONSENT

8. Consider affirming the commitment of the City of Modesto to support the continued operation and maintenance of the Gateway Parcel of the Tuolumne River Regional Park, should the TRRP JPA dissolve, as a public access facility for use by the citizens of Stanislaus County and the general public for a period of time ending no later than December 31, 2030, or 25 years from issuance of a State of California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40) grant, whichever provides for the later date as recommended by the Tuolumne River Regional Park JPA Commission.
  - Resolution affirming the commitment of the City of Modesto to support the continued operation and maintenance of the Gateway Parcel of the Tuolumne River Regional Park, should the TRRP JPA dissolve, as a public access facility for use by the citizens of Stanislaus County and the general public for a period of time ending no later than December 31, 2030, or 25 years from issuance of a State of California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40) grant, whichever provides for the later date as recommended by the Tuolumne River Regional Park JPA Commission recommended.  
*Parks, Recreation & Neighborhoods; Loren R. Holt, 571-5573, [lholt@modestogov.com](mailto:lholt@modestogov.com)*

**ACTION: Resolution 2005-49** (Jackman/Keating; unan) affirming the commitment of the City of Modesto to support the continued operation and maintenance of the Gateway Parcel of the Tuolumne River Regional Park, should the TRRP JPA dissolve, as a public access facility for use by the citizens of Stanislaus County and the general public for a period of time ending no later than December 31, 2030, or 25 years from issuance of a State of California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40) grant, whichever provides for the later date as recommended by the Tuolumne River Regional Park JPA Commission

#### CONSENT

9. Consider selecting Beals Alliance, Callander Associates Inc., The HLA Group, O'Dell Engineering, Royston Hanamoto Alley & Abey, and Stantec Consulting Inc. to provide

landscape architectural and related services to the City for a period of three years (maximum contract amount not to exceed \$300,000 per project agreement).

- Resolution selecting Beals Alliance, Callander Associates Inc., The HLA Group, O'Dell Engineering, Royston Hanamoto Alley & Abey, and Stantec Consulting Inc. to provide landscape architectural and related services to the City for a period of three years (maximum contract amount not to exceed \$300,000 per project agreement) recommended.

*Parks; Recreation & Neighborhoods; Nathan G. Houx, 571-5526, [nhoux@modestogov.com](mailto:nhoux@modestogov.com)*

**ACTION: Resolution 2005-50** (Jackman/Keating; unan) selecting Beals Alliance, Callander Associates Inc., The HLA Group, O'Dell Engineering, Royston Hanamoto Alley & Abey, and Stantec Consulting Inc. to provide landscape architectural and related services to the City for a period of three years (maximum contract amount not to exceed \$300,000 per project agreement).

#### CONSENT

10. Consider authorizing staff to apply for \$1,800,000 in funding from the Bicycle Transportation Account Program Administered by California Department of Transportation, for Phase 5 of the Virginia Corridor Project.

- Resolution approving a grant application for \$1,800,000 to the California Department of Transportation for the Bicycle Transportation Account Program for Phase 5 development of the Virginia Corridor Project, and authorizing the Acting City Manager to execute the application.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-51** (Jackman/Keating; unan) approving a grant application for \$1,800,000 to the California Department of Transportation for the Bicycle Transportation Account Program for Phase 5 development of the Virginia Corridor Project, and authorizing the Acting City Manager to execute the application.

#### CONSENT

11. Consider amending the Position Classification Plan to revise the classifications of Legal Secretary and Instrument Repair Technician.

- Resolution amending the Position Classification Plan to revise the classifications of Legal Secretary and Instrument Repair Technician.

*Personnel; Cherree Platt, 577-5439, [cplatt@modestogov.com](mailto:cplatt@modestogov.com)*

**ACTION: Resolution 2005-52** (Jackman/Keating; unan) amending the Position Classification Plan to revise the classifications of Legal Secretary and Instrument Repair Technician.

#### CONSENT

12. Consider approving of a grant entitled “Project Safe Neighborhoods for Stanislaus County” in the amount of \$306,628, for three years for the reduction of gang-related gun violence.
- Resolution approving a grant agreement in the amount of \$306,628 from the U. S. Department of Justice, Bureau of Justice Assistance, administered by the California Peace Officers’ Association, for the “Project Safe Neighborhoods for Stanislaus County” Program, and authorizing the Acting City Manager, or his authorized designee, to execute the necessary grant documents recommended.
  - Resolution amending the 2004/2005 budget, realizing the grant revenue and expending the funds recommended.

*Police; Joe Aja, 572-9521, [ajaj@modestopd.com](mailto:ajaj@modestopd.com)*

**ACTION: Resolution 2005-53** (Jackman/Keating; unan) approving a grant agreement in the amount of \$306,628 from the U. S. Department of Justice, Bureau of Justice Assistance, administered by the California Peace Officers’ Association, for the “Project Safe Neighborhoods for Stanislaus County” Program, and authorizing the Acting City Manager, or his authorized designee, to execute the necessary grant documents.

**ACTION: Resolution 2005-54** (Jackman/Keating; unan) amending the 2004/2005 budget, realizing the grant revenue and expending the funds.

#### CONSENT

13. Consider approving an amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement.
- Resolution approving a first amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement and authorizing the Acting City Manager to execute the amendment on behalf of the City recommended.

*Police; Roy Wasden, 572-9501, [wasdenr@modestopd.com](mailto:wasdenr@modestopd.com)*

**ACTION: Resolution 2005-55** (Jackman/Keating; unan) approving a first amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement and authorizing the Acting City Manager to execute the amendment on behalf of the City.

#### CONSENT

14. Consider approving an agreement with Sylvan Union School District for a Modesto Police Officer to Instruct D.A.R.E.
- Resolution approving an agreement for the provision of one Modesto Police Officer to instruct the Drug Abuse Resistance Education (D.A.R.E.) for the Sylvan Union School District and authorizing the Acting City Manager to execute the agreement recommended.
  - Resolution amending the 2004/2005 budget, realizing the agreement revenue and expending the funds recommended.

*Police; Gary Watts, 342-6144, [wattsg@modestopd.com](mailto:wattsg@modestopd.com)*

**ACTION: Resolution 2005-56** (Jackman/Keating; unan) approving an agreement for the provision of one Modesto Police Officer to instruct the Drug Abuse Resistance Education (D.A.R.E.) for the Sylvan Union School District and authorizing the Acting City Manager to execute the agreement.

**ACTION: Resolution 2005-57** (Jackman/Keating; unan) amending the 2004/2005 budget, realizing the agreement revenue and expending the funds.

#### CONSENT

15. Consider declaring as surplus from February 1, 2005 through January 31, 2006 the following items: stolen, unclaimed and/or seized property from the Police Department, and excess property accumulated by the City; and surplus City vehicles; and authorizing the Purchasing Division to sell same by sealed bid, by auction or sell as scrap.

- Resolution declaring items as surplus and authorizing the Purchasing Division to sell said items by sealed bid, by auction, as scrap recommended.

*Public Works-Purchasing; Tom Reddie, 571-5164, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-58** (Jackman/Keating; unan) declaring items as surplus and authorizing the Purchasing Division to sell said items by sealed bid, by auction, as scrap.

#### CONSENT

16. Consider authorizing the Purchasing Supervisor to formally issue a Request for Bids (RFB) for six Model 170E Controllers and Model 332 Cabinets for traffic signal equipment for an estimated total cost of \$50,000.

- Resolution authorizing the Purchasing Supervisor to formally issue a Request for Bids (RFB) for six Model 170E Controllers and Model 332 Cabinets for traffic signal equipment for an estimated total cost of \$50,000 recommended.

*Public Works-Purchasing; Tom Reddie, 571-5164, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-59** (Jackman/Keating; unan) authorizing the Purchasing Supervisor to formally issue a Request for Bids (RFB) for six Model 170E Controllers and Model 332 Cabinets for traffic signal equipment for an estimated total cost of \$50,000.

#### CONSENT

17. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for the rebuilding of nine 1990 Gillig/Lift-U Wheelchair Lifts for an estimated total cost of \$76,500.

- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for the rebuilding of nine 1990 Gillig/Lift-U Wheelchair Lifts for an estimated total cost of \$76,500 recommended.

*Public Works-Purchasing; Tom Reddie, 571-5164, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-60** (Jackman/Keating; unan) authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for the rebuilding of nine 1990 Gillig/Lift-U Wheelchair Lifts for an estimated total cost of \$76,500.

#### CONSENT

18. Consider a resolution authorizing the Purchasing Supervisor to formally solicit a Request for Bids (RFB) for Concrete Boxes and Covers, and Cast Iron Covers and Frames for a one-year period with an estimated total annual cost of \$75,000.00.

- Resolution authorizing the Purchasing Supervisor to formally solicit a Request for Bids (RFB) for Concrete Boxes and Covers, and Cast Iron Covers and Frames for a one-year period with an estimated total annual cost of \$75,000.00 recommended.

*Public Works-Purchasing; Tom Reddie, 571-5164, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-61** (Jackman/Keating; unan) authorizing the Purchasing Supervisor to formally solicit a Request for Bids (RFB) for Concrete Boxes and Covers, and Cast Iron Covers and Frames for a one-year period with an estimated total annual cost of \$75,000.00.

#### Removed from Consent

19. Consider approving the installation of a Lighted Crosswalk on Snyder Avenue at Saint Nicholas using funds up to \$28,000 from an anonymous donor. There is no cost to the City.

- Resolution amending the 2004-2005 budget to recognize and appropriate an anonymous donation in the amount of \$28,000 for fiscal year 2004-2005 recommended.
- Resolution amending the 2004-2005 Capital Improvement Program (CIP) to include the "Installation of a Lighted Crosswalk on Snyder Avenue at Saint Nicholas," project using funds in the amount of \$28,000 anonymously donated to the City of Modesto recommended.

*Public Works; Jeffrey Barnes, 577-5468, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: Resolution 2005-62** (Jackman/Keating; unan.) amending the 2004-2005 budget to recognize and appropriate an anonymous donation in the amount of \$28,000 for fiscal year 2004-2005

**ACTION: Resolution 2005-63** (Jackman/Keating; unan.) amending the 2004-2005 Capital Improvement Program (CIP) to include the "Installation of a Lighted Crosswalk on Snyder Avenue at Saint Nicholas," project using funds in the amount of \$28,000 anonymously donated to the City of Modesto.

## CONSENT

20. Consider granting an exception to Modesto Municipal Code Section 4-5.10 prohibiting advertising banners in order to hang a banner over I Street celebrating Modesto's 25<sup>th</sup> year as a Tree City USA. The banner would be placed over I Street March 7 through March 11, 2005 to coincide with Arbor Day.
- Resolution granting an exception to Modesto Municipal Code Section 4-5.10 prohibiting advertising banners in order to hang a banner over I Street celebrating Modesto's 25<sup>th</sup> year as a Tree City USA recommended.
- Public Works; Bill Dufresne, 342-2233, [bdufresne@modestogov.com](mailto:bdufresne@modestogov.com)*

**ACTION: Resolution 2005-64** (Jackman/Keating; unan) granting an exception to Modesto Municipal Code Section 4-5.10 prohibiting advertising banners in order to hang a banner over I Street celebrating Modesto's 25<sup>th</sup> year as a Tree City USA.

## CONSENT

21. Consider authorizing the Public Works Department to solicit request for proposals for On-Call Engineering Services for the Public Works Wastewater Collections Division for a one year agreement with four one year extension options. The anticipated cost is \$44,000 per year.
- Resolution authorizing the Public Works Department to solicit request for proposals for On-Call Engineering Services for the Public Works Wastewater Collections Division for a one year agreement with four one year extension options recommended.
- Public Works; Robert Howard, 577-6300, [rhoward@modestogov.com](mailto:rhoward@modestogov.com)*

**ACTION: Resolution 2005-65** (Jackman/Keating; unan) authorizing the Public Works Department to solicit request for proposals for On-Call Engineering Services for the Public Works Wastewater Collections Division for a one year agreement with four one year extension options.

## Removed from Consent

22. Consider amending the agreement with Del Valle Capital Corporation, Inc. to allow final inspection and occupancy of certain homes prior to completion and acceptance of infrastructure improvements in Galas Brother Unit No. 1 and Unit No. 2 Subdivisions, and authorizing the Acting City Manager or designee to sign the Amendment to Agreement.
- Resolution approving an Amendment to Agreement with Del Valle Capital Corporation, Inc. to allow final inspection and occupancy of certain homes prior to completion and acceptance of infrastructure improvements in Galas Brother Unit No. 1 and Unit No. 2 Subdivisions, and authorizing the Acting City Manager or designee to sign the Amendment to Agreement recommended.
- Public Works; Peter Cowles 577-5213, [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION: Resolution 2005-66** (Hawn/Dunbar; unan.) approving an Amendment to Agreement with Del Valle Capital Corporation, Inc. to allow final inspection and occupancy of certain homes prior to completion and acceptance of infrastructure improvements in Galas Brother Unit No. 1 and Unit No. 2 Subdivisions, and authorizing the Acting City Manager or designee to sign the Amendment to Agreement.

CONSENT

23. Consider accepting the work by Industrial Electrical Co., for the “Emergency Power Addition at Water Wells 25, 43, 225, 282, 298, 299, 302 and 313” project as complete and authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$601,355 per the contract. Total project cost is \$680,524.
- Resolution accepting the work by Industrial Electrical Co., for the “Emergency Power Addition at Water Wells 25, 43, 225, 282, 298, 299, 302 and 313” project as complete and authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$601,355 per the contract recommended.

*Public Works; Pam Marquez, 577-5423, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-67** (Jackman/Keating; unan) accepting the work by Industrial Electrical Co., for the “Emergency Power Addition at Water Wells 25, 43, 225, 282, 298, 299, 302 and 313” project as complete and authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$601,355 per the contract.

CONSENT

24. Consider the approval of the Final Map of Kodiak Village I Subdivision in the Village One Specific Plan Area and authorize the Acting City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owner: Meritage Homes of California, Inc., a California Corporation).
- Resolution approving the final map of Kodiak Village I Subdivision of the Village One Specific Plan Area and authorizing the Acting City Manager to execute the subdivision agreement recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-68** (Jackman/Keating; unan) approving the final map of Kodiak Village I Subdivision of the Village One Specific Plan Area and authorizing the Acting City Manager to execute the subdivision agreement.

CONSENT

25. Consider amending Municipal Code Sections 5-6.301, 5-6.303 regarding the requirements for connecting to the sewer system following annexation to the City.

- Motion introducing an Ordinance amending Municipal Code Sections 5-6.301, 5-6.303 regarding the requirements for connecting to the sewer system following annexation to the City recommended.

*Public Works; Richard Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan) **introduced Ordinance No. 3377-C.S.** amending Municipal Code Sections 5-6.301, 5-6.303 regarding the requirements for connecting to the sewer system following annexation to the City.

## COUNCIL COMMENTS & REPORTS

None

## HEARINGS

26. Consider the application of Resource Development for a general plan amendment to the Coffee/Claratina Specific Plan to change the land use designation of approximately ten acres located on the East of McHenry Avenue and South of the Claratina Avenue from Regional Commercial (RC) to Residential (R).
- Resolution approving an amendment to the Modesto urban Area General Plan to change the land use designation of approximately ten acres located East of McHenry Avenue and South of Claratina Avenue from Regional Commercial (RC) to Residential (R) recommended.
  - Resolution approving an amendment to the Coffee/Claratina Specific Plan to change the land use designation of approximately ten acres located East of McHenry Ave and South of Claratina Avenue from Regional Commercial (RC) to Residential (R) recommended.
  - Resolution finding that the following project is within the scope of the project covered by the Modesto urban Area General Plan Master Environmental Impact Report (Sch No. 1999082041): An amendment to the Modesto Urban Area General Plan and the Coffee/Claratina Specific Plan to change the land use designation of approximately ten acres located East of McHenry Avenue and South of Claratina Avenue from Regional Commercial (RC) to Residential (R) recommended.

*Community & Economic Development; Paul Liu, 577-5282; [pliu@modestogov.com](mailto:pliu@modestogov.com)*

**ACTION: Resolution 2005-69** (Marsh/Dunbar; unan.) approving an amendment to the Modesto urban Area General Plan to change the land use designation of approximately ten acres located East of McHenry Avenue and South of Claratina Avenue from Regional Commercial (RC) to Residential (R)

**ACTION: Resolution 2005-70** (Marsh/Dunbar; unan.) approving an amendment to the Coffee/Claratina Specific Plan to change the land use designation of approximately

ten acres located East of McHenry Ave and South of Claratina Avenue from Regional Commercial (RC) to Residential (R)

**ACTION: Resolution 2005-71** (Marsh/Dunbar; unan.) finding that the following project is within the scope of the project covered by the Modesto urban Area General Plan Master Environmental Impact Report (Sch No. 1999082041): An amendment to the Modesto Urban Area General Plan and the Coffee/Claratina Specific Plan to change the land use designation of approximately ten acres located East of McHenry Avenue and South of Claratina Avenue from Regional Commercial (RC) to Residential (R).

### NEW BUSINESS

27. Consider designating the naming of the Terrace level at the Modesto Centre Plaza, "Mayor Lang Terrace," in honor of former Mayor Lang; announcing a Capital Campaign to accomplish this expansion; and authorizing staff to seek proposals for architects/designers to do development work.

- Resolution designating the naming of the Terrace level at the Modesto Centre Plaza, "Mayor Lang Terrace," in honor of former Mayor Lang; announcing a Capital Campaign to accomplish this expansion; and authorizing staff to seek proposals for architects/designers to do development work recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-72** (Hawn/Jackman; unan.) designating the naming of the Terrace level at the Modesto Centre Plaza, "Mayor Lang Terrace," in honor of former Mayor Lang; announcing a Capital Campaign to accomplish this expansion; and authorizing staff to seek proposals for architects/designers to do development work

28. Consider postponing the Urban Growth Review Update.

- Motion postponing the Urban Growth Review Update recommended.

*Community & Economic Development; Patrick Kelly, 577-5268, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** By Motion (Dunbar/Jackman; unan.) postponing the Urban Growth Review Update.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 7:35 p.m. to the following:

**CLOSED SESSION**

This Closed Session item was heard prior to the Council meeting.

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:           George Britton, Acting City Manager  
  Robin Renwick, Personnel Director

Employee Organization        Modesto Police Officers Association

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Two cases.

Facts and Circumstances: Two City employees have filed claims contending they have been the victims of gender discrimination and unlawful retaliation.

## MINUTES

# City of Modesto

Safety & Communities Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

Monday, January 31, 2005, at 5:30 p.m.

Roll Call – Present; Committee members Dunbar, Hawn, O’Bryant

Also Present: Councilmember Keating (left at 6:20 p.m.)

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 8

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

1. Consider receiving informational report regarding withdrawal of request for installation of mid-block crosswalk on Middleboro .

**ACTION:** This item was for information only. No action was taken.

#### CONSENT

15. Consider receiving informational report regarding criminal issues in the area of the Downtown County Library .

**ACTION:** This item was for information only. No action was taken.

CONSENT

16. Consider receiving report on the demographic study of Modesto Police Department policing activities .

**ACTION:** This item was for information only. No action was taken.

CONSENT

17. Consider staff recommendation to authorize the addition of one Police Lieutenant for the Communications Center and amend the 2004-05 budget .

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

CONSENT

18. Consider accepting staff report on the first year issuance of alcohol permits in City parks .

**ACTION:** This item was for information only. No action was taken.

**NEW BUSINESS**

19. Consider an agreement with Modesto Art In Public Places, Inc. to accept a bust of César Chávez for installation in César Chávez Park .

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

20. Consider supporting staff recommendation to approve an update to the Modesto Non-Motorized Transportation Master Plan .

**ACTION:** This item was for information only. No action was taken.

21. Discussion and policy direction regarding the potential regulation of medical marijuana dispensaries .

**ACTION:** The Safety & Communities Committee recommended this item be forwarded to the full Council and directed the City Attorney to draft an Ordinance prohibiting medical marijuana dispensaries.

22. Discussion of Panhandling Ordinance requested by Councilmember O'Bryant.

**ACTION:** The Safety & Communities Committee directed Staff to work with the Salvation Army, the Modesto Bee, and the Fire Department on possible street closures and other alternatives for solicitation activities. This item will be returned to the S&C Committee in March for further discussion.

### **COMMITTEE COMMENTS & REPORTS**

None.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **FUTURE AGENDA ITEMS**

7. Parks and Parks Security
8. Fire Department ALS Program
9. ABC License Appeal Procedures

### **ADJOURNMENT**

This meeting adjourned at 7:00 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, February 1, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Wayne Bridegroom- Central Baptist Church

City Clerk’s Announcements - None

Declaration of Conflicts of Interest: Item 5 – Councilmember Hawn

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

- Frank Rosenav spoke regarding the problems in other counties regarding the licensing of dogs and cats and breeders permits.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 7

**ACTION Items 1, 2, 3, 4, 6, 7:** Jackman/Keating; unan.

**ACTION 5:** Dunbar/Jackman; unan.; Hawn absent due to conflict of interest

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

#### CONSENT

1. Consider approval of the minutes of the regular City Council meeting of January 25, 2005.

(Motion approving recommended.)

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan.) approved the minutes of January 25, 2005.

#### CONSENT

2. Consider approving the final adoption of **Ordinance No. 3377-C.S.** amending Municipal Code Sections 5-6.301, 5-6.303 regarding the requirements for connecting to the sewer system following annexation to the City.

- Motion approving final adoption of **Ordinance No. 3377-C.S.** amending Municipal Code Sections 5-6.301, 5-6.303 regarding the requirements for connecting to the sewer system following annexation to the City recommended.

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan.) approved the **final adoption of Ordinance No. 3377-C.S.** amending Municipal Code Sections 5-6.301, 5-6.303 regarding the requirements for connecting to the sewer system following annexation to the City.

#### CONSENT

3. Consider annexation of additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 7).

- Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 7) recommended.

*City Manager-CFD; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-73** (Jackman/Keating; unan.) a Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 7).

## CONSENT

4. Consider approving the timeline for the development of the Annual Action Plan, including the allocation of funds for public services, and estimated RFP amounts for Public Service Grants for 2005-2006.
- Resolution approving the timeline for the development of the Annual Action Plan, including the allocation of funds for public services, and estimated RFP amounts for Public Service Grants for 2005-2006.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-74** (Jackman/Keating; unan.) approving the timeline for the development of the Annual Action Plan, including the allocation of funds for public services, and estimated RFP amounts for Public Service Grants for 2005-2006.

CONSENT *Councilmember Hawn absent due to conflict of interest*

5. Consider increasing the Public Works Director's authority to issue change orders on the "Centre Plaza Elevator Extension" Project from \$45,000 to \$50,600, and accepting the work of TCB Industrial, Inc, for the "Centre Plaza Elevator Extension" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$283,467.57 per the contract. Total project cost is \$356,287.68.
- Resolution increasing the Public Works Director's authority to issue change orders on the "Centre Plaza Elevator Extension" project from \$45,000 to \$50,600 recommended.
  - Resolution accepting the work by TCB Industrial, Inc., for the "Centre Plaza Elevator Extension" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$283,467.57 per the contract recommended.
- Public Works; Pam Marquez, 577-5423, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-75** (Dunbar/Jackman; unan. Hawn absent due to conflict) increasing the Public Works Director's authority to issue change orders on the "Centre Plaza Elevator Extension" project from \$45,000 to \$50,600.

**ACTION: Resolution 2005-76** (Dunbar/Jackman; unan. Hawn absent due to conflict) accepting the work by TCB Industrial, Inc., for the "Centre Plaza Elevator Extension" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$283,467.57 per the contract.

## CONSENT

6. Consider affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2005 at Graceada Park and allow the sale of merchandise in the Park during the event.
- Resolution affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2005 at Graceada Park and allow the sale of merchandise in the Park during the event recommended.

*Public Works; Beverly McCullough, 577-5495, [bdmccullough@modestogov.com](mailto:bdmccullough@modestogov.com)*

**ACTION: Resolution 2005-77** (Jackman/Keating; unan.) affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2005 at Graceada Park and allow the sale of merchandise in the Park during the event.

#### CONSENT

7. Consider accepting the updated City of Modesto Traffic Flow Map.

- Motion acknowledging receipt of map recommended.

*Public Works; Jeff Barnes, 577-5468, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan.) acknowledging receipt of the updated City of Modesto Traffic Flow Map.

#### COUNCIL COMMENTS & REPORTS

None

#### WRITTEN COMMUNICATIONS

8. Letter from Dan Hopkins of the Modesto Chamber of Commerce Land Use/Transportation Committee requesting the Council's support of the proposed 108/219 transportation corridor which links Oakdale, Riverbank, Modesto and Salida.

**ACTION:** By motion (Marsh/O'Bryant; unan.) Council supported the inclusion of Claribel corridor in a Project Study Report.

#### NEW BUSINESS

9. Consider appropriating \$90,000 from the General Fund Reserve to Organization 4722 in order to fully fund Graffiti Abatement for the remainder of Fiscal Year 04-05.

- Resolution appropriating \$90,000 from the General Fund Reserve to Organization 4722 in order to fully fund Graffiti Abatement for the remainder of Fiscal Year 04-05.

*Public Works; Jana Coons, 342-2281, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION: Resolution 2005-78** (Hawn/Marsh; unan.) appropriating \$90,000 from the General Fund Reserve to Organization 4722 in order to fully fund Graffiti Abatement for the remainder of Fiscal Year 04-05.

10. Consider directing Staff regarding the use of the County ED Bank Loan to fund preparation of the Kiernan Business Park Implementation Plan.

*Community & Economic Development; Brad Kilger, 577-5337, [bkilger@modestogov.com](mailto:bkilger@modestogov.com)*

**ACTION:** By motion (Jackman/Keating; unan.) approved staff recommendation which directed staff to negotiate and develop a separate agreement with the property owners on the method to be used to contribute funding towards preparation of the KBP Implementation Plan if the City secures the ED Bank Loan funds; and the Council agreed in concept with the KBP property owner proposal to include alternative land uses as a part of the Kiernan Business Park Specific Plan and EIR updates, which may include mixed-use projects and high-density multiple-family attached housing that support and do not undermine the integrity of the primary purpose of the specific plan, which is the development of a Class A Business Park.

The Council also requested that property owners meet funding commitments within 90 days.

11. Consider directing Staff regarding the Sphere of Influence and Annexation Policies.  
*Community & Economic Development; Patrick Kelly, 577-5268, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** No action taken on this item. At the next work study session Councilmember Hawn will review his information with the Council.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 8:15 p.m.

### **CLOSED SESSION**

*This Closed Session item was removed.*

#### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *City of Modesto v. Viacom Outdoor, Inc., et al.*  
Stanislaus County Superior Court No. 329869

*This Closed Session Item was heard prior to the meeting.*

**CONFERENCE WITH LABOR NEGOTIATOR:**  
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, Acting City Manager  
Robin Renwick, Personnel Director  
Janice Stewart, Deputy Director of Personnel

Employee Organization: Modesto City Employee Association

*This Closed Session item was removed.*

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
(Pursuant to Section 54956.8 of the Government Code)

**Property:** Various well sites as follows:

Well Sites located in Waterford, CA:

- APN: 080-058-002 – 546 N. Reinway Avenue, Waterford
- APN: 080-045-035 – (n/a) S. Reinway Avenue, Waterford (across from school)
- APN: 080-018-033 – Cinnabar Avenue, Waterford (near Bonnie Brae)
- APN: 134-004-003 – 12315 Dorsey Street, Waterford
- APN: 080-028-035 – 300 Tim Bell Road, Waterford
- APN: 080-033-004 – 13555 Skyline Blvd., Waterford

Well Sites located in Ceres, CA:

- APN: 039-022-001 – 2310 Lehi Avenue (NE of Central/Hatch)
- APN: 039-053-001 – 924 Richland Avenue (N. of Woodworth Ave)

Well Sites located in Turlock, CA:

- APN: 043-023-050 – 902 S. Minaret Avenue, S. Turlock
- APN: 072-010-039 – 305 Hedstrom Road, N. Turlock
- APN: 043-052-013 – 2307 Evelle Lane @ S. Quincy near Brier, S. Turlock
- APN: 072-040-001 – Carolyn Drive (in alley)
- Land located at 917 Carolyn, Turlock (no longer a functional well site)

Well Sites located in Hickman, CA:

- APN: 080-046-001 – 13101 Lake Road
- APN: 019-044-008 – Montpelier @ 6<sup>th</sup>

Well Sites located in Grayson, CA:

- APN: 016-039-025 – 8417 Yamamoto Way (also T9 & GAC)
- APN: 016-034-007 – 8930 Charles Street

Well Sites located in Del Rio:

- APN: 004-059-048 – 1260 Country Club Drive

APN: 004-082-006 – 7315 Hillcrest Drive  
APN: 004-085-001 – 7119 Beltis

City of Modesto, Owner

**Negotiating Parties:** City of Modesto, Seller  
City of Waterford, Buyer as to Waterford well sites only; and/or a yet  
to be determined private party for all of the well sites, including those  
located in Waterford, CA

**Under Negotiation:** Price and terms of payment for property to be sold

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

Monday, February 7, 2005, at 5:30 p.m.

Roll Call: Present: Committee Members Jackman, Keating, Marsh

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 3

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

### CONSENT

1. Consider receiving status report of development projects processed by the Community & Economic Development Department.

**ACTION:** This item was approved as recommended.

**CONSENT**

15. Consider approving recommended new fare rates effective summer 2005 for Modesto Area Express (MAX) urban services, Bay Area Rapid Transit (BART) Express commuter route, and Modesto Area Dial-A-Ride (MADAR).

**ACTION:** This item was approved as recommended.

**CONSENT**

16. Consider approving recommendation to install angle parking on the east side of 16<sup>th</sup> Street between H and I Streets.

**ACTION:** This item was approved as recommended.

**NEW BUSINESS**

17. Consider accepting report regarding results of negotiations with private garbage companies to collect pruned refuse, forestry materials and leaves; discussion and direction regarding pruned refuse collection options.

**ACTION:** The Committee recommended options 3 and 5 as listed in the staff report to continue to transfer these services to the waste haulers requiring a formal bid process and to retain the existing compost facility to allow bringing in of materials from other areas to make the site more effective.

The Committee also recommended the bidders include a separate break down for costs associated with leaf pickup and pruned refuse.

18. Discussion of downtown Post Office surplus property.

**ACTION:** This item was for information only. No action was taken.

19. Discussion of site development issues associated with the Kiernan/McHenry Comprehensive Planning District.

**ACTION:** The Committee discussed the need to meet with Cal Trans on maintaining Expressway Status on Kiernan, and the need to communicate to the County the elimination from the applicant's plan of access #4 on to Kiernan.

This item was for discussion only. No action was taken.

## COMMITTEE MEMBER COMMENTS AND REPORTS

None.

## MATTERS TOO LATE FOR THE AGENDA

None.

## FUTURE AGENDA ITEMS

12. Housing Task Force Update
13. Street Name Change, N. Martin Luther King Drive
14. Guidelines for small lot single family residential development
15. Business Task Force Report
16. Discussion of funding from existing homeowners to address Twin Bonds “problem”
17. General Plan Update Work Program
18. Kansas-Woodland Business Park
19. Prescott/Bangs Proposed Roundabout
20. Shackelford Study Area
21. Work Program – 2005 Urban Growth Review Update
22. 132/99 Connectivity and Carpenter Road Interchange Issue
23. Recycled Wastewater Feasibility Report
24. Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work
25. Outdoor Dining Ordinance Revision

## ADJOURNMENT

This meeting adjourned at 8:40 p.m.

## MINUTES

# City of Modesto

## Special Finance Committee Meeting/ Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place

1010 10<sup>th</sup> Street, Modesto, California

Tuesday, February 8, 2005 at 2:00 p.m.

Roll Call: Present: Committee Members Dunbar, Hawn, Jackman

Also Present: Councilmembers Keating, Marsh, O'Bryant, Mayor Ridenour

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None.

### NEW BUSINESS

2. Staff to provide background of negotiations with MID regarding the water Treatment and Delivery Agreement leading to MID's recent letter to the Modesto Bee, in which MID refused to negotiate further. Staff to provide recommendation for Committee action.

**ACTION:** The Finance Committee agreed to schedule a future meeting and invite MID to discuss unresolved issues. The Mayor will contact MID with the invitation to attend.

3. Discussion regarding the Alternative Water Source Feasibility Study.

**ACTION:** No action taken on this item.

### COUNCIL COMMENTS & REPORTS

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 4:10 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, February 8, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Mr. Rick Fritzemeier, Youth for Christ

City Clerk’s Announcements

Declaration of Conflicts of Interest -None

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Vanessa Czopek, County Librarian, of the County Library Annual Report for Fiscal Year 2003/04.

**ACTION:** Presentation given by Vanessa Czopek

2. Presentation of Proclamation to Joe and Michelle Williams proclaiming February 2005 as Reconciliation Month.

**ACTION:** Presentation made by Mayor Ridenour

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

- Joan Ruttschow reviewed a list of questions from the Stanislaus County Taxpayers Association and requested a response in 30 days.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 11

**ACTION Consent 3- 11: Jackman/Hawn; unan.**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

CONSENT

3. Consider approval of the minutes of the regular City Council meeting of February 1, 2005.

(Motion approving recommended.)

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn unan.) approved the minutes of February 1, 2005.

CONSENT

4. Consider amending the Position Classification Plan to amend the classification of Paralegal, to delete the classifications of Deputy Director of Operations and Maintenance and Deputy Director of Engineering and Transportation and to create the classifications of Deputy Director of Public Works-Operations and Deputy Director of Public Works-Engineering.

- Resolution amending the Position Classification Plan to amend the classification of Paralegal, to delete the classifications of Deputy Director of Operations and Maintenance and Deputy Director of Engineering and Transportation and to create the classifications of Deputy Director of Public Works-Operations and Deputy Director of Public Works-Engineering.

- Resolution amending the Class Range Table for Unrepresented Management and Confidential Non-Sworn to delete the classifications of Deputy Director of Operations and Maintenance and Deputy Director of Engineering and Transportation and to create the classifications of Deputy Director of Public Works-Operations and Deputy Director of Public Works-Engineering.

*Personnel; Cherree Platt, 577-5439, [cplatt@modestogov.com](mailto:cplatt@modestogov.com)*

**ACTION: Resolution 2005-79** (Jackman/Hawn unan.) amending the Position Classification Plan to amend the classification of Paralegal, to delete the classifications of Deputy Director of Operations and Maintenance and Deputy Director of Engineering and Transportation and to create the classifications of Deputy Director of Public Works-Operations and Deputy Director of Public Works-Engineering.

**ACTION: Resolution 2005-80** (Jackman/Hawn unan.) amending the Class Range Table for Unrepresented Management and Confidential Non-Sworn to delete the classifications of Deputy Director of Operations and Maintenance and Deputy Director of Engineering and Transportation and to create the classifications of Deputy Director of Public Works-Operations and Deputy Director of Public Works-Engineering.

#### CONSENT

5. Consider approving the Multi-Year Capital Improvement Program (CIP) - Policy and Proposed Schedule for CIP Adoption.
- Resolution approving Capital Improvement Program Policies and CIP Adoption Schedule for Fiscal Year 2005-06 recommended.
- Finance; Debra Eggerman, 571-5511, [deggerman@modestogov.com](mailto:deggerman@modestogov.com)*

**ACTION: Resolution 2005-81** (Jackman/Hawn unan.) approving Capital Improvement Program Policies and CIP Adoption Schedule for Fiscal Year 2005-06.

#### CONSENT

6. Consider authorizing staff to issue a request for proposals (RFP) to sell and maintain advertising on the exteriors of 50%, 75% and 100% of Modesto Area Express (MAX) urban service buses and remit a portion of the sales revenue to the City.
- Resolution authorizing staff to issue an RFP to sell and maintain advertising on the exteriors of MAX buses and remit a portion of their sales revenue to the City recommended.
- Public Works; Fred Cavanah, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Resolution 2005-82** (Jackman/Hawn unan) authorizing staff to issue an RFP to sell and maintain advertising on the exteriors of MAX buses and remit a portion of their sales revenue to the City

#### CONSENT

7. Consider approving the submittal of a Federal Airport Improvement Program (AIP) Grant Application in the amount of \$1,300,000 to the Federal Aviation Administration (FAA), and authorizing the Acting City Manager, or his designee, to execute the application on behalf of the City, and authorizing the Acting City Manager, or his designee, to accept any subsequent grant offer extended by the FAA to the City.
- Resolution approving the submittal of a Federal Airport Improvement Program (AIP) Grant Application in the amount of \$1,300,000 to the Federal Aviation

Administration (FAA), and authorizing the Acting City Manager, or his designee, to execute the application on behalf of the City recommended.

- ~~Resolution authorizing the Acting City Manager, or his designee, to accept any subsequent grant offer extended by the FAA to the City recommended.~~

*Public Works; Michael Musca, 577-5318, [mmusca@modestogov.com](mailto:mmusca@modestogov.com)*

**ACTION: Resolution 2005-83** (Jackman/Hawn unan) approving the submittal of a Federal Airport Improvement Program (AIP) Grant Application in the amount of \$1,300,000 to the Federal Aviation Administration (FAA), and authorizing the Acting City Manager, or his designee, to execute the application on behalf of the City

**Resolution 2005-84** was not used

#### CONSENT

8. Consider accepting the work by Amerine Systems, Inc., for the “Well 312, South Street, Empire” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$240,453.05 per the contract. Total project cost is \$345,687.66.

- Resolution accepting the work by Amerine Systems, Inc., for the “Well 312, South Street, Empire” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$240,453.05 per the contract recommended.

*Public Works; Pamela Marquez, 577-5423, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-85** (Jackman/Hawn unan) accepting the work by Amerine Systems, Inc., for the “Well 312, South Street, Empire” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$240,453.05 per the contract.

#### CONSENT

9. Consider accepting the work by Industrial Fence Company, Inc. for the “Thousand Oaks Lift Station Fence” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$59,989.85 per the contract. Total project cost is \$140,372.87.

- Resolution accepting the work by Industrial Fence Company, Inc. for the “Thousand Oaks Lift Station Fence” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$59,989.85 per the contract recommended.

*Public Works; Pamela Marquez, 577-5423, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-86** (Jackman/Hawn unan) accepting the work by Industrial Fence Company, Inc. for the “Thousand Oaks Lift Station Fence” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$59,989.85 per the contract

## CONSENT

10. Consider accepting the work by Jacino Electrical for the “Street Illumination – McHenry Village Area” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$52,878 per the contract. Total project cost is \$77,101.

- Resolution accepting the work by Jacino Electrical for the “Street Illumination – McHenry Village Area” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$52,878 per the contract recommended.

*Public Works; Pamela Marquez, 577-5423, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-87** (Jackman/Hawn unan) accepting the work by Jacino Electrical for the “Street Illumination – McHenry Village Area” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$52,878 per the contract.

## CONSENT

11. Consider awarding to Mitchell’s Modesto Harley-Davidson the bid and contract of eight 2005 Harley Davidson Police motorcycles for an estimated cost of \$126,543.20 with a trade-in credit of \$78,000 toward the purchase.

- Resolution awarding the bid and contract for eight 2005 Harley Davidson Police motorcycles to Mitchell’s Modesto Harley-Davidson of Modesto, CA. for a total estimated cost of \$126,543.20 including freight and sales tax recommended.
- Resolution authorizing the Acting City Manager to accept \$78,000.00 as the trade-in value of eight 2002 Police motorcycles towards the purchase of said eight 2005 Police motorcycles recommended.

*Purchasing; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Resolution 2005-88** (Jackman/Hawn unan) awarding the bid and contract for eight 2005 Harley Davidson Police motorcycles to Mitchell’s Modesto Harley-Davidson of Modesto, CA. for a total estimated cost of \$126,543.20 including freight and sales tax.

**ACTION: Resolution 2005-89** (Jackman/Hawn unan) authorizing the Acting City Manager to accept \$78,000.00 as the trade-in value of eight 2002 Police motorcycles towards the purchase of said eight 2005 Police motorcycles.

## COUNCIL COMMENTS &amp; REPORTS

- Councilmember Jackman wished his mother a happy 91<sup>st</sup> birthday.

- Councilmember Hawn announced Chairman Grover's State of the County address.

### NEW BUSINESS

12. Consider amending the Village One Facilities Prioritization List ("FPL") and implementing a policy to allow the purchase of right-of-way within a project priority not yet funded, originally adopted by the City Council on January 7, 2003 (Resolution No. 2003-20A) and amended by the City Council on June 10, 2003 (Resolution No. 2003-289).
- Resolution amending the Village One Facilities Prioritization List ("FPL") and implementing a policy to allow the purchase of right-of-way within a project priority not yet funded, originally adopted by the City Council on January 7, 2003 (Resolution No. 2003-20A) and amended by the City Council on June 10, 2003 (Resolution No. 2003-289) recommended.

*City Manager's Office; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-90** (Hawn/Keating; unan.) amending the Village One Facilities Prioritization List ("FPL") and implementing a policy to allow the purchase of right-of-way within a project priority not yet funded, originally adopted by the City Council on January 7, 2003 (Resolution No. 2003-20A) and amended by the City Council on June 10, 2003 (Resolution No. 2003-289).

13. Consider approving a construction agreement and a licensing agreement with the Five Modesto Rotary Clubs of Modesto's 501(c)(3) non-profit organization, known as the 'United Rotary Clubs of Modesto', for the construction of the surface landscaping of a quarter-mile section of the Virginia Corridor adjacent to Roseburg Square, and authorizing the Acting City Manager to execute the agreements.
- Resolution approving a construction agreement and a licensing agreement with the Five Modesto Rotary Clubs of Modesto's 501(c)(3) non-profit organization, known as the 'United Rotary Clubs of Modesto', for the construction of the surface landscaping of a quarter-mile section of the Virginia Corridor adjacent to Roseburg Square, and authorizing the Acting City Manager to execute the agreements.

*Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, [bford@modestogov.com](mailto:bford@modestogov.com)*

**ACTION: Resolution 2005-91** (Jackman/Marsh; unan.) approving a construction agreement and a licensing agreement with the Five Modesto Rotary Clubs of Modesto's 501(c)(3) non-profit organization, known as the 'United Rotary Clubs of Modesto', for the construction of the surface landscaping of a quarter-mile section of the Virginia Corridor adjacent to Roseburg Square, and authorizing the Acting City Manager to execute the agreements.

14. Consider authorizing the Acting City Manager to co-sign a letter with the Stanislaus County Chief Executive Officer to the U.S. General Services Administration, requesting a 60-day extension to consider preparation of a written expression of interest for future public use of the Modesto Federal Building and Post Office.
- Resolution authorizing the Acting City Manager to co-sign a letter with the Stanislaus County Chief Executive Officer to the U.S. General Services Administration, requesting a 60-day extension to consider preparation of a written expression of interest for future public use of the Modesto Federal Building and Post Office recommended.

*City Manager's Office; George Britton, 577-5224, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Resolution 2005-92** (Jackman/Dunbar; unan) authorizing the Acting City Manager to co-sign a letter with the Stanislaus County Chief Executive Officer to the U.S. General Services Administration, requesting a 60-day extension to consider preparation of a written expression of interest for future public use of the Modesto Federal Building and Post Office.

15. Consider appointing bond counsel and financial advisor to proceed with the proposed refunding of Series 1993 and Series 1997 Wastewater Revenue Bonds.
- Resolution appointing bond counsel and financial advisor to proceed with a proposed refunding of certain wastewater treatment facility revenue bonds recommended.

*Finance; Greg Baird, 577-5458, [gbaird@modestogov.com](mailto:gbaird@modestogov.com)*

**ACTION: Resolution 2005-93** (Jackman/Keating; unan.) appointing bond counsel and financial advisor to proceed with a proposed refunding of certain wastewater treatment facility revenue bonds.

*Council considered Item 17 prior to acting on Item 16.*

16. Consider directing staff regarding policy issues identified in staff report and consider adopting a resolution amending the General Fund operating budget to reflect revised revenue projections for FY 04-05.
- Motion directing staff regarding policy issues identified within this report recommended.
  - Resolution amending the General Fund operating budget to reflect revised revenue projections for FY 04-05 recommended.

*Finance; Greg Baird, 577-5458, [gbaird@modestogov.com](mailto:gbaird@modestogov.com)*

**ACTION:** By Motion (Dunbar/Hawn; unan.) directing staff regarding policy issues identified within this report.

**ACTION: Resolution 2005-94** (Dunbar/Hawn; unan.) amending the General Fund operating budget to reflect revised revenue projections for FY 04-05.

*Council considered Item 17 prior to acting on Item 16.*

17. Consider approving the City's participation in the California Communities Vehicle License Fee Gap Loan Receivables Financing Program.

- Resolution authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's vehicle license fee receivable from the state recommended.

*Finance; Greg Baird, 571-5511, [gbaird@modestogov.com](mailto:gbaird@modestogov.com)*

**ACTION: Resolution 2005-95** (Hawn/O'Bryant; majority; Marsh no) authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's vehicle license fee receivable from the state.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 8:10 p.m

Closed session heard prior to the meeting.

### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *City of Modesto v. Viacom Outdoor, Inc., et al.*  
Stanislaus County Superior Court No. 329869

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

Monday, February 14, 2005 at 1:30 p.m.

Roll Call: Present: Councilmembers Dunbar, Hawn, Jackman

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 1

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

### CONSENT

1. Consider informational report on Monthly Budget Adjustments for February 2005.

**ACTION:** The Finance Committee approved and referred this item to the full City Council for approval.

### NEW BUSINESS

2. Consider informational report presenting options for repayment of City of Modesto General Fund loans by the Redevelopment Agency.

**ACTION:** The Finance Committee referred this item to the full City Council at an upcoming Study Session.

3. Consider request to add one new Police Sergeant to serve, on contract with the Yosemite Community College District, as the Police Academy Coordinator.

**ACTION:** The Finance Committee approved staff's recommendation.

4. Provide Oral Report on Traditional Fixed Rate –vs- Synthetic Fixed Rate Bonds.

**ACTION:** Staff will return to the Finance Committee with additional information on this item. No action was taken. This item was for information only.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 3:00` p.m.

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Tuesday, February 15, 2005, at 1:00 p.m.**

Roll Call: Present: Committee Members Jackman, Keating

Absent: Committee Member Marsh

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### NEW BUSINESS

1. Discussion with StanCOG regarding STIP Priorities and Priority Recommendations to the City Council.

**ACTION:** The Committee recommended Staff forward the following recommendations to the full City Council at the February 22, 2005 meeting:

**SR 99 Projects:**

- ST 99 PM 11.9; Route 99/Whitmore Avenue I/C; At Whitmore Avenue in Ceres, Construct overcrossing. Capital Cost: \$22.3 million. Status: PS&E/RW
- SR 99 PM 21.5/22.0; In Modesto, Pelandale Interchange Reconstruction. Capital Cost: \$70 million. Status: PA&ED.

**SR 132 Projects:**

- SR 132 PM 17.7/19.7; From Riverside Drive to Frazine/Codini Road in Empire, widen to 4 lanes. Capital Cost: \$7.1 million. Status: PS&E/RW

**SR 219 Projects:**

- SR 219 PM 0.1/4.9; Near Salida, from SR99 to SR 108, Widen to 4 Lane Expressway. Capital Cost: \$27.3 million. Status: PS&E/RW

**COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 2:20 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, February 22, 2005, at 5:30 p.m.

Roll Call – Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Pastor Jeff Kreiser, ARM Ministry

City Clerk’s Announcements None

Declaration of Conflicts of Interest None

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of proclamation to Modesto Area Rotary Clubs proclaiming February 23, 2005, as Rotary International Day in Modesto.

**ACTION:** Proclamation presented by Mayor Ridenour.

### MISCELLANEOUS

#### Appointments

2. Consider approving the appointment of Kristen Olsen as the Planning Commission representative to the Citizen’s Housing and Community Development Committee for the calendar year 2005.
  - Resolution approving the appointment of Kristen Olsen as the Planning Commission representative to the Citizen’s Housing and Community Development Committee for the calendar year 2005 recommended.  
*City Manager’s Office; George Britton, 571-5101, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Resolution 2005-96** (Dunbar/Jackman; unan.) approving the appointment of Kristen Olsen as the Planning Commission representative to the Citizen’s Housing and Community Development Committee for the calendar year 2005.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 20

**ACTION Consent Items 3- 20: Jackman/Hawn; unan.**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

CONSENT

3. Consider approval of the minutes of the regular City Council meeting of February 8, 2005.

(Motion approving recommended.)

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn; unan.) approved the minutes of February 8, 2005.

CONSENT

4. Consider amending the Fiscal Year 2004-2005 operating budget to increase the Community & Economic Development Department's revenue by \$100,000 from time and materials projects, and appropriating \$100,000 to contract with outside service providers for professional services needed to assist in the workload associated with these projects.

- Resolution amending the Fiscal Year 2004-2005 operating budget to increase the Community & Economic Development Department's revenue by \$100,000 from time and materials projects, and appropriating \$100,000 to contract with outside service providers for professional services needed to assist in the workload associated with these projects recommended.

*Community & Economic Development; Laurie Smith; 577-5347, [lsmith@modestogov.com](mailto:lsmith@modestogov.com)*

**ACTION: Resolution 2005-97** (Jackman/Hawn; unan.) amending the Fiscal Year 2004-2005 operating budget to increase the Community & Economic Development Department's revenue by \$100,000 from time and materials projects, and appropriating \$100,000 to contract with outside service providers for professional services needed to assist in the workload associated with these projects.

CONSENT

5. Consider authorizing the Acting City Manager to execute a Deferred Payment Agreement and Notice of Lien with Jose Casellanos for the payment of \$7,061 of Capital Facility Fees at the time of building permit issuance and \$8,156 at final inspection and issuance of a certificate of occupancy or within one year after issuance of building permit, whichever occurs first.
- Resolution authorizing the Acting City Manager to execute a Deferred Payment Agreement and Notice of Lien with Jose Casellanos for the payment of \$7,061 of Capital Facility Fees at the time of building permit issuance and \$8,156 at final inspection and issuance of a certificate of occupancy or within one year after issuance of building permit, whichever occurs first recommended.

*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-98** (Jackman/Hawn; unan.) authorizing the Acting City Manager to execute a Deferred Payment Agreement and Notice of Lien with Jose Casellanos for the payment of \$7,061 of Capital Facility Fees at the time of building permit issuance and \$8,156 at final inspection and issuance of a certificate of occupancy or within one year after issuance of building permit, whichever occurs first.

#### CONSENT

6. Consider accepting the bid of Industrial Electrical Co. for "Electric Motor Rewinding/Rebuilding Services" and awarding a two-year contract with three, one-year contract extensions for an estimated annual cost of \$50,000.
- Resolution accepting the bid of Industrial Electrical Co. for "Electric Motor Rewinding/Rebuilding Services" and awarding a two-year contract with three, one-year contract extensions for an estimated annual cost of \$50,000 recommended.

*Finance-Purchasing; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-99** (Jackman/Hawn; unan.) accepting the bid of Industrial Electrical Co. for "Electric Motor Rewinding/Rebuilding Services" and awarding a two-year contract with three, one-year contract extensions for an estimated annual cost of \$50,000.

#### CONSENT

7. Consider approving FY05 Budget Adjustments for February 2005.
- Resolution approving FY05 Budget Adjustments for February 2005 recommended.

*Finance; Gail Bailey, 571-5511, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-100** (Jackman/Hawn; unan.) approving FY05 Budget Adjustments for February 2005.

#### CONSENT

8. Consider accepting the Monthly Investment Report-December 2005.
- Motion acknowledging receipt and accepting the Monthly Investment Report for December 2005.
- Finance; Belinda Duerksen, 571-5511, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn; unan.) acknowledging receipt and accepting the Monthly Investment Report for December 2005.

#### CONSENT

9. Consider approving an amendment to an agreement with Independent Solutions for an additional contract amount of \$50,000, and a total contract amount not to exceed \$154,000 for continuation of Consultancy Services to support the I.T. Department.
- Resolution approving an amendment to an agreement with Independent Solutions for an additional contract amount of \$50,000, and a total contract amount not to exceed \$154,000 for continuation of Consultancy Services to support the I.T. Department recommended.
- Information Technology; Joyce Engberg, 577-5229, [jengberg@modestogov.com](mailto:jengberg@modestogov.com)*

**ACTION: Resolution 2005-101** (Jackman/Hawn; unan.) approving an amendment to an agreement with Independent Solutions for an additional contract amount of \$50,000, and a total contract amount not to exceed \$154,000 for continuation of Consultancy Services to support the I.T. Department.

#### CONSENT

10. Consider approving an agreement with Stanislaus Community Foundation (SCF) for the Tuolumne River Regional Park Joint Powers Agency.
- Resolution approving an agreement with Stanislaus Community Foundation to act as the Tuolumne River Regional Park (TRRP) Joint Powers Agency's fiscal agent for acceptance of endowments and gifts for open space development and program activities at the Tuolumne River Regional Park and authorizing the Acting City Manager to execute the agreement recommended.
  - Resolution appointing the Tuolumne River Regional Park Citizens Advisory Committee as the Tuolumne River Regional Park Advisory Board to the Stanislaus Community Foundation for the purpose of recommending how to disburse funds held by the SCF on behalf of TRRP recommended.
- Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-102** (Jackman/Hawn; unan.) approving an agreement with Stanislaus Community Foundation to act as the Tuolumne River Regional Park (TRRP) Joint Powers Agency's fiscal agent for acceptance of endowments and gifts for open space development and program activities at the Tuolumne River Regional Park and authorizing the Acting City Manager to execute the agreement.

**ACTION: Resolution 2005-103** (Jackman/Hawn; unan.) appointing the Tuolumne River Regional Park Citizens Advisory Committee as the Tuolumne River Regional Park Advisory Board to the Stanislaus Community Foundation for the purpose of recommending how to disburse funds held by the SCF on behalf of TRRP.

CONSENT

11. Consider approving an agreement with Habitat for Humanity, Stanislaus, for the allocation of \$68,791 from FY2004-2005 HOME CHDO Operating Fund.
- Resolution approving an agreement with Habitat for Humanity, Stanislaus, for the allocation of \$68,791 from FY 2004-2005 HOME CHDO Operating fund, and authorizing the Acting City Manager or his designee to execute the agreement recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, [caverell@modestogov.com](mailto:caverell@modestogov.com)*

**ACTION: Resolution 2005-104** (Jackman/Hawn; unan.) approving an agreement with Habitat for Humanity, Stanislaus, for the allocation of \$68,791 from FY 2004-2005 HOME CHDO Operating fund, and authorizing the Acting City Manager or his designee to execute the agreement.

CONSENT

12. Consider amending the 2004-05 budget, transferring \$44,200 from the Asset Forfeiture Trust Account to purchase needed police equipment.
- Resolution amending the 2004-05 budget, transferring \$44,200 from the Asset Forfeiture Trust Account to purchase needed police equipment recommended.

*Police Department; Joe Aja, 572-9521, [ajaj@modestopd.com](mailto:ajaj@modestopd.com)*

**ACTION: Resolution 2005-105** (Jackman/Hawn; unan.) amending the 2004-05 budget, transferring \$44,200 from the Asset Forfeiture Trust Account to purchase needed police equipment.

CONSENT

13. Consider amending the 2004-05 budget appropriate \$195,200 from the Traffic Safety Fund to police operations for the purchase of recommended traffic equipment.
- Resolution amending the 2004-05 budget appropriate \$195,200 from the Traffic Safety Fund to police operations for the purchase of recommended traffic equipment recommended.

*Police Department, Dan Inderbitzen, 342-6142, [inderbitzend@modestopd.com](mailto:inderbitzend@modestopd.com)*

**ACTION: Resolution 2005-106** (Jackman/Hawn; unan.) amending the 2004-05 budget appropriate \$195,200 from the Traffic Safety Fund to police operations for the purchase of recommended traffic equipment.

## CONSENT

14. Consider authorizing the addition of one Modesto Police Lieutenant to the Police Department's Position Allocation. The position would be funded using revenues from the Stanislaus Regional 911 Communication Center Joint Powers Agreement.

- Resolution authorizing the addition of one Modesto Police Lieutenant to the Police Department's Position Allocation recommended.
- Resolution amending the 2004-2004 budget, realizing the revenue for an additional Modesto Police Lieutenant from the Stanislaus Regional 911 Communication Center Joint Powers Agreement and expending the funds recommended.

*Police Department; Roy Wasden, 572-9501, [wasdenr@modestopd.com](mailto:wasdenr@modestopd.com)*

**ACTION: Resolution 2005-107** (Jackman/Hawn; unan.) authorizing the addition of one Modesto Police Lieutenant to the Police Department's Position Allocation.

**ACTION: Resolution 2005-108** (Jackman/Hawn; unan.) amending the 2004-2004 budget, realizing the revenue for an additional Modesto Police Lieutenant from the Stanislaus Regional 911 Communication Center Joint Powers Agreement and expending the funds.

## CONSENT

15. Consider approving the installation of angle parking on the east side of 16<sup>th</sup> Street between H and I Streets, and rescinding Resolution No. 2005-35. The estimated cost for the project is \$1,200.

- Resolution establishing angle parking on the east side of 16<sup>th</sup> Street between H and I Streets in the City of Modesto, and rescinding Resolution No. 2005-35 recommended..

*Public Works; Jeffrey L. Barnes, 577-5468, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: Resolution 2005-109** (Jackman/Hawn; unan.) establishing angle parking on the east side of 16<sup>th</sup> Street between H and I Streets in the City of Modesto, and rescinding Resolution No. 2005-35.

## CONSENT

16. Consider accepting the work by TCB Industrial, Inc., for the "Elm Street Buildings" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$299,343 per the contract. Total project cost was \$384,478.

- Resolution accepting the work by TCB Industrial, Inc., for the "Elm Street Buildings" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$299,343 per the contract recommended.

*Public Works; Pam Marquez, 577-5215, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-110** (Jackman/Hawn; unan.) accepting the work by TCB Industrial, Inc., for the “Elm Street Buildings” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$299,343 per the contract.

CONSENT

17. Consider accepting the work by Graham Contractors, Inc., for the “2004 Slurry and Cape Seals” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$648,231.96 per the contract. Total project cost is \$751,826.42.

- Resolution accepting the work by Graham Contractors, Inc., for the “2004 Slurry and Cape Seals” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$648,231.96 per the contract recommended.

*Public Works; Pam Marquez, 577-5215, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-111** (Jackman/Hawn; unan.) accepting the work by Graham Contractors, Inc., for the “2004 Slurry and Cape Seals” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$648,231.96 per the contract.

CONSENT

18. Consider accepting the work by Grover Landscaping Services, Inc., for the “Coffee Claratina Neighborhood Park and Dual Use Basin” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$977,213.72 per the contract. Total project cost is \$1,192,149.70.

- Resolution accepting the work by Grover Landscaping Services, Inc., for the “Coffee Claratina Neighborhood Park and Dual Use Basin” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$977,213.72 per the contract. Total project cost is \$1,192,149.70 recommended.

*Public Works; Pam Marquez, 577-5215, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-112** (Jackman/Hawn; unan.) accepting the work by Grover Landscaping Services, Inc., for the “Coffee Claratina Neighborhood Park and Dual Use Basin” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$977,213.72 per the contract. Total project cost is \$1,192,149.70.

CONSENT

19. Consider granting two utility easements to the Modesto Irrigation District for the proposed Bus Maintenance Facility and approving a payment of \$114,310.00 to Modesto Irrigation District for the relocation of the existing electrical facilities.

- Resolution granting two utility easements to Modesto Irrigation District for the proposed Bus Maintenance Facility recommended.
- Resolution approving a payment of \$114,310.00 to Modesto Irrigation District for the relocation of existing electrical facilities recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-113** (Jackman/Hawn; unan.) granting two utility easements to Modesto Irrigation District for the proposed Bus Maintenance Facility.

**ACTION: Resolution 2005-114** (Jackman/Hawn; unan.) approving a payment of \$114,310.00 to Modesto Irrigation District for the relocation of existing electrical facilities.

#### CONSENT

20. Consider accepting the bid and approving a \$272,288.50 contract with George Reed, Inc., for the project titled “Encina Avenue Roundabout Improvements,” and authorizing the Acting City Manager to execute the contract. The estimated cost of this project is \$388,000.

- Resolution accepting the bid and approving a \$272,288.50 contract with George Reed, Inc., for the project titled, “Encina Avenue Roundabout Improvements,” and authorizing the Acting City Manager to execute the contract recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-115** (Jackman/Hawn; unan.) accepting the bid and approving a \$272,288.50 contract with George Reed, Inc., for the project titled, “Encina Avenue Roundabout Improvements,” and authorizing the Acting City Manager to execute the contract.

#### COUNCIL COMMENTS & REPORTS

None

#### WRITTEN COMMUNICATIONS

21. Consider a letter from Steve Breckenridge of Hughes Commercial Real Estate regarding a project entitled “Kiernan @ McHenry.”

**ACTION:** Removed from the agenda by Steve Breckenridge.

#### HEARINGS

22. Consider annexing additional territory to the City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 6).

- Resolution calling a special election within the additional territory proposed to be annexed to the City of Modesto Communities Facilities District No. 2004-1 (Village One #2) (Annexation No. 6) recommended.
- Resolution canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1 recommended.

*City Manager's Office, Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-116** (Jackman/Hawn; unan.) calling a special election within the additional territory proposed to be annexed to the City of Modesto Communities Facilities District No. 2004-1 (Village One #2) (Annexation No. 6)

**ACTION: Resolution 2005-117** (Jackman/Hawn; unan.) canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1

### NEW BUSINESS

23. Consider amending the Capital Improvement Program and budget to allow construction of a 6-lane interim facility on Pelandale Avenue between Dale Road and McHenry Avenue to start in FY 2006.

- Resolution amending the Capital Improvement Program and budget to allow construction of a 6-lane interim facility on Pelandale Avenue between Dale Road and McHenry Avenue to start in FY 2006 recommended.

*Public Works; Richard Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Resolution 2005-118** (Jackman/Marsh; majority; O'Bryant no) amending the Capital Improvement Program and budget to allow construction of a 6-lane interim facility on Pelandale Avenue between Dale Road and McHenry Avenue to start in FY 2006 and include in the bid specification the option of using rubberized asphalt.

24. Consider approving the Memorandum of Understanding between the City of Modesto and the Modesto Police Officer's Association (MPOA), for the term of February 22, 2005 through December 22, 2008.

- Resolution approving the Memorandum of Understanding between the City of Modesto and the Modesto Police Officer's Association (MPOA), for the term of February 22, 2005 through December 22, 2008 recommended.
- Resolution approving the Class Range Table for MPOA recommended.

*Personnel; Robin Renwick, 577-5400, [rrenwick@modestogov.com](mailto:rrenwick@modestogov.com)*

**ACTION: Resolution 2005-119** (Dunbar/Marsh; unan.) approving the Memorandum of Understanding between the City of Modesto and the Modesto Police Officer's Association (MPOA), for the term of February 22, 2005 through December 22, 2008.

**ACTION: Resolution 2005-120** (Dunbar/Marsh; unan.) approving the Class Range Table for MPOA.

25. Consider the StanCOG Project Prioritization request.

- Resolution approving Economic Development Committee's (EDC) recommendation for the four priority projects, and authorizing staff to review funding mechanism and return to City Council with a funding package to front the funds for Project Approval & Environmental Document (PA&ED) and Plans Specification & Estimates (PS&E) work for the SR99/Pelandale Interchange project recommended.

*Public Works; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION: Resolution 2005-121** (Marsh/Hawn; unan.) approving Economic Development Committee's (EDC) recommendation for the four priority projects, and authorizing staff to review funding mechanism and return to City Council with a funding package to front the funds for Project Approval & Environmental Document (PA&ED) and Plans Specification & Estimates (PS&E) work for the SR99/Pelandale Interchange project.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 7:30 p.m.

#### **CLOSED SESSION**

Closed sessions heard prior to the meeting.

#### **CONFERENCE WITH LABOR NEGOTIATION**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, Acting City Manager  
Robin Renwick, Personnel Director  
Janice Stewart, Deputy Director of Personnel

Employee Organization: Modesto City Employee Association

#### **CONFERENCE WITH LABOR NEGOTIATION**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:           George Britton, Acting City Manager  
  Robin Renwick, Personnel Director  
  Janice Stewart, Deputy Director of Personnel

Employee Organization:       Modesto City Employee Association

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

Wednesday, February 23, 2005 at 5:30 p.m.

Roll Call: Present: Councilmembers Dunbar, Hawn, Jackman,

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### NEW BUSINESS

1. Celeste/Rose/Scenic Sewer Improvement CIP.

**ACTION:** The Finance Committee forwarded this item to Council for consideration.

2. Consider a request to issue a Request for Proposal for Franchise Towing.

**ACTION:** The Finance Committee approved staff's recommendation.

3. Consider acceptance of a report regarding the Request for Information for a Workers' Compensation Managed Care Vendor.

**ACTION:** The Finance Committee approved staff's recommendation.

4. Consider supporting staff recommendation to lift the "hiring chill" in order to implement the 2005 spring and summer programs.

**ACTION:** The Finance Committee directed staff to lift the hiring chill subject to the Parks, Recreation & Neighborhoods Director bringing to Council an \$80,000 to \$100,000 savings from the Spring & Summer Programs.

5. Consider request for discussion and direction regarding Budget Reduction Strategies.

**ACTION:** The Finance Committee approved the budget process presented with no assumption made to reduce the General Fund Reserve from 8% to 5%.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:30 p.m.

## MINUTES

# City of Modesto

Safety & Communities Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, February 28, 2005, at 5:30 p.m.**

Roll Call – Present     Committee Members Dunbar, Hawn,

Absent:     Committee Members O’Bryant

### **ORAL COMMUNICATIONS** **Three minute time limit per speaker**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:**     Items 1 through 5

### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### **CONSENT**

1. Continued Discussion on Panhandling Ordinance

**ACTION:** No action taken on this item. This item was for information only and will return to the next Safety and Communities Committee meeting for further discussion.

2. Consider accepting staff’s recommendation to adopt an ordinance that amends the Modesto Municipal Code relating to fireworks.

**ACTION:** The Safety & Communities Committee approved Staff’s recommendation with the addition of the existing booth size being grand fathered.

3. Consider accepting staff's recommendation to adopt a resolution authorizing the addition of one new Police Officer position to the Department's Position allocation to serve on the newly forming "High Risk Intervention Team."

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

4. Consider accepting staff's recommendation to adopt a resolution authorizing the Acting City Manager to execute an agreement with Yosemite Community College District for the provision of one Modesto Police Sergeant to serve as Academy Coordinator of the Police Academy, thereby increasing the Police Department's Position Allocation by one Police Sergeant.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

5. Consider accepting for review two reports: 2004 Pursuit Analysis and 2004 Use of Force Analysis.

**ACTION:** No action was taken. This item was for information only.

### **NEW BUSINESS**

6. Consider staff recommendation to approve a request for use of Mancini Bowl with amplified music.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

7. Consider staff recommendation regarding lease agreement with Modesto Garden Club for City property at 622 14<sup>th</sup> Street.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation with the condition that the City Attorney review the lease to assure a performance level provision is included.

8. Consider supporting Landmark Preservation Commission recommendation to designate property at 215 Elmwood Court as a Modesto Landmark Preservation site.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

9. Consider supporting staff recommendations regarding Claus Neighborhood Park.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **FUTURE AGENDA ITEMS**

10. Parks and Parks Security.
11. ABC License Appeal Procedures.
12. Addition of one Community Service Officer to administer the franchise towing agreement.
13. Priority Criterion for Paving Alleys.
14. Accident Analysis Annual Report.

### **ADJOURNMENT**

This meeting adjourned at 6:20 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, March 1, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh,  
Mayor Ridenour

Absent: O'Bryant

Pledge of Allegiance to the Flag

Invocation: Pastor Ross Briles, Sherwood Bible Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Keith D. Boggs, Senior Management Consultant of Stanislaus County Economic Development Department, regarding the Regional Tourism Roundtable consortium.

**ACTION:** Presentation made by Keith Boggs.

2. Presentation by Mayor Ridenour to the Capital Improvement Program Development Team for receiving an Excellence in Budgeting Award given by the California Society of Municipal Finance Officers for the FY 04-05 Capital Improvement Program document.

**ACTION:** Presentation made by Greg Baird, Deputy Finance Director and Mayor Ridenour

3. Presentation by Mayor Ridenour of a proclamation declaring March 10, 2005 as Modesto Arbor Day.

**ACTION:** Presentation made by Mayor Ridenour.

- Bill DuFresne introduced the principal of Freedom Elementary School and Darla Mills from the Department of Forestry.
- 4. Presentation by the California Department of Forestry and Fire Protection to commemorate Modesto's 25th year as a Tree City USA.

**ACTION:** Presentation made by Darla Mills.

- 5. Introduction by Robin Renwick, Director of Personnel, of Katty Sandhu, Employee Benefits Coordinator, and Julie Bowers, Employee Relations Specialist.

**ACTION:** Introductions made by Robin Renwick.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

- David Geer spoke regarding the use medicinal marijuana.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 6 through 8

**ACTION Consent Items 6-8:** **Hawn/Dunbar; unan. O’Bryant absent**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

- 6. Consider approval of the minutes of the regular City Council meeting of February 22, 2005.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Hawn/Dunbar; unan. O’Bryant absent) approved the minutes of February 22, 2005.

**CONSENT**

- 7. Consider authorizing a request for bids for the one chlorine weighing system for a total estimated cost of \$65,000 for Secondary Wastewater Treatment Site.

- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for one chlorine weighing system for a total estimated cost of \$65,000 recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-122A** (Hawn/Dunbar; unan. O’Bryant absent) authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for one chlorine weighing system for a total estimated cost of \$65,000.

#### CONSENT

8. Consider accepting the Monthly Investment Report for January 2005.
  - Motion acknowledging receipt and accepting the Monthly Investment Report for January 2005.

*Finance; Belinda Duerksen, 571-5511, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION:** By Motion (Hawn/Dunbar; unan. O’Bryant absent) acknowledging receipt and accepting the Monthly Investment Report for January 2005.

#### COUNCIL COMMENTS & REPORTS

None

#### WRITTEN COMMUNICATIONS

9. Letter from Dan Hopkins, Chairman of the Business Parks Task Force, regarding the Business Parks Task Force Report.

**ACTION:** Presentation made by Dan Hopkins. By motion (Dunbar/Hawn; unan. O’Bryant absent) referred to the Economic Development Committee.

#### UNFINISHED BUSINESS

10. Discussion of MID's lack of response to City Council's request for a meeting between Board and Council members to resolve outstanding Treatment and Delivery Agreement issues. Consider authorizing Mayor to renew Council's February 10, 2005, written request for a meeting.

*Acting City Manager George Britton; 577-5223, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION:** No action taken.

- 10A. Discussion and consideration of Modesto Irrigation District’s (MID) February 25, 2005, written response to the Council’s February 10, 2005 request for a meeting with MID

Board Members to resolve outstanding Treatment and Delivery Agreement (TDA) issues and consider providing Staff with direction regarding continued TDA negotiations in light of MID's response.

**ACTION:** By motion (Hawn/Marsh; unan. O'Bryant absent) staff was given direction to resume negotiations with MID on the Treatment and Delivery Agreement.

*Study Session Item*

11. Continued review and discussion of Sphere of Influence and Annexation Policies.  
*Community & Economic Development; Patrick Kelly, 577-5268, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** By order of the Chair this item will return to the Council at a future date after additional staff work and discussions with the County and other nine cities.

**NEW BUSINESS**

*Study Session Item*

12. Consider options for repayment of City of Modesto General Fund loans to the Redevelopment Agency.  
*Community & Economic Development; Linda Boston, 571-5179, [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION:** No action taken. Staff will return to the Finance Committee to discuss loan reductions and expenses.

- Todd Milbourn of the Modesto Bee introduced himself as the new reporter.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 8:45 p.m.

**CLOSED SESSION**

*Heard prior to the Council meeting.*

**CONFERENCE WITH LABOR NEGOTIATOR**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, Acting City Manager  
Robin Renwick, Personnel Director  
Janice Stewart, Deputy Director of Personnel

Employee Organization: Modesto City Employee Association

*Removed from the agenda.*

**PUBLIC EMPLOYEE APPOINTMENT**

Title: City Manager

*Removed from the agenda.*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

*Removed from the agenda.*

**CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: *Karin Rodriguez and Jocelyn Reed v. City of Modesto, et al.*  
Superior Court Case No. 353721

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, March 7, 2005, at 5:30 p.m.**

Roll Call: Present: Councilmembers Jackman, Keating, Marsh

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 4

#### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

1. Consider receiving status report of development projects processed by the Community & Economic Development Department

**ACTION:** This item was for information only. No action was taken.

#### CONSENT

20. Consider approving recommendation for changes to the Sewer Collection and Disposal Ordinance

**ACTION:** The Economic Development Committee approved Staff's recommendation.

#### CONSENT

21. Consider approving recommendation to solicit proposals for consultant services to assist in developing a request for proposals for a cogeneration unit at the Primary Wastewater Treatment Facility

**ACTION:** The Economic Development Committee approved Staff's recommendation.

#### CONSENT

22. Consider approving recommendation to solicit a Request for Proposals for the development and implementation of a stormwater management program for the Wastewater Collections Division

**ACTION:** The Economic Development Committee approved Staff's recommendation.

#### NEW BUSINESS

23. Consider approving recommendation to change portion of N. Martin Luther King Drive, between Maze Boulevard and Paradise Avenue, to S. Martin Luther King Drive

**ACTION:** The Economic Development Committee approved Staff's recommendation.

24. Consider recommendation to approve a Capital Facilities Fees exemption for 1932 Evergreen Avenue for a residential living center to benefit low-income residents

**ACTION:** The Economic Development Committee approved Staff's recommendation with direction to Staff to research the possibility of using HOME or CDGB funds.

25. Consider recommendation to release a Request for Qualifications for Facilities and Infrastructure Master Plans

**ACTION:** The Economic Development Committee approved Staff's recommendation.

26. Consider approving recommendation to demolish the former Everett & Jones Restaurant at 1029 Ninth Street and authorize staff to develop plans and specifications for construction of a parking lot

**ACTION:** The Economic Development Committee approved Staff's recommendation.

27. Review, discussion and direction requested regarding options for continuation of the MAX BART Commuter Express Route and to reconsider a fare increase to further offset subsidies

**ACTION:** The Economic Development Committee recommended approving Alternative 2 of the Staff report, which recommended increasing the fare to \$145 for a monthly pass. Staff was directed to continue plans to purchase a new bus.

28. Review current Citizen Board, Commission and Committee vacancies and consider applications on file

**ACTION:** The Committee made the following recommendations:

Community Qualities Forum

- Henry Dotinga-Denny Jackman’s appointment to CQF
- Carol Stark—Garrad Marsh’s appointment to CQF

Equal Opportunity/Human Relations

- Amy Christensen
- Hardinger Grewal
- Joe Mendoza

Golf Course Advisory

- Joe Alonzo
- Robert Raspo

Landmark Preservation

- Delores Niemi

#### **COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **FUTURE AGENDA ITEMS**

26. Guidelines for Small Lot Single Family Residential Development
27. Housing Element Update
28. Business Parks Task Force Report
29. Discussion of funding from existing homeowners to address Twin Bonds “problem”
30. General Plan Update Work Program
31. Kansas-Woodland Business Park
32. Prescott/Bangs Proposed Roundabout
33. Traffic Signal Priority List Criteria
34. Shackelford Study Area
35. Work Program – 2005 Urban Growth Review Update
36. 132/99 Connectivity and Carpenter Road Interchange Issue
37. Recycled Wastewater Feasibility Report

- 38. Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work
- 39. Outdoor Dining Ordinance Revision

**ADJOURNMENT**

This meeting adjourned at 7:00 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, March 8, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,

Absent: Mayor Ridenour

Pledge of Allegiance to the Flag—Girl Scout Troop

Invocation: Pastor Michael Douglas, Advancing Vibrant Communities

City Clerk’s Announcements - None

Declaration of Conflicts of Interest - None

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation to the local Girl Scouts Trail Council to acknowledge the 93rd Anniversary of Girl Scouts on March 12, 2005.

**ACTION:** Presentation made by Vice Mayor Jackman

2. Presentation by Bill Dufresne recognizing the first-place winners of "Modesto - Celebrating 25 years - TREE CITY USA" poster contest.

**ACTION:** Presentation made by Bill Dufresne and Vice Mayor Jackman

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

- Loretta Webb addressed the Council regarding the congestion on the Briggsmore overpass.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 7

**ACTION Consent Items 3- 7:      Hawn/Dunbar; unan. Ridenour absent**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

3. Consider approval of the minutes of the regular City Council meeting of March 1, 2005. (Motion approving recommended.)

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Hawn/Dunbar; unan. Ridenour absent) approved the minutes of March 1, 2005.

**CONSENT**

4. Consider amending the Fireworks Ordinance relating to the Fire Code and the possession, sale, use or discharge of dangerous fireworks.

- Motion introducing an ordinance amending Sections 3-1.106, 3-1.125 and 3-1.126 of the Modesto Municipal Code relating to the Fire Code and adding Section 3-1.128.1 to the Modesto Municipal Code relating to possession, sale, use, or discharge of dangerous fireworks.

*Fire; Michael Payton, 571-5876, [mpayton@modestofire.com](mailto:mpayton@modestofire.com)*

**ACTION:** By Motion (Hawn/Dunbar; unan. Ridenour absent ) introduced Ordinance No. 3378 amending Sections 3-1.106, 3-1.125 and 3-1.126 of the Modesto Municipal Code relating to the Fire Code and adding Section 3-1.128.1 to the Modesto Municipal Code relating to possession, sale, use, or discharge of dangerous fireworks.

**CONSENT**

5. Consider approving the Final Map of the Papillon Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owner: Marilyn Shroyer, Trustee of the Marilyn Shroyer Trust).

- Resolution approving the final map of the Papillon Subdivision and authorizing the City Manager to execute the subdivision agreement recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-122** (Hawn/Dunbar; unan. Ridenour absent) approving the final map of the Papillon Subdivision and authorizing the City Manager to execute the subdivision agreement.

## CONSENT

6. Consider accepting the bid and approving a \$2,336,752 contract with Acme Construction Co., Inc., for the project titled, "Maddux Youth Center Renovation and Expansion," and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$2,942,492.74, which includes construction contingency, construction administration and architectural-engineering design.

- Resolution accepting the bid and approving a \$2,336,752 contract with Acme Construction Co., Inc., for the project titled, "Maddux Youth Center Renovation and Expansion," and authorizing the City Manager to execute the contract recommended.
- Resolution amending the Capital Improvement Program to create a balanced budget to fund the "Maddux Youth Center Renovation and Expansion" project.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-123** (Hawn/Dunbar; unan. Ridenour absent) accepting the bid and approving a \$2,336,752 contract with Acme Construction Co., Inc., for the project titled, "Maddux Youth Center Renovation and Expansion," and authorizing the City Manager to execute the contract

**ACTION: Resolution 2005-124** (Hawn/Dunbar; unan. Ridenour absent) amending the Capital Improvement Program to create a balanced budget to fund the "Maddux Youth Center Renovation and Expansion" project

## CONSENT

7. Consider accepting the work by Clayborn Contracting Group, Inc., for the "Relocation of Granulated Activated Carbon Filters to Well 50" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$249,130 per the contract. Total project cost is \$296,944.

- Resolution accepting the work by Clayborn Contracting Group, Inc., for the "Relocation of GAC Filters to Well 50" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$249,130 per the contract recommended.

*Public Works; Pamela Marquez, 577-5423, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-125** (Hawn/Dunbar; unan. Ridenour absent) accepting the work by Clayborn Contracting Group, Inc., for the "Relocation of GAC Filters to Well 50" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$249,130 per the contract.

**COUNCIL COMMENTS & REPORTS**

None

## HEARINGS

8. Consider the application of St. Stanislaus Catholic Church to rezone 18.7 acres located on the South side of Maze Blvd. East of Carpenter Road from R-1, Low Density Residential Zone, to Planned Development Zone P-D(571), to allow the construction of a 27,200-square-foot church and a 27,800-square-foot ministries building.

- Motion introducing ordinance approving the Rezoning from R-1 to P-D(571) recommended.
- Resolution approving a Development Plan, Development Schedule and Conditions of Approval for P-D(571) recommended.
- Resolution finding that the rezone from R-1 to P-D(571) is within the Scope of the General Plan Master EIR.

*Community & Economic Development; Steve Mitchell; 571-5808, [smitchell@modestogov.com](mailto:smitchell@modestogov.com)*

**ACTION:** By Motion (Marsh/Hawn; unan. Ridenour absent) **introduced Ordinance No. 3379-C.S.** approving the Rezoning from R-1 to P-D(571).

**ACTION: Resolution 2005-126** (Marsh/Hawn; unan. Ridenour absent) approving a Development Plan, Development Schedule and Conditions of Approval for P-D(571).

**ACTION: Resolution 2005-127** (Marsh/Hawn; unan. Ridenour absent) finding that the rezone from R-1 to P-D(571) is within the Scope of the General Plan Master EIR.

9. Consider the application of Shelter Cove Community Church for a Development Agreement related to the development of a new church at the northeast corner of Coffee Road and Claratina Avenue.

- Motion introducing an Ordinance approving the “Development Agreement By and Between the City of Modesto and Shelter Cove Community Church” recommended.
- Resolution finding that the proposed Development Agreement is consistent with the previously-adopted “Mitigated Negative Declaration for the General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site” recommended.

*Community & Economic Development; Steve Mitchell; 571-5808, [smitchell@modestogov.com](mailto:smitchell@modestogov.com)*

**ACTION:** By Motion (Hawn/Marsh; unan. Ridenour absent) **introduced Ordinance No. 3380-C.S.** approving the “Development Agreement By and Between the City of Modesto and Shelter Cove Community Church.”

**ACTION: Resolution 2005-128** (Hawn/Marsh; unan. Ridenour absent) finding that the proposed Development Agreement is consistent with the previously-adopted

“Mitigated Negative Declaration for the General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site.”

10. Consider the application of Sylvan Veterinary Hospital to amend the Village One Specific Plan regarding the land use designations to a portion of Precise Plan for Area 1, adoption of a Precise Plan for Area No. 1, and a Final Development Plan for a portion of Precise Plan Area No. 1, property located at the northeast corner of Sylvan Avenue and Roselle Avenue to allow office development.

- Resolution approving Specific Plan Amendment No. 19 to the Village One Specific Plan to amend The Village One Specific Plan to change the land use designations of a portion of Precise Plan Area 1 from Very-Low-Density Residential to Office and High School, property located at the northeast corner of Sylvan Avenue and Roselle Avenue recommended. The amendment also proposes to allow City Council approval of a Final Development Plan concurrent with approval of Precise Plan Area No. 1 (Sylvan Veterinary Hospital).
- Motion introducing an Ordinance adopting a Precise Plan for Area No. 1 of the Village One Specific Plan, relating to property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital) recommended.
- Motion introducing an Ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital) recommended.
- Resolution approving the Final Development Plan for an office development on a portion of Precise Plan Area No. 1, property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital) recommended.
- Resolution finding that the following project is within the scope of the Village One Program Environmental Impact Report (Sch No. 90020181), as amended by the Supplemental EIR: Specific Plan Amendment No. 19 to the Village One Specific Plan to amend the Village One Specific Plan to change the land use designations of a portion of Precise Plan Area 1 from Very Low Density Residential to Office And High School and to allow City Council approval of a Final Development Plan concurrent with approval of Precise Plan Area No. 1, Adoption of a Precise Plan For Area No. 1 and concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, and approval of a Final Development Plan for a portion Precise Plan No. 1, property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital) recommended.

*Community & Economic Development; Paul Liu, 571-5808, [pliu@modestogov.com](mailto:pliu@modestogov.com)*

**ACTION: Resolution 2005-129** (Hawn/Marsh; unan. Ridenour absent) approving Specific Plan Amendment No. 19 to the Village One Specific Plan to amend The Village One Specific Plan to change the land use designations of a portion of Precise Plan Area 1 from Very-Low-Density Residential to Office and High School, property located at the northeast corner of Sylvan Avenue and Roselle Avenue recommended. The

amendment also proposes to allow City Council approval of a Final Development Plan concurrent with approval of Precise Plan Area No. 1 (Sylvan Veterinary Hospital).

**ACTION:** By Motion (Hawn/Marsh; unan. Ridenour absent) **introduced Ordinance No. 3381-C.S.** adopting a Precise Plan for Area No. 1 of the Village One Specific Plan, relating to property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital).

**ACTION:** By Motion (Marsh/Hawn; unan. Ridenour absent) **introduced Ordinance No. 3382-C.S.** rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital).

**ACTION: Resolution 2005-130** (Marsh/Hawn; unan. Ridenour absent) approving the Final Development Plan for an office development on a portion of Precise Plan Area No. 1, property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital).

**ACTION: Resolution 2005-131** (Marsh/Hawn; unan. Ridenour absent) finding that the following project is within the scope of the Village One Program Environmental Impact Report (Sch No. 90020181), as amended by the Supplemental EIR: Specific Plan Amendment No. 19 to the Village One Specific Plan to amend the Village One Specific Plan to change the land use designations of a portion of Precise Plan Area 1 from Very Low Density Residential to Office And High School and to allow City Council approval of a Final Development Plan concurrent with approval of Precise Plan Area No. 1, Adoption of a Precise Plan For Area No. 1 and concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, and approval of a Final Development Plan for a portion Precise Plan No. 1, property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital).

## NEW BUSINESS

11. Consider authorizing the award of a three-year contract with two one-year extension options to First Health Group of Sacramento, CA, for the re-pricing of workers' compensation medical bills for an estimated annual cost of \$25,000 and authorize the Acting City Manager to execute said contract.

- Resolution awarding a three-year contract with two one-year extension options to First Health Group of Sacramento, CA, for the re-pricing of workers' compensation medical bills for an estimated annual cost of \$25,000 and authorizing the Acting City Manager to execute said contract recommended.

*Personnel-Risk Management; Mary Akin, 577-5251, [makin@modestogov.com](mailto:makin@modestogov.com)*

**ACTION: Resolution 2005-132** (Dunbar/Hawn; majority Keating no; Ridenour absent) awarding a three-year contract with two one-year extension options to First Health Group of Sacramento, CA, for the re-pricing of workers' compensation medical bills

for an estimated annual cost of \$25,000 and authorizing the Acting City Manager to execute said contract.

Recess 7:20

Reconvene 7:30

12. Consider adopting an emergency interim ordinance prohibiting the establishment of medical marijuana dispensaries in the City of Modesto for a period of forty-five days.
- Motion introducing an emergency interim ordinance prohibiting the establishment of medical marijuana dispensaries in the City of Modesto for a period of forty-five days recommended.

*City Attorney; Mike Milich; 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Hawn/Marsh; unan. Ridenour absent) **introducing and adopting Ordinance No. 3383-C.S.** an emergency interim ordinance prohibiting the establishment of medical marijuana dispensaries in the City of Modesto for a period of forty-five days. The Council also referred this item to the Safety and Communities Committee to draft ordinance language and referred all existing business licenses for medical marijuana dispensaries to the Safety and Communities Committee.

13. Consider approving recommended Budget Reduction Strategies over a two-year period to result in a balanced budget in FY2006-07.
- Resolution approving staff recommendations to implement budget reductions over a two-year period resulting in a balanced budget in FY 2006-2007.

*City Manager's Office; Judith Ray, 571-5809, [jray@modestogov.com](mailto:jray@modestogov.com)*

**ACTION: Resolution 2005-133** (Hawn/Keating; unan. Ridenour absent) approving staff recommendations to implement budget reductions over a two-year period resulting in a balanced budget in FY 2006-2007.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 9:35 p.m.

### **CLOSED SESSION**

*Closed session heard prior to the meeting.*

**CONFERENCE WITH LABOR NEGOTIATOR:**  
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, Acting City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Management Association

## MINUTES

# City of Modesto

Audit Committee Meeting/  
Special City Council Workshop Meeting  
Tenth Street Place, 2<sup>nd</sup> Floor, Room 6825  
1010 10<sup>th</sup> Street  
Modesto, California

Thursday, March 17, 2005, at 10:00 a.m.

Roll Call – Present: Mayor Ridenour, Councilmembers Keating, O’Bryant

### ORAL COMMUNICATIONS

None

### CONSENT ITEMS

1. Consider receiving travel information for Mayor and Councilmembers, Charter Officers, Acting City Manager, Department Directors, Department Deputy Directors, Assistants and Division Chiefs for Quarter Two (October through December, 2004).

**ACTION:** Moved and approved.

2. Consider accepting recommendation to review and refer the 2004 Annual Reports for City of Modesto Community Facilities Districts to the City Council for acceptance.

**ACTION:** Moved and approved to continue this item to the next Audit Committee meeting, since recently received material for this report did not contain the level of detail management desired for presentation.

### NEW BUSINESS

3. Consider presentation of annual Community Facilities Districts audits, single audit, and management letter by Maze & Associates, and response to management letter recommendations. Staff recommends approval and forwarding to Council.

**ACTION:** Moved and approved to accept report, and to forward to Council.

4. Consider recommending that the City Council direct the Auditor perform the audits recommended by the District Attorney, as set forth in his correspondence dated February 22, 2005.

**ACTION:** Moved and approved to recommend to Council that the Internal Auditor first conduct an attestation engagement in the form of "agreed-upon procedures" to determine what, if any, further work may be required.

### **COMMITTEE COMMENTS & REPORTS**

None.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 11:10 AM

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, March 21, 2005 at 5:30 p.m.**

Roll Call: Present: Committee Members Hawn, Dunbar

Absent: Committee Member Jackman

Also Present: None

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

1. Consider an informational report on Monthly Budget Adjustments for March 2005.

**ACTION:** The Finance Committee approved staff's recommendation.

2. Consider supporting staff recommendation to amend FM Golf's existing agreement to manage the three City of Modesto municipal golf courses.

**ACTION:** The Finance Committee approved staff's recommendation.

### NEW BUSINESS

3. Consider request for a Managed Competition/RFP for Forestry Services.

**ACTION:** The Finance Committee approved staff's recommendation.

4. Consider supporting staff recommendation to implement an annual Home Business Permit Fee.

**ACTION:** (Dunbar absent due to conflict.) By order of the Chair, this item was referred to the full City Council.

5. Consider supporting staff recommendations regarding proposed sale of City-owned property at 800 Morris Avenue, formerly known as the John Muir School.

**ACTION:** Staff was directed to return to the Finance Committee with a demolition assessment to include demolition and abatement costs.

6. Consider supporting staff recommendations regarding proposed sale of City-owned property known as the 17th and G Streets Park.

**ACTION:** The Finance Committee approved staff's recommendation.

7. Consider supporting staff recommendations to increase Modesto Area Express and Dial-A-Ride Fares.

**ACTION:** The Committee directed staff to return this item to the Economic Development Committee.

8. Consider supporting staff recommendations for proposed change to the water fee resolution to require water connection fees to be paid at the time issuance of the building permit.

**ACTION:** The Finance Committee approved staff's recommendation.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:45 p.m

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, March 22, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, O’Bryant,  
Mayor Ridenour

Absent: Marsh

Pledge of Allegiance to the Flag

Invocation: Pastor Bruce Lane, Village Christian Fellowship

City Clerk’s Announcements: Item 21 and 28 removed from the agenda.  
Item 31 was moved to immediately follow Council Comments &  
Reports  
Use of speaker card explained

Declaration of Conflicts of Interest – Hawn Item 24 and 25

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Mayor Ridenour recognizing eight local cub scouts for their achievement of the Arrow of Light Award.

**ACTION:** Mayor Ridenour made the presentation.

2. Presentation by Mayor Ridenour to the Finance Department's Accounting Division for receiving a Certificate of Award for Outstanding Financial Reporting by the California Society of Municipal Finance Officers for the FY 03-04 Comprehensive Annual Financial Report (CAFR).

**ACTION:** Presentation made by Mayor Ridenour.

3. Presentation by the Modesto Art in Public Places, Inc of a bust of César Chávez to be installed at César Chávez Park
  - Resolution approving an agreement with the Modesto Art in Public Places, Inc. to accept a bust of César Chávez to be installed at César Chávez Park recommended. *Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION:** Presentation by Mike Zagaris to the Modesto City Council.

**Resolution 2005-134** (Hawn/Jackman; unan. Marsh absent) approving an agreement with the Modesto Art in Public Places, Inc. to accept a bust of César Chávez to be installed at César Chávez Park.

## MISCELLANEOUS

### Appointments

4. Consider approving the following appointments:
  - a. **Community Qualities Forum**
    - Carol Ann Stark (NE area resident), with term ending January 1, 2009
    - Henry Dotinga (Councilmember Jackman's appointee), with term ending January 1, 2009

**ACTION:** **Resolution 2005-135** (Jackman/Dunbar; unan. Marsh absent) appointing Carol Ann Stark and Henry Dotinga to the Community Qualities Forum.

- b. **Equal Opportunity Disability Commission/Human Relations Commission (serving jointly)**

- Amy Christensen, with a term ending January 1, 2009
- Hardiner Grewal, with a term ending January 1, 2009
- Joe Mendoza, with a term ending January 1, 2009

**ACTION:** **Resolution 2005-136** (Jackman/Dunbar; unan. Marsh absent) appointing Amy Christensen, Hardinger Grewal and Joe Mendoza to the Equal Opportunities Disability Commission/Human Relations Commission..

- c. **Golf Courses Advisory Committee**

- Joseph Alonzo, with term ending January 1, 2007
- Robert Raspo, with term ending January 1, 2007

**ACTION:** **Resolution 2005-137** (Jackman/Dunbar; unan. Marsh absent) appointing Joseph Alonzo and Robert Raspo to the Golf Courses Advisory Committee.

- d. **Landmark Preservation Commission**

- Dolores Niemi, with a term ending January 1, 2009.

**ACTION: Resolution 2005-138** (Jackman/Dunbar; unan. Marsh absent) appointing Dolores Niemi to the Landmark Preservation Commission.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

- John Mataka encouraged the Council not to close the pool at Marshall Park. He also spoke regarding the investment the Council has made in the Weed and Seed program.
- Jim Woolley Stanislaus Taxpayers Association representative thanked the staff for the response to their letter .

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 5 through 26

**ACTION Consent Items 5, 7-20, 22, 23 and 26: Jackman/Keating; unan. Marsh absent**

**ACTION Item 6: Dunbar/Hawn; unan. Ridenour and Marsh absent**

**ACTION Item 21: Removed from the agenda**

**ACTION Item 24: Jackman/Dunbar; unan. Hawn and Marsh absent**

**ACTION Item 25: Jackman/Dunbar; unan. Hawn and Marsh absent**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

5. Consider approval of the minutes of the regular City Council meeting of March 8, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan. Marsh absent) approving the minutes of March 8, 2005.

*This item was removed from Consent*

*Mayor Ridenour was absent at March 8, 2005 meeting whereat these Ordinances were introduced.*

6. Consider the final adoption of the following ordinances introduced at the March 8, 2005:

- a. **Ordinance No. 3378-C.S.** amending Sections 3-1.106, 3-1.125 and 3-1.126 of the Modesto Municipal Code relating to the Fire Code and adding Section 3-1.128.1 to the Modesto Municipal Code relating to possession, sale, use, or discharge of dangerous fireworks.

**ACTION:** By Motion (Dunbar/Hawn; unan. Marsh and Ridenour absent) approved the **final adoption of Ordinance No. 3378-C.S.** amending Sections 3-1.106, 3-1.125 and 3-1.126 of the Modesto Municipal Code relating to the Fire Code and adding Section 3-1.128.1 to the Modesto Municipal Code relating to possession, sale, use, or discharge of dangerous fireworks.

- b. **Ordinance No. 3379-C.S.** amending Section 31-3-9 of the zoning map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(571), property located on the south side of Maze Boulevard east of Carpenter Road. (St. Stanislaus Catholic Church)

**ACTION:** By Motion (Dunbar/Hawn; unan. Marsh and Ridenour absent) approved the **final adoption of Ordinance No. 3379-C.S.** amending Section 31-3-9 of the zoning map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(571), property located on the south side of Maze Boulevard east of Carpenter Road. (St. Stanislaus Catholic Church)

- c. **Ordinance No. 3380-C.S.** an ordinance approving the Development Agreement between the City of Modesto and Shelter Cove Church in conjunction with development of the northeast corner of Coffee Road and Claratina Ave for a 106,415-square-foot church, said Development Agreement containing provisions relating to the obligation of the Church to participate in the CFD to be formed for the future Hetch Hetchy Comprehensive Planning District and other provisions related to the provision for future infrastructure to the area.

**ACTION:** By Motion (Dunbar/Hawn; unan. Marsh and Ridenour absent) approved the **final adoption of Ordinance No. 3380-C.S.** an ordinance approving the Development Agreement between the City of Modesto and Shelter Cove Church in conjunction with development of the northeast corner of Coffee Road and Claratina Ave for a 106,415-square-foot church, said Development Agreement containing provisions relating to the obligation of the Church to participate in the CFD to be formed for the future Hetch Hetchy Comprehensive Planning District and other provisions related to the provision for future infrastructure to the area.

- d. **Ordinance No. 3381-C.S.** adopting a Precise Plan for Area No. 1 of the Village One Specific Plan, relating to property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital).

**ACTION:** By Motion (Dunbar/Hawn; unan. Marsh and Ridenour absent ) approved the **final adoption of Ordinance No. 3381-C.S.** adopting a Precise Plan for Area No. 1 of the Village One Specific Plan, relating to property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital).

- e. **Ordinance No. 3382-C.S.** rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital).

**ACTION:** By Motion (Dunbar/Hawn; unan. Marsh and Ridenour absent ) approved the **final adoption of Ordinance No. 3382-C.S.** rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located at the northeast corner of Sylvan Avenue and Roselle Avenue (Sylvan Veterinary Hospital).

#### CONSENT

7. Consider authorizing staff to proceed with a Request for Qualifications for Consultant Services to prepare Facilities and Infrastructure Master Plans for the City, with Consultant selection subject to further Council approval.
  - Resolution authorizing staff to proceed with a Request for Qualifications for Consultant Services to prepare Facilities and Infrastructure Master Plans for the City, with Consultant selection subject to further Council approval recommended.  
*City Manager's Office; Amy S. Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-139** (Jackman/Dunbar; unan. Marsh absent) authorizing staff to proceed with a Request for Qualifications for Consultant Services to prepare Facilities and Infrastructure Master Plans for the City, with Consultant selection subject to further Council approval.

#### CONSENT

8. Consider approving an Acquisition & Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 (Village One #2) and PPC Tuolumne Grove 2, LLC and finding that the potential environmental effects of the agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with an Addendum for Kodiak Village III Vesting Tentative Subdivision Map (EA/C&ED No. 2004-45).
  - Resolution authorizing the District Administrator to execute an Acquisition and Shortfall Agreement with PPC Tuolumne Grove 2, LLC with a maximum reimbursement amount of \$191,254, for a portion of the improvements needed to the intersection of Oakdale Road at La Force Drive and finding that the potential environmental effects of this agreement have been adequately addressed by the

previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with an Addendum for Kodiak Village III Vesting Tentative Subdivision Map (EA/C&ED No. 2004-45) recommended.

*City Manager's Office; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-140** (Jackman/Dunbar; unan. Marsh absent) authorizing the District Administrator to execute an Acquisition and Shortfall Agreement with PPC Tuolumne Grove 2, LLC with a maximum reimbursement amount of \$191,254, for a portion of the improvements needed to the intersection of Oakdale Road at La Force Drive and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with an Addendum for Kodiak Village III Vesting Tentative Subdivision Map (EA/C&ED No. 2004-45).

#### CONSENT

9. Consider authorizing the Purchasing Supervisor to formally solicit Request for Proposals for the furnishing of forms printing and mailing services, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$341,433.
- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Proposals for the furnishing of forms printing and mailing services, for a two (2) year agreement, with three (3) one-year extension options, at an estimated annual cost of \$341,433 recommended.

*Finance-Purchasing; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-141** (Jackman/Dunbar; unan. Marsh absent) authorizing the Purchasing Supervisor to formally solicit Request for Proposals for the furnishing of forms printing and mailing services, for a two (2) year agreement, with three (3) one-year extension options, at an estimated annual cost of \$341,433.

#### CONSENT

10. Consider authorizing the award of bid and contract for storm basin weed abatement services to Clark Pest Control of Modesto, CA. for an initial two-year period, with three one-year contract extension options, at an estimated cost of \$71,500 for the first year.
- Resolution awarding a bid and contract for storm basin weed abatement services to Clark Pest Control of Modesto, CA. for an initial two-year period, with three one-year contract extension options for a first year estimated cost of \$71,500 recommended.

*Finance-Purchasing; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-142** (Jackman/Dunbar; unan. Marsh absent) awarding a bid and contract for storm basin weed abatement services to Clark Pest Control of Modesto,

CA. for an initial two-year period, with three one-year contract extension options for a first year estimated cost of \$71,500.

## CONSENT

11. Consider authorizing the award of bid and contract for the rebuilding of nine (9), 1990 Gillig/Lift-U Wheelchair Lifts to Gillig Corporation of Hayward, CA. for an approximate total cost of \$78,991.49.

- Resolution authorizing the award of bid and contract for the rebuilding of nine (9), 1990 Gillig/Lift-U Wheelchair Lifts to Gillig Corporation of Hayward, CA. for an approximate total cost of \$78,991.49 recommended.

*Finance-Purchasing; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-143** (Jackman/Dunbar; unan. Marsh absent) authorizing the award of bid and contract for the rebuilding of nine (9), 1990 Gillig/Lift-U Wheelchair Lifts to Gillig Corporation of Hayward, CA. for an approximate total cost of \$78,991.49.

## CONSENT

12. Consider a resolution authorizing the award of bid and contract for concrete boxes and covers, and cast iron covers and frames for a two-year period, with three (3) one-year contract extensions options to the following vendors: Groeniger & Company of Modesto, CA. in the approximate amount of \$68,029.61; Kenko Utility Supply of Tracy, CA. in the approximate amount of \$29,813.28; and A.C.E. Fabrication of Basta, CA. in the approximate amount of \$3,627.72. The total combined purchase amount for concrete boxes and covers and cast iron covers and frames for the initial one-year period is approximately \$101,470.61.

- Resolution authorizing the award of bid and contract for concrete boxes and covers, and cast iron covers and frames for a two-year period, with three (3) one-year contract extensions options to the following vendors: Groeniger & Company of Modesto, CA. in the approximate amount of \$68,029.61; Kenko Utility Supply of Tracy, CA. in the approximate amount of \$29,813.28; and A.C.E. Fabrication of Basta, CA. in the approximate amount of \$3,627.72. The total combined purchase amount for concrete boxes and covers and cast iron covers and frames for the initial one-year period is approximately \$101,470.61 recommended.

*Finance-Purchase; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-144** (Jackman/Dunbar; unan. Marsh absent) authorizing the award of bid and contract for concrete boxes and covers, and cast iron covers and frames for a two-year period, with three (3) one-year contract extensions options to the following vendors: Groeniger & Company of Modesto, CA. in the approximate amount of \$68,029.61; Kenko Utility Supply of Tracy, CA. in the approximate amount of \$29,813.28; and A.C.E. Fabrication of Basta, CA. in the approximate amount of \$3,627.72. The total combined purchase amount for concrete boxes and covers and cast iron covers and frames for the initial one-year period is approximately \$101,470.61.

## CONSENT

13. Consider awarding a contract to Royston Hanamoto Alley & Abey for professional landscape architectural services to prepare a Master Plan, Design Development Report and Construction Documents for Claus Neighborhood Park including necessary adjacent road improvements, for a cost not-to-exceed \$142,500.00; and consider amending the CIP budget to fully fund the work.
- Resolution awarding a contract to Royston Hanamoto Alley & Abey for professional landscape architectural services to prepare a Master Plan, Design Development Report and Construction Documents for Claus Neighborhood Park including necessary adjacent road improvements, for a cost not-to-exceed \$142,500.00; and consider amending the CIP budget to fully fund the work  
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, [nhoux@modestogov.com](mailto:nhoux@modestogov.com)*

**ACTION: Resolution 2005-145** (Jackman/Dunbar; unan. Marsh absent) awarding a contract to Royston Hanamoto Alley & Abey for professional landscape architectural services to prepare a Master Plan, Design Development Report and Construction Documents for Claus Neighborhood Park including necessary adjacent road improvements, for a cost not-to-exceed \$142,500.00; and consider amending the CIP budget to fully fund the work.

CONSENT

14. Consider terminating Harvest of Hope as a Community Based Development Organization (CBDO).
- Resolution terminating Harvest of Hope as a Community Based Development Organization (CBDO) recommended.  
*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-146** (Jackman/Dunbar; unan. Marsh absent) terminating Harvest of Hope as a Community Based Development Organization (CBDO).

CONSENT

15. Consider opposing the “Elimination of Community Development Block Grant (CDBG) funding” in President’s 2006 Budget Proposal.
- Resolution opposing the “Elimination of Community Development Block Grant (CDBG) funding” in President’s 2006 Budget Proposal, and directing staff to send letters of opposition to the appropriate legislative committees.  
*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-147** (Jackman/Dunbar; unan. Marsh absent) opposing the “Elimination of Community Development Block Grant (CDBG) funding” in President’s 2006 Budget Proposal, and directing staff to send letters of opposition to the appropriate legislative committees.

CONSENT

16. Consider approving a request from the Modesto City Schools Child Development Program Office for use of amplified music at Mancini Bowl for a children's concert to be held on May 12, 2005.

- Resolution approving a request from the Modesto City Schools Child Development Program Office for use of amplified music at Mancini Bowl for a children's concert to be held on May 12, 2005 recommended.

*Parks, Recreation & Neighborhoods; Debbie Fortino, 571-5863, [dfortino@modestogov.com](mailto:dfortino@modestogov.com)*

**ACTION: Resolution 2005-148** (Jackman/Dunbar; unan. Marsh absent) approving a request from the Modesto City Schools Child Development Program Office for use of amplified music at Mancini Bowl for a children's concert to be held on May 12, 2005.

#### CONSENT

17. Consider approving submittal of an application to the State of California Department of Housing and Community Development for funding under the Workforce Housing Incentive Grant Program, and authorizing the Acting City Manager to execute the application.

- Resolution approving submittal of an application to the State of California Department of Housing and Community Development for funding under the Workforce Housing Incentive Grant Program, and authorizing the Acting City Manager to execute the application recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-149** (Jackman/Dunbar; unan. Marsh absent) approving submittal of an application to the State of California Department of Housing and Community Development for funding under the Workforce Housing Incentive Grant Program, and authorizing the Acting City Manager to execute the application.

#### CONSENT

18. Consider amending the Position Classification Plan to revise the job specification for the classifications of Wastewater Collections Superintendent and Public Information Technician; to create the classification of Streets Superintendent and to delete the classification of Streets Engineer.

- Resolution amending the Position Classification Plan to revise the job specification for the classifications of Wastewater Collections Superintendent and Public Information Technician; to create the classification of Streets Superintendent and to delete the classification of Streets Engineer recommended.
- Resolution amending the Class Range Table for Management and Confidential Non-Sworn Classes to establish the salary range for Streets Superintendent at range 441 (\$5565-\$6781) and to delete the classification of Streets Engineer from the Class Range Table recommended.

*Personnel; Cherree Platt, 577-5439, [cplatt@modestogov.com](mailto:cplatt@modestogov.com)*

**ACTION: Resolution 2005-150** (Jackman/Dunbar; unan. Marsh absent) amending the Position Classification Plan to revise the job specification for the classifications of Wastewater Collections Superintendent and Public Information Technician; to create the

classification of Streets Superintendent and to delete the classification of Streets Engineer.

**ACTION: Resolution 2005-151** (Jackman/Dunbar; unan. Marsh absent) amending the Class Range Table for Management and Confidential Non-Sworn Classes to establish the salary range for Streets Superintendent at range 441 (\$5565-\$6781) and to delete the classification of Streets Engineer from the Class Range Table.

#### CONSENT

19. Consider ordering the City Engineer to prepare and file the Annual Report for Landscape Maintenance Assessment District No. 1 For Dry Creek Meadows Subdivisions Nos. 1 – 6.
- Resolution ordering the City Engineer to prepare and file the Annual Report for Landscape Maintenance Assessment District No. 1 For Dry Creek Meadows Subdivisions Nos. 1 – 6 recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-152** (Jackman/Dunbar; unan. Marsh absent) ordering the City Engineer to prepare and file the Annual Report for Landscape Maintenance Assessment District No. 1 For Dry Creek Meadows Subdivisions Nos. 1 – 6.

#### CONSENT

20. Consider ordering the City Engineer to prepare and file the Annual Report for Landscape Maintenance Assessment District No. 2 For Dry Creek Meadows Subdivisions Nos. 7 – 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2.
- Resolution ordering the City Engineer to prepare and file the Annual Report for Landscape Maintenance Assessment District No. 2 For Dry Creek Meadows Subdivisions Nos. 7 – 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2 recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-153** (Jackman/Dunbar; unan. Marsh absent) ordering the City Engineer to prepare and file the Annual Report for Landscape Maintenance Assessment District No. 2 For Dry Creek Meadows Subdivisions Nos. 7 – 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2.

*This item was removed from the agenda.*

21. Consider introduction of an Ordinance amending Chapter 6 of Title 5 of the Modesto Municipal Code relating to Sewage Collection and Disposal.
- Motion introducing an Ordinance amending Chapter 6 of Title 5 of the Modesto Municipal Code relating to Sewage Collection and Disposal (Sewer Ordinance).

*Public Works; John Rivera, 577-6240, [jrivera@modestogov.com](mailto:jrivera@modestogov.com)*

**ACTION:** Removed from the agenda

CONSENT

22. Consider accepting the work by Professional Construction Services for the “Modification of Traffic Signals at Standiford/Colonial, El Vista/Encina and Tully/Rumble Intersections” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$213,841.59 per the contract. Total project cost is \$269,003.52.

- Resolution accepting the work by Professional Construction Services for the “Modification of Traffic Signals at Standiford/Colonial, El Vista/Encina and Tully/Rumble Intersections” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$213,841.59 per the contract recommended.

*Public Works; Pamela Marquez, 577-5215, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-154** (Jackman/Dunbar; unan. Marsh absent) accepting the work by Professional Construction Services for the “Modification of Traffic Signals at Standiford/Colonial, El Vista/Encina and Tully/Rumble Intersections” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$213,841.59 per the contract.

CONSENT

23. Consider accepting the bid and approving a \$993,256.50 contract with Top Grade Construction, Inc., for the project titled, “2003-2004 Pavement Maintenance Program – Coffee Road Reconstruction from 365’ North of Sylvan Avenue to 2,500’ North of Sylvan Avenue - STPL-5059 (108),” and authorizing the Acting City Manager to execute the contract. Total estimated cost of this project is \$1,330,563.00, which includes construction contingency, construction administration and engineering design.

- Resolution accepting the bid and approving a \$993,256.50 contract with Top Grade Construction, Inc., for the project titled, “2003-2004 Pavement Maintenance Program – Coffee Road Reconstruction from 365’ North of Sylvan Avenue to 2,500’ North of Sylvan Avenue - STPL-5059 (108),” and authorizing the Acting City Manager to execute the contract recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-155** (Jackman/Dunbar; unan. Marsh absent) accepting the bid and approving a \$993,256.50 contract with Top Grade Construction, Inc., for the project titled, “2003-2004 Pavement Maintenance Program – Coffee Road Reconstruction from 365’ North of Sylvan Avenue to 2,500’ North of Sylvan Avenue - STPL-5059 (108),” and authorizing the Acting City Manager to execute the contract.

*This item was removed from Consent.*

24. Consider accepting the work by Clayborn Contracting Group, Inc., for the “Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, and Install Emergency Generator” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$348,287.78 per the contract. Total project cost is \$479,667.62.

- Resolution accepting the work by Clayborn Contracting Group, Inc., for the “Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, and Install Emergency Generator” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$348,287.78 per the contract recommended.

*Public Works; Pamela Marquez, 577-5215, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-156** (Jackman/Dunbar; Hawn and Marsh absent) accepting the work by Clayborn Contracting Group, Inc., for the “Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, and Install Emergency Generator” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$348,287.78 per the contract.

*This item was removed from Consent.*

25. Consider accepting the work by Collins Electrical Company, Inc. for the “Centre Plaza Lighting Controls” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$246,900 per the contract. Total project cost is \$258,342.

- Resolution accepting the work by Collins Electrical Company, Inc. for the “Centre Plaza Lighting Controls” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$246,900 per the contract recommended.

*Public Works; Pamela Marquez, 577-5215, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-157** (Jackman/Dunbar; unan. Hawn and Marsh absent) accepting the work by Collins Electrical Company, Inc. for the “Centre Plaza Lighting Controls” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$246,900 per the contract.

## CONSENT

26. Consider accepting the work by Richard A. Heaps Electrical Contractor, Inc., for the “Installation of Traffic Signal Detector Loops” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$195,648 per the contract. Total project cost is \$254,203.

- Resolution accepting the work by Richard A. Heaps Electrical Contractor, Inc., for the “Installation of Traffic Signal Detector Loops” project as complete,

authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$195,648 per the contract.

*Public Works; Pamela Marquez, 577-5215, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-158** (Jackman/Dunbar; unan. Marsh absent) accepting the work by Richard A. Heaps Electrical Contractor, Inc., for the “Installation of Traffic Signal Detector Loops” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$195,648 per the contract.

## COUNCIL COMMENTS & REPORTS

None

## UNFINISHED BUSINESS

27. Consider authorizing the issuance of not to exceed \$43 Million Principal amount of Wastewater Revenue Refunding Bonds, Series 2005A and 2005B (Taxable), authorizing and directing execution of a Wastewater Revenue Bond Indenture and a first and second supplement thereto, approving a contract of purchase, escrow agreements, an official statement and a Continuing Disclosure Agreement and authorizing other official action.

- Resolution authorizing the issuance of the wastewater revenue refunding bonds, series 2005A and 2005V and authorizing and directing the execution of a wastewater revenue bond indenture and a first and second supplement, and approve a contract of purchase, escrow agreements, an official statement, continuing disclosure agreement and authorizing other official actions recommended.

*Finance; Greg Baird, 577-5369, [gbaird@modestogov.com](mailto:gbaird@modestogov.com)*

**ACTION: Resolution 2005-159** (Jackman/Hawn; unan. Marsh absent) authorizing the issuance of the wastewater revenue refunding bonds, series 2005A and 2005V and authorizing and directing the execution of a wastewater revenue bond indenture and a first and second supplement, and approve a contract of purchase, escrow agreements, an official statement, continuing disclosure agreement and authorizing other official actions.

*Item 28 was removed from the agenda*

28. Consider re-appropriating funds from Sewer Fund operating accounts, existing Sewer CIP projects and recent PCE litigation reimbursements to the Celeste/Rose/Scenic Sewer Improvement CIP to complete improvements specified in an October 2003 agreement with Memorial Hospitals Association.

- Resolution re-appropriating funds from Sewer Fund operating accounts, existing Sewer CIP projects and recent PCE litigation reimbursements to the Celeste/Rose/Scenic Sewer Improvement CIP, 6210-430-A049, to complete

improvements specified in an October 2003 agreement with Memorial Hospitals Association recommended.

*Public Works; Peter Cowles, 577-5213, [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION:** This item was removed from the agenda.

## HEARINGS

*This item will be continued to the April 26, 2005 meeting.*

29. Hearing to approving a waiver of Capital Facility Fees for 1932 Evergreen Avenue, and authorize the Acting City Manager to execute the Exemption Agreement.

*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION:** This item was continued to April 26, 2005.

30. Consider designating the property located at 215 Elmwood Court as a Modesto Landmark Preservation Site (Owners: Robert and Denise Draizen).

- Resolution designating the property located at 215 Elmwood Court as a Modesto Landmark Preservation Site (Owners: Robert and Denise Draizen) recommended.

*Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060; [wmathes@modestogov.com](mailto:wmathes@modestogov.com)*

**ACTION: Resolution 2005-160** (Hawn/Jackman; unan. Marsh absent) designating the property located at 215 Elmwood Court as a Modesto Landmark Preservation Site (Owners: Robert and Denise Draizen).

## NEW BUSINESS

31. Consider accepting the Fiscal Year End 2004 Annual Financial Audits by Maze & Associates.

- Motion accept the final audit reports recommended.

*City Clerk-Auditor; Gary Nienhuis, 571-5544, [gnienhuis@modestogov.com](mailto:gnienhuis@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan. Marsh absent) accepted the final audit reports.

32. Consider approving the changes to the Spring and Summer Park Programs recommended by the Parks, Recreation and Neighborhoods Department and lifting the "hiring chill" to allow the Parks, Recreation and Neighborhoods Department to hire part-time Recreation staff for the "revised" Spring and Summer Park Programs.

- Resolution approving the changes to the Spring and Summer Park Programs recommended by the Parks, Recreation and Neighborhoods Department and lifting the "hiring chill" to allow the Parks, Recreation and Neighborhoods

Department to hire part-time Recreation staff for the “revised” Spring and Summer Park Programs recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-161** (Keating/Jackman; majority O’Bryant no, Marsh absent) approving the changes to the Spring and Summer Park Programs recommended by the Parks, Recreation and Neighborhoods Department and lifting the “hiring chill” to allow the Parks, Recreation and Neighborhoods Department to hire part-time Recreation staff for the “revised” Spring and Summer Park Programs.

### **MATTERS TOO LATE FOR THE AGENDA**

None

## ADJOURNMENT

This meeting adjourned at 7:40 p.m. to the following:

### CLOSED SESSION

*Removed from the agenda.*

#### **CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, Acting City Manager  
Robin Renwick, Personnel Director

Employee Organization: Unrepresented Management/Confidential Employees

*This item was heard prior to the Council meeting.*

#### **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

**One Case** (Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: *Karin Rodriguez and Jocelyn Reed v. City of Modesto, et al.*  
Superior Court Case No. 353721

*This item was heard prior to the Council meeting.*

#### **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

**One Case** (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *City of Modesto v Viacom Outdoor, Inc., et al.*  
Stanislaus County Superior Court No. 329869

### **PUBLIC EMPLOYEE APPOINTMENT**

Title: City Manager

**ACTION:** On a 5-1 vote (O'Bryant, no) the City Council appointed George Britton as Modesto's City Manager.

### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

**ACTION:** No reportable action was taken.

## MINUTES

# City of Modesto

## Special Finance Committee Meeting/ Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place

1010 10<sup>th</sup> Street, Modesto, California

**Monday, March 28, 2005 at 1:30 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn, Jackman

Absent: None

Also Present: Mayor Ridenour

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

3. General Fund Review discussion.

**ACTION:** The Finance Committee took no action on this item.

### NEW BUSINESS

4. Consider an information report relating to General Fund Transfers.

**ACTION:** The Finance Committee took no action on this item.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 3:15 p.m.

## MINUTES

# City of Modesto

Safety & Communities Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, April 4, 2005, at 1:00 p.m.**

Roll Call – Present     Committee Members Dunbar, Hawn, O’Bryant

Also Present: Mayor Ridenour, Councilmember Keating

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:**     None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

### NEW BUSINESS

10. Consider further policy recommendations to the City Council regarding the potential regulation of medical marijuana dispensaries.

**ACTION:** The Safety & Communities Committee recommended the City Attorney be directed to develop the necessary documents to ban medical marijuana dispensaries in the City of Modesto.

### MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 1:50 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, April 5, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag- Presentation of the Colors by the International Order of the  
Rainbow for Girls

Invocation: Council member Brad Hawn gave the invocation.

City Clerk’s Announcements – Items 10, 11, 15, and 16 removed from Consent  
Item 22 removed from the agenda

Declaration of Conflicts of Interest – Dunbar – Item 29

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a proclamation declaring April 10-16, 2005 as Paralyzed Veterans of  
America Awareness Week.

**ACTION:** Proclamation presented by Mayor Ridenour

2. Presentation of proclamation to the Woman's Christian Temperance Union proclaiming  
April 24-30, 2005 as Youth Temperance Education Week.

**ACTION:** Proclamation presented by Mayor Ridenour

3. Presentations by Mike Gorasi of the Modesto Nuts regarding the kickoff of the 2005  
season.

**ACTION:** Presentation made by Mike Gorasi

4. Presentation of Proclamation to the St. Andrews Society of Modesto proclaiming April 6, 2005 National Tartan Day.

**ACTION:** Proclamation presented by Mayor Ridenour

5. Presentation by Beverly McCullough on the 16th Annual Earth Day in the Park Festival to be held April 23, 2005.

**ACTION:** Presentation made by Bev McCollough

6. Introduction by Roy Wasden, Police Chief, of the Modesto Police Department's newly promoted Police Managers:
  - Gene Balentine, Police Captain
  - Bill Ryan, Police Lieutenant
  - David Sundry, Jr., Police Lieutenant
  - Doug Ridenour, Police Sergeant
  - Stephen Hinkley, Police Sergeant

**ACTION:** Introductions made by Chief Wasden

- Chief Wasden announced the open house scheduled on April 9 to celebrate the Department's CALEA accreditation.

## MISCELLANEOUS

### Appointments

7. Consider approving Janice Keating's recommendation of Keith Boggs to the Public Events Commission to fill the vacancy created by the resignation of Dana Plummer.
  - Resolution appointing Keith Boggs to the Public Events Commission.  
*City Council Office; Kathy Espinoza, 577-5224, [kspinoza@modestogov.com](mailto:kspinoza@modestogov.com)*

**ACTION: Resolution 2005-162** (Jackman/Dunbar; unan.) appointing Keith Boggs to the Public Events Commission.

## ORAL COMMUNICATIONS

### Three minute time limit per speaker

- Richard Herman commented on the invocation and requested it be nondenominational.
- John Mataka spoke regarding a school safety issue at Somerset School.

- Allan James spoke regarding City expenditures.
- Dave Thomas spoke regarding the Brown Act and the use of the speaker cards.
- Carmen Sabatino spoke regarding the district election ballot measure.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 8 through 23

**ACTION Consent Items 8, 9, 12-14, 17 – 21, 23: Hawn/Jackman; unan.**

**ACTION Item 10:** Jackman/Keating; unan.

**ACTION Item 11:** Dunbar/Jackman; unan.

**ACTION Item 15:** Hawn/Jackman; unan

**ACTION Item 16:** Dunbar/Jackman; unan.

**Item 22:** Removed from the agenda

#### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

#### **CONSENT**

8. Consider approval of the minutes of the regular City Council meeting of March 22, 2005. (Motion approving recommended.)  
*City Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Hawn/Jackman; unan.) approved the minutes of March 22, 2005.

#### **CONSENT**

9. Consider amending the Conflict of Interest Codes for the Parks, Recreation & Neighborhoods and the Public Works Departments to reflect recent organizational changes.
- Resolution amending the Conflict of Interest Code for the Parks, Recreation & Neighborhoods Department recommended.
  - Resolution amending the Conflict of Interest Code for the Public Works Department.
- City Clerk; Rebecca Bartholomew; 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION: Resolution 2005-163** (Hawn/Jackman; unan.) amending the Conflict of Interest Code for the Parks, Recreation & Neighborhoods Department.

**ACTION: Resolution 2005-164** (Hawn/Jackman; unan.) amending the Conflict of Interest Code for the Public Works Department.

Removed from Consent

10. Consider approving the Audit Committee recommendation assigning the City Clerk and Auditor's Office an "agreed-upon-procedures" engagement in the Public Works Department. This work is to test certain transactions referenced in the District Attorney's letter alleging "significant irregularities" in the Public Works Department.
- Motion approving the Audit Committee recommendation assigning the City Clerk and Auditor's Office an "agreed-upon-procedures" engagement in the Public Works Department. This work is to test certain transactions referenced in the District Attorney's letter alleging "significant irregularities" in the Public Works Department recommended.

*City Clerk; Gary Nienhuis, 571-5544, [gnienhuis@modestogov.com](mailto:gnienhuis@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan.) approving the Audit Committee recommendation assigning the City Clerk and Auditor's Office an "agreed-upon-procedures" engagement in the Public Works Department. This work is to test certain transactions referenced in the District Attorney's letter alleging "significant irregularities" in the Public Works Department.

Removed from Consent

11. Consider authorizing the Mayor to sign an employment agreement with George Britton to serve as City Manager until July 1, 2007 at an annual salary of \$154,010.
- Resolution authorizing the Mayor to sign an employment agreement with George Britton to serve as City Manager until July 1, 2007 at an annual salary of \$154,010 recommended.

*City Council; Mayor Ridenour, 571-5169, [jridenour@modestogov.com](mailto:jridenour@modestogov.com)*

**ACTION: Resolution 2005-165** (Dunbar/Jackman; unan.) authorizing the Mayor to sign an employment agreement with George Britton to serve as City Manager until July 1, 2007 at an annual salary of \$154,010.

CONSENT

12. Consider approving a clarification of Committee Appointments to Citizen Advisory Groups made March 22, 2005.
- Resolution appointing Amy Christensen and Grewal Hardiner to the Equal Opportunity/Disability Commission, with term expirations of January 1, 2009, and Joe Mendoza to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of January 1, 2008 recommended.

*City Manager; Esther Puckett; 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Resolution 2005-166** (Hawn/Jackman; unan.) appointing Amy Christensen and Grewal Hardiner to the Equal Opportunity/Disability Commission, with term expirations of January 1, 2009, and Joe Mendoza to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of January 1, 2008.

CONSENT

13. Consider approving the Monthly Budget Adjustment Report – March 2005.
- Resolution approving the Monthly Adjustment Report – March 2005.  
*Finance; Gail Bailey, 571-5511, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-167** (Hawn/Jackman; unan.) approving the Monthly Adjustment Report – March 2005.

CONSENT

14. Consider approving the addition of one new Police Officer position to the Department's Position allocation to serve on the newly forming "High Risk Intervention Team"
- Resolution authorizing the addition of one new Police Officer position to the Department's Position allocation to serve on the newly forming "High Risk Intervention Team" recommended.
  - Resolution amending the budget, realizing revenues and expending funds for the Police Officer recommended.
- Police Department; Greg Savelli, 342-9550, [savellig@modestopd.com](mailto:savellig@modestopd.com)*

**ACTION: Resolution 2005-168** (Hawn/Jackman; unan.) authorizing the addition of one new Police Officer position to the Department's Position allocation to serve on the newly forming "High Risk Intervention Team."

**ACTION: Resolution 2005-169** (Hawn/Jackman; unan.) amending the budget, realizing revenues and expending funds for the Police Officer.

Removed from Consent

15. Consider authorizing the Public Works Department, Water Quality Control Division to solicit proposals for consultant services to assist in development of a Request for Proposals (RFP) for a vendor to design, build, own, and operate a methane gas fired cogeneration unit at the Primary Wastewater Treatment Facility and authorizing the City Manager or designee to execute the consultant agreement in an amount not to exceed \$50,000.
- Resolution authorizing the Public Works Department, Water Quality Control Division to solicit proposals for consultant services to assist in development of a Request for Proposals (RFP) for a vendor to design, build, own, and operate a methane gas fired cogeneration unit at the Primary Wastewater Treatment Facility and authorizing the City Manager or designee to execute the consultant agreement in an amount not to exceed \$50,000 recommended.

*Public Works; Robert Howard, 577-6224, [rhoward@modestogov.com](mailto:rhoward@modestogov.com)*

**ACTION: Resolution 2005-170** (Hawn/Jackman; unan.) authorizing the Public Works Department, Water Quality Control Division to solicit proposals for consultant services to assist in development of a Request for Proposals (RFP) for a vendor to design, build, own, and operate a methane gas fired cogeneration unit at the Primary Wastewater Treatment Facility and authorizing the City Manager or designee to execute the consultant agreement in an amount not to exceed \$50,000.

Removed from Consent

16. Consider authorizing Staff to issue a Request for Proposals for the development and implementation of a Stormwater Management Program for the Stormwater and Wastewater Collections Division for a one-year agreement with two, one-year extension options; and appropriating \$50,000 from Storm Drain Reserves to Storm Drainage Admin/Monitoring to fully fund the program for Fiscal Year 2004-2005.
- Resolution authorizing staff to solicit Request for Proposals for the development and implementation of a Stormwater Management Program for the Stormwater and Wastewater Collections Division for a one-year agreement with two, one-year extension options recommended.
  - Resolution authorizing an appropriation transfer of \$50,000 from Storm Drain Fund Reserves to Storm Drainage Admin/Monitoring to fully fund the program for Fiscal Year 2004-2005 recommended.

*Public Works; Robert Howard, 577-6224, [rhoward@modestogov.com](mailto:rhoward@modestogov.com)*

**ACTION: Resolution 2005-171** (Dunbar/Jackman; unan.) authorizing staff to solicit Request for Proposals for the development and implementation of a Stormwater Management Program for the Stormwater and Wastewater Collections Division for a one-year agreement with two, one-year extension options.

**ACTION: Resolution 2005-172** (Dunbar/Jackman; unan.) authorizing an appropriation transfer of \$50,000 from Storm Drain Fund Reserves to Storm Drainage Admin/Monitoring to fully fund the program for Fiscal Year 2004-2005.

CONSENT

17. Consider authorizing the use of the Modesto City-County Airport by the Stanislaus County Sheriff's Aero Squadron for their annual Airport Appreciation Day on May 21, 2005.
- Motion authorizing the use of the Modesto City-County Airport by the Stanislaus County Sheriff's Aero Squadron for their annual Airport Appreciation Day on May 21, 2005 recommended.

*Public Works; Michael Musca, 577-5318, [mmusca@modestogov.com](mailto:mmusca@modestogov.com)*

**ACTION:** By Motion (Hawn/Jackman; unan.) authorizing the use of the Modesto City-County Airport by the Stanislaus County Sheriff's Aero Squadron for their annual Airport Appreciation Day on May 21, 2005.

#### CONSENT

18. Consider accepting the bid and approving a \$172,500.00 contract with Vanguard Construction, for the project titled, "2004 ADA Curb Ramp Construction" and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$236,675, which includes construction contingency, construction administration and engineering design.

- Resolution accepting the bid and approving a \$172,500.00 contract with Vanguard Construction, for the project titled, "2004 ADA Curb Ramp Construction" and authorizing the City Manager to execute the contract recommended.

*Public Works; Dean Phillips, 577-5215, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-173** (Hawn/Jackman; unan.) accepting the bid and approving a \$172,500.00 contract with Vanguard Construction, for the project titled, "2004 ADA Curb Ramp Construction" and authorizing the City Manager to execute the contract.

#### CONSENT

19. Consider accepting the bid and approving a \$205,499.00 contract with Rodgers Construction and Engineering Company, Inc., for the project titled "Scenic Drive and Bodem Street Right Turn Lane-CML-5059 (104)," and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$279,268.86, which includes construction contingency, construction administration and engineering design..

- Resolution accepting the bid and approving a \$205,499.00 contract with Rodgers Construction and Engineering Company, Inc., for the project titled "Scenic Drive and Bodem Street Right Turn Lane-CML-5059 (104)," and authorizing the City Manager to execute the contract recommended.

*Public Works; Dean Phillips, 577-5215, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-174** (Hawn/Jackman; unan.) accepting the bid and approving a \$205,499.00 contract with Rodgers Construction and Engineering Company, Inc., for the project titled "Scenic Drive and Bodem Street Right Turn Lane-CML-5059 (104)," and authorizing the City Manager to execute the contract.

#### CONSENT

20. Consider accepting the work by Goodland Landscape Construction, Inc. for the "Ustach Neighborhood Park" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,126,248.27 per the contract. Total project cost is \$1,340,336.93.

- Resolution accepting the work by Goodland Landscape Construction, Inc. for the "Ustach Neighborhood Park" project as complete, authorizing the City Clerk to file a

Notice of Completion, and authorizing payment of amounts due totaling \$1,126,248.27 per the contract recommended.

*Public Works; Pam Marquez, 577-5215, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-175** (Hawn/Jackman; unan.) accepting the work by Goodland Landscape Construction, Inc. for the “Ustach Neighborhood Park” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,126,248.27 per the contract.

#### CONSENT

21. Consider accepting the work by Richard Townsend Construction, Inc., dba RTC, for the “Modesto Police Department Training Facility Concrete Flatwork” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$86,947.60 per the contract. Total project cost is \$94,568.73.

- Resolution accepting the work by Richard Townsend Construction, Inc., dba RTC, for the “Modesto Police Department Training Facility Concrete Flatwork” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$86,947.60 per the contract recommended.

*Public Works; Pam Marquez, 577-5215, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-176** (Hawn/Jackman; unan.) accepting the work by Richard Townsend Construction, Inc., dba RTC, for the “Modesto Police Department Training Facility Concrete Flatwork” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$86,947.60 per the contract.

Removed from the agenda.

22. Consider amending Section 14 of Resolution No. 2004-627 entitled “ A Resolution rescinding all previous water fee resolutions, establishing a single rate base, and establishing fees for the provision of water and all fees associated with water operations and management.”

- Resolution amending Section 14 of Resolution No. 2004-627 entitled “ A Resolution rescinding all previous water fee resolutions, establishing a single rate base, and establishing fees for the provision of water and all fees associated with water operations and management” recommended.

*Public Works; Jana Coons, 342-2281, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION: No action taken. This item was removed from the agenda.**

#### CONSENT

23. Consider authorizing the award of a five year administrative services agreement to The International City Management Association Retirement Corporation (ICMA - RC) for the

administration of City employees' 401(a) and 457 deferred compensation plans and authorize the City Manager to execute said agreement.

- Resolution authorizing the award of a five (5) year administrative services agreement to The International City Management Association Retirement Corporation (ICMA - RC) for the administration of City employees' 401(a) and 457 deferred compensation plans and authorize the City Manager to execute said agreement recommended.

*Personnel-Risk Management; Mary Akin, 577-5251, [makin@modestogov.com](mailto:makin@modestogov.com)*

**ACTION: Resolution 2005-177** (Hawn/Jackman; unan.) authorizing the award of a five (5) year administrative services agreement to The International City Management Association Retirement Corporation (ICMA - RC) for the administration of City employees' 401(a) and 457 deferred compensation plans and authorize the City Manager to execute said agreement.

Recess 8:00

Reconvene 8:12

Councilmember O'Bryant left the meeting.

## COUNCIL COMMENTS & REPORTS

None

## WRITTEN COMMUNICATIONS

24. Consider a letter Dennis Wilson of Horizon Consulting on behalf of Bret Hughes of Hughes Commercial Real Estate regarding a project entitled "Kiernan @ McHenry."

**ACTION:** By motion (Jackman/Marsh; majority Dunbar no, O'Bryant absent) Council voted to not approve this development because it is not consistent with the General Plan for two reasons: 1) There is no comprehensive plan for the Comprehensive Planning District of which their parcel is a part and 2) The driveway on Kiernan for the proposed project violates the General Plan's Expressway Policies for a Class B Expressway.

25. Consider a letter from Carmen Sabatino regarding Modesto Bee Advertising expenses and allocations.

**ACTION:** No action taken.

## UNFINISHED BUSINESS

26. Consider re-appropriating funds from Sewer operating accounts, existing Sewer CIP projects and recent PCE litigation reimbursements to the Celeste/Rose/ Scenic Sewer

Improvement CIP, 6210-430-A049, to complete improvements specified in an October 2003 agreement with Memorial Hospitals Association.

- Resolution re-appropriating funds from Sewer Fund operating accounts, existing Sewer CIP projects and recent PCE litigation reimbursements to the Celeste/Rose/Scenic Sewer Improvement CIP, 6210-430-A049, to complete improvements specified in an October 2003 agreement with Memorial Hospitals Association recommended.

*Public Works; Peter Cowles, 577-5213, [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION: Resolution 2005-178** (Hawn/Jackman; unan. O’Bryant absent) re-appropriating funds from Sewer Fund operating accounts, existing Sewer CIP projects and recent PCE litigation reimbursements to the Celeste/Rose/Scenic Sewer Improvement CIP, 6210-430-A049, to complete improvements specified in an October 2003 agreement with Memorial Hospitals Association.

## HEARINGS

27. Hearing to consider an appeal by Dennis Wilson regarding the liability insurance requirements for the O’Brien’s Center located on the southeast corner of Pelandale Expressway and Dale Road. Staff recommends retaining the deposit and liability insurance requirement for the O’Brien’s Center, per the development agreement.

- Resolution denying or upholding the appeal recommended.

*Public Works; Jeff Barnes, 577-5249, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: Resolution 2005-179** (Dunbar/Hawn; unan. O’Bryant absent) denying the appeal and requested the appellant to work with staff on mitigation measures, and return to Council with an updated traffic study with the \$10 million insurance policy remaining in place until the traffic study is returned.

28. Hearing to consider extending for a period of ten months and fifteen days the moratorium prohibiting the establishment of medical marijuana dispensaries in the City of Modesto.

- Resolution issuing the attached “report on the 45-day Moratorium Imposed by the Modesto City Council on March 8, 2005, Prohibiting the Establishment of Medical Marijuana Dispensaries in the City of Modesto” recommended.
- Motion introducing an emergency interim ordinance extending the prohibition of the establishment of medical marijuana dispensaries in the City of Modesto for a period of ten months and fifteen days recommended.

*City Attorney; Mike Milich, 577-5471, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION: Resolution 2005-180** (Marsh/Jackman; unan. O’Bryant absent) issuing the attached “report on the 45-day Moratorium Imposed by the Modesto City Council on March 8, 2005, Prohibiting the Establishment of Medical Marijuana Dispensaries in the City of Modesto.”

**ACTION:** By Motion (Marsh/Jackman; unan. O'Bryant absent) **introducing Ordinance No. 3384-C.S.** an emergency interim ordinance extending the prohibition of the establishment of medical marijuana dispensaries in the City of Modesto for a period of ten months and fifteen days.

### NEW BUSINESS

Removed from the agenda.

29. Council discussion and review of Sylvan School District request that roundabouts not be installed at Merle/Maid Marianne and Lincoln Oak Drive/Kodiak Drive and reconsidered at Kodiak/Roselle and Roselle/Floyd. Council may provide further direction to staff on current Roundabout Policies.

*Public Works; Jeff Barnes, 577-5249, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: No action taken.**

Removed from agenda.

30. Council discussion regarding the "5-year Consolidated Plan for Funding from Department of Housing and Urban Development"

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: No action taken.**

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 11:35 p.m.

### CLOSED SESSION

*All closed sessions heard prior to the meeting.*

### CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Three Cases (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: City of Modesto v. National Med. Incorporated  
Stanislaus County Superior Court Case No. 292944

Name of case: *The Committee Concerning Community Improvements, et al. v. City of Modesto, et al.*

United States District Court, Easter District of California Case No.  
CIV-F-04-6121 REC DLB

Name of case: *Enrique Sanchez, et al. v. City of Modesto, et al.*  
Stanislaus County Superior Court No. 347903

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto City Employees Association (MCEA)

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Confidential and Management Association (MCMA)

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Unrepresented Management/Confidential Employees

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, April 11, 2005, at 5:30 p.m.**

Roll Call: Present: Councilmembers Jackman, Keating, Marsh

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 4

#### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

1. Consider receiving status report of development projects processed by the Community & Economic Development Department

**ACTION:** The Economic Development Committee approved Staff's recommendation.

#### CONSENT

29. Consider endorsing and recommending to the City Council proceeding with grant application to the Department of Transportation for the Small Community Air Service Development Program

**ACTION:** The Economic Development Committee approved Staff's recommendation.

**CONSENT**

30. Consider recommendation to authorize City Manager, or his designee, to apply for Federal Congestion Mitigation and Air Quality (CMAQ) funds to the Stanislaus Council of Governments (StanCOG)

**ACTION:** The Economic Development Committee approved Staff's recommendation.

**NEW BUSINESS**

31. Review and discussion of Business Park Task Force Report

**ACTION:** This item was for information only. No action was taken.

32. Consider approving recommendation to increase fare rates effective summer 2005 for Modesto Area Express (MAX) urban services, and Modesto Area Dial-A-Ride (MADAR) in place of those approved by the Economic Development Committee on February 7, 2005

**ACTION:** The Economic Development Committee approved Staff's recommendation.

33. Consider recommendation to deny request for variance by the Universal Life Church to build part of a handicap ramp within the public right of way

**ACTION:** This item was removed from the agenda.

34. Consider proposal from Velthoen Associates to use County Economic Development Bank Loan Funds to prepare the Kiernan Business Park Implementation Plan Program

**ACTION:** The Economic Development Committee voted to move forward with the Economic Development Bank loan with a condition that a signed application by all affected property owners is obtained by the developer. Staff will return to Council with information from the developer with property owner signatures, along with the application and loan documents.

35. Review, discussion and suggestions requested to amend the Traffic Signal Priority List Criteria

**ACTION:** Staff directed to review current criteria and make suggestions for modification, if warranted.

## **NEW BUSINESS**

36. Oral Presentation on James Enochs High School Pedestrian Overcrossing.

**ACTION:** This item was for information only. No action was taken.

## **COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **FUTURE AGENDA ITEMS**

- 40. Sphere of Influence Study
- 41. Housing Element Update
- 42. Discussion of funding from existing homeowners to address Twin Ponds “problem”
- 43. General Plan Update Work Program
- 44. Kansas-Woodland Business Park
- 45. Prescott/Bangs Proposed Roundabout
- 46. Prescott/Bangs Proposed Roundabout
- 47. Shackelford Study Area
- 48. Work Program – 2005 Urban Growth Review Update
- 49. 132/99 Connectivity and Carpenter Road Interchange Issue
- 50. Recycled Wastewater Feasibility Report
- 51. Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work
- 52. Outdoor Dining Ordinance Revision

## **ADJOURNMENT**

This meeting adjourned at 7:45 p.m.

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, April 18, 2005 at 1:30 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn

Absent: Jackman

Also Present: Mayor Ridenour, O'Bryant, Keating

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

5. Consider an informational report on Monthly Budget Adjustments for April 2005.

**ACTION:** The Finance Committee approved Staff's recommendation.

### NEW BUSINESS

6. Consider staff recommendation on Actuarial Liabilities Self Insurance & Retiree Health Benefits.

**ACTION:** The Finance Committee approved Staff's recommendation.

7. Consider staff recommendation on the Golf Fund Status & Capital Reserve Funding.

**ACTION:** The Finance Committee approved Staff's recommendation.

8. Consider an informational report on the Gas Tax Fund.

**ACTION:** This item will return to the Finance Committee on April 25, 2005.

9. Consider an informational report regarding an Update on the Sewer Rate Process.

**ACTION:** The Finance Committee approved Staff's recommendation.

10. Consider adopting annual cost of living adjustment for Building Permit Fees.

**ACTION:** The Finance Committee approved Staff's recommendation.

11. Consider an informational report regarding the Tenth Street Place Joint Powers Authority (TSP JPA) construction project closeout.

**ACTION:** The Finance Committee approved Staff's recommendation.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 4:00 p.m.

## MINUTES

**City of Modesto  
Joint City Council/Planning Commission General Plan Workshop  
King-Kennedy Memorial Center  
601 North Martin Luther King Drive  
Modesto, California**

**Friday, April 22, 2005, 8:00 am to 12:00 noon**

This meeting convened at 8:18 AM.

Roll Call: Present: Councilmembers Dunbar, Hawn, Keating, Marsh, O'Bryant,  
Mayor Ridenour.  
Planning Commissioners Newswander, Arias, Sanders, Cogdill Jr.,  
Bergland, Olsen, Roberts

Absent: Councilmember Jackman

### **ORAL COMMUNICATIONS Three minute time limit per speaker**

None.

### **NEW BUSINESS**

**1. Welcome, Introductions and Workshop Overview**

*Workshop Objective: Prioritize growth issues & receive direction from the City Council and Planning Commission on an update and/or amendment to the General Plan and Master Environmental Impact Report (MEIR).*

**ACTION:** Introductory presentation by Brad Kilger, Community and Economic Development Director.

**2. General Plan Overview**

*Session Objectives: To present the purpose of a general plan; discuss goals, policies and objective of the 1995 General Plan, review changes since adoption of the 1995 General plan and begin to frame major growth issues.*

**ACTION:** GP Overview presentation by Patrick Kelly, Principal Planner, Community Growth Policy presentation by Brad Kilger, Housing Element Goals presentation by Miguel

Galvez, MEIR presentation by Patrick Kelly, Statistical Changes to Modesto since 1995 presentation by George Osner.

### **3. Council and Commission Discussion**

**ACTION:** No action taken.

### ***RECESS***

### **4. Growth Priorities**

*Session Objectives: To discuss update of infrastructure master plans and their relationship to the General Plan, and discuss how growth should be addressed during the next 2-5 years.*

**ACTION:** Infrastructure Master Plan presentation by Peter Cowles. Focused on Storm Drain and Sewer systems.  
Presentation on active developments by Steve Mitchell  
Presentation on future developments by Patrick Kelly

### **5. Council and Commission Direction**

**ACTION:** The Council and Commission discussed General Plan priorities. Should the General Plan be updated or amended was one of the questions that came up. No formal action was taken.

### **6. Summary, Conclusions and Next Steps**

*Session Objective: To discuss next steps for proceeding with either amending the General Plan and Master Environmental Impact Report (MEIR) or conducting a complete General Plan and MEIR Update.*

**ACTION:** Council and Commission decided that another workshop should be held soon. The time, place and exact subject material would be determined at a later date.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 12:35 p.m.

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, April 25, 2005 at 5:30 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn, Jackman  
Absent: None  
Also Present: Councilmember Marsh

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

None.

**ACTION:** The Finance Committee approved Staff's recommendation.

### UNFINISHED BUSINESS

1. Consider staff recommendations regarding General Fund support to Gas Tax Fund and budget reduction options.

**ACTION:** This item was for information only. No action was taken.

2. Consider accepting the Foresight Consulting report on Connection Fees and recommending to Council the adoption of new fees as calculated by Foresight Consulting including an annual inflator adjustment.

**ACTION:** The Finance Committee approved Staff's recommendation.

**NEW BUSINESS**

3. Consider whether the City Clerk or County Clerk-Recorder should conduct the December 2005 Run-Off Election. Recommend to the City Council a Contract with Martin and Chapman be Authorized for Election Services if the City Clerk is selected to conduct the election.

**ACTION:** The Finance Committee recommended the City Clerk conduct the December 13, 2005 Run-Off Election and forward a contract for election services with Martin and Chapman to Council for authorization.

4. Consider acceptance of staff report on the third quarter General Fund revenues and expenditures, and provide input regarding upcoming Budget Workshop schedule and process.

**ACTION:** This item was for information only. No action was taken.

5. Consider staff recommendations regarding General Fund Revenue Opportunities and provide staff with direction.

**ACTION:** This item will return to the Finance Committee during the budget process.

6. Consider letter from Modesto Sister Cities International, regarding City financial contribution.

**ACTION:** This item was for information only. No action was taken. This item will reviewed as part of the budget process.

7. Consider Proposed Sale of City-owned property (Modesto Community Service Center) at 800 East Morris Avenue.

**ACTION:** The Finance Committee approved Staff's recommendation.

8. Consider staff recommendations to approve funding in the amount of \$250,000, to be utilized for INET equipment purchases and authorize the release of an RFP.

**ACTION:** The Finance Committee approved Staff's recommendation.

9. Staff is requesting direction regarding the Local Cable Committee's attached formal request that the City of Modesto Public Access Channel be managed by the newly created non-profit organization, Community Media Network (CMN) and that the remaining Public Access budget in FY04-05 be extended to Community Media Network.

**ACTION:** The Finance Committee recommended extending the budget of \$16,000 and to continue running the program through June 30, 2005.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 9:05 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, April 26, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk’s Announcements: Items 17, 18, 19 and 20-Removed from Consent  
Item 39 continued  
Item 40 removed from the agenda  
Item 46A continued

Declaration of Conflicts of Interest: Mayor Ridenour, Item 7  
Councilmember Hawn, Item 31

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Stanislaus County Commission on Aging proclaiming May as Older Americans Month.

**ACTION:** Presentation made by Mayor Ridenour.

2. Presentation of Proclamation proclaiming May 1-7, 2005 as Modesto Relays Week.

**ACTION:** Presentation made by Mayor Ridenour.

3. Presentation of acknowledging Oscar Madrigal for receiving Operator of the Year from California Water Environment Association.

**ACTION:** Presentation made by Mayor Ridenour.

4. Presentation of a check from Kaiser Permanente Foundation to the Central Valley Farmland Trust for the purpose of establishing an Agricultural Conservation Easement in Stanislaus County.

**ACTION:** Presentation made by Kaiser Permanente representatives.

5. Presentation by Airport Advisory Committee Chairperson Art deWerk of the Committee's 2004 Annual Report for the Modesto City-County Airport.
  - Motion accepting the Airport Advisory Committee's 2004 for the Modesto City-County Airport recommended.

*Public Works; Michael Musca, 577-5318, [mmusca@modestogov.com](mailto:mmusca@modestogov.com)*

**ACTION:** By order of the Chair accepted the Airport Advisory Committee's 2004 for the Modesto City-County Airport.

6. Presentation of the Community Qualities Forum Annual Report.
  - Motion accepting the Community Qualities Forum Annual Report recommended.

*Parks, Recreation & Neighborhoods; Debbie Conder, 577-5391, [dconder@modestogov.com](mailto:dconder@modestogov.com)*

**ACTION:** By order of the Chair accepted the Community Qualities Forum Annual Report.

## MISCELLANEOUS

### Legislation

Mayor Ridenour absent due to Conflict of Interest

7. Consider approving amendments to the 2004-2005 Legislative Platform; and receive the Legislative Update Report by City Staff and Debbie Olson of the League of California Cities.

- Resolution amending the 2004-2005 Legislative Platform recommended.
- Motion accepting the Legislative Update Report recommended.

*City Manager; Bryan Whitemeyer, 571-5580, [bwhitemeyer@modestogov.com](mailto:bwhitemeyer@modestogov.com)*

**ACTION: Resolution 2005-181** (Keating/Dunbar; unan. Ridenour absent) amending the 2004-2005 Legislative Platform with the addition of requesting school districts to make every possible effort to provide 2 access ways .

**ACTION:** By Motion (Keating/Dunbar; unan. Ridenour absent) accepting the Legislative Update Report.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

- Georgianna MacDonald spoke regarding the elected officials.
- Citizen commented on the time limit for oral communications.
- Citizen spoke regarding the time limit.
- Dave Thomas spoke regarding the elected officials and comments made by the City Attorney.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 8 through 38

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

Any and all of the following agenda items are subject to action by the Modesto City Council.

This Agenda is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, in the City Clerk's Office, Sixth Floor, 10<sup>th</sup> Street Place, and is available on the City's Web site at [www.modestogov.com](http://www.modestogov.com).

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

8. Consider approval of the minutes of the regular City Council meeting of April 5, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan.) approved the minutes of April 5, 2005.

## CONSENT

9. Consider annexation of additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 7).
- Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 7) recommended.  
*City Manager; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-182** (Jackman/Keating; unan.), a Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 7).

## CONSENT

10. Consider granting an exception to MMC Section 4-5.10 prohibiting advertising banners in order to hang a banner over J Street celebrating Modesto's "Graffiti Summer" events during the month of June 2005.
- Resolution granting an exception to MMC Section 4-5.10 prohibiting advertising banners in order to hang a banner over J Street celebrating Modesto's "Graffiti Summer" events during the month of June 2005 recommended.  
*City Manager; Bryan Whitemyer, 571-5580, [bwhitemyer@modestogov.com](mailto:bwhitemyer@modestogov.com)*

**ACTION: Resolution 2005-183** (Jackman/Keating; unan.) granting an exception to MMC Section 4-5.10 prohibiting advertising banners in order to hang a banner over J Street celebrating Modesto's "Graffiti Summer" events during the month of June 2005.

## CONSENT

11. Consider amending an agreement with Turnstone Consulting for preparation of the traffic study and biological study for the environmental impact report for the Tivoli (formerly Roselle Neighborhood) Specific Plan in an amount not-to-exceed \$179,679.
- Resolution amending an agreement with Turnstone Consulting for preparation of the traffic study and biological study for the environmental impact report for the Tivoli (formerly Roselle Neighborhood) Specific Plan, pursuant to the California Environmental Quality Act, not to Exceed \$179,679 recommended.  
*Community & Economic Development Department; Paul Liu, 571-5808, [pliu@modestogov.com](mailto:pliu@modestogov.com)*

**ACTION: Resolution 2005-184** (Jackman/Keating; unan.) amending an agreement with Turnstone Consulting for preparation of the traffic study and biological study for the environmental impact report for the Tivoli (formerly Roselle Neighborhood) Specific Plan, pursuant to the California Environmental Quality Act, not to Exceed \$179,679.

## CONSENT

12. Consider approving garbage-billing contracts with Waste Management Holdings, Inc, Gilton Solid Waste Management and Bertolotti Modesto Disposal, Inc.

- Resolution approving garbage-billing contracts with Waste Management Holdings, Inc, Gilton Solid Waste Management and Bertolotti Modesto Disposal, Inc. recommended.

*Finance; Cheryl Detmar, 571-5174, [cdetmar@ci.modesto.ca.us](mailto:cdetmar@ci.modesto.ca.us)*

**ACTION: Resolution 2005-185** (Jackman/Keating; unan.) approving garbage-billing contracts with Waste Management Holdings, Inc, Gilton Solid Waste Management and Bertolotti Modesto Disposal, Inc.

#### CONSENT

13. Consider the Monthly Investment Report for February 2005.

- Motion acknowledging receipt and accepting the Monthly Investment Report for February 2005 recommended.

*Finance; Belinda Duerksen, 577-5376 [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan.) acknowledging receipt and accepting the Monthly Investment Report for February 2005.

#### CONSENT

14. Consider authorizing the Purchasing Supervisor to formally solicit Request for Proposals for the furnishing of polygraph examination services, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$20,475.

- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Proposals for the furnishing of polygraph examination services, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$20,475 recommended.

*Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-186** (Jackman/Keating; unan.) authorizing the Purchasing Supervisor to formally solicit Request for Proposals for the furnishing of polygraph examination services, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$20,475.

#### CONSENT

15. Consider authorizing the award of bid and contract for the furnishing of curb, gutter and sidewalk repair or replacement to K & D Enterprises, Inc., as the “primary” contractor, with Barham Construction, Inc., as the “secondary” contractor, for a three year agreement, with two one-year extension options, for an estimated annual cost of \$246,372.

- Resolution authorizing the award of bid and contract for the furnishing of curb, gutter and sidewalk repair or replacement to K & D Enterprises, Inc., Ceres, CA, as the “primary” contractor, with Barham Construction, Inc., Ceres, CA, as the

“secondary” contractor, for a three year agreement, with two one-year extension options, for an estimated annual cost of \$246,372 recommended.

*Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-187** (Jackman/Keating; unan.) authorizing the award of bid and contract for the furnishing of curb, gutter and sidewalk repair or replacement to K & D Enterprises, Inc., Ceres, CA, as the “primary” contractor, with Barham Construction, Inc., Ceres, CA, as the “secondary” contractor, for a three year agreement, with two one-year extension options, for an estimated annual cost of \$246,372.

#### CONSENT

16. Consider authorizing the award of bid and purchase order for six Model 170E Traffic Signal Controllers and Model 332 Traffic Signal Cabinets to McCain Traffic Supply in the approximate amount of \$33,485.99.

- Resolution authorizing the award of bid and purchase order for six Model 170E Controllers and Model 332 Cabinets to McCain Traffic Supply of Sacramento, CA. in the approximate amount of \$33,485.99 recommended.

*Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Resolution 2005-188** (Jackman/Keating; unan.) authorizing the award of bid and purchase order for six Model 170E Controllers and Model 332 Cabinets to McCain Traffic Supply of Sacramento, CA. in the approximate amount of \$33,485.99.

#### *Item 17 removed from Consent*

17. Consider authorizing the award of bid and contract for a total of seven vehicles for the estimated amount of \$161,686.55. Included in this are five, new, current year/model, pickups and two new, current year/model, trucks with flatbeds to the following vendors: American Chevrolet of Modesto, CA. for five pickups in the approximate amount of \$112,475.51, and to Heritage Ford of Modesto, CA. for two trucks with flatbeds in the approximate amount of \$49,211.04.

- Resolution authorizing the award of bid and contract for a total of seven vehicles for the estimated amount of \$161,686.55 recommended.

*Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Resolution 2005-189** (Jackman/Dunbar; unan.) authorizing the award of bid and contract for a total of seven vehicles for the estimated amount of \$161,686.55.

#### *Item 18 removed from Consent*

18. Consider authorizing the award of bid and contract for eighteen new, current year/model, black and white patrol sedans to Heritage Ford of Modesto, CA. in the approximate amount of \$461,725.07.

- Resolution authorizing the award of bid and contract for eighteen new, current year/model, black and white patrol sedans to Heritage Ford of Modesto, CA. in the approximate amount of \$461,725.07 recommended,

*Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Resolution 2005-190** (Jackman/Dunbar; unan.) authorizing the award of bid and contract for eighteen new, current year/model, black and white patrol sedans to Heritage Ford of Modesto, CA. in the approximate amount of \$461,725.07.

*Item 19 removed from Consent*

19. Consider authorizing the award of bid and contract for twelve new, current year/model, utility trucks and one new, current year/model full size cargo van to the following vendors: American Chevrolet. for seven utility trucks and one full size cargo van in the approximate amount of \$275,026.91; American Truck and Trailer Body for two each, utility trucks in the approximate amount of \$124,997.11; Country Ford for two each, ¾ ton extended cab flatbed dump trucks in the approximate amount of \$54,374.70; and to Melrose Ford for one each, one ton extended cab flatbed truck in the approximate amount of \$36,367.91. The total approximate purchase amount for the twelve utility trucks and one full size cargo van is \$490,766.63.

- Resolution authorizing the award of bid and contract for twelve new, current year/model, utility trucks and one new, current year/model full size cargo van to the following vendors: American Chevrolet of Modesto, CA. for seven utility trucks and one full size cargo van in the approximate amount of \$275,026.91; American Truck and Trailer Body of Tracy, CA. for two each, utility trucks in the approximate amount of \$124,997.11; Country Ford of Ceres, CA. for two each, ¾ ton extended cab flatbed dump trucks in the approximate amount of \$54,374.70; and to Melrose Ford of Oakland CA. for one each, one ton extended cab flatbed truck in the approximate amount of \$36,367.91. The total approximate purchase amount for the twelve utility trucks and one full size cargo van is \$490,766.63 recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-191** (Jackman/Dunbar; unan.) authorizing the award of bid and contract for twelve new, current year/model, utility trucks and one new, current year/model full size cargo van to the following vendors: American Chevrolet of Modesto, CA. for seven utility trucks and one full size cargo van in the approximate amount of \$275,026.91; American Truck and Trailer Body of Tracy, CA. for two each, utility trucks in the approximate amount of \$124,997.11; Country Ford of Ceres, CA. for two each, ¾ ton extended cab flatbed dump trucks in the approximate amount of \$54,374.70; and to Melrose Ford of Oakland CA. for one each, one ton extended cab flatbed truck in the approximate amount of \$36,367.91.

*Item 20 removed from Consent*

20. Consider authorizing the award of bid and contract for eight new, current year/model, specialty trucks and vans to the following vendors: American Chevrolet in the approximate amount of \$276,962.75, Altec Industries in the approximate amount of \$374,373.68; Pacific Tek in the approximate amount of \$156,262.84 in the approximate amount of \$17,480.38. The total approximate purchase amount for the eight vehicles is \$825,079.65.

- Resolution authorizing the award of bid and contract for eight new, current year/model, specialty trucks and vans to the following vendors: American Chevrolet of Modesto, CA. two each, patch truck in the approximate amount of \$276,962.75, Altec Industries of Dixon, CA. for two each, trucks with aerial bucket and one each, van with aerial bucket in the approximate amount of \$374,373.68; Pacific Tek of Santa Ana, CA. for two, each, one ton extended cab & chassis DRW, with value turner in the approximate amount of \$156,262.84; Downtown Ford of Sacramento, CA. for one, one, ¾ ton cargo van in the approximate amount of \$17,480.38 recommended.

*Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Resolution 2005-192** (Jackman/Dunbar; unan.) authorizing the award of bid and contract for eight new, current year/model, specialty trucks and vans to the following vendors: American Chevrolet of Modesto, CA. two each, patch truck in the approximate amount of \$276,962.75, Altec Industries of Dixon, CA. for two each, trucks with aerial bucket and one each, van with aerial bucket in the approximate amount of \$374,373.68; Pacific Tek of Santa Ana, CA. for two, each, one ton extended cab & chassis DRW, with value turner in the approximate amount of \$156,262.84; Downtown Ford of Sacramento, CA. for one, one, ¾ ton cargo van in the approximate amount of \$17,480.38.

#### CONSENT

21. Consider approving an Agreement with Thayer Consulting for professional services related to the selection of an upgrade/replacement system for Modesto Police and Fire Departments' Record Management, Mobile Data Computer, and Automated Field Reporting systems, and authorizing the City Manager to execute the amendment to the Agreement. Total contract amount is \$7,900.
  - Resolution approving an Agreement with Thayer Consulting for professional services related to the selection of an upgrade/replacement system for Modesto Police and Fire Departments' Record Management, Mobile Data Computer, and Automated Field Reporting systems, and authorizing the City Manager to execute the amendment to the Agreement recommended.

*Information Technology, Joyce Engberg, 577-5229, [jengberg@modestogov.com](mailto:jengberg@modestogov.com)*

**ACTION: Resolution 2005-193** (Jackman/Keating; unan.) approving an Agreement with Thayer Consulting for professional services related to the selection of an upgrade/replacement system for Modesto Police and Fire Departments' Record Management, Mobile Data Computer, and Automated Field Reporting systems, and authorizing the City Manager to execute the amendment to the Agreement.

#### CONSENT

22. Consider creating the Flexible Staffing Pilot Program – Customer Services Division – Finance Department (limited to 25% of allocations at the Clerk III level). Adoption of a resolution amending the Position Classification Plan to add the job specifications for the

classifications of Customer Services Account Clerk I, Customer Services Account Clerk II, Customer Services Account Clerk III and Customer Services Accounting Technician.

- Resolution creating the Flexible Staffing Pilot Program – Customer Services Division – Finance Department recommended.
- Resolution amending the Position Classification Plan to add the job specifications for the classifications of Customer Services Account Clerk I, Customer Services Account Clerk II, Customer Services Account Clerk III and Customer Services Accounting Technician recommended.
- Resolution amending the Class Range Table for General Non-Sworn Classes to establish the salary range for Customer Services Account Clerk I at range 109 (\$2,448-\$2975), Customer Services Account Clerk II at range 111 (\$2572-\$3126), Customer Services Account Clerk III at range 115 (\$2838-\$3450) and Customer Services Accounting Technician at range 118 (\$3057-\$3715) recommended.

*Personnel; Janice Stewart, 577-5466, [jstewart@modestogov.com](mailto:jstewart@modestogov.com)*

**ACTION: Resolution 2005-194** (Jackman/Keating; unan.) creating the Flexible Staffing Pilot Program – Customer Services Division – Finance Department.

**ACTION: Resolution 2005-195** (Jackman/Keating; unan.) amending the Position Classification Plan to add the job specifications for the classifications of Customer Services Account Clerk I, Customer Services Account Clerk II, Customer Services Account Clerk III and Customer Services Accounting Technician.

**ACTION: Resolution 2005-196** (Jackman/Keating; unan.) amending the Class Range Table for General Non-Sworn Classes to establish the salary range for Customer Services Account Clerk I at range 109 (\$2,448-\$2975), Customer Services Account Clerk II at range 111 (\$2572-\$3126), Customer Services Account Clerk III at range 115 (\$2838-\$3450) and Customer Services Accounting Technician at range 118 (\$3057-\$3715).

#### CONSENT

23. Consider authorizing the Purchasing Supervisor to issue a Request for Proposals for the establishment of a Broker of Record for the City's employee group insurance programs.
- Resolution authorizing the Purchasing Supervisor to issue a Request for Proposals for the establishment of a Broker of Record for the City's employee group insurance programs recommended.

*Personnel-Risk; Mary Akin, 577-5411, [makin@modestogov.com](mailto:makin@modestogov.com)*

**ACTION: Resolution 2005-197** (Jackman/Keating; unan.) authorizing the Purchasing Supervisor to issue a Request for Proposals for the establishment of a Broker of Record for the City's employee group insurance programs.

#### CONSENT

24. Consider amending an agreement between FM Golf to manage the three City of Modesto municipal golf courses and authorizing the City Manager to execute this amendment to the agreement.
- Resolution amending an agreement between FM Golf to manage the three City of Modesto municipal golf courses and authorizing the City Manager to execute this amendment to the agreement recommended.
- Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Resolution 2005-198** (Jackman/Keating; unan.) amending an agreement between FM Golf to manage the three City of Modesto municipal golf courses and authorizing the City Manager to execute this amendment to the agreement.

#### CONSENT

25. Consider approving an agreement with Wolverine Property Management, a Division of Prudential California Realty to provide property management for certain specified City-owned property, and authorizing the City Manager to sign the agreement.
- Resolution approving an agreement with Wolverine Property Management, a Division of Prudential California Realty to provide property management for certain specified City-owned property, and authorizing the City Manager to sign the agreement recommended.
- Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-199** (Jackman/Keating; unan.) approving an agreement with Wolverine Property Management, a Division of Prudential California Realty to provide property management for certain specified City-owned property, and authorizing the City Manager to sign the agreement.

#### CONSENT

26. Consider approving a grant application for \$43,000 in Federal Land and Water Conservation Fund program funding for picnic facilities and other seating along Phase III of the Virginia Avenue Corridor Trail Project, and authorizing the City Manager or his designee to execute the application.
- Resolution approving a grant application for \$43,000 in Federal Land and Water Conservation Fund program funding for picnic facilities and other seating along Phase III of the Virginia Avenue Corridor Trail Project, and authorizing the City Manager or his designee to execute the application recommended.
- Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-200** (Jackman/Keating; unan.) approving a grant application for \$43,000 in Federal Land and Water Conservation Fund program funding for picnic facilities and other seating along Phase III of the Virginia Avenue Corridor Trail Project, and authorizing the City Manager or his designee to execute the application.

#### CONSENT

27. Consider approving mid-year adjustments to the 2004-2005 City/County Waste-to-Energy Project Budget, and approving the 2005-2006 Waste-to-Energy Project budget.
- Resolution approving mid-year adjustments to the 2004-2005 City/County Waste-to-Energy Project Budget, and approving the 2005-2006 Waste-to-Energy Project budget recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: Resolution 2005-201** (Jackman/Keating; unan.) approving mid-year adjustments to the 2004-2005 City/County Waste-to-Energy Project Budget, and approving the 2005-2006 Waste-to-Energy Project budget.

#### CONSENT

28. Consider approving the allocation of Community Development Block Grant (CDBG) funds of \$435,953 for public services and \$52,801 for services for the homeless, and Emergency Shelter Grant (ESG) funds of \$23,011 for FY 2005-2006; and consider authorizing staff to conduct a second round of review for proposals originally deemed ineligible due to incomplete documentation, utilizing \$22,199 of CDBG funds designated for homeless services, and \$81,380 in ESG funds.
- Resolution accepting the recommendations of the Citizens Housing & Community Development Committee (CH&CDC) to allocate Community Development Block Grant (CDBG) funds of \$435,953 for public services and \$52,801 for services for the homeless, and Emergency Shelter Grant (ESG) funds of \$23,011 for FY 2005-2006, and authorizing the City Manager or his designee to sign and execute the agreements to implement the approved programs.
  - Resolution accepting the recommendation of the CH&CDC to conduct a second round of review for proposals originally deemed ineligible due to incomplete documentation, utilizing \$22,199 of CDBG funds designated for homeless services, and \$81,380 in ESG funds.
- Parks, Recreation & Neighborhoods; Laurie Mason, 577-5368, [lmason@modestogov.com](mailto:lmason@modestogov.com)*

**ACTION: Resolution 2005-202** (Jackman/Keating; unan.) accepting the recommendations of the Citizens Housing & Community Development Committee (CH&CDC) to allocate Community Development Block Grant (CDBG) funds of \$435,953 for public services and \$52,801 for services for the homeless, and Emergency Shelter Grant (ESG) funds of \$23,011 for FY 2005-2006, and authorizing the City Manager or his designee to sign and execute the agreements to implement the approved programs

**ACTION: Resolution 2005-203** (Jackman/Keating; unan.) accepting the recommendation of the CH&CDC to conduct a second round of review for proposals originally deemed ineligible due to incomplete documentation, utilizing \$22,199 of CDBG funds designated for homeless services, and \$81,380 in ESG funds.

#### CONSENT

29. Consider amending Sections 3 and 14 of Resolution No. 2004-627 entitled “A resolution rescinding all previous water fee resolutions, establishing a single rate base, and establishing fees for the provision of water and all fees associated with water operations and management” to require connection fees be paid at the time the building permit is issued.
- Resolution amending Sections 3 and 14 of Resolution No. 2004-627 entitled “A resolution rescinding all previous water fee resolutions, establishing a single rate base, and establishing fees for the provision of water and all fees associated with water operations and management” recommended.

*Public Works; Jana Coons, 342-2281, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION: Resolution 2005-204** (Jackman/Keating; unan.) amending Sections 3 and 14 of Resolution No. 2004-627 entitled “A resolution rescinding all previous water fee resolutions, establishing a single rate base, and establishing fees for the provision of water and all fees associated with water operations and management.”

#### CONSENT

30. Consider accepting the work by Allright Diversified Services, Inc., for the “ADA Upgrades for King-Kennedy Memorial Center ” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$180,342.73 per the contract. Total project cost is \$280,998.35.
- Resolution accepting the work by Allright Diversified Services, Inc., for the “ADA Upgrades for King-Kennedy Memorial Center ” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$180,342.73 per the contract recommended.

*Public Works; Pamela Marquez, 577-5423, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-205** (Jackman/Keating; unan.) accepting the work by Allright Diversified Services, Inc., for the “ADA Upgrades for King-Kennedy Memorial Center ” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$180,342.73 per the contract.

#### *Councilmember Hawn absent due to Conflict of Interest*

31. Consider increasing the Public Works Director’s authority to issue change orders on the “Interior Improvements – Wastewater Collection Maintenance Building” project from \$125,484.55 to \$145,746.00, approximately 19 and 22 percent respectively of the original contract price with The McDonald Glenn Company; and consider amending the FY 2004-2005 Capital Improvement Budget to reduce the appropriation in account number 6210-440-5201-0235, Services, Professional & Other, by \$7,500, and return these monies to the Wastewater Fund Reserve Balance to be reallocated; and to appropriate \$7,500 from Wastewater Reserves to project account number 6210-480-F743-6040, Wastewater Collection Maintenance Building, thereby fully funding the project titled “Interior Improvements - Wastewater Collection Maintenance Building”; and consider accepting

the work by The McDonald Glenn Company for the “Interior Improvements – Wastewater Collection Maintenance Building” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$806,191 per the contract (Total project cost is \$2,346,647); and consider approving the fourth amendment with Grothe & Smith Architects, in the amount of \$2,232, for additional work not included in the original agreement, to provide architectural services for the Wastewater Collection Maintenance Building, and authorizing the City Manager to execute the amendment to the agreement

- Resolution increasing the Public Works Director’s authority to issue change orders on the “Interior Improvements – Wastewater Collection Maintenance Building” project from \$125,484.55 to \$145,746.00, approximately 19 and 22 percent respectively of the original contract price with The McDonald Glenn Company recommended.
- Resolution amending the FY 2004-2005 Capital Improvement Budget to:
  - Reduce the appropriation in account number 6210-440-5201-0235, Services, Professional & Other, by \$7,500, and return these monies to the Wastewater Fund Reserve Balance to be reallocated.
  - Appropriate \$7,500 from Wastewater Reserves to project account number 6210-480-F743-6040, Wastewater Collection Maintenance Building, thereby fully funding the project titled “Interior Improvements - Wastewater Collection Maintenance Building” recommended.
- Resolution accepting the work by The McDonald Glenn Company for the “Interior Improvements – Wastewater Collection Maintenance Building” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$806,191 per the contract recommended.
- Resolution approving the fourth amendment with Grothe & Smith Architects, in the amount of \$2,232, for additional work not included in the original agreement, to provide architectural services for the Wastewater Collection Maintenance Building, and authorizing the City Manager to execute the amendment to the agreement recommended.

*Public Works; Pamela Marquez, 577-5423, [pmarquez@modestogov.com](mailto:pmarquez@modestogov.com)*

**ACTION: Resolution 2005-206** (Jackman/Keating; unan. Hawn absent) increasing the Public Works Director’s authority to issue change orders on the “Interior Improvements – Wastewater Collection Maintenance Building” project from \$125,484.55 to \$145,746.00, approximately 19 and 22 percent respectively of the original contract price with The McDonald Glenn Company.

**ACTION: Resolution 2005-207** (Jackman/Keating; unan. Hawn absent) amending the FY 2004-2005 Capital Improvement Budget to:

- Reduce the appropriation in account number 6210-440-5201-0235, Services, Professional & Other, by \$7,500, and return these monies to the Wastewater Fund Reserve Balance to be reallocated.
- Appropriate \$7,500 from Wastewater Reserves to project account number 6210-480-F743-6040, Wastewater Collection Maintenance Building,

thereby fully funding the project titled “Interior Improvements - Wastewater Collection Maintenance Building”

**ACTION: Resolution 2005-208** (Jackman/Keating; unan. Hawn absent) accepting the work by The McDonald Glenn Company for the “Interior Improvements – Wastewater Collection Maintenance Building” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$806,191 per the contract

**ACTION: Resolution 2005-209** (Jackman/Keating; unan. Hawn absent) approving the fourth amendment with Grothe & Smith Architects, in the amount of \$2,232, for additional work not included in the original agreement, to provide architectural services for the Wastewater Collection Maintenance Building, and authorizing the City Manager to execute the amendment to the agreement.

#### CONSENT

32. Consider authorizing the submission of an application for grant funding from the Urban Forestry Grant Program, as provided through Proposition 12, in the amount of \$50,000, with a \$12,500 local match requirement, for Community Forestry Reforestation.
- Resolution authorizing submission of an application for grant funding from the Urban Forestry Grant Program, as provided through Proposition 12, in the amount of \$50,000, with a \$12,500 local match requirement, for Community Forestry Reforestation recommended.

*Public Works; Bill Dufrense, 342-2243, [bdufrense@modestogov.com](mailto:bdufrense@modestogov.com)*

**ACTION: Resolution 2005-210** (Jackman/Keating; unan.) authorizing submission of an application for grant funding from the Urban Forestry Grant Program, as provided through Proposition 12, in the amount of \$50,000, with a \$12,500 local match requirement, for Community Forestry Reforestation.

#### CONSENT

33. Consider authorizing the award of bid and contract to HDR for on-call engineering services for the Public Works Department-Wastewater Collections Division for a period of one year, with four one-year extension options, at an anticipated annual cost of \$44,000, and authorizing the City Manager or designee to execute the contract
- Resolution authorizing the award of bid and contract to HDR for on-call engineering services for the Public Works Department-Wastewater Collections Division for a period of one year, with four (4) one-year extension options, at an anticipated annual cost of \$44,000, and authorizing the City Manager or designee to execute the contract recommended.

*Public Works; Robert Howard, 577-6300, [rhoward@modestogov.com](mailto:rhoward@modestogov.com)*

**ACTION: Resolution 2005-211** (Jackman/Keating; unan.) authorizing the award of bid and contract to HDR for on-call engineering services for the Public Works Department-Wastewater Collections Division for a period of one year, with four (4) one-year

extension options, at an anticipated annual cost of \$44,000, and authorizing the City Manager or designee to execute the contract.

CONSENT

34. Consider approving the submittal of a grant application for a Small Community Air Service Development Program in the amount of \$550,000 to the Department of Transportation (DOT) for an airlines start-up incentive package, and authorizing the City Manager, or his designee, to execute the application on behalf of the City of Modesto.

- Resolution approving the submittal of a grant application for a Small Community Air Service Development Program in the amount of \$550,000 to the Department of Transportation (DOT) for an airlines start-up incentive package, and authorizing the City Manager, or his designee, to execute the application on behalf of the City of Modesto recommended.

*Public Works; Michael Musca, 577-5318, [mmusca@modestgov.com](mailto:mmusca@modestgov.com)*

**ACTION: Resolution 2005-212** (Jackman/Keating; unan.) approving the submittal of a grant application for a Small Community Air Service Development Program in the amount of \$550,000 to the Department of Transportation (DOT) for an airlines start-up incentive package, and authorizing the City Manager, or his designee, to execute the application on behalf of the City of Modesto.

CONSENT

35. Consider accepting the bid and approving a \$132,162.80 contract with Teichert Construction for the project titled, "Rumble Road Sidewalks," and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$237,239, which includes right-of-way, construction contingency, construction administration and engineering design.
- Resolution accepting the bid and approving a \$132,162.80 contract with Teichert Construction for the project titled, "Rumble Road Sidewalks," and authorizing the City Manager to execute the contract recommended.
- Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-213** (Jackman/Keating; unan.) accepting the bid and approving a \$132,162.80 contract with Teichert Construction for the project titled, "Rumble Road Sidewalks," and authorizing the City Manager to execute the contract.

CONSENT

36. Consider approving the award of a professional services agreement to Brown and Caldwell, for \$342,473.96 to complete Design Services for the Celeste, Rose, and Scenic sanitary sewer improvements, and authorizing the City Manager to execute the agreement.
- Resolution approving the award of a professional services agreement to Brown and Caldwell, for \$342,473.96 to complete Design Services for the Celeste, Rose, and Scenic sanitary sewer improvements, and authorizing the City Manager to execute the agreement recommended.
- Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-214** (Jackman/Keating; unan.) approving the award of a professional services agreement to Brown and Caldwell, for \$342,473.96 to complete Design Services for the Celeste, Rose, and Scenic sanitary sewer improvements, and authorizing the City Manager to execute the agreement.

CONSENT

37. Consider accepting the Scenic/Coffee Intersection improvements for forty feet of right-of-way to the north of the property at the intersection of Coffee Road, and authorizing the City Clerk to file a Notice of Completion, to release the securities upon expiration of statutory periods.

- Resolution accepting the Scenic/Coffee Intersection improvements for forty (40) feet of right-of-way to the north of the property at the intersection of Coffee Road, and authorizing the City Clerk to file a Notice of Completion, to release the performance and labor & materials securities upon expiration of statutory periods and to release the warranty security on April 26, 2006 recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-215** (Jackman/Keating; unan.) accepting the Scenic/Coffee Intersection improvements for forty (40) feet of right-of-way to the north of the property at the intersection of Coffee Road, and authorizing the City Clerk to file a Notice of Completion, to release the performance and labor & materials securities upon expiration of statutory periods and to release the warranty security on April 26, 2006.

#### CONSENT

38. Consider approving the Final Map of the Kodiak Village III Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owner: PPC Tuolumne Grove 2 LLC, a California Limited Liability Company).
- Resolution approving the Final Map of the Kodiak Village III Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by section 4-4.604(c) of the Municipal Code (Owner: PPC Tuolumne Grove 2 LLC, a California Limited Liability Company) recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-216** (Jackman/Keating; unan.) approving the Final Map of the Kodiak Village III Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by section 4-4.604(c) of the Municipal Code (Owner: PPC Tuolumne Grove 2 LLC, a California Limited Liability Company).

#### COUNCIL COMMENTS & REPORTS

None.

#### HEARINGS

*This item is continued to May 24, 2005.*

39. Consider introducing an annual Home Business Permit Fee to individual(s) conducting a business in or from a residential dwelling, if all the conditions, specified in the municipal code are met. This fee will be renewed annually with the business license fee.
- Motion continuing this hearing to May 24, 2005 recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION:** By Motion (Hawn/Dunbar; unan.) continuing this hearing to May 24, 2005.

*This item was continued from March 22, 2005.*

*It is requested that this item be removed from the Agenda.*

40. Hearing to consider approving a waiver of Capital Facility Fees for 1932 Evergreen Avenue, and authorize the City Manager to execute the Exemption Agreement.  
*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION:** This item was removed from the agenda.

41. Hearing to consider rescinding a Development Agreement with Berberian Properties, LLC, for the Village Center to vest the right to develop the property under the fee structure in effect prior to September 3, 2003.

- Motion introducing an Ordinance rescinding Ordinance No. 3318-C.S., the Ordinance that approved the Development Agreement, recommended.

*Community & Economic Development; Steve Mitchell, 571-5808, [smitchell@modestogov.com](mailto:smitchell@modestogov.com)*

**ACTION:** By Motion (Keating/Marsh; unan.) **introduced Ordinance No. 3385-C.S.** rescinding Ordinance No. 3318-C.S., the Ordinance that approved the Development Agreement.

42. Hearing to consider the application of Naraghi Trust regarding a precise plan for area 19 within the Village One Specific Plan and concurrent rezoning from Specific Plan Holding Zone to Specific Plan Overlay Zone, property located at the North Side of Floyd Ave, between Temescal and Lincoln Oak Drives.

- Motion introducing an Ordinance adopting a Precise Plan for Area No. 19 of the Village One Specific Plan, relating to property located on the north side of Floyd Avenue between Temescal Drive and Lincoln Oak Drive (Naraghi Trust) recommended.
- Motion introducing an Ordinance approving rezoning Village One Property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located on the north side of Floyd Avenue between Temescal Drive and Lincoln Oak Drive (Naraghi Trust) recommended.
- Resolution finding that the following project is within the Sscope of the Village One Program Environmental Impact Report (Sch No. 90020181), as amended by the Supplemental EIR: Application for a Precise Plan For Area No. 19 of the Village One Specific Plan and for concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located at the north side of Floyd Avenue, between Temescal and Lincoln Oak Drives (Naraghi Trust) recommended.

*Community & Economic Development; Josh Bridegroom; 571-5808, [jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION:** By Motion (Dunbar/Jackman; unan.) **introduced Ordinance No. 3386-C.S.** adopting a Precise Plan for Area No. 19 of the Village One Specific Plan, relating to property located on the north side of Floyd Avenue between Temescal Drive and Lincoln Oak Drive (Naraghi Trust).

**ACTION:** By Motion (Dunbar/Jackman; unan.) **introduced Ordinance No. 3387-C.S.** approving rezoning Village One Property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located on the north side of Floyd Avenue between Temescal Drive and Lincoln Oak Drive (Naraghi Trust).

**ACTION: Resolution 2005-217** (Dunbar/Jackman; unan) finding that the following project is within the Sscope of the Village One Program Environmental Impact Report (Sch No. 90020181), as amended by the Supplemental EIR: Application for a Precise Plan For Area No. 19 of the Village One Specific Plan and for concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located at the north side of Floyd Avenue, between Temescal and Lincoln Oak Drives (Naraghi Trust).

43. Hearing to consider renaming the segment of N. Martin Luther King Drive located in between Maze Blvd and Paradise Ave, to S. Martin Luther King Drive.
- Resolution renaming the segment of N. Martin Luther King Drive located between Maze Boulevard and Paradise Avenue, to S. Martin Luther King Drive recommended.

*Community & Economic Development; Daniel De La O, 577-5302, [ddelao@modestogov.com](mailto:ddelao@modestogov.com)*

**ACTION: Resolution 2005-218** (Marsh/Hawn; unan.) renaming the segment of N. Martin Luther King Drive located between Maze Boulevard and Paradise Avenue, to S. Martin Luther King Drive.

44. Hearing to consider an application by Bob Erickson for an amendment to the existing Planned Development Zone P-D(371), to allow C-2 Zone uses for the site located on the south side of Briggsmore Avenue east of Prescott Road (2000 W. Briggsmore Avenue).
- Motion introducing an Ordinance Amending Ordinance No. 2327-C.S., adding C-2 Zone uses to the permitted use list (Section 2 Uses) (Bob Erickson) recommended.
  - Resolution amending Section 1 of City Council Resolution No. 85-240 entitled "A Resolution approving a development plan for Planned Development Zone, P-D(371), (Robert L. Erickson)" (Bob Erickson) recommended.
  - Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 1999082041): Amending planned Development Zone P-D(371), property located at 2000 West Briggsmore Avenue (Bob Erickson) recommended.

*Community & Economic Development; Daniel De La O, 577-5302, [ddelao@modestogov.com](mailto:ddelao@modestogov.com)*

**ACTION:** By Motion (Marsh/Dunbar; unan.) **introduced Ordinance No. 3388-C.S.** amending Ordinance No. 2327-C.S., adding C-2 Zone uses to the permitted use list (Section 2 Uses) (Bob Erickson).

**ACTION: Resolution 2005-219** (Marsh/Dunbar; unan) amending Section 1 of City Council Resolution No. 85-240 entitled “A Resolution approving a development plan for Planned Development Zone, P-D(371), (Robert L. Erickson)” (Bob Erickson).

**ACTION: Resolution 2005-220** (Marsh/Dunbar; unan) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 1999082041): Amending planned Development Zone P-D(371), property located at 2000 West Briggsmore Avenue (Bob Erickson).

45. Hearing to consider adopting a Resolution of Necessity to acquire real property and the improvements thereon at 2500 Sylvan Avenue, 2512 Sylvan Avenue, and 2514 Sylvan Avenue for the Sylvan Widening Project from Josephine Cipponeri as Trustee of the Josephine Cipponeri 1999 Trust (located on APN 077-046-079).

- Resolution of Necessity to acquire real property and improvements thereon at 2500 Sylvan Avenue, 2512 Sylvan Avenue, and 2514 Sylvan Avenue for the Sylvan Widening Project from Josephine Cipponeri as Trustee of the Josephine Cipponeri 1999 Trust (located on APN 077-046-079) recommended.

*Public Works; Dean Phillips* 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)

**ACTION: Resolution 2005-221** (O’Bryant/Hawn; majority; Jackman no) a Resolution of Necessity to acquire real property and improvements thereon at 2500 Sylvan Avenue, 2512 Sylvan Avenue, and 2514 Sylvan Avenue for the Sylvan Widening Project from Josephine Cipponeri as Trustee of the Josephine Cipponeri 1999 Trust (located on APN 077-046-079).

46. Hearing to consider proposed fare increases for the Modesto Area Express (MAX) Bay Area Rapid Transit (BART) Express commuter bus service to become effective August 1, 2005; and supporting the purchase of a commuter bus for the BART Express service.

- Resolution approving proposed fare increases for the Modesto Area Express (MAX) Bay Area Rapid Transit (BART) Express commuter bus service to become effective August 1, 2005 recommended
- Resolution authorizing staff to proceed with plans to purchase a commuter bus for the BART Express service.

*Public Works; Fred Cavanah*, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)

**ACTION: Resolution 2005-222** (Marsh/Dunbar; unan.) approving proposed fare increases charging \$130.00 for a monthly pass using the same percentage increase for the one way and round trip (rounded to the nearest dollar) for the Modesto Area Express (MAX) Bay Area Rapid Transit (BART) Express commuter bus service to become effective August 1, 2005.

**ACTION: Resolution 2005-223** (Marsh/Dunbar; unan.) authorizing staff to proceed with plans to purchase a commuter bus for the BART Express service.

Recess 8:50 p.m.  
Reconvene 9:00

*It is request that this item be continued to June 28, 2005*

46A. Hearing to consider the Mitigated Negative Declaration for Sutton Community Park; and Consider the Design Development Report and Master Plan included therein for Sutton Community Park.

- Motion continuing the public hearing to June 28, 2005 recommended.  
*Parks, Recreation & Neighborhoods; Bob Ford, 577-5347, [bford@modestogov.com](mailto:bford@modestogov.com)*

**ACTION:** By Motion (Hawn/Dunbar; unan.) continued the public hearing to June 28, 2005.

## NEW BUSINESS

47. Consider authorizing a Request for Proposals for pruned refuse, leaf, and forestry materials collection services, for a five-year period, with an option to renegotiate for an additional five-year period, and with an option to provide a quotation for composting services.

- Resolution authorizing the Purchasing Supervisor to prepare and release a Request for Proposals (RFP) for Pruned Refuse, Leaf, and Forestry Materials Collection Services for a five-year period, with an option to renegotiate for an additional five-year period, and with an option to provide a quotation for composting services recommended.
- Motion directing staff to meet and confer with MCEA and MCMA related to the impacts to full-time employees that might occur as a result of contracting out these services recommended.

*Finance; Mark Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION: Resolution 2005-224** (Jackman/Keating; unan.) authorizing the Purchasing Supervisor to prepare and release a Request for Proposals (RFP) for Pruned Refuse, Leaf, and Forestry Materials Collection Services for a five-year period, with an option to renegotiate for an additional five-year period, and with an option to provide a quotation for composting services.

**ACTION:** By Motion (Jackman/Keating; unan.) directing staff to meet and confer with MCEA and MCMA related to the impacts to full-time employees that might occur as a result of contracting out these services.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 9:15 p.m.

All closed sessions heard prior to the meeting.

### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code:  
One case.

Facts and Circumstances: The City desires to purchase via eminent domain proceedings property necessary for widening of Sylvan Avenue.

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

(Pursuant to Section 54956.8 of the Government Code)

**Property:** Acquisition of Sylvan School District surplus property located on Floyd Avenue, at the intersection of Floyd Avenue and Lincoln Oak Drive

APN: 077-008-027 - .48 Acres ±

**Negotiating parties:** Vickey Dion, CFD Engineer –for the City of Modesto

Ron Lebs- negotiating for Sylvan Union School District

**Under negotiation:** Price and terms of sale of property

#### **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

**Once Case** (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *Del Rio Community Association, et al. v City of Modesto, et al.*  
Stanislaus County Superior Court No. 352962

#### **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: one case

Facts and Circumstances: A City employee has filed a discrimination claim with the California Department of Fair Employment and Housing

**CONFERENCE WITH LABOR NEGOTIATIONS**  
(Pursuant to Section 54954.6 of the Government Code)

Agency Negotiators: George Britton, Acting City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case.

Facts and Circumstances: A previous settlement of a salary disparity allegation was calculated incorrectly. Discussion with Council regarding proposed correction.

MINUTES  
**City of Modesto**  
CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, May 3, 2005, at 5:30 p.m.

Roll Call – Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Pastor Cliff Sexton, First Baptist Church

City Clerk’s Announcements: Item 13 and 14 removed from agenda.

Declaration of Conflicts of Interest Dunbar – Item 15

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of proclamation to the Stanislaus County Asthma Coalition proclaiming May 3, 2005 World Asthma Day.

**ACTION:** Mayor Ridenour presented the proclamation.

2. Presentation of a proclamation declaring May 1-7, 2005 as Arson Awareness Week.

**ACTION:** Presentation made by Mayor Ridenour.

3. Presentation of Citizens Commendations by Fire Chief James Miguel.

**ACTION:** Presentation made to Joe Schlicking, employee of Savemart by Chief Miguel.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

- Citizen Monterosso requested a CFF deferral item for property on Evergreen be placed on the May 10, 2005 Council agenda.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 4 through 14

**ACTION Items 4, 5, 6, 7, 8, 9, 10, 11, 12:** Jackman/Hawn; unan.

**ACTION Item 13:** No action taken.

**ACTION Item 14:** Jackman/Keating; unan.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

#### CONSENT

4. Consider approval of the minutes of the regular City Council meeting of April 26, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn; unan.) approved the minutes of April 26, 2005.

#### CONSENT

5. Consider the final adoption of the following Ordinances, introduced at the Council meeting of April 26, 2005:
  - a) **Ordinance No. 3385-C.S.** rescinding Ordinance No. 3318-C.S., the Ordinance that approved the Development Agreement.

**ACTION:** By Motion (Jackman/Hawn; unan.) approved the **final adoption of Ordinance No. 3385-C.S.** rescinding Ordinance No. 3318-C.S., the Ordinance that approved the Development Agreement

- b) **Ordinance No. 3386-C.S.** adopting a Precise Plan for Area No. 19 of the Village One Specific Plan, relating to property located on the north side of Floyd Avenue between Temescal Drive and Lincoln Oak Drive (Naraghi Trust).

**ACTION:** By Motion (Jackman/Hawn; unan.) approved the **final adoption of Ordinance No. 3386-C.S.** adopting a Precise Plan for Area No. 19 of the Village One Specific Plan, relating to property located on the north side of Floyd Avenue between Temescal Drive and Lincoln Oak Drive (Naraghi Trust)

- c) **Ordinance No. 3387-C.S.** approving rezoning Village One Property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located on the north side of Floyd Avenue between Temescal Drive and Lincoln Oak Drive (Naraghi Trust).

**ACTION:** By Motion (Jackman/Hawn; unan) approved the **final adoption of Ordinance No. 3387-C.S.** approving rezoning Village One Property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located on the north side of Floyd Avenue between Temescal Drive and Lincoln Oak Drive (Naraghi Trust).

- d) **Ordinance No. 3388-C.S.** amending Ordinance No. 2327-C.S., adding C-2 Zone uses to the permitted use list (Section 2 Uses) (Bob Erickson).

**ACTION:** By Motion (Jackman/Hawn; unan) approved the **final adoption of Ordinance No. 3388-C.S.** amending Ordinance No. 2327-C.S., adding C-2 Zone uses to the permitted use list (Section 2 Uses) (Bob Erickson).

#### CONSENT

6. Consider accepting with regret the resignation of James E. Leonard from the Airport Advisory Committee.
- Resolution accepting with regret the resignation of James E. Leonard from the Airport Advisory Committee recommended.
- City Manager; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Resolution 2005-225** (Jackman/Hawn; unan) accepting with regret the resignation of James E. Leonard from the Airport Advisory Committee.

#### CONSENT

7. Consider authorizing the City Manager to apply for the National Assistance to Firefighter's Grant Program funding in the amount of \$390,000, for the purchase of a rescue unit, and to execute the necessary grant application documents.
- Resolution authorizing the City Manager to apply for the National Assistance to Firefighter's Grant Program funding in the amount of \$390,000, for the purchase of a rescue unit, and to execute the necessary grant application documents recommended.
- Fire Department; Chief James Miguel, 572-9590, [jmiguel@modestofire.com](mailto:jmiguel@modestofire.com)*

**ACTION: Resolution 2005-226** (Jackman/Hawn; unan) authorizing the City Manager to apply for the National Assistance to Firefighter's Grant Program funding in the amount of \$390,000, for the purchase of a rescue unit, and to execute the necessary grant application documents.

## CONSENT

8. Consider amending the 2004/2005 budget, estimating revenue of \$20,000 from Asset Forfeitures and expenses of \$20,000 for the replacement of three police canines and the associated costs for their purchase.
- Resolution amending the 2004/2005 budget, estimating revenue of \$20,000 from Asset Forfeitures and expenses of \$20,000 for the replacement of three police canines and the associated costs for their purchase recommended.
- Police; Ron Cloward, 572-9500, [clowardr@modestopd.com](mailto:clowardr@modestopd.com)*

**ACTION: Resolution 2005-227** (Jackman/Hawn; unan) amending the 2004/2005 budget, estimating revenue of \$20,000 from Asset Forfeitures and expenses of \$20,000 for the replacement of three police canines and the associated costs for their purchase.

## CONSENT

9. Consider authorizing the City Manager to execute an agreement with Yosemite Community College District for the provision of one Modesto Police Sergeant to serve as Academy Coordinator of the Police Academy; and increasing the Police Department's Position Allocation by one Police Sergeant.
- Resolution authorizing the City Manager to execute an agreement with Yosemite Community College District for the provision of one Modesto Police Sergeant to serve as Academy Coordinator of the Police Academy recommended.
  - Resolution increasing the Police Department's Position Allocation by one Police Sergeant recommended.
- Police; Kevin Finnerty, 525-4703, [finnertyk@modestopd.com](mailto:finnertyk@modestopd.com)*

**ACTION: Resolution 2005-228** (Jackman/Hawn; unan) authorizing the City Manager to execute an agreement with Yosemite Community College District for the provision of one Modesto Police Sergeant to serve as Academy Coordinator of the Police Academy.

**ACTION: Resolution 2005-229** (Jackman/Hawn; unan) increasing the Police Department's Position Allocation by one Police Sergeant.

## CONSENT

10. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of pump station rejuvenation services, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$328,737.
- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of pump station rejuvenation services, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$328,737 recommended.
- Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-230** (Jackman/Hawn; unan) authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of pump station rejuvenation services, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$328,737.

CONSENT

11. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of well rehabilitation services, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$169,987.

- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of well rehabilitation services, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$169,987 recommended.

*Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-231** (Jackman/Hawn; unan) authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of well rehabilitation services, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$169,987.

CONSENT

12. Consider approving the Monthly Budget Adjustments for April 2005.

- Resolution approving the Monthly Budget Adjustments for April 2005 recommended.

*Finance; Gail Bailey, 571-5511, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-232** (Jackman/Hawn; unan) approving the Monthly Budget Adjustments for April 2005.

Removed from Consent

13. Consider a report on the status of the Modesto Federal Building.

- Motion accepting staff report on the status of the Modesto Federal Building recommended.

*Parks, Recreation & Neighborhoods; James Niskanen, 577-5351, [jniskanen@modestogov.com](mailto:jniskanen@modestogov.com)*

**ACTION:** No action taken on this item.

Removed from Consent

14. Consider authorizing an application to the Stanislaus Council of Governments for Federal Congestion Mitigation and Air Quality funds for various projects throughout the City and to execute the necessary documents to obtain said funding.

- Resolution authorizing the City Manager, or his authorized designee, to apply to the Stanislaus Council of Governments for Federal Congestion Mitigation and Air Quality funds for various projects throughout the City and to execute the necessary documents to obtain said funding recommended.

*Public Works; Jeff Barnes, 577-5468, [jbarnes@modestgov.com](mailto:jbarnes@modestgov.com)*

**ACTION: Resolution 2005-233** (Jackman/Keating; unan.) authorizing the City Manager, or his authorized designee, to apply to the Stanislaus Council of Governments for Federal Congestion Mitigation and Air Quality funds for various projects throughout the City, including a 5<sup>th</sup> and I Street left turn lane and an evaluation of the intersection of Carpenter and Hatch to be used as a roundabout or signalized intersection, and to execute the necessary documents to obtain said funding.

### COUNCIL COMMENTS & REPORTS

None

### UNFINISHED BUSINESS

Councilmember Dunbar absent due to conflict of interest.

*This item was discussed at the April 5, 2005 Council Meeting.*

*This item will be moved to follow Acknowledgements & Presentations.*

15. Council discussion and review of Sylvan School District's request that roundabouts not be installed at Merle/Maid Marianne and Lincoln Oak Drive/Kodiak Drive and reconsidered at Kodiak/Roselle and Roselle/Floyd. Council may provide further direction to staff on current Roundabout Policies.

*Public Works; Jeff Barnes, 577-5249, [jbarnes@modestgov.com](mailto:jbarnes@modestgov.com)*

**ACTION:** By motion (Hawn/Jackman; Dunbar absent) staff was directed to continue with the current roundabout policy.

### NEW BUSINESS

16. Consider accepting the 2004 Pursuit Analysis and 2004 Use of Force Analysis.
- Motion accepting the 2004 Pursuit Analysis and 2004 Use of Force Analysis recommended.

*Police Michael Harden, 342-6122, [hardenm@modestopd.com](mailto:hardenm@modestopd.com)*

**ACTION:** By Motion (Jackman/Marsh; unan.) accepting the 2004 Pursuit Analysis and 2004 Use of Force Analysis.

Removed from the agenda.

17. Council discussion of the City of Modesto Development Process Improvement Program Action Plan.  
*Community & Economic Development; Brad Kilger, 577-5337, [bkilger@modestogov.com](mailto:bkilger@modestogov.com)*

**ACTION:** Removed from the agenda.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:30 p.m.

### **CLOSED SESSION**

All closed sessions heard prior to the meeting.

### **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: one case

Facts and Circumstances: A City employee has filed a discrimination claim with the California Department of Fair Employment and Housing

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, May 9, 2005, at 5:30 p.m.**

Roll Call: Present: Councilmembers Jackman, Keating, Marsh

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 6

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

1. Consider receiving status report of development projects processed by the Community & Economic Development Department

**ACTION:** This item was for information only. No action was taken.

#### CONSENT

37. Consider receiving status report on the Housing Element Implementation Work Program

**ACTION:** The Economic Development Committee accepted the status report and this item will be reviewed at the next Committee meeting.

CONSENT

38. Consider receiving status report on the SR219 Widening Project

**ACTION:** This item was for information only. No action was taken.

CONSENT

39. Consider recommendation to solicit request for proposals for professional assistance for the Wastewater Treatment Plant (WWTP) NPDES permit for discharge to the San Joaquin River

**ACTION:** The Economic Development Committee approved Staff's recommendation.

CONSENT

40. Consider recommendation to authorize staff to initiate appropriate actions to complete long-term ground leases for three (3) parcels of airport land

**ACTION:** The Economic Development Committee approved Staff's recommendation.

CONSENT

41. Consider recommending to the City Council a resolution establishing Local Limits for Discharge of Molybdenum into the City of Modesto's Wastewater System

**ACTION:** The Economic Development Committee approved Staff's recommendation.

**NEW BUSINESS**

42. Consider approving staff recommendations for revisions to the Outdoor Dining Ordinance No. 3054-C.S.

**ACTION:** This item was removed from the Agenda.

43. Consider staff recommendation to update land values from the 2003 Capital Facilities Fee Program and amend the 2003 Capital Facilities Fee Program

**ACTION:** The Economic Development Committee approved Staff's recommendation.

44. Review current Citizen Board, Commission and Committee vacancies, consider applications on file and placement of ad seeking interested applicants

**ACTION:** The Economic Development Committee approved the appointment of Doug Moore to the Board of Building Appeals and Diane Hernandez to the Community Qualities Forum.

### **COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **FUTURE AGENDA ITEMS**

53. Discussion of AB 2176
54. Sphere of Influence Study
55. Discussion of funding from existing homeowners to address Twin Bonds “problem”
56. General Plan Update Work Program
57. Kansas-Woodland Business Park
58. Prescott/Bangs Proposed Roundabout
59. Shackelford Study Area
60. Work Program – 2005 Urban Growth Review Update
61. 132/99 Connectivity and Carpenter Road Interchange Issue
62. Recycled Wastewater Feasibility Report
63. Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work

### **ADJOURNMENT**

This meeting adjourned at 7:00 p.m.

**AMENDED  
MINUTES**

**City of Modesto**  
**CITY COUNCIL MEETING**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, May 10, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None.

Pledge of Allegiance to the Flag

Invocation: Pastor Cliff Sexton, First Baptist Church

City Clerk’s Announcements – Item 25 continued to May 24, 2005  
Item 13 removed from Consent

Declaration of Conflicts of Interest

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation by the Friends of George A. Rogers Park.

**ACTION:** Presentation of \$2000 made by Greg Arona.

2. Proclamation declaring May 16-22 as “Get Active America Week.”

**ACTION:** Mayor Ridenour presented the proclamation.

**MISCELLANEOUS**  
Appointments

3. Consider approving Councilmember O’Bryant’s recommendation that Jason K. Hollingsworth be appointed to the Community Qualities Forum.

- Resolution appointing Jason K. Hollingsworth to the Community Qualities Forum recommended.

*City Manager's Office; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Resolution 2005-234** (Jackman/Hawn; unan.) appointing Jason K. Hollingsworth to the Community Qualities Forum.

### ORAL COMMUNICATIONS

#### Three minute time limit per speaker

- Larry Anderson from Modesto Support our Troops Committee announced the Annual Memorial Day Event on May 28 at the corner of Standiford and Sisk.
- Mayor Ridenour acknowledged the Boy Scout Troop in the audience.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 4 through 19

**ACTION CONSENT ITEM 4, 5, 7-12, 14- 18:** Hawn/Dunbar; unan.

**ACTION ITEM 6:** Dunbar/Marsh; unan. Jackman, Keating and O'Bryant absent

**ACTION ITEM 13:** Dunbar/Marsh; unan

**ACTION ITEM 19:** Jackman/Keating; unan.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

#### CONSENT

4. Consider approval of the minutes of the regular City Council meeting of May 3, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Hawn/Dunbar; unan.) approved the minutes of May 3, 2005.

#### CONSENT

5. Consider directing the City Clerk to conduct the City's December run-off election by mail and authorizing a contract with Martin & Chapman for the December run-off election services.
  - Resolution directing the City Clerk to conduct the City's December run-off election by mail recommended.

- Resolution authorizing a contract with Martin & Chapman for the December run-off election recommended.

*City Clerk; Jean Zahr, 577-5396, [jzahr@modestogov.com](mailto:jzahr@modestogov.com)*

**ACTION: Resolution 2005-235** (Hawn/Dunbar; unan) directing the City Clerk to conduct the City's December run-off election by mail.

**ACTION: Resolution 2005-236** (Hawn/Dunbar; unan) authorizing a contract with Martin & Chapman for the December run-off election.

#### CONSENT

6. Consider approving the run-off election procedures and directing the City Clerk to follow the procedures in conducting any required run-off election following the regular municipal election in November 2005; and adopting procedures to nullify the December 2005, run-off election and to call a special election to be held January 31, 2006 in the event that the December 13, 2005, run-off election "fails."

- Resolution approving the run-off election procedures and directing the City Clerk to follow the procedures in conducting any required run-off election following the regular municipal election in November 2005, and directing the City Attorney to file an action in Superior Court to do the following in the event that the December 2005, run-off "fails," (1) obtain an order prohibiting the City Clerk from canvassing the December 13, 2005 run-off election, (2) declare the December 13, 2005, run-off election nullified, and (3) request the Court to retain jurisdiction until the run-off election results are certified recommended.
- Resolution calling for a special election to be held on January 31, 2006 for the purpose of holding a run-off election that might otherwise have been held on December 13, 2005 in the event that the December 13, 2005, run-off election fails recommended.

*City Clerk; Jean Zahr, 577-5396, [jzahr@modestogov.com](mailto:jzahr@modestogov.com)*

**ACTION: Resolution 2005-237** (Hawn/Dunbar; unan) approving the run-off election procedures and directing the City Clerk to follow the procedures in conducting any required run-off election following the regular municipal election in November 2005, and directing the City Attorney to file an action in Superior Court to do the following in the event that the December 2005, run-off "fails," (1) obtain an order prohibiting the City Clerk from canvassing the December 13, 2005 run-off election, (2) declare the December 13, 2005, run-off election nullified, and (3) request the Court to retain jurisdiction until the run-off election results are certified.

**ACTION: Resolution 2005-238** (Hawn/Dunbar; unan) calling for a special election to be held on January 31, 2006 for the purpose of holding a run-off election that might otherwise have been held on December 13, 2005 in the event that the December 13, 2005, run-off election fails.

## CONSENT

7. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of five pre-cast cement vaults for the Public Works Department, Water Division, for a total estimated cost of \$66,000.
- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of five pre-cast cement vaults for the Public Works Department, Water Division, for a total estimated cost of \$66,000 recommended.
- Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-239** (Hawn/Dunbar; unan) authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of five pre-cast cement vaults for the Public Works Department, Water Division, for a total estimated cost of \$66,000.

## CONSENT

8. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of five pressure-flow control valves for the Public Works Department, Water Division, for a total estimated cost of \$134,000.
- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of five pressure-flow control valves for the Public Works Department, Water Division, for a total estimated cost of \$134,000 recommended.
- Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-240** (Hawn/Dunbar; unan) authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of five pressure-flow control valves for the Public Works Department, Water Division, for a total estimated cost of \$134,000.

## CONSENT

9. Consider an appropriation increase for the Final Tenth Street Place Construction Payment.
- Resolution approving appropriation transfer with a final payment of \$934,914 to close out Project #J219-Tenth Street Place Construction recommended.
- Finance; Barry Newlin, 577-5373, [bnewlin@modestogov.com](mailto:bnewlin@modestogov.com)*

**ACTION: Resolution 2005-241** (Hawn/Dunbar; unan) approving appropriation transfer with a final payment of \$934,914 to close out Project #J219-Tenth Street Place Construction.

## CONSENT

10. Consider accepting the Monthly Investment Report for March 2005.
- Motion acknowledging receipt and accepting the Monthly Investment Report for March 2005 recommended.
- Finance; Belinda Duerksen, 577-5376, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION:** By Motion (Hawn/Dunbar; unan) acknowledging receipt and accepting the Monthly Investment Report for March 2005.

CONSENT

11. Consider authorizing submittal of an application in the amount of \$295,993 to the COPS 2005 Technology Grant Program and authorizing the City Manager to execute the application.

- Resolution authorizing submittal of an application in the amount of \$295,993 to the COPS 2005 Technology Grant Program and authorizing the City Manager to execute the application recommended.

*Information Technology, Joyce Engberg, 577-5249, [jengberg@modestogov.com](mailto:jengberg@modestogov.com)*

**ACTION: Resolution 2005-242** (Hawn/Dunbar; unan) authorizing submittal of an application in the amount of \$295,993 to the COPS 2005 Technology Grant Program and authorizing the City Manager to execute the application.

CONSENT

12. Consider declaring the City-owned property (APN # 106-006-002) known as the 17<sup>th</sup> and G Streets Park as surplus property and authorize staff to proceed with an appraisal and contract for real estate services for the sale of this property.

- Resolution declaring the City-owned property (APN # 106-006-002) known as the 17<sup>th</sup> and G Streets Park as surplus property and authorize staff to proceed with an appraisal and contract for real estate services for the sale of this property recommended.

*Parks, Recreation & Neighborhoods; Doug Critchfield, 577-5353, [dcritchfield@modestogov.com](mailto:dcritchfield@modestogov.com)*

**ACTION: Resolution 2005-243** (Hawn/Dunbar; unan) declaring the City-owned property (APN # 106-006-002) known as the 17<sup>th</sup> and G Streets Park as surplus property and authorize staff to proceed with an appraisal and contract for real estate services for the sale of this property.

Removed from Consent

13. Consider staff report regarding the conceptual design of the Landscape Enhancements on State Route 99 within and near the Briggsmore Expressway Interchange in Modesto.

- Motion accepting report regarding the conceptual design of the Landscape Enhancements on State Route 99 within and near the Briggsmore Expressway Interchange in Modesto recommended.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, [nhoux@modestogov.com](mailto:nhoux@modestogov.com)*

**ACTION:** By Motion (Dunbar/Marsh; unan.) accepting report regarding the conceptual design of the Landscape Enhancements on State Route 99 within and near the Briggsmore Expressway Interchange in Modesto.

## CONSENT

14. Consider approving a request from the New Harvest Christian Fellowship for use of amplified music at Mancini Bowl for a free Christian concert to be held on August 20, 2005, from 4:00 p.m. to 9:00 p.m.
- Resolution approving a request from the New Harvest Christian Fellowship for use of amplified music at Mancini Bowl for a free Christian concert to be held on August 20, 2005, from 4:00 p.m. to 9:00 p.m. recommended.
- Parks, Recreation & Neighborhoods; Debbie Fortino, 571-5863, [dfortino@modestogov.com](mailto:dfortino@modestogov.com)*

**ACTION: Resolution 2005-244** (Hawn/Dunbar; unan) approving a request from the New Harvest Christian Fellowship for use of amplified music at Mancini Bowl for a free Christian concert to be held on August 20, 2005, from 4:00 p.m. to 9:00 p.m.

## CONSENT

15. Consider approving a request from the Valley Concert Band Inc. for use of amplified music at Mancini Bowl for a free band concert to be held on July 19, 2005, from 6:30 p.m. to 8:15 p.m.
- Resolution supporting a request from the Valley Concert Band Inc. for use of amplified music at Mancini Bowl for a free band concert to be held on July 19, 2005, from 6:30 p.m. to 8:15 p.m. recommended.
- Parks, Recreation & Neighborhoods; Debbie Fortino, 571-5863, [dfortino@modestogov.com](mailto:dfortino@modestogov.com)*

**ACTION: Resolution 2005-245** (Hawn/Dunbar; unan) approving a request from the Valley Concert Band Inc. for use of amplified music at Mancini Bowl for a free band concert to be held on July 19, 2005, from 6:30 p.m. to 8:15 p.m.

## CONSENT

16. Consider approval of the Final Map of the Kodiak Village II Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the Subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owner: Meritage Homes of California, Inc., a California Corporation)
- Resolution approving the final map of the Kodiak Village II Subdivision and authorizing the City Manager to execute the subdivision agreement recommended.
- Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-246** (Hawn/Dunbar; unan) approving the final map of the Kodiak Village II Subdivision and authorizing the City Manager to execute the subdivision agreement.

## CONSENT

17. Consider accepting the improvements for the Oakcrest Subdivision, in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods (Owner: KB Home North Bay, Inc., a California Corporation).
- Resolution accepting the improvements for the Oakcrest Subdivision and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.
- Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-247** (Hawn/Dunbar; unan) accepting the improvements for the Oakcrest Subdivision and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

#### CONSENT

18. Consider accepting the work by George Reed, Inc., for the “Sisk Road Construction and Drainage Improvements” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$813,184.04 per the contract. Total project cost is \$2,670,411.86.
- Resolution accepting the work by George Reed, Inc., for the “Sisk Road Construction and Drainage Improvements” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$813,184.04 per the contract recommended.
- Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-248** (Hawn/Dunbar; unan) accepting the work by George Reed, Inc., for the “Sisk Road Construction and Drainage Improvements” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$813,184.04 per the contract.

#### Removed from Consent

19. Consider approving a \$425,000 Utility Pole Relocation Agreement with Modesto Irrigation District (MID) for the relocation of electric utility poles located on Floyd Avenue between Oakdale Road and Roselle Avenue, and authorizing the District Administrator to execute the agreement.
- Resolution approving a \$425,000 Utility Pole Relocation Agreement with Modesto Irrigation District (MID) for the relocation of electric utility poles located on Floyd Avenue between Oakdale Road and Roselle Avenue, and authorizing the District Administrator to execute the agreement recommended.
- Public Works; Vickey Dion, 571-5542, [vdion@modestogov.com](mailto:vdion@modestogov.com)*

**ACTION: Resolution 2005-249** (Jackman/Keating; unan.) approving a \$425,000 Utility Pole Relocation Agreement with Modesto Irrigation District (MID) for the relocation of electric utility poles located on Floyd Avenue between Oakdale Road and Roselle Avenue, and authorizing the District Administrator to execute the agreement.

## COUNCIL COMMENTS & REPORTS

20. Consider Mayor Ridenour's request to consider the recommendation of the Modesto Chamber of Commerce to conduct a review of the City's Charter.

**ACTION:** By motion (Keating/Dunbar; unan.) approved the formation of a Charter Review Committee with committee members being chosen by each Councilmember and Mayor to consider Charter amendments to be placed on the November 2007 election.

## WRITTEN COMMUNICATIONS

21. Consider a letter from Rob Ellett, Chairman of the Government Relations Committee of the Chamber of Commerce, requesting that the Council eliminate Ordinance 2637-C.S. (Tin Cup).

**ACTION:** By motion (Hawn/Marsh; unan.) referred to the Audit Committee.

## UNFINISHED BUSINESS

22. Council discussion of the City of Modesto Development Process Improvement Program Action Plan.  
*Community & Economic Development; Brad Kilger, 577-5337, [bkilger@modestogov.com](mailto:bkilger@modestogov.com)*

**ACTION:** By motion (Jackman/Hawn; unan.) accepted report.

23. Consider authorizing staff to demolish the fire-damaged building at 1029 9<sup>th</sup> Street and develop plans and specifications for construction of a permanent parking lot.
- Resolution authorizing staff to demolish the fire-damaged building at 1029 9<sup>th</sup> Street and develop plans and specifications for construction of a permanent parking lot recommended.  
*Public Works; Fred Cavanah, 577-5298, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Resolution 2005-250** (Hawn/Jackman; unan.) authorizing staff to demolish the fire-damaged building at 1029 9<sup>th</sup> Street.

Recess 7:40 p.m.

Reconvene 7:50

## HEARINGS

24. Hearing to consider approving the draft Five-Year (2005-2009) Consolidated Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant (HOME), and Emergency Shelter Grant (ESG) Funds, and authorizing the City Manager or his designee to sign the required certifications and documents for submittal to the Department of Housing and Urban Department (HUD).
- Resolution approving the draft Five-Year (2005-2009) Consolidated Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant (HOME), and Emergency Shelter Grant (ESG) Funds, and authorizing the City Manager or his designee to sign the required certifications and documents for submittal to the Department of Housing and Urban Department (HUD) recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-251** (Dunbar/Jackman; unan.) approving the draft Five-Year (2005-2009) Consolidated Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant (HOME), and Emergency Shelter Grant (ESG) Funds, and authorizing the City Manager or his designee to sign the required certifications and documents for submittal to the Department of Housing and Urban Department (HUD).

*It is requested that this item be continued to May 24, 2005.*

*Mayor Ridenour absent due to conflict of interest*

25. Hearing to consider the Application of Priority One Medical Transport to operate as a non-emergency medical transport service in the City of Modesto.
- Motion continuing the public hearing to May 24, 2005 recommended.
- Finance; Laura Akin, 342-4073, [lakin@modestogov.com](mailto:lakin@modestogov.com)*

**ACTION:** By Motion (Hawn/Dunbar; unan. Ridenour absent) continued the public hearing to May 24, 2005.

26. Hearing to consider approving an annual 2.3% adjustment to Airport rates and fees, establish a new non-refundable fee for issuance of additional airport keys, authorize reimbursement by keyholders for expenses related to lost or unreturned keys issued for airport use, and rescind resolution 2004-262.
- Resolution approving an annual 2.3% adjustment to Airport rates and fees, establish a new non-refundable fee for issuance of additional airport keys, authorize reimbursement by keyholders for expenses related to lost or unreturned keys issued for airport use, and rescind resolution 2004-262 recommended.

*Airport; Michael Musca, 577-5318, [mmusca@modestogov.com](mailto:mmusca@modestogov.com)*

**ACTION: Resolution 2005-252** (Jackman/Marsh; unan.) approving an annual 2.3% adjustment to Airport rates and fees, establish a new non-refundable fee for issuance of additional airport keys, authorize reimbursement by keyholders for expenses related to lost or unreturned keys issued for airport use, and rescind resolution 2004-262.

27. Hearing to consider the adoption of “Guidelines for Small-Lot Single-Family Residential Developments.”
- Resolution approving “Guidelines for Small-Lot Single-Family Residential Developments” recommended.
- Community & Economic Development; Patrick Kelly, 571-5808, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION: Resolution 2005-253** (Jackman/Hawn; unan.) approving “Guidelines for Small-Lot Single-Family Residential Developments.”

28. Hearing to consider the application of Horizon Consulting Services to vacate and abandon a portion of Alma Avenue extending north from W. Roseburg Ave.
- Resolution vacating and abandoning a portion of Alma Ave north of West Roseburg Ave (Horizon Consulting Services) recommended.
  - Resolution certifying that the project is within the scope of the Modesto Urban Area General Plan Master Environmental Impact Report (SCH 1999082041): Vacation and Abandonment of a portion of Alma Avenue right-of-way extending north from West Roseburg Ave (Horizon Consulting Services) recommended.
- Community & Economic Development; Bob Cannell; 571-5808, [bcannell@modestogov.com](mailto:bcannell@modestogov.com)*

**ACTION: Resolution 2005-254** (Jackman/Marsh; unan.) vacating and abandoning a portion of Alma Ave north of West Roseburg Ave (Horizon Consulting Services).

**ACTION: Resolution 2005-255** (Jackman/Marsh; unan.) certifying that the project is within the scope of the Modesto Urban Area General Plan Master Environmental Impact Report (SCH 1999082041): Vacation and Abandonment of a portion of Alma Avenue right-of-way extending north from West Roseburg Ave (Horizon Consulting Services).

29. Hearing to consider the application of Florsheim Land Company, LLC, for a specific plan amendment #2 to the North Beyer Park Specific Plan to limit the site to residential development; allow of 62 small-lot houses, 77 auto-court houses, and a maximum of 90 attached residences; and add new roadway cross-sections.
- Resolution approving Amendment #2 to the North Beyer Park Specific Plan to limit the site to residential development; allow the development of 62 small-lot houses, 77 auto-court houses, and a maximum of 90 attached residences; and add new roadway cross-sections (Florsheim Land Company, LLC) recommended.
  - Motion introducing an Ordinance amending section 3-3-9 of the zoning map of the City of Modesto to rezone from SP-0 to Planned Development Zone, PD(572), property located on the north side of Mabel Ave, west of Oakdale Road (Florsheim Land Company, LLC) recommended.
  - Resolution approving a development plan for Planned Development Zone, PD(572) (Florsheim Land Company, LLC) recommended.

- Resolution adopting an initial study/mitigated negative declaration (SCH No. 2005022127) for (EA/C&ED No. 2005-05, SCH No. 2005022127) and a mitigation monitoring and reporting program for an amendment to the North Beyer Park Specific Plan and rezone from SP-0 (Specific Plan-Overlay Zone) to Planned Development Zone, PD(572), property located on the north side of Mabel Ave., west of Oakdale Road.

*Community & Economic Development; Cindy Van Empel, 571-5808, [cvanempel@modestogov.com](mailto:cvanempel@modestogov.com)*

~~**ACTION:** By motion (Keating/Jackman; majority; Dunbar, no) the Council voted to deny the project without prejudice.~~

**ACTION: Resolution 2005-255A** (Keating/Jackman; majority; Dunbar, no) denying Amendment to Section 3-3-9 of the Zoning Map to rezone from SP-O (Specific Plan-Overlay Zone) to Planned Development Zone P-D(572) property located on the north side of Mable Avenue west of Oakdale Road and the Proposed Development Plan (Florsheim Land Company, LLC).

**ACTION: Resolution 2005-255B** (Keating/Jackman; majority; Dunbar, no) denying Amendment No. 2 to the North Beyer Specific Plan for the development of small-lot single family and attached residences (Florsheim Land Company, LLC).

## NEW BUSINESS

30. Consider directing staff regarding the Local Cable Committee's request that the City of Modesto Public Access Channel be managed by the newly created non-profit organization, Community Media Network (CMN), and that the remaining unspent Public Access budgeted funds for fiscal year 04-05 of \$16,000 be designated for the support of Community Media Network.

- Resolution transferring management of the Modesto Public Access Channel 26 to the non-profit organization, Community Media Network (CMN) recommended.

*Information Technology, Joyce Engberg, 577-5311, [jengberg@modestogov.com](mailto:jengberg@modestogov.com)*

**ACTION: Resolution 2005-256** (O'Bryant/Marsh; unan.) transferring management of the Modesto Public Access Channel 26 to the non-profit organization, Community Media Network (CMN).

31. Consider upholding the existing policies relating to Capital Facilities Fees exemptions for low-income housing.

- Resolution upholding the existing policies relating to CFF exemptions for low-income housing recommended.

*City Manager; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-257** (Dunbar/Marsh; unan.) upholding the existing policies relating to CFF exemptions for low-income housing.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 10:10 p.m.

**CLOSED SESSION**

All closed sessions heard prior to the meeting.

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto City Employees Association (MCEA)

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto City Employees Association (MCEA) and  
Modesto Confidential & Management Association (MCMA)



## MINUTES

# City of Modesto

## CITY COUNCIL BUDGET WORKSHOP/ Special Finance Committee Meeting COUNCIL CHAMBERS Basement, Tenth Street Place 1010 10<sup>th</sup> Street, Modesto, California

**May 16, 2005 @ 1:00 p.m.**

Roll Call: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

Finance Committee Members Present: Dunbar, Hawn, Jackman

Also Present: Keating, Marsh, O'Bryant, Mayor Ridenour

- Budget Process Overview/General Fund Status

The Finance Director introduced the budget staff and presented the budget overview.

- City Council

The City Manager reviewed the City Council Budget.

- City Attorney

The City Attorney reviewed the City Attorney's Budget.

- City Clerk

The City Clerk reviewed the City Clerk's Budget.

- City Manager

The City Manager reviewed the City Manager's Budget.

- Community & Economic Development

The Community and Economic Development Director reviewed the Community & Economic Development Budget.

- Redevelopment Agency Budget

The Redevelopment Agency Director reviewed the Redevelopment Agency Budget.

- Parks, Recreation & Neighborhoods

The Parks, Recreation & Neighborhoods Director reviewed the Parks, Recreation & Neighborhoods Budget.

No action was taken at this meeting.

*Meeting Adjourned 4:25 p.m.*

## MINUTES

# City of Modesto

## CITY COUNCIL BUDGET WORKSHOP/ Special Finance Committee Meeting COUNCIL CHAMBERS Basement, Tenth Street Place 1010 10<sup>th</sup> Street, Modesto, California

**May 17, 2005 @ 9:00 a.m.**

Roll Call: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

Finance Committee Members Present: Dunbar, Hawn, Jackman

Also Present: Keating, Marsh, O'Bryant, Mayor Ridenour

- Personnel

The Personnel Director reviewed the Personnel Department Budget.

- Finance

The Finance Department reviewed the Finance Department Budget.

- Information & Technology

The Information & Technology Director reviewed the Information and Technology Department Budget.

- Public Works

The Public Works Director reviewed the Public Works Department Budget.

No action was taken at this meeting.

*Meeting Adjourned 12:30 p.m.*

## MINUTES

# City of Modesto

## CITY COUNCIL BUDGET WORKSHOP/ Special Finance Committee Meeting COUNCIL CHAMBERS Basement, Tenth Street Place 1010 10<sup>th</sup> Street, Modesto, California

**May 18, 2005 @ 1:00 p.m.**

Roll Call: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

Finance Committee Members Present: Dunbar, Hawn, Jackman

Also Present: Keating, Marsh, O'Bryant, Mayor Ridenour

- Fire

The Fire Chief reviewed the Fire Department Budget.

- Police

The Police Chief reviewed the Police Department Budget.

- Policy Issues

1. General Fund Spending Deficit

Recommendation:

- Beginning in fiscal year 2007-2008, a structurally balanced General Fund budget (with recurring revenues meeting or exceeding recurring expenditures) will be submitted to City Council each year.
- General Fund surpluses will be used for capital projects, increasing fund balance or debt reduction rather than new or enhanced operating programs.
- Enhancements to existing operation programs or development of new operating programs will be funded from ongoing sources.

**ACTION:** The Finance Committee approved staff's recommendation.

## 2. Policy Issue: Revenue Opportunities

## Options for Consideration:

- Sales Tax
- Property Tax
- Special Assessment Districts
- Mello-Roos Community Facilities Tax
- General Fund major revenue category increases

## Recommendation:

- Review options and provide staff with direction.

**ACTION:** The Finance Committee took no action on this item.

## 3. Policy Issue: Funding Technology Needs

## Current Situation:

- Several major and many minor systems have exceeded reasonable life expectancy
- Systems acquired as stand-alone tools do not ‘share information’ effectively and are costly to maintain
- City services and functions are hampered by poorly-performing and poorly-integrated systems
- Excessive IT and vendor support is required to maintain our current environment
- No funding mechanisms exist to provide for the ‘repair’ and replacement of these systems

**ACTION:** The Finance Committee took no action on this item.

*Meeting Adjourned at 5:00 p.m.*

**Amended  
MINUTES**

**City of Modesto**  
CITY COUNCIL BUDGET WORKSHOP/  
Special Finance Committee Meeting  
COUNCIL CHAMBERS  
Basement, Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**May 19, 2005 @ 9:00 a.m.**

Roll Call: Councilmembers: Dunbar, Hawn, Jackman, Marsh, Mayor Ridenour

Finance Committee Members Present: Dunbar, Hawn, Jackman

Also Present: Marsh, Mayor Ridenour

- FY 05-06 General Fund Budget Reduction Options

**ACTION:** The Finance Director presented the Fiscal Year 2005-2006 General Fund Budget Reduction Options. The Finance Committee reviewed the cut list and recommended the following items be restored:

✓ Personnel: Equal Opportunity & Disabilities Commission Budget	\$ 1,000
✓ C&ED (Planning Commission/BZA): Training and Conference attendance limitation	\$ 6,430
✓ C&ED (Workforce Alliance): Contribution to Workforce Alliance by 10%	\$ 6,624
✓ Police (Personnel Resources – Sworn): Restore 2 Police Officers’ positions from increased revenue (after State budget is adopted, this matter will be reviewed to consider restoring 6 police officers)	\$180,000
✓ PR&N (Modesto CVB): Cut tourism payments by 5%	\$ 14,650
✓ PR&N (Cultural Promotions): Reduce the dollar Amount paid to cultural arts organization (half of \$13,716 restored)	\$ 6,858

All Gas Tax Fund items listed were accepted for reduction with residential street paving, slurry cape seal and curb, gutter and sidewalks being a first priority for restoration if Proposition 42 funding is restored.

Additionally, the Finance Committee accepted new budget adjustments impacting the General Fund:

✓ Increased building permit fees (to Council for approval 5/24/05)	\$190,000
✓ Savings from INET installation	-\$ 50,000

- Interim Capital Improvement Program

This item was not reviewed.

*Meeting Adjourned at 11:30 a.m.*

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, May 23, 2005 at 5:30 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn, Jackman  
Absent: None  
Also Present: None

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

1. Consider an informational report on Monthly Budget Adjustments for May 2005.

**ACTION:** The Finance Committee approved Staff's recommendation.

2. Consider staff recommendation regarding the Novell annual maintenance contract renewal.

**ACTION:** The Finance Committee approved Staff's recommendation.

### UNFINISHED BUSINESS

3. Review letter from Lee Lundrigan, County Clerk-Recorder, regarding the December 13, 2005 Run-Off Election.

**ACTION:** This item was for information only. No action was taken.

### **NEW BUSINESS**

4. Consider oral presentation regarding the Wastewater Studies & Rate Process, including results of Stakeholders Meetings.

**ACTION:** This item was combined with Item Nos. 6 and 7.

5. Consider accepting staff recommendation regarding the Electrical Budget Amendment due to increased MID costs.

**ACTION:** The Finance Committee approved Staff's recommendation.

6. Consider oral presentation from Carollo Engineering on Wastewater System.

**ACTION:** This Finance Committee recommended this item be forwarded to Council at the workshop scheduled for June 7, 2005.

7. Consider staff recommendation to amend the Carollo contract to include Phase II Master Plan Work.

**ACTION:** The Finance Committee approved Staff's recommendation.

8. Consider staff recommendation authorizing Carollo Engineering to Prepare the Engineer's Report for Wastewater.

**ACTION:** The Finance Committee approved Staff's recommendation.

9. Consider staff recommendation amending the Foresight Consulting Contract.

**ACTION:** The Finance Committee approved Staff's recommendation.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:50 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, May 24, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Michelle Dunwoody, Believers in Christ Church of God.

City Clerk’s Announcements: Item 7 was removed from the agenda. Items 27 and 29 taken  
immediately after Consent

Declaration of Conflicts of Interest

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation honoring the family of Charles Beamer in acknowledgement of his  
dedicated service on the Equal Opportunity Commission.

**ACTION:** Presentation given by Babette Davis and Mayor Ridenour.

2. Presentation of a proclamation to the Graffiti Summer Task Force proclaiming June as  
Graffiti Summer Month.

**ACTION:** Presentation give by Mayor Ridenour.

3. Presentation by Youth Commission on Lighted Crosswalk and program at Garrison  
School on getting to school safely.

**ACTION:** Removed from the agenda.

4. Presentation of 2005 Honoring Outstanding Youth Awards to Laura Junkel, Charlea Hayes, and the Fifth Grade Green Track Class from Fairview Elementary School.

**ACTION:** Presentation made by Mayor Ridenour.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

- Ron Cherrier spoke about the Virginia Corridor project and expressed a concern with the grade separation at Stoddard and Terminal.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 5 through 25

**Consent Items 5, 6, 8- 16, 18- 25: Jackman/Dunbar; unan.**

**Item 7 was removed from the agenda.**

**ACTION Item 17: Jackman/Dunbar; unan.; Hawn, absent due to conflict of interest**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

CONSENT

5. Consider approval of the minutes of the regular City Council meeting of May 10, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan.) approved the minutes of May 10, 2005.

CONSENT

6. Consider accepting with regret the resignation of Nancy Smith from the Communities Qualities Forum.
  - Resolution accepting with regret the resignation of Nancy Smith from the Communities Qualities Forum recommended.  
*City Manager; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Resolution 2005-258** (Jackman/Dunbar; unan.) accepting with regret the resignation of Nancy Smith from the Communities Qualities Forum.

*This item was removed from the agenda.*

7. Consider accepting with regret the resignation of Mark Looker from the Local Cable Programming Committee.
  - Resolution accepting with regret the resignation of Mark Looker from the Local Cable Programming Committee recommended.

*City Manager; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: This item was removed from the agenda.**

#### CONSENT

8. Consider authorizing the District Administrator to execute an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and Hashem Naraghi, Trustee of the Nora Naraghi Separate Property Trust, with a maximum reimbursement amount of \$327,523 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181).
  - Resolution authorizing the District Administrator to execute an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and Hashem Naraghi, Trustee of the Nora Naraghi Separate Property Trust. with a maximum reimbursement amount of \$327,523 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181) recommended.

*City Manager's Office; Amy Gedney; 571-5101, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-259** (Jackman/Dunbar; unan.) authorizing the District Administrator to execute an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and Hashem Naraghi, Trustee of the Nora Naraghi Separate Property Trust. with a maximum reimbursement amount of \$327,523 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181).

#### CONSENT

9. Consider approving Amendment No. 1 to an agreement with Jones and Stokes for work on the environmental impact report for Promenade Lifestyle Center in an amount not-to-exceed \$59,956.00 (Total Budget \$77,942.80)
  - Resolution approving Amendment No. 1 to agreement for services with Jones and Stokes in an amount not-to-exceed \$59,956.00 and authorizing the City Manager to execute the agreement recommended.

*Community & Economic Development; Josh Bridegroom, 571-5808, [jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION: Resolution 2005-260** (Jackman/Dunbar; unan) approving Amendment No. 1 to agreement for services with Jones and Stokes in an amount not-to-exceed \$59,956.00 and authorizing the City Manager to execute the agreement.

CONSENT

10. Consider acknowledging receipt and accepting the Monthly Investment Report for March 2005.

- Motion acknowledging receipt and accepting the Monthly Investment Report for March 2005 recommended.

*Finance, Belinda Duerksen, 577-5376, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan) acknowledging receipt and accepting the Monthly Investment Report for March 2005.

CONSENT

11. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for rock, sand, and gravel for a two-year period, with three, one-year contract extension options for an estimated total annual cost of \$200,000.

- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for rock, sand, and gravel for a two-year period, with three, one-year contract extension options for an estimated total annual cost of \$200,000 recommended.

*Finance, Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-261** (Jackman/Dunbar; unan) authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for rock, sand, and gravel for a two-year period, with three, one-year contract extension options for an estimated total annual cost of \$200,000.

CONSENT

12. Consider authorizing the award of bid and contract for one new, current year/model, self-propelled paver to Herrmann Equipment Inc. of Roseville, CA. for a total approximate purchase amount of \$281,027.91.

- Resolution authorizing the award of bid and contract for one new, current year/model, self-propelled paver to Herrmann Equipment Inc. of Roseville, CA. for a total approximate purchase amount of \$281,027.91 recommended.

*Finance, Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-262** (Jackman/Dunbar; unan) authorizing the award of bid and contract for one new, current year/model, self-propelled paver to Herrmann Equipment Inc. of Roseville, CA. for a total approximate purchase amount of \$281,027.91.

## CONSENT

13. Consider authorizing the award of bid and contract for video training and teleconferencing equipment to Pacific Bell Telephone dba SBC DataComm Inc, of Modesto, CA. in the approximate amount of \$119,024.06.
- Resolution authorizing the award of bid and contract for video training and teleconferencing equipment to Pacific Bell Telephone dba SBC DataComm Inc, of Modesto, CA. in the approximate amount of \$119,024.06 recommended.
- Finance, Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-263** (Jackman/Dunbar; unan) authorizing the award of bid and contract for video training and teleconferencing equipment to Pacific Bell Telephone dba SBC DataComm Inc, of Modesto, CA. in the approximate amount of \$119,024.06.

## CONSENT

14. Consider authorizing City staff to: 1) declare a portion of the City-Owned property (APN 111-057-020) formerly known as the John Muir School and the attached parking lot area as surplus property; 2) request and process a parcel split of the property to separate T.B. Scott Park from the building and its parking lot; and, 3) proceed with an appraisal and contract for real estate services for the sale of this property.
- Resolution authorizing staff to: 1) declare a portion of the City-Owned property (APN 111-057-020) formerly known as the John Muir School and the attached parking lot area as surplus property; 2) request and process a parcel split of the property to separate T.B. Scott Park from the building and its parking lot; and, 3) proceed with an appraisal and contract for real estate services for the sale of this property recommended.
- Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-264** (Jackman/Dunbar; unan) authorizing staff to: 1) declare a portion of the City-Owned property (APN 111-057-020) formerly known as the John Muir School and the attached parking lot area as surplus property; 2) request and process a parcel split of the property to separate T.B. Scott Park from the building and its parking lot; and, 3) proceed with an appraisal and contract for real estate services for the sale of this property.

## CONSENT

15. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids in the amount of \$250,000, to be utilized for INET equipment purchases.
- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids in the amount of \$250,000, to be utilized for INET equipment purchases recommended.
- Information Technology; Joyce Engberg, 577-5229, [jengberg@modestogov.com](mailto:jengberg@modestogov.com)*

**ACTION: Resolution 2005-265** (Jackman/Dunbar; unan) authorizing the Purchasing Supervisor to formally solicit Request for Bids in the amount of \$250,000, to be utilized for INET equipment purchases.

CONSENT

16. Consider authorizing the extension of severance pay, health benefits and interview leave for non-sworn employees in the classified service, subject to an authorized reduction in force, to June 30, 2006.

- Resolution authorizing the extension of severance pay, health benefits and interview leave for non-sworn employees in the classified service, subject to an authorized reduction in force, to June 30, 2006 recommended.

*Personnel; Robin Renwick, 577-5400, [rrenwick@modestogov.com](mailto:rrenwick@modestogov.com)*

**ACTION: Resolution 2005-266** (Jackman/Dunbar; unan) authorizing the extension of severance pay, health benefits and interview leave for non-sworn employees in the classified service, subject to an authorized reduction in force, to June 30, 2006.

CONSENT – Councilmember Hawn absent due to conflict of interest.

17. Consider establishing angle parking on the south side of M Street between 9<sup>th</sup> and 13<sup>th</sup> Streets, and on the east side of 10<sup>th</sup> Street between L and M Streets, and rescinding Resolution No. 2005-109. The cost for installing diagonal parking spaces at these two locations is \$2,500. Funds are available in Account No. 0700-480-4622-0360-50, “Re Prop Maintenance and Repair,” and Account No. 0700-480-4622-0110, “Salaries and Wages Regular.”

- Resolution establishing angle parking on the south side of M Street between 9<sup>th</sup> and 13<sup>th</sup> Streets and on the east side of 10<sup>th</sup> Street between L and M Streets, and rescinding Resolution No. 2005-109 recommended.

*Public Works; Jeffrey L. Barnes, 577-5468, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: Resolution 2005-267** (Jackman/Dunbar; unan Hawn absent due to conflict of interest) establishing angle parking on the south side of M Street between 9<sup>th</sup> and 13<sup>th</sup> Streets and on the east side of 10<sup>th</sup> Street between L and M Streets, and rescinding Resolution No. 2005-109.

CONSENT

18. Consider approving the City Engineer’s Annual Report for Landscape Maintenance Assessment District No. 1 For Dry Creek Meadows Subdivisions Nos. 1 - 6 and adoption of a Resolution of Intention setting a public hearing on the levy of the proposed assessment.

- Motion approving the City Engineer’s Annual Report for Landscape Maintenance Assessment District No. 1 For Dry Creek Meadows Subdivisions Nos. 1 – 6 recommended.

- Resolution of Intention setting a public hearing on the levy of the proposed assessment to be held on July 12, 2004 at 5:30 P.M. in the Tenth Street Place Chambers at 1010 Tenth Street, Modesto, California recommended recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan) approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 For Dry Creek Meadows Subdivisions Nos. 1 – 6.

**ACTION: Resolution 2005-268** (Jackman/Dunbar; unan) a Resolution of Intention setting a public hearing on the levy of the proposed assessment to be held on July 12, 2004 at 5:30 P.M. in the Tenth Street Place Chambers at 1010 Tenth Street, Modesto, California.

#### CONSENT

19. Consider approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 - 10, Creekwood Meadows and Yosemite Meadows Subdivision Units 1 & 2, and adoption of a Resolution of Intention setting a public hearing on the levy of the proposed assessment.

- Motion approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 - 10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2 recommended.
- Resolution of Intention setting a public hearing on the levy of the proposed assessment to be held on July 12, 2004 at 5:30 P.M. in the Tenth Street Place Chambers at 1010 Tenth Street, Modesto, California recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan) approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 - 10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2

**ACTION: Resolution 2005-269** (Jackman/Dunbar; unan) a Resolution of Intention setting a public hearing on the levy of the proposed assessment to be held on July 12, 2004 at 5:30 P.M. in the Tenth Street Place Chambers at 1010 Tenth Street, Modesto, California.

#### CONSENT

20. Consider approval of final map of Village Ranch Unit 1 Subdivision, in the Village One Specific Plan Area, accepting the Public Improvements, except the Landscaping and Irrigation Improvements and Roselle Avenue Improvements, and authorizing the City

Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: Centex Homes, a Nevada General Partnership).

- Resolution approving the final map of Village Ranch Unit 1, accepting the Public Improvements, except the Landscaping and Irrigation Improvements and Roselle Avenue Improvements, and authorizing the City Manager to execute subdivision agreement recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-270** (Jackman/Dunbar; unan) approving the final map of Village Ranch Unit 1, accepting the Public Improvements, except the Landscaping and Irrigation Improvements and Roselle Avenue Improvements, and authorizing the City Manager to execute subdivision agreement.

#### CONSENT

21. Consider approving the plans and specifications for the Floyd Avenue Improvements project, and awarding the bid and approving a \$2,354,573.40 contract with George Reed, Inc., for the project entitled “Floyd Avenue Improvements,” and authorizing the District Administrator to execute the contract. Total estimated cost of this project is \$4,534,047.16, which includes right-of-way, construction contingency, construction administration and engineering design.

- Resolution approving the plans and specifications for the Floyd Avenue Improvements project, and awarding the bid and approving a \$2,354,573.40 contract with George Reed, Inc., for the project entitled “Floyd Avenue Improvements,” and authorizing the District Administrator to execute the contract recommended.

*Public Works; Vickey Dion, 571-5542, [vdion@modestogov.com](mailto:vdion@modestogov.com)*

**ACTION: Resolution 2005-271** (Jackman/Dunbar; unan) approving the plans and specifications for the Floyd Avenue Improvements project, and awarding the bid and approving a \$2,354,573.40 contract with George Reed, Inc., for the project entitled “Floyd Avenue Improvements,” and authorizing the District Administrator to execute the contract.

#### CONSENT

22. Consider accepting the work by T & S Construction Co., Inc., for the “Village One Storm Drainage Improvements” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$2,783,888.20 per the contract. Total project cost is \$3,139,850.75.

- Resolution accepting the work by T & S Construction Co., Inc., for the “Village One Storm Drainage Improvements” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$2,783,888.20 per the contract recommended.

*Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-272** (Jackman/Dunbar; unan) accepting the work by T & S Construction Co., Inc., for the “Village One Storm Drainage Improvements” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$2,783,888.20 per the contract.

#### CONSENT

23. Consider establishing local limits in the form of maximum allowable headworks loading (MAHL) for discharge of molybdenum into the City’s Wastewater System and to provide regulation through permits and enforcement.
- Resolution establishing local limits in the form of maximum allowable headworks loading (MAHL) for discharge of molybdenum into the City’s Wastewater System and to provide regulation through permits and enforcement recommended.
- Public Works; John Rivera, 577-6240, [jrivera@modestogov.com](mailto:jrivera@modestogov.com)*

**ACTION: Resolution 2005-273**(Jackman/Dunbar; unan) establishing local limits in the form of maximum allowable headworks loading (MAHL) for discharge of molybdenum into the City’s Wastewater System and to provide regulation through permits and enforcement.

#### CONSENT

24. Consider approving the plans and specifications for the Community Gateway project, awarding the bid and approving a \$396,907 contract with Grover Landscape Services, Inc., for the project titled, “Community Gateway,” and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$502,474, which includes construction contingency, construction administration and engineering design; and consider amending the current capital improvement FY 2005 budget to re-establish the account 2300-480-N489 Community Gateway, funded by \$305,020 from Federal Transportation Enhancement Activities Program; and \$158,454 from Operating Accounts 0700-410-4120 (Street Maintenance) and 0700-430-4380 (Slurry Seal) to fully fund a contract with Grover Landscape Services, Inc., for the construction of the Community Gateway project.
- Resolution approving the plans and specifications for the Community Gateway project, awarding the bid and approving a \$396,907 contract with Grover Landscape Services, Inc., for the project titled, “Community Gateway,” and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$502,474, which includes construction contingency, construction administration and engineering design recommended.
  - Resolution amending the current capital improvement FY 2005 budget to re-establish the account 2300-480-N489 Community Gateway, funded by \$305,020 from Federal Transportation Enhancement Activities Program; and \$158,454 from Operating Accounts 0700-410-4120 (Street Maintenance) and 0700-430-4380 (Slurry Seal) to fully fund a contract with Grover Landscape Services, Inc., for the construction of the Community Gateway project recommended.
- Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-274** (Jackman/Dunbar; unan) approving the plans and specifications for the Community Gateway project, awarding the bid and approving a \$396,907 contract with Grover Landscape Services, Inc., for the project titled, "Community Gateway," and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$502,474, which includes construction contingency, construction administration and engineering design.

**ACTION: Resolution 2005-275** (Jackman/Dunbar; unan) amending the current capital improvement FY 2005 budget to re-establish the account 2300-480-N489 Community Gateway, funded by \$305,020 from Federal Transportation Enhancement Activities Program; and \$158,454 from Operating Accounts 0700-410-4120 (Street Maintenance) and 0700-430-4380 (Slurry Seal) to fully fund a contract with Grover Landscape Services, Inc., for the construction of the Community Gateway project.

#### CONSENT

25. Consider authorizing the Public Works Department to solicit request for proposals for professional assistance for the Wastewater Treatment Plant (WWTP) NPDES permit for discharge to the San Joaquin River for a two-year professional services agreement, not to exceed \$242,000, with options for two, one-year renewals, not to exceed \$100,000 each year, should NPDES issues with the Regional Board not be resolved.

- Resolution authorizing the Public Works Department to solicit request for proposals for professional assistance for the Wastewater Treatment Plant (WWTP) NPDES permit for discharge to the San Joaquin River for a two-year professional services agreement, not to exceed \$242,000, with options for two, one-year renewals, not to exceed \$100,000 each year, should NPDES issues with the Regional Board not be resolved recommended.

*Public Works; John Rivera, 577-6240, [jrivera@modestogov.com](mailto:jrivera@modestogov.com)*

**ACTION: Resolution 2005-276** (Jackman/Dunbar; unan) authorizing the Public Works Department to solicit request for proposals for professional assistance for the Wastewater Treatment Plant (WWTP) NPDES permit for discharge to the San Joaquin River for a two-year professional services agreement, not to exceed \$242,000, with options for two, one-year renewals, not to exceed \$100,000 each year, should NPDES issues with the Regional Board not be resolved.

#### COUNCIL COMMENTS & REPORTS

None.

#### UNFINISHED BUSINESS

26. Consider accepting a report on water quality in the Modesto Regional Water System, including the status of ongoing efforts to maximize availability of ground water and current efforts to encourage and monitor water conservation in the community.
- Motion acknowledging receipt of report recommended.
- Public Works; Dennis Turner, 342-4575, [dturner@modestogov.com](mailto:dturner@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan. Keating absent) acknowledging receipt of report.

## HEARINGS

27. Hearing to consider the proposed fare increases for the Modesto Area Express (MAX) urban services and Modesto Area Dial-A-Ride (MADAR) to become effective August 1, 2005.
- Resolution establishing passenger fares for bus service on Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (MADAR) and rescinding Resolution No. 2002-209 recommended.
- Public Works; Fred Cavanah, 577-5213, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Resolution 2005-277** (Jackman/Keating; unan.) establishing passenger fares for bus service on Modesto Area Express (MAX) as proposed and Modesto Area Dial-A-Ride (MADAR) with a change in price for a book of tickets to \$16.00 instead of the proposed \$18.00 and rescinding Resolution No. 2002-209.

Recess 7:15

Reconvene 7:20

28. Consider approving an annual cost of living increase for building permit fees.
- Resolution adopting an annual cost of living adjustment for building permit fees and amending Resolution Nos. 89-1003, 89-1004, 89-1005, 89-1006, 92-255, 93-263, and 2003-446 recommended.
- Community & Economic Development; Laurie Smith, 577-5347, [lsmith@modestogov.com](mailto:lsmith@modestogov.com)*

**ACTION: Resolution 2005-278** (Dunbar/Jackman; unan. Keating absent) adopting an annual cost of living adjustment for building permit fees and amending Resolution Nos. 89-1003, 89-1004, 89-1005, 89-1006, 92-255, 93-263, and 2003-446.

29. Hearing to consider the Proposed Fiscal Year 2005-06 Operating Budget and Interim Capital Improvement Program for the City of Modesto.
- Motion acknowledging receipt of report recommended.
- Finance; Gail Bailey, 571-5101, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION:** By Motion (Hawn/Marsh; unan. Keating absent) acknowledging receipt of report.

30. Hearing to consider approving the draft 2005-2006 HUD Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant (HOME), and Emergency Shelter Grant (ESG) Funds, and authorizing the City Manager or his designee to sign the required certifications and documents for submittal to the Department of Housing and Urban Department (HUD).
- Resolution approving the draft 2005-2006 HUD Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant (HOME), and Emergency Shelter Grant (ESG) Funds, and authorizing the City Manager or his designee to sign the required certifications and documents for submittal to the Department of Housing and Urban Department (HUD) recommended.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-279** (Dunbar/Jackman; unan. Keating absent) approving the draft 2005-2006 HUD Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant (HOME), and Emergency Shelter Grant (ESG) Funds, and authorizing the City Manager or his designee to sign the required certifications and documents for submittal to the Department of Housing and Urban Department (HUD).

*This item was continued from May 10, 2005.*

Mayor Ridenour absent due to a conflict of interest

31. Hearing to consider the application of Priority One Medical Transport to operate as a non-emergency medical transport service in the City of Modesto.
- Resolution granting Priority One Medical Transport a City of Modesto business license to operate non-emergency medical transport in the City of Modesto recommended.
- Police; Dan Inderbitzen, 342-6142 [inderbitzend@modestopd.com](mailto:inderbitzend@modestopd.com)*

**ACTION: Resolution 2005-280** (O'Bryant/Dunbar; unan. Ridenour and Keating absent) granting Priority One Medical Transport a City of Modesto business license to operate non-emergency medical transport in the City of Modesto.

32. Hearing to consider adopting increased water connection fees and qualifying the following findings for a CEQA exemption, according to Public Resources Code Section 21080(b)(8); 14 California Code of Regulations Section 15273(a), that the project is for the following purposes: (1) Meeting operating expenses; (2) Purchasing or leasing supplies, equipment, or materials; (3) Meeting financial reserve needs and requirements; (4) Obtaining funds for capital projects necessary to maintain service within existing service areas.
- Resolution accepting the Foresight Consulting report on Water Connection fees and approving the adoption of increased fees as calculated by Foresight Consulting, including an annual inflation adjustment recommended.

- Resolution amending and restating Resolution 2004-627 regarding the increased water connection fees recommended.

*Public Works; Jana Coons, 342-2281, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION: Resolution 2005-281** (Hawn/Jackman; unan. Keating absent) accepting the Foresight Consulting report on Water Connection fees and approving the adoption of increased fees as calculated by Foresight Consulting, including an annual inflation adjustment. Council directed that the fees be reviewed no less often than 3 years.

**ACTION: Resolution 2005-282** (Hawn/Jackman; unan. Keating absent) amending and restating Resolution 2004-627 regarding the increased water connection fees and limiting the 5/8" service connection fee to either single story/single family residences on a lot of 4000 square-feet or less or to two-story/single family residences on a lot of 4000 square-feet or less provided the request for such a service is accompanied by a report from a license professional engineer (and approved by the Public Works Director) that certifies that the 5/8" service is adequate to meet the needs of the proposed dwelling; and further providing that the connection fee for service upgrades are subject to the connection charges set forth in this resolution, less the amount of the connection charge set forth in the resolution for the size of the initial installation; and making CEQA findings to support an exemption from CEQA.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 8:55 p.m.

### **CLOSED SESSION**

*All closed sessions heard prior to the Council meeting.*

### **CONFERENCE WITH LABOR NEGOTIATORS**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Unrepresented Management/Confidential Employees.

### **CONFERENCE WITH LABOR NEGOTIATORS**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:                 George Britton, City Manager  
   Robin Renwick, Personnel Director

Employee Organization:               Modesto Police Management Association

## MINUTES

# City of Modesto

Audit Committee Meeting/  
Special City Council Workshop Meeting  
Tenth Street Place, 2<sup>nd</sup> Floor, Room 3001  
1010 10<sup>th</sup> Street  
Modesto, California

Thursday, June 2, 2005, at 9:30 a.m.

Roll Call – Present: Mayor Ridenour, Councilmembers Keating, O’Bryant

### ORAL COMMUNICATIONS

None

### CONSENT ITEMS

1. Consider receiving travel information for Mayor and Councilmembers, Charter Officers, City Manager, Department Directors, Department Deputy Directors, Assistants and Division Chiefs for Quarter Three (January, February and March 2005).

**ACTION:** Moved and approved.

2. Consider receiving Workers’ Compensation Claims Audit report performed in January 2005.

**ACTION:** Moved and approved.

3. Consider approving recommendation to amend Maze & Associates contract to prepare the State Controller’s Report for an additional three years.

**ACTION:** Moved and approved.

### NEW BUSINESS

4. At the request of the City Council, consider the repeal or amendment of the City’s campaign reporting ordinance otherwise known as the “TIN CUP” ordinance.

**ACTION:** The Audit Committee recommended that the City Council consider repealing Section 2-8.03 of the Municipal Code and amending Section 2-8.01(c) from \$1,000 to \$3,000. The Audit Committee also recommended adding a section that would exempt this Ordinance from applying to contributions received by a Councilmember who seeks any other elective office.

**COMMITTEE COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 10:00 a.m.

## MINUTES

# City of Modesto

Safety & Communities Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, June 6, 2005, at 5:30 p.m.**

Roll Call – Present      Committee Members Dunbar, Hawn, O’Bryant

Also Present:              None

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

Councilmember Dunbar discussed the recent Supreme Court decision regarding medical marijuana and asked that the matter be placed on the next Safety & Communities Committee Agenda.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:**      None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

1. Consider receiving informational report regarding application for Gang Violence Suppression Program.

**ACTION:** This item was for information only. No action was taken.

2. Consider receiving informational report regarding Crime Stoppers Program.

**ACTION:** This item was for information only. No action was taken.

3. Consider receiving informational report regarding temporary closure of the Southwest Area office.

**ACTION:** This item was for information only. No action was taken.

4. Consider receiving informational report regarding Modesto Fire Department's rating from the Insurance Services Office (ISO).

**ACTION:** This item was for information only. No action was taken.

5. Consider recommendation to authorize purchase of a 105-foot heavy duty aerial ladder truck and authorize appropriation transfers.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

6. Consider recommendation to approve expenditure for FileNet document imaging – 15 additional shared and 4 additional dedicated licenses and one-year annual maintenance.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

### **WRITTEN COMMUNICATIONS**

7. Correspondence from Susan Novak, neighborhood blight 2200 block of Edgebrook.

**ACTION:** This item was for information only. No action taken.

8. Correspondence from Richard Elke, speeding in Edgebrook Drive neighborhood.

**ACTION:** This item was for information only. No action taken.

9. E-correspondence from Kevin Willett, Enslin Park and various safety concerns.

**ACTION:** This item was for information only. No action taken.

### **UNFINISHED BUSINESS**

10. Continued discussion on panhandling Ordinance (requested by Councilmember O'Bryant).

**ACTION:** This item was not heard.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:50 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, June 7, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Wayne Bridegroom; Central Baptist Church

City Clerk’s Announcements Item 14 – Removed from Consent

Declaration of Conflicts of Interest – Hawn, Marsh, Jackman and Dunbar – CIP Projects

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Youth Commission on Lighted Crosswalk and program at Garrison School on getting to school safely.

**ACTION:** Presentation made by Jennifer Brinar and Youth Commissioners.

2. Presentation of proclamation to the Modesto Garden Club proclaiming June 5-11, 2005 as National Garden Week.

**ACTION:** Presentation made by Mayor Ridenour.

### MISCELLANEOUS

#### Appointments

3. Consider approving the Economic Development Committee’s recommendation of the following appointments:

A. Doug Moore to the Board of Building Appeals with a term ending January 1, 2007

**ACTION: Resolution 2005-283** (Jackman/Hawn; unan.) appointing Doug Moore to the Board of Building Appeals with a term ending January 1, 2007.

B. Diane L. Hernandez (SW area resident) to the Community Qualities Forum, with a term ending January 1, 2008.

**ACTION: Resolution 2005-284** (Jackman/Hawn; unan.) appointing Diane L. Hernandez (SW area resident) to the Community Qualities Forum, with a term ending January 1, 2008.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

Loren Peterson spoke regarding a hit and run accident and speeding on her street.

Bishop Bergstrom spoke regarding the hit and run accident.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 4 through 15

**ACTION Consent Items 4- 13, & 15: Jackman/Hawn; unan.**

**ACTION Item 14: Dunbar/Jackman; unan.**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

4. Consider approval of the minutes of the regular City Council meeting of May 24, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn; unan.) approved the minutes of May 24, 2005.

**CONSENT**

5. Consider authorizing the City Manager to enter into an employment agreement with Judith E. Ray to serve as Deputy City Manager.

- Resolution authorizing the City Manager to enter into an employment agreement with Judith E. Ray to serve as Deputy City Manager recommended.

*Personnel; Robin Renwick, 577-5400, [rrenwick@modestogov.com](mailto:rrenwick@modestogov.com)*

**ACTION: Resolution 2005-285** (Jackman/Hawn; unan.) authorizing the City Manager to enter into an employment agreement with Judith E. Ray to serve as Deputy City Manager.

#### CONSENT

6. Consider acquisition of property from McHenry-Modesto, a California Limited Partnership – Portion of APN 120-033-024 for expansion of Well Site #21 Total cost to City: \$38,000.
- Resolution approving agreements between the City of Modesto and McHenry-Modesto, a California Limited Partnership for the acquisition of property (Assessors Parcel No. 120-033-024 – Portion) for the expansion of Well Site #21 and authorizing the City Manager to execute agreement on behalf of the City recommended.
  - Resolution authorizing the City Manager to sign an acceptance form on behalf of the City of Modesto for the Deed involved in this acquisition recommended.
- Community & Economic Development; Linda Boston, 571-5179, [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Resolution 2005-286** (Jackman/Hawn; unan.) approving agreements between the City of Modesto and McHenry-Modesto, a California Limited Partnership for the acquisition of property (Assessors Parcel No. 120-033-024 – Portion) for the expansion of Well Site #21 and authorizing the City Manager to execute agreement on behalf of the City

**ACTION: Resolution 2005-287** (Jackman/Hawn; unan.) authorizing the City Manager to sign an acceptance form on behalf of the City of Modesto for the Deed involved in this acquisition.

#### CONSENT

7. Consider introduction of an ordinance amending Section 8-3.206 of the Modesto Municipal Code relating to Central Purchasing-Preference to Local Merchants.
- Motion introducing an ordinance amending Section 8-3.206 of the Modesto Municipal Code relating to Central Purchasing-Preference to Local Merchants recommended.
- Finance; Mark Averell, 571-5164, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION: By Motion** (Jackman/Hawn; unan.) introduced an Ordinance No. 3389-C.S. amending Section 8-3.206 of the Modesto Municipal Code relating to Central Purchasing-Preference to Local Merchants.

#### CONSENT

8. Consider approving the Monthly Budget Adjustment Report – May 2005.

- Resolution approving the Monthly Budget Adjustment Report – May 2005 recommended.

*Finance; Gail Bailey, 577-5378, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-288** (Jackman/Hawn; unan.) approving the Monthly Budget Adjustment Report – May 2005.

#### CONSENT

9. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of nineteen motorcycle helmet radio communication kits for the Police Department, for a total estimated cost of \$56,017.
  - Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of nineteen motorcycle helmet radio communication kits for the Police Department, for a total estimated cost of \$56,017 recommended.

*Finance; Ken Masasso, 571-5164, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-289** (Jackman/Hawn; unan.) authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of nineteen motorcycle helmet radio communication kits for the Police Department, for a total estimated cost of \$56,017.

#### CONSENT

10. Consider allowing the Information Technology Department to renew its annual maintenance contract for Novell software. Total cost: \$53,977.51.
  - Resolution allowing the Information Technology Department to renew its annual maintenance contract for Novell software and authorizing the City Manager to sign the contract recommended.

*Information Technology; Joyce Engberg; 577-5229, [jengberg@modestogov.com](mailto:jengberg@modestogov.com)*

**ACTION: Resolution 2005-290** (Jackman/Hawn; unan.) allowing the Information Technology Department to renew its annual maintenance contract for Novell software and authorizing the City Manager to sign the contract.

#### CONSENT

11. Consider approving 1) the revised guidelines for the City of Modesto Down Payment Assistance Program funded through CDBG funds, and rescinding Resolution No. 2003-529, 2) City of Modesto First Time Homebuyer Mortgage Assistance Program funded through State CalHome funds, and 3) City of Modesto American Dream Down payment Assistance Initiative Program (ADDI) funded through HOME funds.
  - Resolution approving the revised guidelines for the City of Modesto Down Payment Assistance Program funded through CDBG funds, and rescinding Resolution No. 2003-529 recommended.

- Resolution approving the City of Modesto First Time Homebuyer Mortgage Assistance Program funded through State CalHome funds recommended.
- Resolution approving the City of Modesto American Dream Down Payment Assistance Initiative Program (ADDI) funded through HOME funds recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, [caverell@modestogov.com](mailto:caverell@modestogov.com)*

**ACTION: Resolution 2005-291** (Jackman/Hawn; unan.) approving the revised guidelines for the City of Modesto Down Payment Assistance Program funded through CDBG funds, and rescinding Resolution No. 2003-529.

**ACTION: Resolution 2005-292** (Jackman/Hawn; unan.) approving the City of Modesto First Time Homebuyer Mortgage Assistance Program funded through State CalHome funds.

**ACTION: Resolution 2005-293** (Jackman/Hawn; unan.) approving the City of Modesto American Dream Down Payment Assistance Initiative Program (ADDI) funded through HOME funds.

#### CONSENT

12. Consider approving a lease agreement with Clearwire for cellular tower sites at Beyer and Davis Community Parks and Creekside Golf Course.

- Resolution approving a Lease Agreement between the City of Modesto and Clearwire LLC, a Nevada limited liability company, for a cellular tower site located on a portion of Beyer Park, with four five-year options to extend the lease, and authorizing the City Manager to execute the agreement recommended.
- Resolution approving a Lease Agreement between the City of Modesto and Clearwire LLC, a Nevada limited liability company, for a cellular tower site located on a portion of Davis Park, with four five-year options to extend the lease, and authorizing the City Manager to execute the agreement recommended.
- Resolution approving a Lease Agreement between the City of Modesto and Clearwire LLC, a Nevada limited liability company, for a cellular tower site located on a portion of Creekside Golf Course, with four five-year options to extend the lease, and authorizing the City Manager to execute the agreement recommended.

*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, [ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION: Resolution 2005-294** (Jackman/Hawn; unan.) approving a Lease Agreement between the City of Modesto and Clearwire LLC, a Nevada limited liability company, for a cellular tower site located on a portion of Beyer Park, with four five-year options to extend the lease, and authorizing the City Manager to execute the agreement.

**ACTION: Resolution 2005-295** (Jackman/Hawn; unan.) approving a Lease Agreement between the City of Modesto and Clearwire LLC, a Nevada limited liability company,

for a cellular tower site located on a portion of Davis Park, with four five-year options to extend the lease, and authorizing the City Manager to execute the agreement.

**ACTION: Resolution 2005-296** (Jackman/Hawn; unan.) approving a Lease Agreement between the City of Modesto and Clearwire LLC, a Nevada limited liability company, for a cellular tower site located on a portion of Creekside Golf Course, with four five-year options to extend the lease, and authorizing the City Manager to execute the agreement.

#### CONSENT

13. Consider approving the plans and specifications, and awarding the bid and approving a \$2,793,535 contract with George Reed, Inc., for the project titled, "Briggsmore Avenue Widening, Oakdale Road to Claus Road," and authorizing the City Manager to execute the contract; and consider amending the current capital improvement FY 2005 budget, and consider finding that the project is within the scope of the Village One Specific Plan (SCH No. 90020181). Total estimated cost of this project is \$3,449,535, which includes construction contingency, construction administration and engineering design.

- Resolution approving the plans and specifications for the Briggsmore Avenue Widening, Oakdale Road To Claus Road project, awarding the bid and approving a \$2,793,535 contract with George Reed, Inc., for the project titled, "Briggsmore Avenue Widening, Oakdale Road To Claus Road," and authorizing the City Manager to execute the contract recommended.
- Resolution amending the current capital improvement FY 2005 budget to close CIP projects 1410-430-N495 (Briggsmore – Oakdale to Roselle), and 1410-430-A216 (Briggsmore – Roselle to Claus), return funds to Reserve Balance, and re-appropriate funds to establish 1410-430-H719 (Briggsmore - Oakdale to Claus) recommended.
- Resolution finding that the project is within the scope of the Village One Specific Plan (SCH No. 90020181) recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-297** (Jackman/Hawn; unan.) approving the plans and specifications for the Briggsmore Avenue Widening, Oakdale Road To Claus Road project, awarding the bid and approving a \$2,793,535 contract with George Reed, Inc., for the project titled, "Briggsmore Avenue Widening, Oakdale Road To Claus Road," and authorizing the City Manager to execute the contract.

**ACTION: Resolution 2005-298** (Jackman/Hawn; unan.) amending the current capital improvement FY 2005 budget to close CIP projects 1410-430-N495 (Briggsmore – Oakdale to Roselle), and 1410-430-A216 (Briggsmore – Roselle to Claus), return funds to Reserve Balance, and re-appropriate funds to establish 1410-430-H719 (Briggsmore - Oakdale to Claus).

**ACTION: Resolution 2005-299** (Jackman/Hawn; unan.) finding that the project is within the scope of the Village One Specific Plan (SCH No. 90020181).

**CONSENT**

14. Consider accepting the work by Magnum Enterprises, Inc., for the “Modesto Fire Station No. 11” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,722,737.99 per the contract. Total project cost is \$2,150,090.36.

- Resolution accepting the work by Magnum Enterprises, Inc., for the “Modesto Fire Station No. 11” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,722,737.99 per the contract recommended.

*Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-300** (Dunbar/Jackman; unan.) accepting the work by Magnum Enterprises, Inc., for the “Modesto Fire Station No. 11” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,722,737.99 per the contract.

**CONSENT**

15. Consider approving and authorizing the submission of the Transportation Development Act Transit Claim (Transit Claim) for Fiscal Year 2005/06 in the amount of \$5,515,801 to the Stanislaus Council of Governments (StanCOG).

- Resolution approving and authorizing the submission of the Transportation Development Act Transit Claim (Transit Claim) for Fiscal Year 2005/06 in the amount of \$5,515,801 to the Stanislaus Council of Governments (StanCOG) recommended.

*Public Works; Fred Cavanah, 577-5298, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Resolution 2005-301** (Jackman/Hawn; unan.) approving and authorizing the submission of the Transportation Development Act Transit Claim (Transit Claim) for Fiscal Year 2005/06 in the amount of \$5,515,801 to the Stanislaus Council of Governments (StanCOG)

**COUNCIL COMMENTS & REPORTS**

None

**UNFINISHED BUSINESS**

16. Consider adopting the Fiscal Year 2005-06 Annual Operating Budget & Interim Capital Improvement Program.

- Motion introducing Ordinance approving the Fiscal Year 2005-06 Annual Operating Budget and Interim Capital Improvement Program recommended.

- Resolution establishing the 2006 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation recommended.

*Finance; Judith Ray, 571-5809, [jray@modestogov.com](mailto:jray@modestogov.com)*

**ACTION:** Motion by (Jackman/Marsh; unan. Hawn absent due to conflict of interest) approve Capital Improvement Program items City/County Admin Building – JPA, City/County Admin Building – Counter Reconstruction, 9<sup>th</sup> Street Storm Drainage, Centre Plaza Energy Management, Centre Plaza Terrace Elevator, Modesto Centre Plaza Lighting, 10<sup>th</sup> Street Place Property Acquisition and RDA Master Plan.

**ACTION:** By motion (Marsh/Keating; unan. Jackman absent due to conflict of interest) approved Capital Improvement Program item RDA Master Plan.

**ACTION:** By motion (Dunbar/Jackman; majority, Keating, Marsh and O’Bryant no) the City Council approved the funding of 2 police officer positions as recommended by the Finance Department.

**ACTION:** By motion (Dunbar/O’Bryant; unan.) the City Council approved to maintain 9 Fire and 6 Polic positions as unfunded in the City’s inventory.

**ACTION:** By motion (Dunbar/Keating; unan. Hawn absent due to conflict of interest) the City Council approved the Cultural Promotions portion of the Park, Recreation and Neighborhoods budget as recommended by the Finance Department.

**ACTION:** By Motion (Hawn/Jackman; unan.) introducing and adopting Ordinance No. 3390 approving the Fiscal Year 2005-06 Annual Operating Budget and Interim Capital Improvement Program recommended.

**ACTION: Resolution 2005-301A** (Hawn/Jackman; unan.) establishing the 2006 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation.

Recess 7:25

Reconvene 7:35

Councilmember O’Bryant absent

**NEW BUSINESS**

17. Consider accepting an informational report on roadway construction during the summer and fall of 2005.

- Motion acknowledging receipt of report.

*Public Works; Dean Phillips, 209-577-5260; [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION:** By order of the Chair acknowledged receipt of report.

*Study Session Item*

18. Consider accepting the Master Plan and Engineer's Report presentation by Carollo Engineering; and approving amendments to the agreement with Carollo Engineering for provision of additional professional engineering services in support of Phase I of the Wastewater Master Plan Update in the amount of \$298,400 as well as to delete the Environmental Work from the Phase I contract, representing a decrease in the amount of \$155,000 for a net cost of \$143,400, and; approving an agreement in the amount of \$127,048 with Carollo Engineering for professional engineering services to develop the Wastewater Justification and Cost Allocation for the Proposed Wastewater System Improvements Study (Engineer's Report) and approval to transfer funds from the Sewer Fund Reserve to fund this agreement; and approving an amendment to the agreement with Foresight Consulting for the Water and Wastewater User Fee and Infrastructure Fee Study in the amount of \$142,050 and approval to transfer funds from Water & Sewer Fund Reserves to support the proposed amendment.

- Motion to accept the Master Plan and Engineer's Report presentation by Carollo Engineering recommended.
- Resolution approving & authorizing the City Manager to execute an amendment to the agreement with Carollo Engineering for provision of additional professional engineering services in support of Phase I of the Wastewater Master Plan Update in the amount of \$298,400 as well as to delete the Environmental Work from the Phase I contract, representing a decrease in the amount of \$155,000 for a net cost of \$143,400 recommended.
- Resolution approving & authorizing the City Manager to execute an agreement in the amount of \$127,048 with Carollo Engineering for professional engineering services to develop the Wastewater Justification and Cost Allocation for the Proposed Wastewater System Improvements Study (Engineer's Report) and approval to transfer funds from the Sewer Fund Reserve to fund this agreement recommended.
- Resolution approving & authorizing the City Manager to execute an amendment to the agreement with Foresight Consulting for the Water and Wastewater User Fee and Infrastructure Fee Study in the amount of \$142,050 and approval to transfer funds from Water & Sewer Fund Reserves to support the proposed amendment recommended.

*Public Works; Rich Ulm, 577-5261, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION:** By Motion (Hawn/Jackman; unan.) accepting the Master Plan and Engineer's Report presentation by Carollo Engineering.

**ACTION: Resolution 2005-302** (Hawn/Jackman; unan.) approving & authorizing the City Manager to execute an amendment to the agreement with Carollo Engineering for provision of additional professional engineering services in support of Phase I of the Wastewater Master Plan Update in the amount of \$298,400 as well as to delete the Environmental Work from the Phase I contract, representing a decrease in the amount of \$155,000 for a net cost of \$143,400.

**ACTION: Resolution 2005-303** (Hawn/Jackman; unan.) approving & authorizing the City Manager to execute an agreement in the amount of \$127,048 with Carollo Engineering for professional engineering services to develop the Wastewater Justification and Cost Allocation for the Proposed Wastewater System Improvements Study (Engineer's Report) and approval to transfer funds from the Sewer Fund Reserve to fund this agreement.

**ACTION: Resolution 2005-304** (Hawn/Jackman; unan.) approving & authorizing the City Manager to execute an amendment to the agreement with Foresight Consulting for the Water and Wastewater User Fee and Infrastructure Fee Study in the amount of \$142,050 and approval to transfer funds from Water & Sewer Fund Reserves to support the proposed amendment.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 9:17 p.m. to the following:

### **CLOSED SESSION**

All closed sessions heard prior to the meeting.

### **CONFERENCE WITH LABOR NEGOTIATORS**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto City Employees Association (MCEA)

**CONFERENCE WITH LABOR NEGOTIATORS**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Confidential and Management Association (MCMA)

**CONFERENCE WITH REALY PROPERTY NEGOTIATOR**

(Pursuant to Section 54956.8 of the Government Code)

**Property:** Purchase, sale or lease of Well #21 Expansion Project located within the McHenry Village property, along the Briggsmore Avenue frontage:

APN: 120-033-024 (portion)

McHenry-Modesto, a California Limited Partnership, Owner

**Negotiating parties:** McHenry-Modesto, a California Limited Partnership, Seller  
Steve Long of Overland, Pacific and Cutler, as Property Agent for City of Modesto

**Under Negotiation:** Price and terms of sale of property

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, June 13, 2005, at 5:30 p.m.**

Roll Call: Present: Councilmembers Jackman, Keating, Marsh

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 3

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

1. Consider receiving status report of development projects processed by the Community & Economic Development Department

**ACTION:** The Economic Development Committee approved Staff's recommendation.

#### CONSENT

45. Consider recommendation to approve Automatic Vehicle Location System for Modesto Area Express (MAX) and increasing existing engineering services contract to support system

**ACTION:** The Economic Development Committee approved Staff's recommendation.

**CONSENT**

46. Consider accepting the draft Water System Hydraulic Model Project and Associated System Analysis Report

**ACTION:** The Economic Development Committee approved Staff's recommendation.

**NEW BUSINESS**

47. Consider staff recommendations to accept status update on the Northern San Joaquin Valley Regional Water Reclamation Feasibility Study

**ACTION:** The Economic Development Committee approved Staff's recommendation.

48. Consider staff recommendation to approve prioritization list for the Capital Improvement Program (CIP) projects in the Carver-Bangs/Pelandale-Snyder Community Facilities District

**ACTION:** The Economic Development Committee approved Staff's recommendation.

49. Consider approving staff recommendation to approve the updated schedule of maximum rates for solid waste collection services

**ACTION:** The Economic Development Committee approved Staff's recommendation and in the future, the rate schedule staff report will be discussed with the waste haulers prior to being presented to a Committee.

7. Discussion and consideration of including Police and Fire operating costs in a "maintenance" Mello-Roos District (Community Facilities District) and discussion and consideration of a one-half percent sales tax for funding city functions and activities. Staff will provide verbal and written presentations at the meeting

**ACTION:** This item was for information only. No action was taken.

**COMMITTEE MEMBER COMMENTS AND REPORTS**

Chairman Keating requested an explanation of the process for water "will serve" letters and the guidelines for waste hauler licensing and permitting.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **FUTURE AGENDA ITEMS**

64. Sphere of Influence Study
65. Design Guidelines – Commercial, Industrial, Residential
66. Outdoor Dining Ordinance
67. Review recommendations to RDA for approval of an agreement for a mixed-use development at southwest corner of 10<sup>th</sup> & H Streets
68. CFF prioritization
69. Paving streets priority criteria
70. Discussion of AB 2176
71. Prescott/Bangs Proposed Roundabout
72. Angle parking downtown
73. Groundwater management plan
74. Riverdale Water System
75. Sky West Airlines lease agreement
76. Kansas-Woodland Business Park
77. General Plan Update Work Program
78. Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work
79. Discussion of funding from existing homeowners to address Twin Bonds “problem”
80. 132/99 Connectivity and Carpenter Road Interchange Issue

## **ADJOURNMENT**

This meeting adjourned at 7:40 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, June 14, 2005, at 5:30 p.m.

Roll Call – Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant

City Clerk’s Announcements: Item 3, 4, 5 and 7 removed from Consent

Declaration of Conflicts of Interest: Councilmember Hawn-Item 6  
Councilmember Keating – Item 10

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 7

**ACTION Consent Items 1, 2, 6: Dunbar/Jackman; unan.**

*Councilmember Dunbar left the meeting.*

**ACTION Item 3: Jackman/Keating; unan. Dunbar absent**

**ACTION Item 4: O’Bryant/Jackman; unan. Dunbar absent**

**ACTION Item 5: Hawn/O’Bryant; unan. Dunbar absent**

**ACTION Item 7: O’Bryant/Hawn; unan. Dunbar absent**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

## CONSENT

1. Consider approval of the minutes of the regular City Council meeting of June 7, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Dunbar/Jackman; unan.) approved the minutes of June 7, 2005.

## CONSENT

2. Consider requiring Candidates to pay a deposit for the Candidate Statement at the time of filing their nomination papers, and pay the cost of printing their Candidate Statement in the sample ballot.
  - Resolution requiring Candidates to pay a \$500 deposit for the Candidate Statement at the time of filing their nomination papers, and pay the cost of printing their Candidate Statement in the sample ballot recommended.*Clerk; Jean Zahr, 577-5396, [jzahr@modestogov.com](mailto:jzahr@modestogov.com)*

**ACTION: Resolution 2005-305** (Dunbar/Jackman; unan.) requiring Candidates to pay a \$500 deposit for the Candidate Statement at the time of filing their nomination papers, and pay the cost of printing their Candidate Statement in the sample ballot.

## Removed from Consent

3. Consider authorizing the sale and issuance of special tax bonds on behalf of City of Modesto CFD No. 2003-1 (Fairview Village), approving documents relating thereto and authorizing and directing certain related actions.
  - Resolution authorizing the sale and issuance of special tax bonds on behalf of City of Modesto CFD No. 2003-1 (Fairview Village), approving documents relating thereto and authorizing and directing certain related actions recommended.*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-306** (Jackman/Keating; unan. Dunbar absent) authorizing the sale and issuance of special tax bonds on behalf of City of Modesto CFD No. 2003-1 (Fairview Village), approving documents relating thereto and authorizing and directing certain related actions.

## Removed from Consent

4. Consent approving Health Benefit Changes for Unrepresented Employees for FY 05-06 and 06-07.

- Resolution authorizing increases in the City's contributions for health, dental and vision benefits for unrepresented Management and Confidential employees for FY 05-06 and FY 06-07 recommended.
- Resolution amending the FY 05-06 Operating Budget to transfer \$17,500 from the General Fund Reserve and \$8,500 from other Fund reserves to various health benefit accounts recommended.

*Personnel; Robin Renwick, 577-5400, [rrenwick@modestogov.com](mailto:rrenwick@modestogov.com)*

**ACTION: Resolution 2005-307** (O'Bryant/Jackman; unan. Dunbar absent) authorizing increases in the City's contributions for health, dental and vision benefits for unrepresented Management and Confidential employees for FY 05-06 and FY 06-07.

**ACTION: Resolution 2005-308** (O'Bryant/Jackman; unan. Dunbar absent) amending the FY 05-06 Operating Budget to transfer \$17,500 from the General Fund Reserve and \$8,500 from other Fund reserves to various health benefit accounts.

Removed from Consent

5. Consider appropriating \$110,000 from the General Fund Reserve to Organization 1605 in order to fully fund electrical utility costs for the remainder of Fiscal Year 2004/2005.

- Resolution appropriating \$110,000 from the General Fund Reserve to Organization 1605 in order to fully fund electrical utility costs for the remainder of Fiscal Year 2004/2005 recommended.

*Public Works; Jeffrey L. Barnes, 577-5468, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: Resolution 2005-309** (Hawn/O'Bryant; unan. Dunbar absent) appropriating \$110,000 from the General Fund Reserve to Organization 1605 in order to fully fund electrical utility costs for the remainder of Fiscal Year 2004/2005.

Councilmember Hawn absent due to Conflict of Interest

6. Consider approving the plans and specifications, awarding the bid, and approving a \$294,860 construction contract with Collins Electrical for the project entitled, "Traffic Signal Modifications at 4 Locations: 9<sup>th</sup>/G Streets, 9<sup>th</sup>/H Streets, 9<sup>th</sup>/J Streets, and Yosemite Boulevard/La Loma Avenue, and authorizing the City Manager to execute the contract agreement. The capital cost of the project will be \$359,730. The CMAQ grants will cover \$318,469. The remaining \$41,261 is a transfer from CFF Street for the City's Matching Funds budgeted in Account No. 2300-160-E633, "Five Traffic Signal Modifications-State."

- Resolution approving the plans and specifications, awarding the bid, and approving a \$294,860 construction contract with Collins Electrical for the project entitled, "Traffic Signal Modifications at 4 Locations: 9<sup>th</sup>/G Streets, 9<sup>th</sup>/H Streets, 9<sup>th</sup>/J Streets, and Yosemite Boulevard/La Loma Avenue, and authorizing the City Manager to execute the contract agreement. The capital cost of the project will be \$359,730. The CMAQ grants will cover \$318,469. The remaining

\$41,261 is budgeted in Account No. 2300-160-E633, "Five Traffic Signal Modifications-State" recommended.

*Public Works; Jeffrey L. Barnes, 577-5468, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: Resolution 2005-310** (Jackman/Dunbar; unan. Hawn, absent) approving the plans and specifications, awarding the bid, and approving a \$294,860 construction contract with Collins Electrical for the project entitled, "Traffic Signal Modifications at 4 Locations: 9<sup>th</sup> /G Streets, 9<sup>th</sup>/H Streets, 9<sup>th</sup>/J Streets, and Yosemite Boulevard/La Loma Avenue, and authorizing the City Manager to execute the contract agreement. The capital cost of the project will be \$359,730. The CMAQ grants will cover \$318,469. The remaining \$41,261 is budgeted in Account No. 2300-160-E633, "Five Traffic Signal Modifications-State."

Removed from Consent

7. Consider amending the Classification Plan to reallocate the position of Water Quality Control Operations Supervisor to the position of Water Quality Control Superintendent, eliminate a vacant Senior Wastewater Treatment Plant Operator position and revise the Job Specification for Water Quality Control Superintendent.

- Resolution amending the Classification Plan to reallocate the position of Water Quality Control Operations Supervisor to the position of Water Quality Control Superintendent, eliminate a vacant Senior Wastewater Treatment Plant Operator position and revise the Job Specification for Water Quality Control Superintendent recommended.

*Public Works; Peter Cowles, 577-5213, [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION: Resolution 2005-311** (O'Bryant/Hawn; unan; Dunbar absent) amending the Classification Plan to reallocate the position of Water Quality Control Operations Supervisor to the position of Water Quality Control Superintendent, eliminate a vacant Senior Wastewater Treatment Plant Operator position and revise the Job Specification for Water Quality Control Superintendent.

## COUNCIL COMMENTS & REPORTS

None

## UNFINISHED BUSINESS

8. Consider amending Section 2-8.01 of the Modesto Municipal Code increasing the amount of campaign contributions over the prior 48 months that triggers a conflict of interest from \$1,000 to \$3,000, clarifying that campaign contributions received by councilmembers in connection with their candidacy for any other elective office do not count towards the \$3,000 limit, and eliminating the limitation on contributions in the week preceding the election.

- Motion introducing an Ordinance amending Section 2-8.01 of the Modesto Municipal Code increasing the amount of campaign contributions over the prior 48 months that triggers a conflict of interest from \$1,000 to \$3,000, clarifying that campaign contributions received by councilmembers in connection with their candidacy for any other elective office do not count towards the \$3,000 limit, and eliminating the limitation on contributions in the week preceding the election recommended.

*City Attorney's Office; Mike Milich; 577-5322, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Keating/Hawn; majority Jackman and Marsh no, Dunbar absent) **introducing Ordinance No. 3391-C.S.** amending Section 2-8.01 of the Modesto Municipal Code increasing the amount of campaign contributions over the prior 48 months that triggers a conflict of interest from \$1,000 to \$3,000, clarifying that campaign contributions received by councilmembers in connection with their candidacy for any other elective office do not count towards the \$3,000 limit, and eliminating the limitation on contributions in the week preceding the election.

## HEARINGS

9. Hearing to consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 7); and canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1.
  - Resolution consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 7) recommended.
  - Resolution canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1 recommended.

*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-312** (Hawn/Keating; unan. Dunbar absent) consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 7).

**ACTION: Resolution 2005-313** (Hawn/Keating; unan. Dunbar absent) canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1.

10. Hearing to consider amending Section 10-2.505 of the Modesto Municipal Code and establishing an annual fee for Home Business Permits.

- Motion introducing an ordinance amending Section 10-2.505 of Article 5 of Chapter 2 of Title 10 of the Modesto Municipal Code, relating to Low Density Residential Zone (R-1) Home Business recommended.
- Resolution establishing an annual fee for Home Business Permits recommended.  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION:** By Motion (O’Bryant/Marsh; majority Hawn and Jackman no, Dunbar absent) to send this item to the Safety and Communities Committee.

### NEW BUSINESS

11. Consider directing staff to initiate a Managed Competition process for Forestry services and begin “Meet and Confer” process on impacts/processes with MCEA and MCMA; and authorizing the Public Works Department to issue a formal Request for Qualifications/Request for Proposals (RFQ/RFP) for Forestry Services.
- Motion directing staff to initiate a Managed Competition process for Forestry Services and begin “Meet and Confer” process on impacts/processes with MCEA and MCMA recommended.
  - Resolution authorizing the Public Works Department to issue a formal Request for Qualifications/Request for Proposals (RFQ/RFP) for Forestry Services recommended.  
*Public Works; Peter Cowles, 577-5213, [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION:** By Motion (Hawn/Jackman; majority O’Bryant no and Dunbar absent) directed staff to initiate a Managed Competition process for Forestry Services and begin “Meet and Confer” process on impacts/processes with MCEA and MCMA.

**ACTION: Resolution 2005-314** (Hawn/O’Bryant no and Dunbar absent) authorizing the Public Works Department to issue a formal Request for Qualifications/Request for Proposals (RFQ/RFP) for Forestry Services including a request to MID for a combined service.

12. Consider approving a multi-year MOU between the City of Modesto and the Modesto Police Management Association (MPMA), and amending the FY 05-06 Budget.
- Resolution approving a Memorandum of Understanding between the City of Modesto and MPMA for the term of June 28, 2005 through June 22, 2009.  
Resolution approving the Class Range Table for MPMA.
  - Resolution amending the FY 05-06 Operating Budget to transfer \$122,800 from various Fund reserves to the Police Department Operating Budget  
*Personnel; Robin Renwick, 577-5400, [rrenwick@modestogov.com](mailto:rrenwick@modestogov.com)*

**ACTION: Resolution 2005-315** (Marsh/Jackman; unan. Dunbar absent) approving a Memorandum of Understanding between the City of Modesto and MPMA for the term of June 28, 2005 through June 22, 2009.

**ACTION: Resolution 2005-316** (Marsh/Jackman; unan. Dunbar absent) approving the Class Range Table for MPMA.

**ACTION: Resolution 2005-317** (Marsh/Jackman; unan. Dunbar absent) amending the FY 05-06 Operating Budget to transfer \$122,800 from various Fund reserves to the Police Department Operating Budget.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 8:00 p.m.

### **CLOSED SESSION**

*Closed session heard prior to the Council meeting.*

### **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case.

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, June 27, 2005 at 5:30 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn, Jackman  
Absent: None  
Also Present: None

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

### UNFINISHED BUSINESS

1. Consider staff recommendation regarding policy issues on Water Connection Fees.

**ACTION:** The Finance Committee approved Staff's recommendation.

### NEW BUSINESS

10. Consider staff recommendation to waive Utility User's Tax Penalties assessed to Modesto Irrigation District.

**ACTION:** The Finance Committee recommended this item be forwarded to Council to pursue collection.

11. Consider an informational report regarding the Re-Write of the Business License Code, and provide direction to the Finance Department Customer Services Division on how to proceed.

**ACTION:** The Finance Committee approved Option 1 of Staff's recommendation.

12. Consider a formal request from Local Cable Committee for the continued operational support in the existing contract with Final Cut Media for the operation of the Public Access, effective July 1, 2005 – June 30, 2006.

**ACTION:** The Finance Committee recommended forwarding Community Media's Network budget request to the full Council.

13. Consider staff recommendation for approval of the third contract amendment for Micahlynn Rivera, Web Consultant for Community & Economic Development, in an amount not to exceed \$55,000; and authorizing the City Manager to execute the amendment.

**ACTION:** The Finance Committee approved Staff's recommendation.

14. Consider recommending that the City Council adopt a resolution affirming an allocation formula for revenue received from the sale of non-conforming open space.

**ACTION:** The Finance Committee returned this item to Staff.

15. Consider supporting staff's recommendation to enter into a contractual agreement between the Modesto Convention and Visitors Bureau and the City of Modesto to continue providing convention and visitor bureau services.

**ACTION:** The Finance Committee approved Staff's recommendation.

16. Consider supporting a recommendation from the Parks, Recreation & Neighborhoods Department to establish a user fee for use of the tennis court lighting system operated by SkyLogix at the Downey Park tennis courts.

**ACTION:** The Finance Committee approved Staff's recommendation.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:45 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, June 28, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, O’Bryant, Mayor Ridenour

Absent: Marsh

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, The Carpenter’s House

City Clerk’s Announcements: Items 4B, 8, 10, 12, 13, 14, 15 and 19 removed from Consent.  
Items 20 and 23 removed from Agenda.

Declaration of Conflicts of Interest Hawn – Item 28

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the Modesto Fire Department’s ISO Rating.

**ACTION:** Presentation made by Fire Chief Jim Miguel

2. Presentation by the Modesto Fire Department of 4<sup>th</sup> of July weekend response to illegal fireworks campaign.

**ACTION:** Presentation made by Fire Marshal Mike Payton

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 22

ACTION: Jackman/Hawn; unan. Marsh absent

**ACTION Consent: 4B:** Keating/O’Bryant; majority; Dunbar, Jackman no; Marsh absent

**ACTION Consent: 8:** Jackman/Dunbar; majority Keating no Marsh absent

**ACTION Consent: 10:** Jackman/Hawn; unan. Marsh absent

**ACTION Consent: 12:** Keating/Jackman; unan. Marsh absent

**ACTION Consent: 13:** Jackman/Dunbar; unan. Marsh absent

ACTION Consent: 14: **Jackman/Dunbar; unan. Marsh absent**

**ACTION Consent: 15:** Jackman/Dunbar; unan. Marsh absent

ACTION Consent: 19: **O’Bryant/Keating; unan. Marsh absent**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

CONSENT

3. Consider approval of the minutes of the regular City Council meeting of June 14, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn unan. Marsh absent) approved the minutes of June 14, 2005.

CONSENT

4. Consider approving final adoption of the following:
- A. Ordinance No. 3389-C.S. amending Section 8-3.206 of the Modesto Municipal Code relating to Central Purchasing-Preference to Local Merchants.
- Motion approving final adoption of Ordinance No. 3389-C.S. amending Section 8-3.206 of the Modesto Municipal Code relating to Central Purchasing-Preference to Local Merchants recommended.

**ACTION:** By Motion (Jackman/Hawn; unan. Marsh absent) approved the final adoption of Ordinance No. 3389-C.S. amending Section 8-3.206 of the Modesto Municipal Code relating to Central Purchasing-Preference to Local Merchants.

***This item removed from Consent.***

- B. Ordinance 3391-C.S. amending the Section 2-8.01 of the Modesto Municipal Code and repealing Section 2-8.03 of the Modesto Municipal Code relating to campaign reform (Tin Cup).
- Motion approving final adoption of Ordinance 3391-C.S. amending the Section 2-8.01 of the Modesto Municipal Code and repealing Section 2-8.03 of the Modesto Municipal Code relating to campaign reform (Tin Cup) recommended.

**ACTION:** By Motion (Keating/O'Bryant; majority; Dunbar, Jackman no; Marsh absent) approved the final adoption of Ordinance 3391-C.S. amending the Section 2-8.01 of the Modesto Municipal Code and repealing Section 2-8.03 of the Modesto Municipal Code relating to campaign reform (Tin Cup) recommended.

**CONSENT**

5. Consider accepting with regret the resignation of David L. Gianelli from the Tuolumne River Regional Park Citizens Advisory Committee.
- Resolution accepting with regret the resignation of David L. Gianelli from the Tuolumne River Regional Park Citizens Advisory Committee recommended.  
*City Manager's Office; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Resolution 2005-318** (Jackman/Hawn; unan. Marsh absent) accepted with regret the resignation of David L. Gianelli from the Tuolumne River Regional Park Citizens Advisory Committee.

**CONSENT**

6. Consider authorizing the District Administrator to execute an Acquisition and Shortfall Agreement between Community Facilities District No. 2004-1 and Hashem Naraghi, trustee of the Nora Naraghi separate property trust and Centex Homes with a maximum reimbursement amount of \$314,899.00 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181).
- Resolution authorizing the District Administrator to execute an Acquisition and Shortfall Agreement between Community Facilities District No. 2004-1 and Hashem Naraghi, trustee of the Nora Naraghi separate property trust and Centex Homes with a maximum reimbursement amount of \$314,899.00 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181) recommended.

*City Manager; Amy Gedney, 571-5501, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-319** (Jackman/Hawn; unan. Marsh absent) authorized the District Administrator to execute an Acquisition and Shortfall Agreement between Community Facilities District No. 2004-1 and Hashem Naraghi, trustee of the Nora Naraghi separate property trust and Centex Homes with a maximum reimbursement amount of \$314,899.00 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181) recommended.

#### CONSENT

7. Consider annexation of additional territory to City of Modesto Community Facilities District 2004-1 (Village One #2) (Annexation #8) --Bhatti Estates and Sylvan Vet Clinic (Moody)

- Resolution annexation of additional territory to City of Modesto Community Facilities District 2004-1 (Village One #2) and to authorize the levy of special taxes therein (Annexation #8) recommended.

*City Manger; Amy Gedney, 571-5501, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-320** (Jackman/Hawn; unan. Marsh absent) approved the annexation of additional territory to City of Modesto Community Facilities District 2004-1 (Village One #2) and to authorize the levy of special taxes therein (Annexation #8).

#### *This item removed from Consent.*

8. Consider approving the third contract amendment for Micahlynn Rivera, Web Consultant for Community & Economic Development, in an amount not to exceed \$55,000; and authorizing the City Manager to execute said amendment.

- Resolution approving the third contract amendment for Micahlynn Rivera, Web Consultant for Community & Economic Development, in an amount not to exceed \$55,000; and authorizing the City Manager to execute said amendment recommended.

*Community & Economic Development; Laurie A. Smith, 577-5347, [lsmith@modestogov.com](mailto:lsmith@modestogov.com)*

**ACTION: Resolution 2005-321** ( Jackman/Dunbar; majority Keating no Marsh absent ) approved.the third contract amendment for Micahlynn Rivera, Web Consultant for Community & Economic Development, in an amount not to exceed \$55,000; and authorizing the City Manager to execute said amendment.

#### CONSENT

9. Consider approving two annual contracts with the Modesto Bee (McClatchy Newspaper Group) to coincide with the fiscal year calendar, consisting of one for a 500-column-inch

“no-commitment” advertising rate, and one for a “ 12X commitment” business-package advertising plan “D”, and authorizing the City Manager to execute both contracts.

- Resolution approving two annual contracts with the Modesto Bee (McClatchy Newspaper Group) to coincide with the fiscal year calendar, consisting of one for a 500-column-inch “no-commitment” advertising rate, and one for a “ 12X commitment” business-package advertising plan “D”, and authorizing the City Manager to execute both contracts recommended.

*Finance; Mark L. Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com) 577-5412*

**ACTION: Resolution 2005-322** (Jackman/Hawn; unan. Marsh absent) approved. two annual contracts with the Modesto Bee (McClatchy Newspaper Group) to coincide with the fiscal year calendar, consisting of one for a 500-column-inch “no-commitment” advertising rate, and one for a “ 12X commitment” business-package advertising plan “D”, and authorizing the City Manager to execute both contracts.

*This item removed from Consent.*

10. Consider approving the Monthly Budget Adjustment Report – June 2005

- Resolution approving the Monthly Budget Adjustment Report – June 2005 recommended.

*Finance; Gail Bailey, 577-5378, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-323** (Jackman/Hawn; unan. Marsh absent) approved the Monthly Budget Adjustment Report – June 2005.

#### CONSENT

11. Consider approving a grant application for \$100,000 to the San Joaquin Air Quality Control District’s REMOVE II grant for the bike trail at the Virginia Corridor – Phase III.

- Resolution approving a grant application for \$100,000 to the San Joaquin Air Quality Control District’s REMOVE II grant for the bike trail at the Virginia Corridor – Phase III recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582,*

*[bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-324** ( Jackman/Hawn; unan. Marsh absent) approved a grant application for \$100,000 to the San Joaquin Air Quality Control District’s REMOVE II grant for the bike trail at the Virginia Corridor – Phase III.

*This item removed from Consent.*

12. Consider approving a professional services agreement with Market Place Media to work with the City to develop and implement a marketing plan for program sponsorship and presentation sponsors for the City’s parks, programs and facilities.

- Resolution approving a professional services agreement with Market Place Media to work with the City to develop and implement a marketing plan for program sponsorship and presentation sponsors for the City's parks, programs and facilities, and authorizing the City Manager to sign the Agreement recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582,  
[bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-325** (Keating/Jackman; unan. Marsh absent) approved a professional services agreement with Market Place Media to work with the City to develop and implement a marketing plan for program sponsorship and presentation sponsors for the City's parks, programs and facilities, and authorizing the City Manager to sign the Agreement.

*This item removed from Consent.*

13. Consider approving an agreement with the McHenry Museum & Historical Society to provide funding for the Gift Store Manager for the McHenry Museum Gift Shop.
  - Resolution approving an agreement with the McHenry Museum & Historical Society to provide funding for the Gift Store Manager for the McHenry Museum Gift Shop recommended.

*Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060,  
[wmathes@modestogov.com](mailto:wmathes@modestogov.com)*

**ACTION: Resolution 2005-326** (Jackman/Dunbar; unan. Marsh absent) approved an agreement with the McHenry Museum & Historical Society to provide funding for the Gift Store Manager for the McHenry Museum Gift Shop.

*This item removed from Consent.*

14. Consider approving an agreement with the McHenry Mansion Foundation to provide funding for the Gift Store Manager for the McHenry Mansion Gift Shop.
  - Resolution approving an agreement with the McHenry Mansion Foundation to provide funding for the Gift Store Manager for the McHenry Mansion Gift Shop recommended.

*Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060,  
[wmathes@modestogov.com](mailto:wmathes@modestogov.com)*

**ACTION: Resolution 2005-327** (Jackman/Dunbar; unan. Marsh absent) approved an agreement with the McHenry Mansion Foundation to provide funding for the Gift Store Manager for the McHenry Mansion Gift Shop.

*This item removed from Consent*

15. Consider amending Resolution No. 2004-283 to provide that the policy of dedicating \$1.00 per round of golf to the Golf Fund reserve for capital improvements shall be suspended during Fiscal Year 2004-2005.

- Resolution amending Resolution No. 2004-283 to provide that the policy of dedicating \$1.00 per round of golf to the Golf Fund reserve for capital improvements shall be suspended during Fiscal Year 2004-2005 recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,  
[bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Resolution 2005-328** (Dunbar/Keating; unan. Marsh absent) approved amending Resolution No. 2004-283 to provide that the policy of dedicating \$1.00 per round of golf to the Golf Fund reserve for capital improvements shall be suspended during Fiscal Year 2004-2005.

#### CONSENT

16. Consider approving the prioritization list for the Capital Improvement Program (“CIP”) projects remaining to be constructed in the Carver-Bangs/Pelandale-Snyder Community Facilities District (“CBPS CFD”).

- Resolution approving the prioritization list for the Capital Improvement Program (“CIP”) projects remaining to be constructed in the Carver-Bangs/Pelandale-Snyder Community Facilities District (“CBPS CFD”) recommended.

*Public Works; Vickey Dion, 571-5542, [vdion@modestogov.com](mailto:vdion@modestogov.com)*

**ACTION: Resolution 2005-329** (Jackman/Hawn; unan. Marsh absent) approved the prioritization list for the Capital Improvement Program (“CIP”) projects remaining to be constructed in the Carver-Bangs/Pelandale-Snyder Community Facilities District (“CBPS CFD”).

#### CONSENT

17. Consider approving the plans and specifications for the Scenic Drive Bus Turnout Project, accepting the bid and approving a \$77,812.00 contract with BDS Construction, Inc., for the project titled, “Scenic Drive Bus Turnout Project,” and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$115,674, which includes construction contingency, construction administration, and engineering design.

- Resolution approving the plans and specifications for the Scenic Drive Bus Turnout Project, accepting the bid and approving a \$77,812.00 contract with BDS Construction, Inc., for the project titled, “Scenic Drive Bus Turnout Project,” and authorizing the City Manager to execute the contract recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005- 330** (Jackman/Hawn; unan. Marsh absent) approved the plans and specifications for the Scenic Drive Bus Turnout Project, accepting the bid and approving a \$77,812.00 contract with BDS Construction, Inc., for the project titled,

“Scenic Drive Bus Turnout Project,” and authorizing the City Manager to execute the contract.

#### CONSENT

18. Consider approving and adopting the Water System Hydraulic Modeling Project and the Final Draft of the Associated System Analysis Report (HMP Report).
- Resolution approving and adopting the Water System Hydraulic Modeling Project and the Final Draft of the Associated System Analysis Report (HMP Report) recommended.
- Public Works; Jack Bond, 577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION: Resolution 2005-331** (Jackman/Hawn; unan. Marsh absent) approved and adopted the Water System Hydraulic Modeling Project and the Final Draft of the Associated System Analysis Report (HMP Report)

#### *This item removed from Consent*

19. Consider accepting the Northern San Joaquin Valley Regional Water Reclamation Feasibility Study Report and authorizing City staff to apply for subsequent grants, and authorizing the City Manager to execute applications related to such grants on behalf of the City; and consider amending the original Agreement with Raines, Melton & Carella, Inc., now RMC Water and Environment, for additional work provided in the amount of \$17,869.49 and authorizing the City Manager to execute said Amendment to Agreement.
- Resolution accepting the Northern San Joaquin Valley Regional Water Reclamation Feasibility Study Report and authorizing City staff to apply for subsequent grants, and authorizing the City Manager to execute applications related to such grants on behalf of the City recommended.
  - Resolution amending the original agreement with Raines, Melton & Carella, Inc., now RMC Water and Environment, for additional work provided in the amount of \$17,869.49 and authorizing the City Manager to execute said Amendment to Agreement recommended.
- Public Works; Jack Bond, 577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION: Resolution 2005-332** (O’Bryant/Keating; unan. Marsh absent) accepting the Northern San Joaquin Valley Regional Water Reclamation Feasibility Study Report and authorizing City staff to apply for subsequent grants, and authorizing the City Manager to execute applications related to such grants on behalf of the City.

**ACTION: Resolution 2005-333** (O’Bryant/Keating; unan. Marsh absent) amending the original agreement with Raines, Melton & Carella, Inc., now RMC Water and Environment, for additional work provided in the amount of \$17,869.49 and authorizing the City Manager to execute said Amendment to Agreement.

***This item is moved to July 5, 2005***

20. Consider approving an amendment to an engineering services agreement with the URS Corporation, in the amount of \$15,000 to support the procurement of an Automatic Vehicle Location (AVL) system for Modesto Area Express (MAX) and authorizing the City Manager, or his designee, to execute the agreement amendment on behalf of the City, and consider authorizing the issuance of a Request for Proposals (RFP) to furnish and install an Automatic Vehicle Location (AVL) system for the Modesto Area Express (MAX) bus service.

- Resolution approving an amendment to an engineering services agreement with the URS Corporation, in the amount of \$15,000 to support the procurement of an Automatic Vehicle Location (AVL) system for Modesto Area Express (MAX) and authorizing the City Manager, or his designee, to execute the agreement amendment on behalf of the City recommended.
- Resolution authorizing the issuance of a Request for Proposals (RFP) to furnish and install an Automatic Vehicle Location (AVL) system for the Modesto Area Express (MAX) bus service recommended.

*Public Works; Fred Cavanah, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

CONSENT

21. Consider reallocating one Associate Civil Engineer position in Org 5015, Capital Planning section of the Public Works Department, to the position of Senior Civil Engineer.

- Resolution reallocating one Associate Civil Engineer position in Org 5015, Capital Planning section of the Public Works Department, to the position of Senior Civil Engineer recommended.

*Public Works; Peter Cowles, 577-5213, [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION: Resolution 2005-334** (Jackman/Hawn; unan. Marsh absent) reallocating one Associate Civil Engineer position in Org 5015, Capital Planning section of the Public Works Department, to the position of Senior Civil Engineer.

CONSENT

22. Consider approving the final map of the Evergreen Subdivision in the Coffee Claratina Specific Plan Area, authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (owners: Valley Ventures IV, LLC, a California Limited Liability Company, Meritage Homes of California, Inc., a California Corporation, BFC Properties, a California Corporation, and Berberian Properties, LLC, a California Limited Liability Company).

- Resolution approving the final map of the Evergreen Subdivision in the Coffee Claratina Specific Plan Area, authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (owners: Valley Ventures IV, LLC, a California Limited Liability Company, Meritage Homes of California, Inc., a California Corporation, BFC Properties, a

California Corporation, and Berberian Properties, LLC, a California Limited Liability Company) recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-335** (Jackman/Hawn; unan. Marsh absent) approving the final map of the Evergreen Subdivision in the Coffee Claratina Specific Plan Area, authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (owners: Valley Ventures IV, LLC, a California Limited Liability Company, Meritage Homes of California, Inc., a California Corporation, BFC Properties, a California Corporation, and Berberian Properties, LLC, a California Limited Liability Company).

### COUNCIL COMMENTS & REPORTS

- Councilmember Jackman commented on Debra Gilbert's move and thanked her for her assistance and noted his attendance at the American Cancer Society – Relay for Life.
- Mayor Ridenour reported on the trip to Atlanta for the All American Cities Award application.

### HEARINGS

*This public hearing has been cancelled.*

23. Hearing to consider the Mitigated Negative Declaration for Sutton Community Park; and Consider the Design Development Report and Master Plan included therein for Sutton Community Park.
24. Hearing to consider approving the draft "Analysis to Impediments to Fair Housing Choice" report.
  - Resolution approving the draft "Analysis to Impediments to Fair Housing Choice" report and authorizing the City Manager or his designee to sign the related documents for submittal to the Department of Housing and Urban Development (HUD) recommended.

*Parks; Recreation & Neighborhoods; Julie Hannon, 577-5417,  
[jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-336** (Jackman/Dunbar; unan. Marsh absent) approving the draft "Analysis to Impediments to Fair Housing Choice" report and authorizing the City Manager or his designee to sign the related documents for submittal to the Department of Housing and Urban Development (HUD).

25. Hearing to consider approving the maximum rate schedule for City of Modesto solid waste collection services.
- Resolution approving a revised schedule of maximum rates and charges for the collection of garbage in the City of Modesto and rescinding Resolution No. 2004-406 recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: Resolution 2005-337** (Dunbar/O’Bryant; unan. Marsh absent) approving a revised schedule of maximum rates and charges for the collection of garbage in the City of Modesto and rescinding Resolution No. 2004-406.

26. Hearing to consider submitting an application to the Federal Transit Administration (FTA) for \$3,482,993 in Section 5307 formula funds and a grant amendment for \$3,614,907 in Section 5309 discretionary funds.
- Resolution approving submittal of an application to the Federal Transit Administration (FTA) for \$3,482,993 in Section 5307 formula funds and authorize the City Manager, or his designee, to execute all grant application and grant agreement documents recommended.
  - Resolution approving submittal of a grant amendment for \$3,614,907 in Section 5309 discretionary funds; and authorize the City Manager, or his designee, to execute all grant amendment and grant agreement documents recommended.
- Public Works; Fred Cavanah; 577-5213, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Resolution 2005-338** (Jackman/Hawn; unan. Marsh absent) approving submittal of an application to the Federal Transit Administration (FTA) for \$3,482,993 in Section 5307 formula funds and authorize the City Manager, or his designee, to execute all grant application and grant agreement documents.

**ACTION: Resolution 2005-339** (Jackman/Hawn; unan. Marsh absent) approving submittal of a grant amendment for \$3,614,907 in Section 5309 discretionary funds; and authorize the City Manager, or his designee, to execute all grant amendment and grant agreement documents.

27. Hearing to consider Stanislaus and Tuolumne Rivers Groundwater Basin Association’s Integrated Regional Groundwater Management Plan.
- Resolution adopting the Stanislaus and Tuolumne Rivers Groundwater Basin Association’s (STRGBA) Integrated Groundwater Management Plan for the Modesto Subbasin recommended.
  - Resolution authorizing City staff to apply for various water related grants, including Proposition 50, Chapter 8 funding, through the 2005/06 and 2006/07 fiscal years, and authorizing the City Manager to execute applications related to such grants on behalf of the City recommended.
- Public Works; Jack Bond, 577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION: Resolution 2005-340** (Hawn/Jackman; unan. Marsh absent) adopting the Stanislaus and Tuolumne Rivers Groundwater Basin Association's (STRGBA) Integrated Groundwater Management Plan for the Modesto Subbasin.

**ACTION: Resolution 2005-341** (Hawn/Jackman; unan. Marsh absent ) authorizing City staff to apply for various water related grants, including Proposition 50, Chapter 8 funding, through the 2005/06 and 2006/07 fiscal years, and authorizing the City Manager to execute applications related to such grants on behalf of the City.

***Councilmember Hawn absent due to conflict of interest***

28. Hearing to consider the approval of California Statewide Communities Development Authority Revenue Bonds for the benefit of Sutter Health.

- Resolution approving the issuance by California Statewide Communities Development Authority ("CSCDA") of bonds for the benefit of Sutter Health and affiliates ("Sutter Health") and financing the improvement of certain facilities known as Memorial Hospitals Association, located within the City of Modesto recommended.

*Finance; Barry Newlin, 577-5373, [bnewlin@modestogov.com](mailto:bnewlin@modestogov.com)*

**ACTION: Resolution 2005-342** (Dunbar O'Bryant; unan.; Marsh and Hawn absent) approving the issuance by California Statewide Communities Development Authority ("CSCDA") of bonds for the benefit of Sutter Health and affiliates ("Sutter Health") and financing the improvement of certain facilities known as Memorial Hospitals Association, located within the City of Modesto.

**NEW BUSINESS**

29. Consider approving the recommendation of the Employee Benefits Committee to continue to offer employee and dependent health coverage through PacifiCare, Kaiser Permanente, American Specialty Health Plans (chiropractic coverage) and PacifiCare Behavioral Health; to continue to provide dental and vision coverage through the City's self-insured program; and, authorize the Risk Manager to serve as the coordinator for the various plans and authorize the City Manager to execute all necessary agreements.

- Resolution approving agreements with PacifiCare, Kaiser Permanente, American Specialty Health Plans (chiropractic coverage) and PacifiCare Behavioral Health; continuing dental and vision coverage through the City's self-insured program; authorizing the Risk Manager to serve as the coordinator for the various plans, and authorize the City Manager to execute all necessary agreements recommended.

*Personnel; Mary Akin, 577-5251, [makin@modestogov.com](mailto:makin@modestogov.com)*

**ACTION: Resolution 2005-343** (Jackman/Hawn; unan. Marsh absent) approving agreements with PacifiCare, Kaiser Permanente, American Specialty Health Plans (chiropractic

coverage) and PacifiCare Behavioral Health; continuing dental and vision coverage through the City's self-insured program; authorizing the Risk Manager to serve as the coordinator for the various plans, and authorize the City Manager to execute all necessary agreements.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 8:00 p.m.

### **CLOSED SESSION**

*All Closed Sessions heard prior to the meeting.*

#### **CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:                 George Britton, City Manager  
  Janice Stewart, Deputy Director of Personnel

Employee Negotiations:               Modesto City Employees Association (MCEA)

#### **CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:                 George Britton, City Manager  
  Robin Renwick, Personnel Director

Employee Negotiations:               Modesto Confidential and Management Association (MCMA)

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, July 5, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring August 2, 2005 as National Night Out.

**ACTION:** Proclamation presented by Mayor Ridenour. National Night Out team introduced by  
Police Chief Wasden.

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 2 through 7

**ACTION Consent Items 2, 3, 4, 5, 6, 7: Jackman/Hawn; unan.**

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

CONSENT

2. Consider approval of the minutes of the regular City Council meeting of June 28, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn; unan.) approving the minutes of June 28, 2005.

CONSENT

3. Community Facilities District No. 2004-1 (Village One #2) and Village One Facilities Master Plan.
  - Motion introducing an Ordinance Authorizing the Levy of Special Taxes within CFD 2004-1 recommended.
  - Resolution stating that no new environmental review is necessary for review of this project recommended.*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION** By Motion (Jackman/Hawn; unan) introducing **Ordinance No. 3392-C.S.** authorizing the levy of Special Taxes within CFD 2004-1.

**ACTION: Resolution 2005-343A** (Jackman/Hawn; unan.) declaring that no substantial changes have occurred in the circumstances in which this project has been undertaken and that pursuant to Section 15162 of the CEQA Guidelines, no new environmental review needs to be completed for an Ordinance amending the levy of special taxes within the City of Modesto Community Facilities District No. 2004-1 for Tax Zone 2.

CONSENT

4. Consider accepting the Monthly Investment Report-April 2005.
  - Motion acknowledging receipt of and accepting the report recommended.*Finance; Belinda Duerksen, 577-5376, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn; unan.) acknowledging receipt of and accepting the report.

5. Consider authorizing the purchase of a 105-foot heavy duty aerial ladder truck with “all-wheel steering” from Pierce Manufacturing, through Golden State Fire Apparatus, Modesto, California for \$702,685.59.
  - Resolution authorizing based on a technical evaluation completed by the Fire Department, the purchase of a 105-foot heavy duty aerial ladder truck with “all-wheel steering” from Pierce Manufacturing, through Golden State Fire Apparatus, Modesto, California for \$702,685.59 recommended.
  - Resolution authorizing an appropriation transfer in the amount of \$20,000.00 from FY04-05 – 0100-180-1802-5623 to Fund 1320, and authorize an

appropriation transfer in the amount of \$540,000.00 from FY05-06 – 0100-180-1802-0223 to Fund 1320 recommended.

*Fire; James Miguel, 572-9590, [jmiguel@modestofire.com](mailto:jmiguel@modestofire.com)*

**ACTION: Resolution 2005-344** (Jackman/Hawn; unan.) authorizing based on a technical evaluation completed by the Fire Department, the purchase of a 105-foot heavy duty aerial ladder truck with “all-wheel steering” from Pierce Manufacturing, through Golden State Fire Apparatus, Modesto, California for \$702,685.59.

**ACTION: Resolution 2005-345** (Jackman/Hawn; unan.) authorizing an appropriation transfer in the amount of \$20,000.00 from FY04-05–0100-180-1802-5623 to Fund 1320, and authorize an appropriation transfer in the amount of \$540,000.00 from FY05-06 – 0100-180-1802-0223 to Fund 1320.

#### CONSENT

6. Consider Approval of the Final Map of the Hacienda del Sol Unit No. 1 Subdivision in the Village One Specific Plan Area and Authorizing the City Manager to Sign an Agreement With the Subdividers as Required by Section 4-4.604(c) of the Municipal Code. (Owners: Hashem Naraghi, Trustee of the Nora Naraghi Separate Property Trust, and Centex Homes, a Nevada General Partnership).

- Resolution approving the final map of the Hacienda del Sol Unit No. 1 Subdivision and authorizing the City Manager to execute the Subdivision Agreement recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-346** (Jackman/Hawn; unan.) approving the final map of the Hacienda del Sol Unit No. 1 Subdivision and authorizing the City Manager to execute the Subdivision Agreement.

#### CONSENT

7. Consider approving an amendment to an engineering services agreement with the URS Corporation, in the amount of \$15,000 to support the procurement of an Automatic Vehicle Location (AVL) system for Modesto Area Express (MAX) and authorizing the City Manager, or his designee, to execute the agreement amendment on behalf of the City; and consider authorizing the issuance of a Request for Proposals (RFP) to furnish and install an Automatic Vehicle Location (AVL) system for the Modesto Area Express (MAX) bus service, and consider consolidating funding for the project into one budget account.

- Resolution approving an amendment to an engineering services agreement with the URS Corporation in the amount of \$15,000 to support the procurement of an Automatic Vehicle Location (AVL) system for Modesto Area Express (MAX) and authorize the City Manager, or his designee, to execute the agreement amendment on behalf of the City, and reallocating funds within the Bus Fund to consolidate all funding for the project into one budget account recommended.

- Resolution authorizing the issuance of a Request for Proposals (RFP) to furnish and install an Automatic Vehicle Location (AVL) system for the Modesto Area Express (MAX) bus service recommended

*Public Works; Fred Cavanah, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Resolution 2005-347** (Jackman/Hawn; unan.) approving an amendment to an engineering services agreement with the URS Corporation in the amount of \$15,000 to support the procurement of an Automatic Vehicle Location (AVL) system for Modesto Area Express (MAX) and authorize the City Manager, or his designee, to execute the agreement amendment on behalf of the City, and reallocating funds within the Bus Fund to consolidate all funding for the project into one budget account.

**ACTION: Resolution 2005-348** (Jackman/Hawn; unan.) authorizing the issuance of a Request for Proposals (RFP) to furnish and install an Automatic Vehicle Location (AVL) system for the Modesto Area Express (MAX) bus service.

### COUNCIL COMMENTS & REPORTS

None.

### NEW BUSINESS

8. Consider adopting the Mitigated Negative Declaration for Sutton Community Park, and consider approving the Master Plan and Design Development Report for Sutton Community Park.
  - Resolution adopting the Mitigated Negative Declaration for Sutton Community Park recommended.
  - Resolution approving the Design Development Report and Master Plan included therein for Sutton Community Park recommended.

*Parks, Recreation & Neighborhoods; Robert Ford; 577-5437, [bford@modestogov.com](mailto:bford@modestogov.com)*

**ACTION: Resolution 2005-349** (Jackman/Keating; unan.) adopting the Mitigated Negative Declaration for Sutton Community Park.

**ACTION: Resolution 2005-350** (Jackman/Keating; unan.) approving the Design Development Report and Master Plan included therein for Sutton Community Park.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 6:10 p.m.

## MINUTES

# City of Modesto

Safety & Communities Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, July 6, 2005, at 5:30 p.m.**

Roll Call – Present      Committee Members Dunbar, Hawn, O’Bryant

Also Present:              None

### **ORAL COMMUNICATIONS** **Three minute time limit per speaker**

None.

### **NEW BUSINESS**

1. Verbal update on Medical Marijuana Legal Issues.

**ACTION:** The Committee requested an ordinance be drafted for Council consideration that prohibits the City from issuing a business license to any business that would be in violation of State or Federal law.

2. Discussion of Block Party Permits requested by Councilmember Dunbar.

**ACTION:** Police Department staff requested to discuss frequency of permit request with the subject neighborhood.

3. Discussion of Municipal Code Ordinance regulating mobile ice cream vendors.

**ACTION:** This item was for information only. No action was taken.

4. Verbal update of the Fireworks Task Force.

**ACTION:** This item was for information only. No action was taken.

5. Verbal report regarding Stanislaus County adopted Pet Ordinance.

**ACTION:** This item was for information only. No action was taken.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 6:50 p.m.

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, July 11, 2005, at 5:30 p.m.**

Roll Call: Present: Councilmembers Jackman (left meeting at 7:00 pm), Keating,  
Marsh

Also Present: Councilmember Hawn

### **ORAL COMMUNICATIONS** **Three minute time limit per speaker**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 3

### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member  
or Committee Member.**

#### CONSENT

1. Consider receiving status report of development projects processed by the Community & Economic Development Department

**ACTION:** This item was for information only. No action was taken.

#### CONSENT

50. Consider staff recommendation to approve consultant pool list of Harris and Associates and MuniFinancial for the development of Facilities Master Plans and Infrastructure Finance Plans

**ACTION:** The Economic Development Committee approved Staff's recommendation.

**CONSENT**

51. Consider accepting staff report regarding Waste Management (Modesto Disposal Service) performance review for October 2004 through June 2005 and one year extension interim service agreement

**ACTION:** The Economic Development Committee approved Staff's recommendation.

**NEW BUSINESS**

52. Request and presentation by Roger Towers to amend Municipal Code regarding fencing regulations

**ACTION:** The Economic Development Committee took no action regarding the request.

53. Review recommendation to the Redevelopment Agency for the approval of an Exclusive Negotiating Agreement (ENA) with Team Modesto to construct a mixed-use development located at the southwest corner of 10<sup>th</sup> and H Streets in Modesto

**ACTION:** The Economic Development Committee approved Staff's recommendation.

54. Consider staff recommendation to approve revisions to the Outdoor Dining Ordinance No. 3054-C.S.

**ACTION:** The Economic Development Committee recommended the following:

- a. Increase in application fee from \$40 to \$200
- b. Implementation of an annual renewal fee of \$100 due by January 1
- c. Implementation of review of insurance annually to occur at renewal
- d. Language requiring barriers to be removed within 30 days of closure of a business
- e. There will be a \$100 per year annual renewal fees for first 400 square feet of outdoor dining area and an additional \$3 per square foot over 400 square feet
- f. For sidewalks less than 12 feet wide, fence width should not exceed five (5) feet, and for sidewalks 12 feet or wider, fence width should not exceed six (6) feet, and in no case shall the sidewalk clearance be less than five (5) feet, with exceptions for light poles and street trees, with Americans With Disabilities Act compliance of 48," or change of ownership
- g. Grandfathering options within the 48" for existing businesses on clearance issues.
- h. Similar requirements for non-fenced areas

The Economic Development Committee also recommended the "upfront" conditions be reviewed, the multiple violations section be reviewed, and the duplication of other Code requirements (State, County) be eliminated.

The Downtown Improvement District was requested to provide a prioritized list of objections contained in the proposed Ordinance to staff.

7. Consider recommending to Council approval of staff recommendations related to policy issues affecting the programming of Streets Capital Facilities Fees projects in the Capital Improvement Program

**ACTION:** The Economic Development Committee approved Staff's recommendation.

8. Consider staff recommendation to accept the proposed compliance measures for AB 2176 (Montanez) Large Venue and Large Event Recycling, and the amendment of PRC Section 42911

**ACTION:** The Economic Development Committee approved Staff's recommendation.

9. Review current Citizen Board, Commission and Committee vacancies and consider applications on file

**ACTION:** The Economic Development Committee deferred the Airport Advisory Committee and Tuolumne River Regional Park Citizens Advisory Committee nominees.

The Economic Development Committee approved the appointments to the following Committee as follows:

Board of Building Appeals: Bruce Norris; Tammy Spillers

Community Qualities Forum: Jerold Rosenthal; Nick Rappley

#### **COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **FUTURE AGENDA ITEMS**

81. Sphere of Influence Study

82. Design Guidelines – Commercial, Industrial, Residential
83. Storm drainage options
84. Second-Unit Ordinance Update
85. CFF prioritization
86. Paving streets priority criteria
87. Prescott/Bangs Proposed Roundabout
88. Angle parking downtown
89. Groundwater management plan
90. Riverdale Water System
91. Sky West Airlines lease agreement
92. Kansas-Woodland Business Park
93. General Plan Update Work Program
94. Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work
95. Discussion of funding from existing homeowners to address Twin Bonds “problem”
96. 132/99 Connectivity and Carpenter Road Interchange Issue

### **ADJOURNMENT**

This meeting adjourned at 9:10 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, July 12, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Marty Villa, Youth for Christ

City Clerk’s Announcements: Item 24 was removed from Agenda.  
Items 5, 16, 17 and 21 removed from Consent

Declaration of Conflicts of Interest - None

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Sweet Adelines International proclaiming July 11-18, as Sweet Adelines International Week and July 13, 2005 as Sweet Adelines International Day.

**ACTION:** Presentation made by Mayor Ridenour.

2. Presentation by the Police and Fire Departments of the 4<sup>th</sup> of July- After Action Report.

**ACTION:** Presentation made by Jolene Gonzales, Police Sergeant and Mike Payton, Fire Marshal

### ORAL COMMUNICATIONS

- Bob Phipps representing MCEA announced that the City and MCEA had reached impasse.

- George Petrulakis Chairman for the Board of Directors for the Chamber of Commerce introduced Joy Madison as the new Chamber President.

*Mayor Ridenour left the meeting. Vice Mayor Jackman conducted the remainder of the meeting.*

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 24

ACTION Consent Items 3-4, 6- 15, 18-20, 22, 23: Marsh/Keating; unan., Ridenour absent

ACTION Consent: 5 Dunbar/Keating; unan. Ridenour absent

ACTION Consent: 16 Dunbar/Keating; unan. Ridenour absent

ACTION Consent: 17 Dunbar/Keating; unan. Ridenour absent

ACTION Consent: 21 Dunbar/Keating; unan. Ridenour absent

#### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

#### CONSENT

3. Consider approval of the minutes of the regular City Council meeting of July 5, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion ( Marsh/Keating; unan. Ridenour absent) approving the Minutes of July 5, 2005.

#### CONSENT

4. Consider introducing and adopting Ordinance 3392-C.S. authorizing the Levy of Special Taxes within CFD 2004-1 (Village One No 2).
  - Motion introducing and adopting Ordinance 3392-C.S. authorizing the Levy of Special Taxes within CFD 2004-1 recommended.  
*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION:** By Motion (Marsh/Keating; unan. Ridenour absent) **introducing and adopting Ordinance 3392-C.S.** authorizing the Levy of Special Taxes within CFD 2004-1.

CONSENT

5. Consider authorizing the acquisition of property from Red Rock Ranch, Ltd. (APN: 046-007-021); Alvin & William Luchessa (APN: 046-002-001; 046-007-037) at the intersection of Pelandale Avenue, Carver Road and Tully Road for the Pelandale Signalization Project Total cost to City: \$386,475.
- Resolution approving three agreements for the property acquisition for Pelandale Signalization Project and authorizing the City Manager to execute the agreements and all related property documents as Grantee on behalf of the City of Modesto recommended.
  - Resolution authorizing the City Manager to sign acceptance forms on behalf of the City of Modesto for the three Grant Deeds involved in this acquisition recommended.  
*Community & Economic Development; Linda Boston; 571-5179, [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Resolution 2005-351** (Dunbar/Keating; unan. Ridenour absent) approving three agreements for the property acquisition for Pelandale Signalization Project and authorizing the City Manager to execute the agreements and all related property documents as Grantee on behalf of the City of Modesto.

**ACTION: Resolution 2005-352** (Dunbar/Keating; unan. Ridenour absent) authorizing the City Manager to sign acceptance forms on behalf of the City of Modesto for the three Grant Deeds involved in this acquisition.

CONSENT

6. Consider authorizing the property acquisition for a portion of the parcels along the intersection of Sylvan Ave and Roselle Ave owned by Edward Fernandes (APN: 085-001-044); Leonard Rorabaugh (APN: 083-004-008); William Huang, et al (APN: 085-001-042); Biddle/Laverty (APN: 085-001-032) and Kenneth Moody (APN: 084-002-041) for the Sylvan-Roselle Roundabout Project Total cost to City: \$337,360.
- Resolution approving five agreements for the property acquisition for Sylvan-Roselle Roundabout Project and authorizing the City Manager to execute the agreements and all related property documents as Grantee on behalf of the City of Modesto for the following parcels recommended:
    1. Edward Fernandes (APN: 085-001-044 - Portion)
    2. Leonard Rorabaugh (APN: 083-004-008 - Portion)
    3. William Huang, et al (APN: 085-001-042 - Portion)
    4. Biddle/Laverty (APN: 085-001-032 - Portion)
    5. Kenneth Moody (APN: 084-002-041 - Portion)
  - Resolution authorizing the City Manager to sign acceptance forms on behalf of the City of Modesto for the five Grant Deeds involved in this acquisition recommended.  
*Community & Economic Development; Linda Boston; 571-5179, [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Resolution 2005-353** (Marsh/Keating; unan. Ridenour absent) approving five agreements for the property acquisition for Sylvan-Roselle Roundabout Project and

authorizing the City Manager to execute the agreements and all related property documents as Grantee on behalf of the City of Modesto for the following parcels recommended:

1. Edward Fernandes (APN: 085-001-044 - Portion)
2. Leonard Rorabaugh (APN: 083-004-008 - Portion)
3. William Huang, et al (APN: 085-001-042 - Portion)
4. Biddle/Laverty (APN: 085-001-032 - Portion)
5. Kenneth Moody (APN: 084-002-041 - Portion).

**ACTION: Resolution 2005-354** (Marsh/Keating; unan. Ridenour absent) authorizing the City Manager to sign acceptance forms on behalf of the City of Modesto for the five Grant Deeds involved in this acquisition

#### CONSENT

7. Consider acknowledging receipt and accepting the Monthly Investment Report for May 2005.
  - Motion acknowledging receipt and accepting the Monthly Investment Report for May 2005 recommended.

*Finance; Belinda Duerksen, 577-5376, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION: By motion** (Marsh/Keating; unan. Ridenour absent) acknowledging receipt and accepting the Monthly Investment Report for May 2005.

#### CONSENT

8. Consider authorizing the award of bid and contracts for the purchase of nineteen motorcycle helmet radio communication kits, categorized in three equipment groups, to the following companies, Group 1 – PVP Communications, Inc. for \$28,183.33, Group 2 – Ten-Four Communications for \$16,229.60, and Group 3 – Delta Wireless, Inc for \$710.37, for a total price of \$45,124.30.
  - Resolution authorizing the award of bid and contracts for the purchase of nineteen motorcycle helmet radio communication kits, categorized in three equipment groups, to the following companies, Group 1 – PVP Communications, Inc. for \$28,183.33, Group 2 – Ten-Four Communications for \$16,229.60, and Group 3 – Delta Wireless, Inc for \$710.37, for a total price of \$45,124.30 recommended.

*Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-355** (Marsh/Keating; unan. Ridenour absent) authorizing the award of bid and contracts for the purchase of nineteen motorcycle helmet radio communication kits, categorized in three equipment groups, to the following companies, Group 1 – PVP Communications, Inc. for \$28,183.33, Group 2 – Ten-Four Communications for \$16,229.60, and Group 3 – Delta Wireless, Inc for \$710.37, for a total price of \$45,124.30.

#### CONSENT

9. Consider authorizing the award of bid and contract for one chlorine weighing system to Force Flow, Inc. in the approximate amount of \$64,537.38.
- Resolution authorizing the award of bid and contract for one chlorine weighing system to Force Flow, Inc. in the approximate amount of \$64,537.38 recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-356** (Marsh/Keating; unan. Ridenour absent) authorizing the award of bid and contract for one chlorine weighing system to Force Flow, Inc. in the approximate amount of \$64,537.38.

#### CONSENT

10. Consider authorizing the purchase of Light Emitting Diodes (LEDs) traffic signal modules under the County of Sacramento contract from Jam Services, Inc. for a total estimated cost of \$107,205.56.
- Resolution authorizing the purchase of Light Emitting Diodes (LEDs) traffic signal modules under the County of Sacramento contract from Jam Services, Inc. for a total estimated cost of \$107,205.56 recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-357** (Marsh/Keating; unan. Ridenour absent) authorizing the purchase of Light Emitting Diodes (LEDs) traffic signal modules under the County of Sacramento contract from Jam Services, Inc. for a total estimated cost of \$107,205.56.

#### CONSENT

11. Consider approving a HOME Agreement with the Housing Authority of the County of Stanislaus for the Development of Affordable Housing in Village One.
- Resolution approving a development agreement with the Housing Authority of the County of Stanislaus to provide \$933,000 in HOME funds for the development of a multi-family housing project in Village One, and authorizing the City Manager to execute the HOME Agreement and related documents recommended.
  - Resolution amending the FY 05-06 operating budget to allocate \$933,000 in FY 02-03 HOME entitlement funds from 1170-800-8000-8003, HOME Fund Reserve, to 1170-320-3259-0497, Direct Loan, to fully fund the proposed FY05-06 HOME Fund allocation recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, [caverell@modestogov.com](mailto:caverell@modestogov.com)*

**ACTION: Resolution 2005-358** (Marsh/Keating; unan. Ridenour absent) approving a development agreement with the Housing Authority of the County of Stanislaus to provide \$933,000 in HOME funds for the development of a multi-family housing project in Village One, and authorizing the City Manager to execute the HOME Agreement and related documents.

**ACTION: Resolution 2005-359** (Marsh/Keating; unan. Ridenour absent) amending the FY 05-06 operating budget to allocate \$933,000 in FY 02-03 HOME entitlement funds

from 1170-800-8000-8003, HOME Fund Reserve, to 1170-320-3259-0497, Direct Loan, to fully fund the proposed FY05-06 HOME Fund allocation.

#### CONSENT

12. Consider approving a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program, at the cost of \$1.00, and authorizing the City Manager to execute the lease renewal.
- Resolution approving a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program, at the cost of \$1.00, and authorizing the City Manager to execute the lease renewal recommended.  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com),*

**ACTION: Resolution 2005-360** (Marsh/Keating; unan. Ridenour absent) approving a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program, at the cost of \$1.00, and authorizing the City Manager to execute the lease renewal.

#### CONSENT

13. Consider authorizing staff to submit applications for \$873,000 in Per Capita funding and \$537,781 in Roberti-Z'berg-Harris Block Grants from the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40).
- Resolution approving the submission of applications for \$873,000 in Per Capita funding under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40) and authorizing the City Manager to execute the contract and related grant documents recommended.
  - Resolution approving the submission of applications for \$537,781, in Roberti-Z'berg-Harris Block Grant funding under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection bond Act of 2002 (Proposition 40) and authorizing the City Manager to execute the contract and related grant documents recommended.  
*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-361** (Marsh/Keating; unan. Ridenour absent) approving the submission of applications for \$873,000 in Per Capita funding under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40) and authorizing the City Manager to execute the contract and related grant documents.

**ACTION: Resolution 2005-362** (Marsh/Keating; unan. Ridenour absent) approving the submission of applications for \$537,781, in Roberti-Z'berg-Harris Block Grant funding under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection bond Act of 2002 (Proposition 40) and authorizing the City Manager to execute the contract and related grant documents.

## CONSENT

14. Consider approving the renewal of both the excess workers' compensation insurance and property and boiler & machinery insurance for City of Modesto owned and operated properties.
- Resolution authorizing the Risk Manager to bind excess workers' compensation insurance coverage in the amount of \$185,028 and authorizing the City Manager to execute the renewal agreement for the insurance recommended.
  - Resolution authorizing the Risk Manager to bind property insurance for the City of Modesto owned and/or operated properties in the amount of \$254,815 and authorizing the City Manager to execute the renewal agreement for the insurance recommended.
- Personnel; Mary Akin, 577-5251, [makin@modestogov.com](mailto:makin@modestogov.com)*

**ACTION: Resolution 2005-363** (Marsh/Keating; unan. Ridenour absent) authorizing the Risk Manager to bind excess workers' compensation insurance coverage in the amount of \$185,028 and authorizing the City Manager to execute the renewal agreement for the insurance.

**ACTION: Resolution 2005-364** (Marsh/Keating; unan. Ridenour absent) authorizing the Risk Manager to bind property insurance for the City of Modesto owned and/or operated properties in the amount of \$254,815 and authorizing the City Manager to execute the renewal agreement for the insurance.

## CONSENT

15. Consider establishing a new Franchise Towing Program in the City of Modesto.
- Motion directing the Purchasing Division to issue a Request for Proposals (RFP)/Application for a City of Modesto Non-Exclusive Franchise Tow Program recommended.
  - Resolution, subject to additional revenues collected, authorizing the addition of one Modesto Community Service Officer to the Police Department's Position Allocation recommended.
- Police; Greg Savelli, 342-9550, [savellig@modestopd.com](mailto:savellig@modestopd.com)*

**ACTION:** By Motion (Marsh/Keating; unan. Ridenour absent) directing the Purchasing Division to issue a Request for Proposals (RFP)/Application for a City of Modesto Non-Exclusive Franchise Tow Program.

**ACTION: Resolution 2005-365** (Marsh/Keating; unan. Ridenour absent) subject to additional revenues collected, authorizing the addition of one Modesto Community Service Officer to the Police Department's Position Allocation.

## Removed from Consent

16. Consider approving the award of a professional services agreement to Wood Rodgers, Inc., for \$644,323 to complete design services for a 6-lane interim facility on Pelandale

Avenue between Dale Road and McHenry Avenue and authorizing the City Manager to execute the Agreement.

- Resolution approving the award of a professional services agreement to Wood Rodgers, Inc., for \$644,323 to complete design services for a 6-lane interim facility on Pelandale Avenue between Dale Road and McHenry Avenue and authorizing the City Manager to execute the Agreement recommended.

*Public Works; Lee Dumas, 571-5537, [ldumas@modestogov.com](mailto:ldumas@modestogov.com)*

**ACTION: Resolution 2005-366** (Dunbar/Keating; unan. Ridenour absent) approving the award of a professional services agreement to Wood Rodgers, Inc., for \$644,323 to complete design services for a 6-lane interim facility on Pelandale Avenue between Dale Road and McHenry Avenue and authorizing the City Manager to execute the Agreement.

Removed from Consent

17. Consider approving the award of a professional services agreement to Mark Thomas and Company for \$178,687 to complete Design Services for Roadway Widening and Signal Modifications at the intersection of Pelandale Avenue and Sisk Road and on the northbound on-ramp at State Route 99 and authorizing the City Manager to execute the Agreement.

- Resolution approving the award of a professional services agreement to Mark Thomas and Company for \$178,687 to complete Design Services for Roadway Widening and Signal Modifications at the intersection of Pelandale Avenue and Sisk Road and on the northbound on-ramp at State Route 99 and authorizing the City Manager to execute the Agreement recommended.

*Public Works; Lee Dumas, 577-5537, [ldumas@modestogov.com](mailto:ldumas@modestogov.com)*

**ACTION: Resolution 2005-367** (Dunbar/Keating; unan. Ridenour absent) approving the award of a professional services agreement to Mark Thomas and Company for \$178,687 to complete Design Services for Roadway Widening and Signal Modifications at the intersection of Pelandale Avenue and Sisk Road and on the northbound on-ramp at State Route 99 and authorizing the City Manager to execute the Agreement.

CONSENT

18. Consider approving an Amendment to the Agreement with Larry Walker Associates for additional work in the development of the Pollution Prevention Plans for the NPDES Permit in the amount of \$13,917 (total budget \$188,215) and authorizing the City Manager, or his designee, to execute the Amendment on behalf of the City.

- Resolution approving an Amendment to the Agreement with Larry Walker Associates for additional work in the development of the Pollution Prevention Plans for the NPDES Permit in the amount of \$13,917 (total budget \$188,215) and authorizing the City Manager, or his designee, to execute the Amendment on behalf of the City recommended.

*Public Works; Adam Denlinger, 577-6238, [adenlinger@modestogov.com](mailto:adenlinger@modestogov.com)*

**ACTION: Resolution 2005-368** (Marsh/Keating; unan. Ridenour absent) approving an Amendment to the Agreement with Larry Walker Associates for additional work in the development of the Pollution Prevention Plans for the NPDES Permit in the amount of \$13,917 (total budget \$188,215) and authorizing the City Manager, or his designee, to execute the Amendment on behalf of the City.

CONSENT

19. Consider accepting the work by Kroeker, Inc., for the “Demolition of Buildings on 8<sup>th</sup> Street” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$110,419 per the contract. Total project expenditures to date are \$2,665,092.

- Resolution accepting the work by Kroeker, Inc., for the “Demolition of Buildings on 8<sup>th</sup> Street” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$110,419 per the contract recommended.

*Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-369** (Marsh/Keating; unan. Ridenour absent) accepting the work by Kroeker, Inc., for the “Demolition of Buildings on 8<sup>th</sup> Street” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$110,419 per the contract.

CONSENT

20. Consider rejecting the sole bid for the project titled “Play Equipment Upgrades for Modesto Playgrounds” and authorizing staff to re-advertise the project at a future date.

- Resolution rejecting the sole bid for the project titled “Play Equipment Upgrades for Modesto Playgrounds” and authorizing staff to re-advertise the project at a future date recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-370** (Marsh/Keating; unan. Ridenour absent) rejecting the sole bid for the project titled “Play Equipment Upgrades for Modesto Playgrounds” and authorizing staff to re-advertise the project at a future date

Removed from Consent

21. Consider approving the plans and specifications for the Pelandale Intersection Improvements Project, accepting the bid and approving a \$3,395,977.80 contract with George Reed, Inc., for the project titled, “Pelandale Intersection Improvements,” and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$4,511,545.00 which includes construction contingency, construction administration, engineering design, and land acquisition.

- Resolution approving the plans and specifications for the Pelandale Intersection Improvements Project, accepting the bid and approving a \$3,395,977.80 contract with George Reed, Inc., for the project titled, “Pelandale Intersection Improvements,” and authorizing the City Manager to execute the contract recommended.

- Resolution to amend the FY 2006 CIP Budget:
  - To reduce Developer Reimbursement Project 1410-430-H476 by \$400,000 and return those funds to Fund Balance to be reallocated to 1410-430-N496.
  - To reduce Claratina: Coffee to Oakdale Project 1410-430-Q210 by \$1,108,495 and return those funds to Fund Balance to be reallocated to 1410-430-N496.
  - To allocate an additional \$500,000 from CFF Fund Reserve 1410-800-8000-8003 to Pelandale Improvement Project 1410-430-N496.
  - To close Prescott Improvements Project 2680-020-Q319 and return remaining funds to Pelandale/Snyder CFD Fund Balance to be reallocated and transferred to Pelandale Intersection Improvements 1410-430-N496.
- Resolution adopting an Initial Study for the Pelandale Intersection Improvements and Prescott / Snyder Traffic Signal E.A./E.T. No. 2003-21 in the City of Modesto, and adopting a finding that the City Council has reviewed and considered and made findings regarding the CEQA Environmental Review document recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-371** (Dunbar/Keating; unan. Ridenour absent) approving the plans and specifications for the Pelandale Intersection Improvements Project, accepting the bid and approving a \$3,395,977.80 contract with George Reed, Inc., for the project titled, "Pelandale Intersection Improvements," and authorizing the City Manager to execute the contract

**ACTION: Resolution 2005-372** (Dunbar/Keating; unan. Ridenour absent) to amend the FY 2006 CIP Budget:

- To reduce Developer Reimbursement Project 1410-430-H476 by \$400,000 and return those funds to Fund Balance to be reallocated to 1410-430-N496.
- To reduce Claratina: Coffee to Oakdale Project 1410-430-Q210 by \$1,108,495 and return those funds to Fund Balance to be reallocated to 1410-430-N496.
- To allocate an additional \$500,000 from CFF Fund Reserve 1410-800-8000-8003 to Pelandale Improvement Project 1410-430-N496.

To close Prescott Improvements Project 2680-020-Q319 and return remaining funds to Pelandale/Snyder CFD Fund Balance to be reallocated and transferred to Pelandale Intersection Improvements 1410-430-N496.

**ACTION: Resolution 2005-373** (Dunbar/Keating; unan. Ridenour absent) adopting an Initial Study for the Pelandale Intersection Improvements and Prescott / Snyder Traffic Signal E.A./E.T. No. 2003-21 in the City of Modesto, and adopting a finding that the City Council has reviewed and considered and made findings regarding the CEQA Environmental Review document

CONSENT

22. Consider awarding a \$121,596 agreement to RMC Water and Environment, Inc., (RMC) for professional services to prepare the 2005 Urban Water Management Plan and authorizing the City Manager to execute the agreement.
- Resolution awarding a \$121,596 agreement to RMC Water and Environment, Inc., (RMC) for professional services to prepare the City's 2005 Urban Water Management Plan and authorizing the City Manager to execute the agreement recommended.
- Public Works; Jack Bond, 577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION: Resolution 2005-374** (Marsh/Keating; unan. Ridenour absent) awarding a \$121,596 agreement to RMC Water and Environment, Inc., (RMC) for professional services to prepare the City's 2005 Urban Water Management Plan and authorizing the City Manager to execute the agreement.

#### CONSENT

23. Consider approving an Amendment to the Agreement with Carollo Engineering for Chief Plant Operator (CPO) Services to extend the agreement through May 2006 and increase the amount from "not to exceed" \$48,755 to "not to exceed" \$168,155, and authorizing the City Manager, or his designee, to execute the Amendment on behalf of the City.
- Resolution approving an Amendment to the Agreement with Carollo Engineering for Chief Plant Operator (CPO) Services to extend the agreement through May 2006 and increase the amount from "not to exceed" \$48,755 to "not to exceed" \$168,155, and authorizing the City Manager, or his designee, to execute the Amendment on behalf of the City recommended.
- Public Works; Adam Denlinger, 577-6238, [adenlinger@modestogov.com](mailto:adenlinger@modestogov.com),*

**ACTION: Resolution 2005-375** (Marsh/Keating; unan. Ridenour absent) approving an Amendment to the Agreement with Carollo Engineering for Chief Plant Operator (CPO) Services to extend the agreement through May 2006 and increase the amount from "not to exceed" \$48,755 to "not to exceed" \$168,155, and authorizing the City Manager, or his designee, to execute the Amendment on behalf of the City.

*This item was removed from Agenda.*

24. Consider accepting the proposal and approving a contract with EOA, Inc. for the development and implementation of a Stormwater Management Program for a one-year agreement with two one-year extension options in an amount not to exceed \$365,000.
- Resolution accepting the proposal and approving a contract with EOA, Inc. for the development and implementation of a Stormwater Management Program for a one-year agreement with two one-year extension options in an amount not to exceed \$365,000 and authorizing the City Manager, or his designee, to execute the contract recommended.
- Public Works; Adam Denlinger, 577-6238, [adenlinger@modestogov.com](mailto:adenlinger@modestogov.com),*

**ACTION: Removed from the agenda.**

## COUNCIL COMMENTS & REPORTS

25. At the request of Council Member Marsh consider referring to the Finance Committee the idea of paying for police and fire services in newly developing areas with annual Mello Roos District (CFD) taxes.

**ACTION:** By motion (Marsh/Hawn; unan Ridenour absent) referred to the Finance Committee.

## HEARINGS

26. Hearing for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6. to confirm the diagram and assessment, and levy the proposed assessment for fiscal year 2005-06. The proposed assessment for fiscal year 2005-06 is \$19,500.00 (750 @ \$26.00 per parcel), the same amount as Fiscal Year 2004-05.

- Resolution confirming the diagram and assessment, and levying the proposed assessment recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-376** (Marsh/Hawn; unan. Ridenour absent) confirming the diagram and assessment, and levying the proposed assessment.

27. Hearing for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 - 10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2 to confirm both the diagram and assessment, and levy the proposed assessment for Landscape Maintenance District No. 2 for fiscal year 2005-06. The proposed assessment for fiscal year 2005-06 is \$14,544.01 (\$108.39/acre for commercial or \$21.33/each residential property).

- Resolution confirming the diagram and assessment, and levying the proposed assessment recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-377** (Marsh/Hawn; unan. Ridenour absent) confirming the diagram and assessment, and levying the proposed assessment.

28. Hearing to consider certifying the Subsequent Environmental Impact Report for the Modesto Regional Water Treatment Plant Phase Two Expansion and the City of Modesto Downstream Improvements.

- Resolution certifying the Subsequent Environmental Impact Report for the Modesto Regional Water Treatment Plant Phase Two Expansion and the City of Modesto Downstream Improvements recommended.

*Public Works; Rich Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Resolution 2005-378** (Hawn/Keating; unan. Ridenour absent) certifying the Subsequent Environmental Impact Report for the Modesto Regional Water

Treatment Plant Phase Two Expansion and the City of Modesto Downstream Improvements.

**NEW BUSINESS**

29. Consider approving Amendment No. 2 to the advanced funding and reimbursement agreement of costs with the Modesto Irrigation District related to the phase two expansion of the Modesto Regional Water Treatment Plant
- Resolution approving Amendment No. 2 to the “Agreement relating to the Advanced Funding and Reimbursement of Costs related to the (Phase Two) Expansion of the Modesto Regional Water Treatment Plant”, between the City and the Modesto Irrigation District, and authorizing the City Manager to execute the Amendment recommended.
  - Resolution authorizing the Modesto Irrigation District to execute Amendment No. 3 to their existing agreement with the Black & Veatch Corporation in an amount not to exceed an additional \$450,000, for a total agreement amount of \$1,200,000, to provide additional Preliminary Engineering Design services related to the Phase Two Expansion of the Modesto Regional Water Treatment Plant recommended.

*Public Works; Richard D. Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Resolution 2005-379** (Dunbar/Hawn; unan. Ridenour absent) approving Amendment No. 2 to the “Agreement relating to the Advanced Funding and Reimbursement of Costs related to the (Phase Two) Expansion of the Modesto Regional Water Treatment Plant”, between the City and the Modesto Irrigation District, and authorizing the City Manager to execute the Amendment.

**ACTION: Resolution 2005-380** (Dunbar/Hawn; unan. Ridenour absent) authorizing the Modesto Irrigation District to execute Amendment No. 3 to their existing agreement with the Black & Veatch Corporation in an amount not to exceed an additional \$450,000, for a total agreement amount of \$1,200,000, to provide additional Preliminary Engineering Design services related to the Phase Two Expansion of the Modesto Regional Water Treatment Plant

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:45 p.m.

**CLOSED SESSION**

*All closed sessions heard prior to the meeting.*

**CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One Case

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

(Pursuant to Section 54956.8 of the Government Code)

**Property:** Acquisition of a portion of the real properties located at the intersection of Sylvan Avenue and Roselle Avenue as part of the Sylvan/Roselle Roundabout Project as follows:

1. 3466 Roselle Avenue - APN: 085-001-044
2. 3521 Roselle Avenue - APN: 083-004-008
3. 3460 Roselle Avenue - APN: 085-001-042
4. 3449 Millbrook Avenue - APN: 085-001-032
5. 3500 Roselle Avenue - APN: 084-002-041

**Negotiating parties:** Steve Long, Acquisition Consultant for the City of Modesto

1. Edward Fernandes - APN: 085-001-044
2. Leonard Rorabaugh - APN: 083-004-008
3. William Huang, et al - APN: 085-001-042
4. Biddle/Laverty - APN: 085-001-032
5. 3500 Roselle Avenue - APN: 084-002-041

**Under Negotiations:** Price and terms of sale for property rights to be disposed

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

(Pursuant to Section 54956.8 of the Government Code)

**Property:** Acquisition of a portion of the real properties located at the intersections of Pelandale/Carver and Pelandale/Tully as apart of the Pelandale Signalization Project as follows:

1. Northeast corner of Carver Road and Pelandale Avenue – APN: 046-007-021
2. 1218 Bangs Avenue – APN: 046-002-001
3. 4305 Tully Road – APN: 046-007-037

**Negotiating parties:** Steve Long, Acquisition Consultant for the City of Modesto

1. Red Rock Ranch, Ltd. (APN: 046-007-021)
2. Alvin & William Luchessa (APN: 046-002-001)
3. Alvin & William Luchessa (APN: 046-007-037)

**Under Negotiations:** Price and terms of sale for property rights to be disposed

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, July 14, 2005 at 5:30 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn, Jackman  
Absent: None  
Also Present: None

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

### UNFINISHED BUSINESS

2. Consider staff recommendation regarding policy issues on Sewer Rate Fees.

**ACTION:** The Finance Committee approved Staff's recommendation with the City Attorney's recommendation of additional analysis. The Finance Committee also recommended the report be forwarded to the full Council.

### NEW BUSINESS

None.

### MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 6:30 p.m.

## MINUTES

# City of Modesto

Joint City Council/Planning Commission

General Plan Workshop Meeting

Regional Fire Training Center

1220 Fire Science Lane

Modesto, California

**Friday, July 15, 2005 at 8:00 a.m.**

Roll Call: Present: City Council Members Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour; Planning Commission Members Berglund, Cogdill, Newswander, Olsen, Sanders

Absent: Planning Commission Members Arias and Roberts

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None.

### BUSINESS—JOINT CITY COUNCIL/PLANNING COMMISSION GENERAL PLAN WORKSHOP

3. Welcome, Introductions and Workshop Overview  
*Overall Workshop Objective: Define the work program for an update to the General Plan & Master Environmental Impact Report (EIR).*
2. General Plan Visions, Goals  
*Session Objectives:*
  - 1) *Highlight current General Plan Vision Statements/Goals*
  - 2) *Recap Council/Commission input from April 22, 2005 workshop*
  - 3) *Confirm Council/Commission guidance*
3. Council and Commission Discussion/Direction
4. General Plan Update Policy Issues  
*Session Objectives:*
  - 1) *Discuss General Plan (GP) Policy Issues & Amendments*
  - 2) *Discuss coordination of GP Update with Infrastructure Master Plans*

#### 5. Council and Commission Discussion/Direction

**ACTION:** After Staff, Council and Planning Commission discussion on Items 2, 3 and 4, staff received direction from City Council and Planning Commission to include the following in a technical update:

1. Utility Constraints
2. Coordination with Utility Master Plan Updates
3. Financing of Growth (Specific Plans & Infrastructure
4. Incorporation of Updated Housing Element
5. Growth towards west conflicts with identified priority to preserve prime agricultural lands
6. Infrastructure financing goals for new and maintenance of public infrastructure and services
14. Consider New GP Elements: Fiscal Health

#### 6. MEIR Update

*Session Objective:*

- 1) *Discuss need for Master Environmental Impact Report Update*

**ACTION:** The Council requested updates regarding the MEIR at the Council workshops scheduled for the first meeting of the month. Staff will return in 60 days with an updated schedule for the MEIR.

#### 7. General Plan Update Implementation.

*Session Objective:*

- 1) *Public Participation Strategy*
- 2) *Schedule/Cost*

**ACTION:** This item was for discussion only. No action was taken.

#### 8. Summary, Conclusions and Next Steps

*Session Objective: To receive Council/Commission direction on the proposed work program for the update to the General Plan & MEIR.*

**ACTION:** The Planning Commission and Council will include an annual joint meeting on next year's calendar.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 11:00 a.m.

## MINUTES

# City of Modesto

Safety & Communities Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, August 1, 2005, at 5:30 p.m.**

Roll Call – Present      Committee Members Dunbar, Hawn, O’Bryant

Also Present:              None

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

1. Consider staff recommendation to accept a grant from the State Department of Alcohol Beverage Control to reduce crime and sales of alcohol to minors and to amend the 2005-06 operating budget estimating revenue of \$100,000 and appropriating funds.

**ACTION:** The Safety & Communities Committee approved Staff’s recommendation.

#### CONSENT:

2. Consider staff recommendation to accept a grant from the State Office of Traffic Safety for the Void the Twelve DUI enforcement project and to amend the 2005-06 operating budget estimating revenue of \$516,052.99 and appropriating funds.

**ACTION:** The Safety & Communities Committee approved Staff’s recommendation.

#### CONSENT:

3. Consider receiving Police Department’s Internal Affairs/Complaints Report for 2004.

**ACTION:** This item was for information only. No action was taken.

## **NEW BUSINESS**

4. Consider recommending to Council approval of the Design Development Report and Master Plan for Sanders Neighborhood Park and certifying environmental findings.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

5. Consider Stanislaus County's Pet Overpopulation Ordinance and directing staff to propose a similar ordinance for the City of Modesto relating to the breeding, transfer and spaying, and neutering of dogs.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

6. Consider receiving informational report regarding Modesto's Crime Statistics for the month

**ACTION:** This item was for information only. No action was taken.

7. Consider recommending that the City Council adopt an ordinance banning medical marijuana dispensaries in Modesto.

**ACTION:** The Safety & Communities Committee forwarded the Ordinance to the full Council.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **FUTURE AGENDA ITEMS**

1. Inflatable Playgrounds/Generators – citizen concern requested by Councilmember O'Bryant.
2. Continued discussion of Panhandling Ordinance (requested by Councilmember O'Bryant)
3. Parks and Parks Security
4. ABC License Appeal Procedures
5. Addition of one Community Service Officer to administer the franchise towing agreement
6. Priority Criterion for Paving Alleys
7. Accident Analysis Annual Report
8. Citizen request to address drug paraphernalia shops and possible solutions

## **ADJOURNMENT**

This meeting adjourned at 6:35 p.m.

## MINUTES

# City of Modesto

## SPECIAL CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, August 3, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk’s Announcements: Item 8 removed from the agenda

Declaration of Conflicts of Interest: None

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the International Festival Executive Board.

**ACTION:** Presentation made by Festival Executive Board Member

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

Bob Phibbs representing MCEA commented on disappointment in MCEA negotiations.

The following MCEA employees expressed their concern with MCEA negotiations.

- Mark Chadwick
- Beth Lyons
- Patrick Hill
- Sandra Smith
- Tammy Waldo
- Leslie Rodriguez
- Tom McCarthy
- Michael Reese
- Sandy Perez
- Marvin Cain
- Kenneth Merkle
- Cindi Thompson
- Philip Mendoza
- Blair Bradley

*Councilmember Marsh excused himself from the meeting at 6:05.*

Robert Stanford expressed a concern with the recent death of migrant farm workers and a concern with funding cuts for the police department.

Sharon Walker commented on an article in the Modesto Bee regarding face painting at Cesar Chavez Park.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 2 through 12

**ACTION Consent 2 - 7, 9 - 12: Jackman/Hawn; unan. Marsh absent**

**ACTION Item 8: Removed from the agenda**

#### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

#### **CONSENT**

2. Consider approval of the minutes of the regular City Council meeting of July 12, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn; unan. Marsh absent) approved the minutes of July 12, 2005.

#### **CONSENT**

3. Consider a resolution authorizing the Purchasing Supervisor to: 1) solicit bids for vehicles and heavy equipment throughout FY 2005-06 through various competitive processes and in a cumulative amount not to exceed the budgeted amount of

\$3,120,000.00; and 2) purchase thirteen (13) used vehicles at wholesale auction or through other competitive processes for an estimated total budgeted amount of \$216,000.

- Resolution authorizing the Purchasing Supervisor to: 1) solicit bids for vehicles and heavy equipment throughout FY 2005-06 through various competitive processes and in a cumulative amount not to exceed the budgeted amount of \$3,120,000.00; and 2) purchase thirteen (13) used vehicles at wholesale auction or through other competitive processes for an estimated total budgeted amount of \$216,000 recommended.

*Finance; Mark L Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION: Resolution 2005-381** (Jackman/Hawn; unan. Marsh absent) authorizing the Purchasing Supervisor to: 1) solicit bids for vehicles and heavy equipment throughout FY 2005-06 through various competitive processes and in a cumulative amount not to exceed the budgeted amount of \$3,120,000.00; and 2) purchase thirteen (13) used vehicles at wholesale auction or through other competitive processes for an estimated total budgeted amount of \$216,000

#### CONSENT

4. Consider a 5-year agreement with the Modesto Convention & Visitors Bureau (CVB) and the City of Modesto to continue providing convention and visitor bureau services, and authorizing the City Manager to execute the agreement.
  - Resolution approving a 5-year agreement between the Modesto Convention & Visitors Bureau (CVB) and the City of Modesto to continue providing convention and visitor bureau services, and authorizing the City Manager to execute the agreement recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Resolution 2005-382** (Jackman/Hawn; unan. Marsh absent) approving a 5-year agreement between the Modesto Convention & Visitors Bureau (CVB) and the City of Modesto to continue providing convention and visitor bureau services, and authorizing the City Manager to execute the agreement.

#### CONSENT

5. Consider amending the Position Classification Plan to amend the classification of Deputy City Attorney I/II and Senior Deputy City Attorney I/II and to delete the confidential designation from the classification of Administrative Office Assistant I-Confidential at salary range 403; and consider amending the Class Range Table for Management and Confidential Non-Sworn to delete Administrative Office Assistant I-Confidential at salary range 403.
  - Resolution amending the Position Classification Plan to amend the classification of Deputy City Attorney I/II and Senior Deputy City Attorney I/II and to delete the confidential designation from the classification of Administrative Office Assistant I-Confidential at salary range 403 recommended.
  - Resolution amending the Class Range Table for Management and Confidential Non-Sworn to delete Administrative Office Assistant I-Confidential at salary range 403 recommended.

*Personnel; Cherree Platt, 577-5439 [cplatt@ci.modestogov.com](mailto:cplatt@ci.modestogov.com)*

**ACTION: Resolution 2005-383** (Jackman/Hawn; unan. Marsh absent) amending the Position Classification Plan to amend the classification of Deputy City Attorney I/II and Senior Deputy City Attorney I/II and to delete the confidential designation from the classification of Administrative Office Assistant I-Confidential at salary range 403.

**ACTION: Resolution 2005-384** (Jackman/Hawn; unan. Marsh absent) amending the Class Range Table for Management and Confidential Non-Sworn to delete Administrative Office Assistant I-Confidential at salary range 403

#### CONSENT

6. Consider approving a fourth amendment to the Crime Prevention Act of 2000 Agreement to participate in the Stanislaus Probation Department's High Risk Offender Supervision and Juvenile Court Warrant Enforcement Program for fiscal year 2005/06 and authorizing the City Manager to execute the Amendment; and to appropriate \$79,700 in revenue and expenses.

- Resolution approving a fourth Amendment to the Crime Prevention Act of 2000 Agreement to participate in the Stanislaus Probation Department's High Risk Offender Supervision and Juvenile Court Warrant Enforcement Program for fiscal year 2005/06 and authorizing the City Manager to execute the Amendment recommended.
- Resolution amending the fiscal year 2005/2006 operating budget to appropriate \$79,700 in revenue and expenses recommended.

*Police; Gene Balentine, 572-9505, [balentineg@modestopd.com](mailto:balentineg@modestopd.com)*

**ACTION: Resolution 2005-385** (Jackman/Hawn; unan. Marsh absent) approving a fourth Amendment to the Crime Prevention Act of 2000 Agreement to participate in the Stanislaus Probation Department's High Risk Offender Supervision and Juvenile Court Warrant Enforcement Program for fiscal year 2005/06 and authorizing the City Manager to execute the Amendment.

**ACTION: Resolution 2005-386** (Jackman/Hawn; unan. Marsh absent) amending the fiscal year 2005/2006 operating budget to appropriate \$79,700 in revenue and expenses.

#### CONSENT

7. Consider approving the Final Map of the Canterbury Estates Subdivision and authorizing the City Manager to sign an agreement with the subdivider as required by Section 4-4.604(c) of the Municipal Code (Owner: Richmond American Homes of California, a Colorado Corporation).

- Resolution approving the Final Map of the Canterbury Estates Subdivision and authorizing the City Manager to sign an agreement with the subdivider as required by Section 4-4.604(c) of the Municipal Code (Owner: Richmond American Homes of California, a Colorado Corporation) recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-387** (Jackman/Hawn; unan. Marsh absent) approving the Final Map of the Canterbury Estates Subdivision and authorizing the City Manager to sign an agreement with the subdivider as required by Section 4-4.604(c) of the Municipal Code (Owner: Richmond American Homes of California, a Colorado Corporation).

*Removed from Consent*

8. Consider approving the Final Map of the Lagos Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: John Lagos and Marie T. Lagos, husband and wife, as community property and Burkshire Estates, a California Limited Liability Company).

- Resolution approving the Final Map of the Lagos Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: John Lagos and Marie T. Lagos, husband and wife, as community property and Burkshire Estates, a California Limited Liability Company) recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: This item was removed from the agenda.**

CONSENT

9. Consider accepting the Deed of Avigation and Hazard Easement from Gordon D. Stewart and John F. Stewart, and authorizing the City Manager, or his designee, to execute the acceptance on behalf of the City of Modesto.

- Resolution accepting the Deed of Avigation and Hazard Easement from Gordon D. Stewart and John F. Stewart, and authorizing the City Manager, or his designee, to execute the acceptance on behalf of the City of Modesto recommended.

*Public Works; Michael Musca; 577-5318, [mmusca@modestogov.com](mailto:mmusca@modestogov.com)*

**ACTION: Resolution 2005-388** (Jackman/Hawn; unan. Marsh absent) accepting the Deed of Avigation and Hazard Easement from Gordon D. Stewart and John F. Stewart, and authorizing the City Manager, or his designee, to execute the acceptance on behalf of the City of Modesto.

CONSENT

10. Consider accepting the proposal and approving a contract with Larry Walker Associates for professional services for the Wastewater Treatment Plant (WWTP) NPDES permit for discharge to the San Joaquin River for a two-year agreement, not to exceed \$242,000, with options for two (2), one-year renewals, not to exceed \$100,000 each year, and authorizing the City Manager, or his designee, to execute the contract.

- Resolution accepting the proposal and approving a contract with Larry Walker Associates for professional services for the Wastewater Treatment Plant (WWTP) NPDES permit for discharge to the San Joaquin River for a two-year agreement, not to exceed \$242,000, with options for two (2), one-year renewals, not to

exceed \$100,000 each year, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Public Works; Adam Denlinger, 577-6300, [adenlinger@modestogov.com](mailto:adenlinger@modestogov.com)*

**ACTION: Resolution 2005-389** (Jackman/Hawn; unan. Marsh absent) accepting the proposal and approving a contract with Larry Walker Associates for professional services for the Wastewater Treatment Plant (WWTP) NPDES permit for discharge to the San Joaquin River for a two-year agreement, not to exceed \$242,000, with options for two (2), one-year renewals, not to exceed \$100,000 each year, and authorizing the City Manager, or his designee, to execute the contract.

#### CONSENT

11. Consider increasing the Public Works Director's authority level to issue change orders to add work at Rumble Road and Standiford Avenue crossings not previously included in the contract on the "Virginia Corridor Crossings and Grade Restoration Project" from 8 percent (\$137,717.32) to 22 percent (\$378,722.63) of the original contract price with George Reed, Inc.

- Resolution increasing the Public Works Director's authority level to issue change orders to add work at Rumble Road and Standiford Avenue crossings not previously included in the contract on the "Virginia Corridor Crossings and Grade Restoration Project" from 8 percent (\$137,717.32) to 22 percent (\$378,722.63) of the original contract price with George Reed, Inc. recommended.

*Public Works; Kris Ohlson, 577-5452, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-390** (Jackman/Hawn; unan. Marsh absent) increasing the Public Works Director's authority level to issue change orders to add work at Rumble Road and Standiford Avenue crossings not previously included in the contract on the "Virginia Corridor Crossings and Grade Restoration Project" from 8 percent (\$137,717.32) to 22 percent (\$378,722.63) of the original contract price with George Reed, Inc.

## CONSENT

12. Consider the staff recommendations for policy direction related to the Streets Capital Facility Fee Capital Improvement Program.
- Resolution adopting the staff recommendations for policy direction related to the Streets Capital Facility Fee Capital Improvement Program recommended.  
*Public Works; Rich Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Resolution 2005-391** (Jackman/Hawn; unan. Marsh absent) adopting the staff recommendations for policy direction related to the Streets Capital Facility Fee Capital Improvement Program.

## COUNCIL COMMENTS &amp; REPORTS

13. At the request of Councilmember Keating, direct staff to work with the Audit Committee to provide Modesto citizens an expanded method to subscribe by email, in addition to the agenda & minutes of the meetings of the City Council, to include City Council committees, and other city commissions and committees. And further, direct staff to develop a more prominent location on the City's web page for simplified access.

**ACTION:** By order of the Chair, referred to the Audit Committee

## HEARINGS

14. Hearing to consider submittal of an application for the 2005 Byrne Justice Assistance Grant with the U.S. Department of Justice for the replacement/upgrade of the Modesto Police Department's Computer Aided Dispatch System (CAD), Integrated Public Safety System, and Records Management System (RMS), and authorizing the City Manager, or his authorized designee, to execute said application; and amending the fiscal year 2005/2006 annual budget estimating revenue and appropriating funds.
- Resolution authorizing submittal of an application for the 2005 Byrne Justice Assistance Grant with the U.S. Department of Justice for the replacement/upgrade of the Modesto Police Department's Computer Aided Dispatch System (CAD), Integrated Public Safety System, and Records Management System (RMS), and authorizing the City Manager, or his authorized designee, to execute said application recommended.
  - Resolution amending the fiscal year 2005/2006 annual budget estimating revenue and appropriating funds recommended.  
*Police; Roy Wasden, 572-9503, [wasdenr@modestopd.com](mailto:wasdenr@modestopd.com)*

**ACTION: Resolution 2005-392** (Jackman/Hawn; unan; Marsh absent) authorizing submittal of an application for the 2005 Byrne Justice Assistance Grant with the U.S. Department of Justice for the replacement/upgrade of the Modesto Police Department's Computer Aided Dispatch System (CAD), Integrated Public Safety System, and Records

Management System (RMS), and authorizing the City Manager, or his authorized designee, to execute said application

**ACTION: Resolution 2005-393** (Jackman/Hawn; unan; Marsh absent) amending the fiscal year 2005/2006 annual budget estimating revenue and appropriating funds

### NEW BUSINESS

15. Consider directing staff with regards to the Community Media Networks funding request.
- Motion directing staff with regards to the Community Media Networks funding request recommended.
- Information & Technology; Dave Truax, 521-5522, [dtruax@modestogov.com](mailto:dtruax@modestogov.com)*

**ACTION:** By Motion (Dunbar/Hawn; unan. Marsh absent) directing staff to grant the funding request to CMN in the amount of \$16,775 in the current fiscal year.

16. Consider accepting a status report on the Dry Creek Sanitary Sewer Overflow (SSO) incident and state reporting requirements.
- Motion accepting a status report on the Dry Creek Sanitary Sewer Overflow (SSO) incident and state reporting requirements recommended.
- Public Works, Jana Coons, 342-2281, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION:** By Motion (Ridenour/O'Bryant; unan. Marsh absent) accepting a status report on the Dry Creek Sanitary Sewer Overflow (SSO) incident and state reporting requirements.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 8:15 p.m.

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, August 8, 2005, at 5:30 p.m.**

Roll Call: Present: Councilmembers Jackman, Keating, Marsh

Also Present: None

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 3

#### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

1. Consider receiving status report of development projects processed by the Community & Economic Development Department

**ACTION:** This item was for information only. No action was taken.

#### CONSENT

55. Consider staff recommendation to endorse the Office of Traffic Safety Grant for lighted crosswalks and countdown pedestrian indications and amending the FY 05-06 Capital Improvement Program budget

**ACTION:** The Economic Development Committee approved Staff's recommendation.

**CONSENT**

56. Consider staff recommendation to approve the proposed speed hump installation at various locations in the Sherwood forest subdivision

**ACTION:** The Economic Development Committee approved Staff's recommendation.

**NEW BUSINESS**

57. Consider staff recommendation to require that prior to any developments in Precise Plan Area #30 that the East Basin and all appurtenant piping be installed

**ACTION:** The Economic Development Committee approved Staff's recommendation for Option 1, 2 and an option to replace the existing pipe with an adequate size pipe.

58. Review current Citizen Board, Commission and Committee vacancies and consider applications on file

**ACTION:** The Economic Development Committee approved the appointments to the following Citizen Board, Commission and Committee vacancies as follows:

Airport Advisory: Bill Zoslocki

Citizens Redevelopment Advisory Commission: Eugene Hayes

Tuolumne River Regional Park Committee: Mary Dewing

CACOR: Julie Walton

**COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**FUTURE AGENDA ITEMS**

97. Sphere of Influence Study  
98. Design Guidelines – Commercial, Industrial, Residential  
99. Second-Unit Ordinance Update  
100. Outdoor Dining Ordinance  
101. RFP for on-call engineering services  
102. Citizens committee for administrative hearings  
103. Sign Ordinance (requested by Councilmember Keating)  
104. Prescott/Bangs Proposed Roundabout  
105. Angle parking downtown  
106. Riverdale Water System  
107. Sky West Airlines lease agreement

108. Kansas-Woodland Business Park
109. Discussion of funding from existing homeowners to address Twin Bonds “problem”
110. 132/99 Connectivity and Carpenter Road Interchange Issue
111. Review of “Will Serve” letter process (requested by Chair Keating)
112. Waste Collection Company permit/licensing (requested by Chair Keating)

### **ADJOURNMENT**

This meeting adjourned at 6:40 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, August 9, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: Councilmember Dunbar

Pledge of Allegiance to the Flag

Invocation: Art Herfurth, The Carpenter’s House

City Clerk’s Announcements: Item 19 has been removed from Consent  
Item 21 has been removed from the agenda  
Item 24 and 26 has been continued to September 6, 2005  
Item 29 to follow Item 22.

Declaration of Conflicts of Interest – Hawn – Item 23

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation to George Osner, Planning Division Manager - for 29 years of service to the City of Modesto.

**ACTION:** Presentation made by Mayor Ridenour and comments made by George Osner.

2. Presentation by the Modesto All America City Committtee regarding their recent trip to Atlanta as an AAC Finalist.

**ACTION:** Presentation made by Steve Spriggs.

### MISCELLANEOUS

Appointments

3. Consider approving the Economic Development Committee's recommendations for the following appointments:

**Board of Building Appeals**

Tammy Spillers, with a term ending January 1, 2006

Bruce Norris, with a term ending January 1, 2009

**Community Qualities Forum**

Nick Rappley (NE area resident), with term ending January 1, 2008.

- Resolution appointing Tammy Spillers, with a term ending January 1, 2006, and Bruce Norris, with a term ending January 1, 2009, to the Board of Building Appeals recommended.
- Resolution appointing Rick Rappley (NE area resident), with a term ending January 1, 2008, to the Community Qualities Forum recommended.

*City Manager's Office; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Resolution 2005-394** (Jackman/Keating; unan. Dunbar absent) appointing Tammy Spillers, with a term ending January 1, 2006, and Bruce Norris, with a term ending January 1, 2009, to the Board of Building Appeals.

**ACTION: Resolution 2005-394A** (Jackman/Keating; unan. Dunbar absent) appointing Rick Rappley (NE area resident), with a term ending January 1, 2008, to the Community Qualities Forum.

4. Consider approving Councilmember Marsh's recommendation and appointing Jerold Rosenthal to the Community Qualities Forum
- Resolution approving Councilmember Marsh's recommendation and appointing Jerold Rosenthal to the Community Qualities Forum recommended.

*City Manager's Office; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Resolution 2005-395** (Jackman/Keating; unan. Dunbar absent) approving Councilmember Marsh's recommendation and appointing Jerold Rosenthal to the Community Qualities Forum.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

- Blair Bradley presented health care information to the Council.
- A citizen thanked the Council for dedicating the park on 4<sup>th</sup> Street as Cesar Chavez Park.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 5 through 21

**ACTION Consent Items 5, -18, 20: Jackman/Marsh; unan. Dunbar absent**

**ACTION Item 19: Hawn/Jackman; unan. Dunbar absent**

**ACTION Item 21: This item was removed from the agenda**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

5. Consider approval of the minutes of the regular City Council meeting of August 3, 2005.
- Motion approving recommended.
- Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Marsh; unan. Dunbar) approved the minutes of the regular City Council meeting of August 3, 2005.

**CONSENT**

6. Consider authorizing the cessation of special taxes for parcels annexed to both City of Modesto Community Facilities District No. 1996-1 (Village One) and City of Modesto Community Facilities District No. 2004-1 (Village One #2) and directing the City Clerk to record a Notice of Cessation of Special Tax.
- Resolution authorizing the cessation of special taxes for parcels annexed to both City of Modesto Community Facilities District No. 1996-1 (Village One) and City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Directing the City Clerk to record a Notice of Cessation of Special Tax recommended.
- City Manager's Office; Tina Rocha, 571-5501, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-396** (Jackman/Marsh; unan. Dunbar) authorizing the cessation of special taxes for parcels annexed to both City of Modesto Community Facilities District No. 1996-1 (Village One) and City of Modesto Community Facilities District

No. 2004-1 (Village One #2) and Directing the City Clerk to record a Notice of Cessation of Special Tax.

CONSENT

7. Consider approving the Monthly Budget Adjustment Report – July 2005 recommended.
- Resolution approving the Monthly Budget Adjustment Report – July 2005.  
*Finance; Gail Bailey, 577-5378, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-397** (Jackman/Marsh; unan. Dunbar) approving the Monthly Budget Adjustment Report – July 2005.

CONSENT

8. Consider the Annual Review of the City's Investment Policy.
- Resolution approving the City's Investment of Public Funds Policy recommended.  
*Finance; Greg M. Baird, 577-5458, [gbaird@modestogov.com](mailto:gbaird@modestogov.com)*

**ACTION: Resolution 2005-398** (Jackman/Marsh; unan. Dunbar) approving the City's Investment of Public Funds Policy.

CONSENT

9. Consider the Monthly Investment Report—June 2005.
- Motion acknowledging receipt and accepting the Monthly Investment Report for June 2005 recommended.  
*Finance; Belinda Duerksen, 577-5376, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION: By Motion** (Jackman/Marsh; unan. Dunbar) acknowledging receipt and accepting the Monthly Investment Report for June 2005.

CONSENT

10. Consider authorizing the Purchasing Supervisor to extend an annual purchase agreement with Brisco Enterprises for a four month period, in the approximate amount of \$121,000, to allow for the annual removal and transportation of wastewater bio-solids for the Public Works Department, Water Quality Control Division; and authorizing the Purchasing Supervisor to issue a formal Request for Bids (RFB) for the annual removal and transportation of wastewater bio-solids for the Public Works Department, Water Quality Control Division, for an initial three-year term, and with two one-year contract extension options for an estimated annual amount of \$165,000.
- Resolution authorizing the Purchasing Supervisor to extend an annual purchase agreement with Brisco Enterprises for a four month period, in the approximate amount of \$121,000, to allow for the annual removal and transportation of wastewater bio-solids for the Public Works Department, Water Quality Control Division recommended.
  - Resolution authorizing the Purchasing Supervisor to issue a formal Request for Bids (RFB) for the annual removal and transportation of wastewater bio-solids for

the Public Works Department, Water Quality Control Division, for an initial three-year term, and with two one-year contract extension options for an estimated annual amount of \$165,000 recommended.

*Finance; Mark L. Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION: Resolution 2005-399** (Jackman/Marsh; unan. Dunbar) authorizing the Purchasing Supervisor to extend an annual purchase agreement with Brisco Enterprises for a four month period, in the approximate amount of \$121,000, to allow for the annual removal and transportation of wastewater bio-solids for the Public Works Department, Water Quality Control.

**ACTION: Resolution 2005-400** (Jackman/Marsh; unan. Dunbar) authorizing the Purchasing Supervisor to issue a formal Request for Bids (RFB) for the annual removal and transportation of wastewater bio-solids for the Public Works Department, Water Quality Control Division, for an initial three-year term, and with two one-year contract extension options for an estimated annual amount of \$165,000.

#### CONSENT

11. Consider authorizing the award of bid and contract for rock, sand, and gravel for a two-year period, with three, one-year contract extension options to Thornberry, for an estimated total annual cost of approximately \$200,000.

- Resolution authorizing the award of bid and contract for rock, sand, and gravel for a two-year period, with three, one-year contract extension options to Thornberry, for an estimated total annual cost of approximately \$200,000 recommended.

*Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Resolution 2005-401** (Jackman/Marsh; unan. Dunbar) authorizing the award of bid and contract for rock, sand, and gravel for a two-year period, with three, one-year contract extension options to Thornberry, for an estimated total annual cost of approximately \$200,000.

#### CONSENT

12. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for material hauling service for an initial three-year period, with two, one-year contract extensions options for a total estimated annual cost of \$250,000.

- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for material hauling service for an initial three-year period, with two, one-year contract extensions options for a total estimated annual cost of \$250,000 recommended.

*Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Resolution 2005-402** (Jackman/Marsh; unan. Dunbar) authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for material hauling service for an initial three-year period, with two, one-year contract extensions options for a total estimated annual cost of \$250,000.

CONSENT

13. Consider approving the establishment of a full-time position in the Stanislaus County Department of Environmental Resources to assist in the administration of the Waste-to-Energy project, and authorizing the City Manager to execute “Amendment No. 2 to the Agreement Between the City of Modesto and County of Stanislaus Relating to Administration of Service Agreement for Supply and Acceptance of Solid Waste”.
- Resolution approving the establishment of a full-time position in the Stanislaus County Department of Environmental Resources to assist in the administration of the Waste-to-Energy project, and authorizing the City Manager to execute “Amendment No. 2 to the Agreement Between the City of Modesto and County of Stanislaus Relating to Administration of Service Agreement for Supply and Acceptance of Solid Waste” recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: Resolution 2005-403** (Jackman/Marsh; unan. Dunbar) approving the establishment of a full-time position in the Stanislaus County Department of Environmental Resources to assist in the administration of the Waste-to-Energy project, and authorizing the City Manager to execute “Amendment No. 2 to the Agreement Between the City of Modesto and County of Stanislaus Relating to Administration of Service Agreement for Supply and Acceptance of Solid Waste”

CONSENT

14. Consider approving the compliance measures for AB 2176 Large Venue and Large Event Recycling; formally adopting the CIWMB’s Model Ordinance Relating to Areas for Collecting and Loading Recyclable Materials in Development Projects pursuant to CA PRC Section 42910; and approving the Guidelines for Garbage Enclosures and Containers.
- Resolution approving the compliance measures for AB 2176 Large Venue and Large Event Recycling; formally adopting the CIWMB’s Model Ordinance Relating to Areas for Collecting and Loading Recyclable Materials in Development Projects pursuant to CA PRC Section 42910; and approving the Guidelines for Garbage Enclosures and Containers recommended.
- Parks, Recreation & Neighborhoods; Karin Rodriguez, 577-5453, [krodriguez@modestogov.com](mailto:krodriguez@modestogov.com)*

**ACTION: Resolution 2005-404** (Jackman/Marsh; unan. Dunbar) approving the compliance measures for AB 2176 Large Venue and Large Event Recycling; formally adopting the CIWMB’s Model Ordinance Relating to Areas for Collecting and Loading Recyclable Materials in Development Projects pursuant to CA PRC Section 42910; and approving the Guidelines for Garbage Enclosures and Containers.

CONSENT

15. Consider authorizing acceptance of Avoid the Twelve Grant Project in the amount of \$516,052.99 from the State of California Office of Traffic Safety.
- Resolution accepting Avoid the Twelve Grant Project in the amount of \$516,052.99 from the State of California Office of Traffic Safety and authorizing

the City Manager or his designee to execute the necessary documents recommended

- Resolution amending the fiscal year 2005/2006 operating budget estimating revenue of \$561,052.99 and appropriating funds for multi-year grant recommended.

*Police; Clint Raymer, 572-9703, [raymerc@modestopd.com](mailto:raymerc@modestopd.com)*

**ACTION: Resolution 2005-405** (Jackman/Marsh; unan. Dunbar) accepting Avoid the Twelve Grant Project in the amount of \$516,052.99 from the State of California Office of Traffic Safety and authorizing the City Manager or his designee to execute the necessary documents.

**ACTION: Resolution 2005-406** (Jackman/Marsh; unan. Dunbar) amending the fiscal year 2005/2006 operating budget estimating revenue of \$561,052.99 and appropriating funds for multi-year grant.

#### CONSENT

16. Consider accepting a grant in the amount of \$100,000 from the State Department of Alcoholic Beverage Control to reduce crime and excessive calls for service in and around Modesto's disorderly and disruptive ABC licensed establishments and to reduce sales of alcohol to minors.

- Resolution accepting a grant from the State Department of Alcoholic Beverage Control to reduce crime and excessive calls for service in and around Modesto's disorderly and disruptive ABC licensed establishments and to reduce sales of alcohol to minors and authorizing the City Manager or his designee to execute the necessary documents recommended.
- Resolution amending the fiscal year 2005/2006 operating budget estimating revenue of \$100,000 and appropriating funds recommended.

*Police Department; Roy Wasden, 572-9501, [wasdenr@modestopd.com](mailto:wasdenr@modestopd.com)*

**ACTION: Resolution 2005-407** (Jackman/Marsh; unan. Dunbar) accepting a grant from the State Department of Alcoholic Beverage Control to reduce crime and excessive calls for service in and around Modesto's disorderly and disruptive ABC licensed establishments and to reduce sales of alcohol to minors and authorizing the City Manager or his designee to execute the necessary documents

**ACTION: Resolution 2005-408** (Jackman/Marsh; unan. Dunbar) amending the fiscal year 2005/2006 operating budget estimating revenue of \$100,000 and appropriating funds

#### CONSENT

17. Consider amending the agreement with Stantec Consulting, Inc., for additional engineering design services in the amount of \$36,794, for the project titled "Replacement of the Rose/Celeste Sewage Lift Station," and authorizing the City Manager to execute the Amendment to the Agreement, increasing the total estimated cost of the services to \$276,295.

- Resolution approving an Amendment to the Agreement with Stantec Consulting, Inc., for additional engineering design services in the amount of \$36,794, for the project titled “Replacement of the Rose/Celeste Sewage Lift Station,” and authorizing the City Manager to execute the Amendment to the Agreement, increasing the total estimated cost of the services to \$276,295 recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-409** (Jackman/Marsh; unan. Dunbar) approving an Amendment to the Agreement with Stantec Consulting, Inc., for additional engineering design services in the amount of \$36,794, for the project titled “Replacement of the Rose/Celeste Sewage Lift Station,” and authorizing the City Manager to execute the Amendment to the Agreement, increasing the total estimated cost of the services to \$276,295

#### CONSENT

18. Consider approving the plans and specifications, accepting the bid and approving a \$1,269,726 contract with George Reed, Inc., for the project titled, “Extend Corporate and Reconstruct Transient Aircraft Aprons,” and authorizing the City Manager to execute the contract; and accepting Grant Contract No. DTFA08-05-C-31607 from the Federal Aviation . Total estimated cost of this project is \$1,494,399, which includes construction contingency, construction administration and engineering design.

- Resolution approving the plans and specifications, accepting the bid and approving a \$1,269,726 contract with George Reed, Inc., for the project titled, “Extend Corporate and Reconstruct Transient Aircraft Aprons,” and authorizing the City Manager to execute the contract recommended.
- Resolution accepting a Federal Aviation Administration Grant Agreement Contract No. DTFA08-05-C-31607 and amending the Capital Improvement Budget titled Airport Expansion and Resurfacing recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-410** (Jackman/Marsh; unan. Dunbar) approving the plans and specifications, accepting the bid and approving a \$1,269,726 contract with George Reed, Inc., for the project titled, “Extend Corporate and Reconstruct Transient Aircraft Aprons,” and authorizing the City Manager to execute the contract

**ACTION: Resolution 2005-411** (Jackman/Marsh; unan. Dunbar) accepting a Federal Aviation Administration Grant Agreement Contract No. DTFA08-05-C-31607 and amending the Capital Improvement Budget titled Airport Expansion and Resurfacing

#### REMOVED FROM CONSENT

19. Consider adopting the recommendations regarding Sewer Rate Alternatives-Policy Issues from Foresight Consulting and directing staff to proceed with the sewer rate study based on those recommendations.

- Resolution adopting the recommendations regarding Sewer Rate Alternatives-Policy Issues from Foresight Consulting and directing staff to proceed with the sewer rate study based on those recommendations recommended.

*Public Works; Rich Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Resolution 2005-412** (Hawn/Jackman; unan. Dunbar absent) adopting the recommendations regarding Sewer Rate Alternatives-Policy Issues from Foresight Consulting and directing staff to proceed with the sewer rate study based on those recommendations

#### CONSENT

20. Consider approving the solicitation of bids to remove two structures located at 2500 Sylvan Avenue for the Sylvan Avenue Widening Roadway project and amending the Sylvan – South Side Symphony Park budget by \$540,000 from CFD Reserves to fully fund the Sylvan Avenue Roadway Widening Project.

- Resolution approving the solicitation of bids to remove two structures located at 2500 Sylvan Avenue for the Sylvan Avenue Widening Roadway project recommended.
- Resolution amending the Sylvan – South Side Symphony Park budget by \$540,000 from CFD Reserves to fully fund the Sylvan Avenue Roadway Widening Project recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-413** (Jackman/Marsh; unan. Dunbar) approving the solicitation of bids to remove two structures located at 2500 Sylvan Avenue for the Sylvan Avenue Widening Roadway project

**ACTION: Resolution 2005-414** (Jackman/Marsh; unan. Dunbar) amending the Sylvan – South Side Symphony Park budget by \$540,000 from CFD Reserves to fully fund the Sylvan Avenue Roadway Widening Project

*Item 21 removed from the agenda*

21. Consider approving the Final Map of the Lagos Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: John Lagos and Marie T. Lagos, husband and wife, as community property and Burkshire Estates, a California Limited Liability Company).

- Resolution approving the Final Map of the Lagos Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: John Lagos and Marie T. Lagos, husband and wife, as community property and Burkshire Estates, a California Limited Liability Company) recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: This item was removed from the agenda.**

## COUNCIL COMMENTS & REPORTS

22. At the request of Councilmember Jackman, discussion of surrounding soils and the watershed for the City of Modesto's well system.

**ACTION:** No action taken.

## HEARINGS

*Councilmember Hawn absent due to conflict of interest.*

23. Hearing to consider application of George Simvoulakis for an amendment to Planned Development Zone P-D(563), to allow approved office building to be developed as a condominium, property located at the east corner of 16<sup>th</sup> and G Streets
- Motion introducing an Ordinance amending Section 2 of Ordinance No. 3337 C.S. to allow an office condominium (Simvoulakis) recommended.
  - Resolution amending Sections 1 and 2 of Resolution No. 2003-624 approving a development plan for amendment to Planned Development Zone, P-D(563) to allow office condominium (Simvoulakis) recommended.
  - Resolution certifying that the project is within the scope of the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041): amending Planned Development Zone, P-D(563), to allow an office condominium, property located on the east corner of 16<sup>th</sup> and G Streets (Simvoulakis) recommended.

*Community & Economic Development; Robert Cannell, 577-5274 [bcannell@modestogov.com](mailto:bcannell@modestogov.com)*

**ACTION: By Motion** (Jackman/Marsh; unan. Hawn and Dunbar absent) **introduced Ordinance No. 3393-C.S.** amending Section 2 of Ordinance No. 3337 C.S. to allow an office condominium (Simvoulakis)

**ACTION: Resolution 2005-415** (Jackman/Marsh; unan. Hawn and Dunbar absent) amending Sections 1 and 2 of Resolution No. 2003-624 approving a development plan for amendment to Planned Development Zone, P-D(563) to allow office condominium (Simvoulakis)

**ACTION: Resolution 2005-416** (Jackman/Marsh; unan. Hawn and Dunbar absent) certifying that the project is within the scope of the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041): amending Planned Development Zone, P-D(563), to allow an office condominium, property located on the east corner of 16<sup>th</sup> and G Streets (Simvoulakis).

*Item 24 was continued to September 26, 2005.*

24. Hearing to consider the appeal by NA Engineering and Development Company to a decision by the Planning Commission denying the application of NA Engineering and Development Company for a Tentative Parcel Map to divide an 8.45-Acre Property into two parcels, property located on the southeast corner of Roselle and Hillglen Avenues.

- Resolution denying the appeal and upholding the decision of the Planning Commission recommended.

*Community & Economic Development, Josh Bridegroom, 571-5808, [jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION: Keating/Hawn unan; Dunbar absent continued to September 6, 2005.**

*This public hearing was cancelled.*

25. Hearing to consider updating the land values to the 2003 Capital Facilities Fee Program to reflect current market conditions.

- Resolution updating the land values to the 2003 Capital Facilities Fee Program to reflect current market conditions recommended.

*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION:** This public hearing was cancelled.

*Continued to September 6, 2005*

26. Hearing to consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 8) and canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1.

- Resolution calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 8) recommended.
- Resolution canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1 recommended.

*City Manager's Office Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: By Motion** (Keating/Hawn; unan. Dunbar absent) **continued to September 6, 2005**

27. Hearing to consider to establishing a \$5.00 per hour user fee for use of the tennis court lighting system operated by SkyLogix at the Downey Park tennis courts.

- Resolution approving a recommendation from the Parks, Recreation, and Neighborhoods Department to establish a \$5.00 per hour user fee for use of the tennis court lighting system operated by SkyLogix at the Downey Park tennis courts recommended.

*Parks, Recreation & Neighborhoods; Debbie Fortino, 571-5863, [dfortino@modestogov.com](mailto:dfortino@modestogov.com)*

**ACTION: Resolution 2005-417** (Jackman/Marsh; unan; Dunbar absent) approving a recommendation from the Parks, Recreation, and Neighborhoods Department to establish a \$5.00 per hour user fee for use of the tennis court lighting system operated by SkyLogix at the Downey Park tennis courts.

**NEW BUSINESS**

28. Consider approving Kiernan Business Park East Implementation Plan.

- Motion directing staff to review and consider a proposal to include alternative land uses including mixed-use (support retail and workforce housing) and high-density multiple-family housing, as part of the Amendment to the Kiernan Business Park Specific Plan and EIR update recommended.

*Community & Economic Development; Patrick Kelly, 571-5808, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** By Motion (Hawn/Marsh; unan. Dunbar absent) directing staff to review and consider a proposal to include alternative land uses including mixed-use (support retail and workforce housing) and high-density multiple-family housing, as part of the Amendment to the Kiernan Business Park Specific Plan and EIR update

*Item 29 was moved to follow Council Comments & Reports, Item 22.*

29. Consider directing City staff to return to City Council on September 6, 2005 with the appropriate actions to implement the City's last, best and final offer to the Modesto City's Employee Association (MCEA) presented to the Association on June 29, 2005.

- Motion directing City staff to return to City Council on September 6, 2005 with the appropriate actions to implement the City's last, best and final offer to the Modesto City's Employee Association (MCEA) presented to the Association on June 29, 2005 recommended.

*Personnel; Janice Stewart, 577-5466, [jstewart@modestogov.com](mailto:jstewart@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn; unan; Dunbar absent) directing City staff to return to City Council on September 6, 2005 with the appropriate actions to implement the City's last, best and final offer to the Modesto City's Employee Association (MCEA) presented to the Association on June 29, 2005.

*Recess 7:05*

*Reconvene 7:16*

*Returned to Item 23*

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 8:22 p.m. to the following:

**CLOSED SESSION**

All closed sessions heard prior to the Council meeting.

**CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

(Pursuant to Section 54956.9(a) of the Government Code)

Name of case: City of Modesto, et al., vs. The Dow Chemical Company, et al.  
San Francisco Superior Court Case Nos 999345 and 999643

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Janice Stewart, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Wednesday, August 10, 2005 at 5:30 p.m.**

Roll Call: Present: Committee Members Hawn, Jackman  
Absent: Committee Member Dunbar  
Also Present: Mayor Ridenour, Councilmember Marsh

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

4. Consider an informational report on Monthly Budget Adjustments for August 2005.

**ACTION:** The Finance Committee approved Staff's recommendation.

5. Consider a discussion of funding for public safety services and provide staff with a recommended course of direction.

**ACTION:** Staff was directed to return to the Finance Committee with short and long-term solutions.

6. Consider staff recommendation to approve contracts with Access Capital Services, Inc. and 1<sup>st</sup> Credit of America for collection services and direct staff to present to Council for final approval.

**ACTION:** The Finance Committee approved Staff's recommendation.

**UNFINISHED BUSINESS**

7. Consider oral presentation regarding the status of the Capital Improvement Development.

**ACTION:** This item was for information only. No action was taken.

**NEW BUSINESS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:30 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, September 6, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk’s Announcements      **Item 6 moved to follow Item 34**  
   **Item 18 removed from Consent**  
   **Item 30 and 31 removed from the agenda**  
   **Medical Marijuana item scheduled for September 27**

Declaration of Conflicts of Interest: Hawn – Item 4  
Dunbar – Item 4 and 28  
Marsh – Item 24 and 35

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Modesto Symphony in honor of their 75th Anniversary.

**ACTION:** Proclamation presented by Mayor Ridenour.

### MISCELLANEOUS

#### Appointments

2. Consider appointments to the following boards, commissions and committees:
  - e. Bill Zoslocki, to the Airport Advisory Committee
    - Resolution appointing Bill Zoslocki to the Airport Advisory Committee with a term ending January 1, 2007 recommended.

- f. Julie Walton, to the Citizens Advisory Committee on Recycling
  - Resolution appointing Julie Walton to the Airport Advisory Committee with a term ending January 1, 2008.
- g. Mary Dewing, to the Tuolumne River Regional Park Citizens Advisory Committee
  - Resolution appointing Mary Dewing to the Tuolumne River Regional Park Citizens Advisory Committee with a term ending January 1, 2007.

*City Manager's Office; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Resolution 2005- 418** (Jackman/Keating; unan.) appointing Bill Zoslocki to the Airport Advisory Committee with a term ending January 1, 2007.

**ACTION: Resolution 2005- 419** (Jackman/Keating; unan.) appointing Julie Walton to the Airport Advisory Committee with a term ending January 1, 2008.

**ACTION: Resolution 2005- 420** (Jackman/Keating; unan.) appointing Mary Dewing to the Tuolumne River Regional Park Citizens Advisory Committee with a term ending January 1, 2007.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

- Rita Alvarez expressed her concern with individuals selling cars near her used car business.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 29

**ACTION Consent Items 3, 5, 7-17, 19-23, 25-27, 29:**  
**Jackman/Hawn; unan.**

**ACTION Item 4: Jackman/Marsh; unan. Dunbar and Hawn absent**

**ACTION Item 6: Jackman/Hawn; unan.**

**ACTION Item 18: Jackman/Hawn, unan.**

**ACTION Item 24: Jackman/Keating; unan. Marsh absent**

**ACTION Item 28: Jackman/Hawn; unan. Dunbar absent**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

CONSENT

3. Consider approval of the minutes of the regular City Council meeting of August 9, 2005. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn; unan.) approved the Minutes of August 9, 2005.

CONSENT

*Hawn absent due to conflict*

*Dunbar and Hawn were absent at introduction of Ordinance*

4. Consider approving final adoption of Ordinance No. 3393-C.S. amending Section 2 of Ordinance No. 3337-C.S. entitled “An Ordinance Amending Section Map 28-3-9 of Zoning Map to rezone from Planned Development Zone, P-D(480), to Planned Development Zone, P-D(563), property located on the east corner of 16th Street and G Street.(Pratt)” (Simvolukas).
- Motion approving final adoption of Ordinance No. 3393-C.S. amending Section Map 28-3-9 of Zoning Map to rezone from Planned Development Zone, P-D(480), to Planned Development Zone, P-D(563), property located on the east corner of 16th Street and G Street.(Pratt)” (Simvolukas) recommended.
- Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Marsh; unan. Dunbar and Hawn absent) approved the **final adoption of Ordinance No. 3393-C.S.** amending Section 2 of Ordinance No. 3337-C.S. entitled “An Ordinance Amending Section Map 28-3-9 of Zoning Map to rezone from Planned Development Zone, P-D(480), to Planned Development Zone, P-D(563), property located on the east corner of 16th Street and G Street.(Pratt)” (Simvolukas)

CONSENT

5. Consider declaring the City of Modesto’s intent to establish City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy) (“CFD”) and to authorize the levy of a special tax within said CFD; and consider declaring the City of Modesto’s intent to incur bonded indebtedness in the amount not to exceed \$150 million within the proposed CFD; and approving an Advanced Funding Agreement with Shelter Cove Community Church, Inc. and authorizing the City Manager to execute the Agreement.
- Resolution declaring the City of Modesto’s intent to establish City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy) (“CFD”) and to authorize the levy of a special tax within said CFD recommended.
  - Resolution declaring the City of Modesto’s intent to incur bonded indebtedness in the amount not to exceed \$150 million within the proposed CFD recommended.

- Resolution approving an Advanced Funding Agreement with Shelter Cove Community Church, Inc. and authorizing the City Manager to execute the Agreement recommended.

*City Manager's Office; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-421** (Jackman/Hawn; unan.) declaring the City of Modesto's intent to establish City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy) ("CFD") and to authorize the levy of a special tax within said CFD.

**ACTION: Resolution 2005-422** (Jackman/Hawn; unan.) declaring the City of Modesto's intent to incur bonded indebtedness in the amount not to exceed \$150 million within the proposed CFD.

**ACTION: Resolution 2005-423** (Jackman/Hawn; unan.) approving an Advanced Funding Agreement with Shelter Cove Community Church, Inc. and authorizing the City Manager to execute the Agreement.

#### **CONSENT – Moved to follow Item 34**

6. Consider annexation of additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 9).

- Resolution of intention to annex additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 9) recommended.

*City Manager's Office; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-424** (Jackman/Hawn; unan) of intention to annex additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2). (Annexation No. 9).

#### **CONSENT**

7. Consider approving monthly budget adjustments for August 2005.

- Resolution approving monthly budget adjustments for August 2005 recommended.

*Finance; Gail Bailey, 577-5378, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-425** (Jackman/Hawn; unan) approving monthly budget adjustments for August 2005.

#### **CONSENT**

8. Consider authorizing the Purchasing Supervisor to solicit formal Request for Bids (RFB) for the printing of Modesto Area Express (MAX) Ride Guides for an initial two-year period, with three one-year contract extension options for a total estimated annual cost of \$34,858.

- Resolution authorizing the Purchasing Supervisor to solicit formal Request for Bids (RFB) for the printing of Modesto Area Express (MAX) Ride Guides for an initial two-year period, with three one-year contract extension options for a total estimated annual cost of \$34,858 recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-426** (Jackman/Hawn; unan) authorizing the Purchasing Supervisor to solicit formal Request for Bids (RFB) for the printing of Modesto Area Express (MAX) Ride Guides for an initial two-year period, with three one-year contract extension options for a total estimated annual cost of \$34,858.

CONSENT

9. Consider authorizing the Purchasing Supervisor to purchase two Vac-Con Combination Sewer & Storm Drain Cleaners from Municipal Maintenance Equipment for an estimated total cost of \$551,709.72.

- Resolution authorizing the Purchasing Supervisor to purchase two Vac-Con Combination Sewer & Storm Drain Cleaners from Municipal Maintenance Equipment for an estimated total cost of \$551,709.72 recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-427** (Jackman/Hawn; unan) authorizing the Purchasing Supervisor to purchase two Vac-Con Combination Sewer & Storm Drain Cleaners from Municipal Maintenance Equipment for an estimated total cost of \$551,709.72.

CONSENT

10. Consider approving an agreement with Architecture Plus, Inc. for professional architectural services to prepare Design Development and Construction Documents for the King-Kennedy Memorial Center Kitchen and Auditorium Renovation Project.

- **Resolution approving an agreement with Architecture Plus, Inc. for professional architectural services to prepare Design Development and Construction Documents for the King-Kennedy Memorial Center Kitchen and Auditorium Renovation Project, and authorizing the City Manager to execute the contract recommended.**

*Parks, Recreation & Neighborhoods; Nathan G. Houx, (209) 571-5526, [nhoux@modestogov.com](mailto:nhoux@modestogov.com)*

**ACTION: Resolution 2005-428** (Jackman/Hawn; unan) approving an agreement with Architecture Plus, Inc. for professional architectural services to prepare Design Development and Construction Documents for the King-Kennedy Memorial Center Kitchen and Auditorium Renovation Project, and authorizing the City Manager to execute the contract

## CONSENT

11. Consider approving an agreement with International City Management Association Retirement Corporation (ICMA - RC) Sidecar IRAs, and the 401/457 Loan Program to the City's deferred compensation program and authorizing the City Manager to execute said agreement.
- Resolution approving an agreement with International City Management Association Retirement Corporation (ICMA - RC) Sidecar IRAs, and the 401/457 Loan Program to the City's deferred compensation program and authorizing the City Manager to execute said agreement recommended.
- Personnel; Mary Akin, 577-5251, [makin@modestogov.com](mailto:makin@modestogov.com)*

**ACTION: Resolution 2005-429** (Jackman/Hawn; unan) approving an agreement with International City Management Association Retirement Corporation (ICMA - RC) Sidecar IRAs, and the 401/457 Loan Program to the City's deferred compensation program and authorizing the City Manager to execute said agreement.

## CONSENT

12. Consider approving an agreement with Sylvan Union School District for a Modesto Police Officer to instruct the Drug Abuse Resistance Education (D.A.R.E.). The City shall be compensated \$50,459.00 for the services of this police officer.
- Resolution approving an agreement for the provision of one Modesto Police Officer to instruct the Drug Abuse Resistance Education (D.A.R.E.) and act as a School Resource Officer (SRO) for the Sylvan Union School District and authorizing the City Manager, or his designee, to execute the agreement recommended.
- Police; Ron Reid, 572-9162, [reidr@modestopd.com](mailto:reidr@modestopd.com)*

**ACTION: Resolution 2005-430** (Jackman/Hawn; unan) approving an agreement for the provision of one Modesto Police Officer to instruct the Drug Abuse Resistance Education (D.A.R.E.) and act as a School Resource Officer (SRO) for the Sylvan Union School District and authorizing the City Manager, or his designee, to execute the agreement.

## CONSENT

13. Consider approving an agreement with Modesto City Schools for High Risk Intervention Team Police Officer. The City of Modesto shall be compensated \$96,600 to fully fund the project.
- Resolution approving an agreement for the provision of one full-time Modesto Police Officer to serve as a member of the High Risk Intervention Team and authorizing the City Manager, or his designee, to execute the agreement recommended.
  - Resolution amending the 2005/06 budget, estimating revenue and appropriating funds of \$11,600 to completely fund the project of \$96,600, of which \$85,000 has already been appropriated recommended.
- Police; Ron Reid, 572-9162, [reidr@modestopd.com](mailto:reidr@modestopd.com)*

**ACTION: Resolution 2005-431** (Jackman/Hawn; unan) approving an agreement for the provision of one full-time Modesto Police Officer to serve as a member of the High

Risk Intervention Team and authorizing the City Manager, or his designee, to execute the agreement

**ACTION: Resolution 2005-432** (Jackman/Hawn; unan) amending the 2005/06 budget, estimating revenue and appropriating funds of \$11,600 to completely fund the project of \$96,600, of which \$85,000 has already been appropriated

#### CONSENT

14. Consider approving an agreement with Modesto City Schools for seven School Resource Officers (SROs) at Beyer, Davis, Downey, Johansen, and Modesto High Schools, Elliot Alternative Education Center, and Roosevelt Junior High School. The City shall be compensated \$324,502. to fund the services of seven Modesto Police Officers and authorizing the City Manager to execute the Agreement.
- Resolution approving recommended an agreement with Modesto City Schools for seven School Resource Officers (SROs) at Beyer, Davis, Downey, Johansen, and Modesto High Schools, Elliot Alternative Education Center, and Roosevelt Junior High School. The City shall be compensated \$324,502. to fund the services of seven Modesto Police Officers and authorizing the City Manager to execute the Agreement.  
*Police; Ron Reid, 572-9162, [reidr@modestopd.com](mailto:reidr@modestopd.com)*

**ACTION: Resolution 2005-433** (Jackman/Hawn; unan) approving recommended an agreement with Modesto City Schools for seven School Resource Officers (SROs) at Beyer, Davis, Downey, Johansen, and Modesto High Schools, Elliot Alternative Education Center, and Roosevelt Junior High School. The City shall be compensated \$324,502. to fund the services of seven Modesto Police Officers and authorizing the City Manager to execute the Agreement.

#### CONSENT

15. Consider approving an agreement with Modesto City Schools for four School Resource Officers (SROs) at Marshall and Franklin Elementary Schools, and Mark Twain and La Loma Junior High Schools. The City shall be compensated \$129,430 to fund the services of four Modesto Police Officers, and authorizing the City Manager to execute the Agreement.
- Resolution approving an agreement with Modesto City Schools for four School Resource Officers at Marshall and Franklin Elementary Schools, and Mark Twain and La Loma Junior High Schools. The City shall be compensated \$129,430 to fund the services of four Modesto Police Officers and authorizing the City Manager to execute the Agreement recommended.  
*Police; Ron Reid, 572-9162, [reidr@modestopd.com](mailto:reidr@modestopd.com)*

**ACTION: Resolution 2005-434** (Jackman/Hawn; unan) approving an agreement with Modesto City Schools for four School Resource Officers at Marshall and Franklin Elementary Schools, and Mark Twain and La Loma Junior High Schools. The City shall be compensated \$129,430 to fund the services of four Modesto Police Officers and authorizing the City Manager to execute the Agreement.

## CONSENT

16. Consider accepting the annual report regarding retired police canine purchases, by their handlers, in 2004-05, as required by Modesto City Council Resolution No. 99-370, and authorizing the purchase of retired canines, by their handlers, and approving the agreements for purchase.

- Resolution accepting the annual report regarding retired police canine purchases, by their handlers, in 2004-05, as required by Modesto City Council Resolution No. 99-370, and authorizing the purchase of retired canines, by their handlers, and approving the agreements for purchase recommended.

*Police; Karen Rabb, 572-9523, [rabbk@modestopd.com](mailto:rabbk@modestopd.com)*

**ACTION: Resolution 2005-435** (Jackman/Hawn; unan) accepting the annual report regarding retired police canine purchases, by their handlers, in 2004-05, as required by Modesto City Council Resolution No. 99-370, and authorizing the purchase of retired canines, by their handlers, and approving the agreements for purchase.

## CONSENT

17. Consider accepting the Department of Justice award funds of \$13,793.43 for a Bulletproof Vest Partnership (BVP) Program under the U.S. Department of Justice (DOJ) for armor vests.

- Resolution accepting award funding of \$13,793.43 for a Bulletproof Vest Partnership (BVP) Program under the U.S. Department of Justice (DOJ) for armor vests recommended.
- Resolution amending the 2005/06 operating budget to estimate revenue recommended.

*Police; Karen Rabb, 572-9523, [rabbk@modestopd.com](mailto:rabbk@modestopd.com)*

**ACTION: Resolution 2005-436** (Jackman/Hawn; unan) accepting award funding of \$13,793.43 for a Bulletproof Vest Partnership (BVP) Program under the U.S. Department of Justice (DOJ) for armor vests.

**ACTION: Resolution 2005-437** (Jackman/Hawn; unan) amending the 2005/06 operating budget to estimate revenue.

## REMOVED FROM CONSENT

18. Consider rejecting all bids for the development and implementation of a Stormwater Management Program and authorizing staff to re-advertise the Request for Proposals.

- Resolution rejecting all bids for the development and implementation of a Stormwater Management Program and authorizing staff to re-advertise the Request for Proposals recommended.

*Public Works; Adam Denlinger, 577-6300, [adenlinger@modestogov.com](mailto:adenlinger@modestogov.com)*

**ACTION: Resolution 2005-438** (Jackman/Hawn; unan.) rejecting all bids for the development and implementation of a Stormwater Management Program and authorizing staff to re-advertise the Request for Proposals.

## CONSENT

19. Consider adopting a policy to require the installation of certain storm drainage improvements prior to any development in the Village One Precise Plan Area #30.
- Resolution adopting a policy to require the installation of certain storm drainage improvements prior to any development in the Village One Precise Plan Area #30 recommended.

*Public Works; Vickey Dion, 571-5542, [vdion@modestogov.com](mailto:vdion@modestogov.com)*

**ACTION: Resolution 2005-439** (Jackman/Hawn; unan) adopting a policy to require the installation of certain storm drainage improvements prior to any development in the Village One Precise Plan Area #30.

## CONSENT

20. Consider accepting the work by On Grade Contracting, Inc., for the “Sewer Extension to 2336 Sylvan Avenue” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$57,377 per the contract. Total project cost is \$159,007.

- Resolution accepting the work by On Grade Contracting, Inc., for the “Sewer Extension to 2336 Sylvan Avenue” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$57,377 per the contract. Total project cost is \$159,007 recommended.

*Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-440** (Jackman/Hawn; unan) accepting the work by On Grade Contracting, Inc., for the “Sewer Extension to 2336 Sylvan Avenue” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$57,377 per the contract. Total project cost is \$159,007.

## CONSENT

21. Consider accepting the work by Collins Electrical Company, Inc., for the “Traffic Signal Modifications at 7 Locations” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$399,593 per the contract. Total project cost is \$424,509.

- Resolution accepting the work by Collins Electrical Company, Inc., for the “Traffic Signal Modifications at 7 Locations” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$399,593 per the contract. Total project cost is \$424,509 recommended.

*Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-441** (Jackman/Hawn; unan) accepting the work by Collins Electrical Company, Inc., for the “Traffic Signal Modifications at 7 Locations” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing

payment of amounts due totaling \$399,593 per the contract. Total project cost is \$424,509.

#### CONSENT

22. Consider approving a fourth Amendment to Agreement with Dokken Engineering in the amount of \$22,507.65, to revise the revegetation plan for the project titled "Replacement of the 9th Street Bridge over Tuolumne River," and authorizing the City Manager to execute said Amendment to Agreement.

- Resolution approving a fourth Amendment to Agreement with Dokken Engineering in the amount of \$22,507.65, to revise the revegetation plan for the project titled "Replacement of the 9th Street Bridge over Tuolumne River," and authorizing the City Manager to execute said Amendment to Agreement recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-442** (Jackman/Hawn; unan) approving a fourth Amendment to Agreement with Dokken Engineering in the amount of \$22,507.65, to revise the revegetation plan for the project titled "Replacement of the 9th Street Bridge over Tuolumne River," and authorizing the City Manager to execute said Amendment to Agreement.

#### CONSENT

23. Consider approval of Final Map of The Trails at Dry Creek Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: John J. Machado and Judy A. Machado, Co-Trustees of the Machado Family Trust Agreement, U/D/T).

- Resolution approving the Final Map of The Trails at Dry Creek Subdivision and authorizing the City Manager to execute the Subdivision Agreement recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-443** (Jackman/Hawn; unan) approving the Final Map of The Trails at Dry Creek Subdivision and authorizing the City Manager to execute the Subdivision Agreement.

## CONSENT

***Marsh absent due to conflict***

24. Consider approval of final map of the Lagos Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: John Lagos and Marie T. Lagos, husband and wife, as community property and Burkshire Estates, A California Limited Liability Company).

- Resolution approval of final map of the Lagos Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: John Lagos and Marie T. Lagos, husband and wife, as community property and Burkshire Estates, A California Limited Liability Company) recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-444** (Jackman/Keating; unan. Marsh absent) approval of final map of the Lagos Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: John Lagos and Marie T. Lagos, husband and wife, as community property and Burkshire Estates, A California Limited Liability Company).

## CONSENT

25. Consider accepting a portion of the subdivision improvements installed with the Galas Brothers Unit Nos. 1 and 2 Subdivisions as described on "Exhibit A" in the Acquisition and Shortfall Agreement #1 between the City of Modesto Community Facilities District No 2003-1 and Del Valle Homes, a California corporation.

- Resolution accepting a portion of the subdivision improvements installed with the Galas Brothers Unit Nos. 1 and 2 Subdivisions as described on "Exhibit A" in the Acquisition and Shortfall Agreement #1 between the City of Modesto Community Facilities District No 2003-1 and Del Valle Homes recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-445** (Jackman/Hawn; unan) accepting a portion of the subdivision improvements installed with the Galas Brothers Unit Nos. 1 and 2 Subdivisions as described on "Exhibit A" in the Acquisition and Shortfall Agreement #1 between the City of Modesto Community Facilities District No 2003-1 and Del Valle Homes.

## CONSENT

26. Consider approving an update to the Disadvantaged Business Enterprise (DBE) Program for federally funded street, airport, and transit projects and authorizing the City Manager to pay up to \$2,000 for participation in the Unified Certification Program (UCP) for certifying DBE contractors.

- Resolution approving an update to the Disadvantaged Business Enterprise (DBE) Program for federally funded street, airport, and transit projects recommended.
- Resolution authorizing the City Manager to pay up to \$2,000 for participation in the Unified Certification Program (UCP) for certifying DBE contractors recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-446** (Jackman/Hawn; unan) approving an update to the Disadvantaged Business Enterprise (DBE) Program for federally funded street, airport, and transit projects

**ACTION: Resolution 2005-447** (Jackman/Hawn; unan) authorizing the City Manager to pay up to \$2,000 for participation in the Unified Certification Program (UCP) for certifying DBE contractors.

#### CONSENT

27. Consider accepting the Office of Traffic Safety (OTS) grant in the amount of \$110,000, with a City match of \$40,000 and amending the Fiscal Year 05/06 Capital Improvement Program (CIP) budget accepting the grant funds and establishing one new CIP project titled, "Pedestrian and Bicyclist Safety Enhancement," in the amount of \$150,000.

- Resolution accepting the Office of Traffic Safety (OTS) grant in the amount of \$110,000, with a City match of \$40,000 recommended.
- Resolution amending the Fiscal Year 05/06 Capital Improvement Program (CIP) budget accepting the grant funds and establishing one new CIP project titled, "Pedestrian and Bicyclist Safety Enhancement," in the amount of \$150,000 recommended.

*Public Works; Jeffrey L. Barnes, 577-5468, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: Resolution 2005-448** (Jackman/Hawn; unan) accepting the Office of Traffic Safety (OTS) grant in the amount of \$110,000, with a City match of \$40,000.

**ACTION: Resolution 2005-449** (Jackman/Hawn; unan) amending the Fiscal Year 05/06 Capital Improvement Program (CIP) budget accepting the grant funds and establishing one new CIP project titled, "Pedestrian and Bicyclist Safety Enhancement," in the amount of \$150,000.

#### CONSENT

##### ***Dunbar absent due to conflict***

28. Consider approving the installation of speed humps in the Sherwood Forest Subdivision and amending the 2005/2006 budget to recognize and appropriate neighborhood participation, per the City of Modesto Speed Hump Policy, in the amount of \$18,200 for the installation of speed humps in the Sherwood Forest Subdivision for fiscal year 2005/2006.

- Resolution approving the installation of speed humps in the Sherwood Forest Subdivision and amending the 2005/2006 budget to recognize and appropriate neighborhood participation, per the City of Modesto Speed Hump Policy, in the amount of \$18,200 for the installation of speed humps in the Sherwood Forest Subdivision for fiscal year 2005/2006 recommended

*Public Works; Jeffrey L. Barnes, 577-5468, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: Resolution 2005-450** (Jackman/Hawn; unan. Dunbar absent) approving the installation of speed humps in the Sherwood Forest Subdivision and amending the 2005/2006 budget to recognize and appropriate neighborhood participation, per the City of Modesto Speed Hump Policy, in the amount of \$18,200 for the installation of speed humps in the Sherwood Forest Subdivision for fiscal year 2005/2006.

#### CONSENT

29. Consider accepting a \$550,000 Grant from the Small Community Air Service Development Program, U.S. Department of Transportation, for airline startup incentives to attract additional airline routes to Modesto.

- Resolution accepting a \$550,000 Grant from the Small Community Air Service Development Program, U.S. Department of Transportation, for airline startup incentives to attract additional airline routes to Modesto, approving the Grant Agreement and authorize the City Manager, or his designee, to execute the Grant Agreement on behalf of the City recommended.
- Resolution amending the 2006 Operating Budget to appropriate \$705,000 to the Department of Transportation Air Service Development Grant Account (6310-440-5415) and to budget appropriate revenues, which are \$550,000 in grant funds from the Small Community Air Service Development Program, U.S. Department of Transportation, and \$155,000 Local Share funding, which includes \$35,000 from Airport Fund Reserves recommended.

*Public Works, Michael Musca, 577-5318, [mmusca@modestogov.com](mailto:mmusca@modestogov.com)*

**ACTION: Resolution 2005-451** (Jackman/Hawn; unan) accepting a \$550,000 Grant from the Small Community Air Service Development Program, U.S. Department of Transportation, for airline startup incentives to attract additional airline routes to Modesto, approving the Grant Agreement and authorize the City Manager, or his designee, to execute the Grant Agreement on behalf of the City.

**ACTION: Resolution 2005-452** (Jackman/Hawn; unan) amending the 2006 Operating Budget to appropriate \$705,000 to the Department of Transportation Air Service Development Grant Account (6310-440-5415) and to budget appropriate revenues, which are \$550,000 in grant funds from the Small Community Air Service Development Program, U.S. Department of Transportation, and \$155,000 Local Share funding, which includes \$35,000 from Airport Fund Reserves.

#### COUNCIL COMMENTS & REPORTS

None.

#### WRITTEN COMMUNICATIONS

30. Request from Carmen Sabatino, former Mayor of Modesto, regarding “a Charter Committee comprised of the President of the Stanislaus County Bar Association, two retired judges and two attorneys from different law firms would be formed to define the duties and responsibilities of the City Attorney's Office.”

**ACTION:** Removed from the agenda at the request Carmen Sabatino.

## UNFINISHED BUSINESS

*It has been requested that this item be removed from the Agenda.*

31. Consider (1) implementing the City's Last, Best, Final Offer to Modesto City Employees' Association (MCEA) for the timeframe of September 6, 2005 through July 23, 2007, unless otherwise noted; (2) approving the Class Range Table for MCEA; and (3) amending the FY 05-06 Operating Budget to transfer \$932,800 from various Fund reserves (\$345,136 from the General Fund Reserve and \$587,664 from other Fund reserves) to various accounts in departments' operating budgets.
- Motion removing this item from the Agenda recommended.  
*Personnel; Robin Renwick, 577-5400, [rrenwick@modestogov.com](mailto:rrenwick@modestogov.com)*

**ACTION:** This item was removed from the agenda.

## HEARINGS

32. Hearing to consider the appeal of JET Investments regarding Kansas Avenue Auto Center for modification of Capital Facilities Fees.
- Resolution denying the appeal of JET Investments regarding Kansas Avenue Auto Center for modification of Capital Facilities Fees recommended.  
*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-453** (Dunbar/Hawn; unan. denying the appeal of JET Investments regarding Kansas Avenue Auto Center for modification of Capital Facilities Fees.

*This item is continued to October 11, 2005.*

33. Hearing to consider an appeal from Bill and Veronica Loretelli of a staff decision denying a request for CFF reimbursement for excess right-of-way dedication at the southwest corner of Coffee Road and Claratina Avenue, Loretelli Manor Subdivision.
- Motion continuing the hearing to October 11, 2005 recommended.  
*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION:** By Motion (Jackman/Keating; unan.) continued the hearing to October 11, 2005.

*This item was continued from August 9, 2005.*

34. Hearing to consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 8) and canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1.
- Resolution consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 8) recommended.
  - Resolution canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1 recommended.
- City Manager's Office; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-454** (Jackman/Hawn; unan.) consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 8).

**ACTION: Resolution 2005-455** ( Jackman/Hawn; unan.) canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1.

*This item was continued from August 9, 2005.*

*Councilmember Marsh absent due to conflict of interest*

35. Hearing to consider the appeal by NA Engineering and Development Company to a decision by the Planning Commission denying the application of NA Engineering and Development Company for a Tentative Parcel Map to divide an 8.45-Acre Property into two parcels, property located on the southeast corner of Roselle and Hillglen Avenues.
- Resolution denying the appeal and upholding the decision of the Planning Commission recommended.
- Community & Economic Development; Josh Bridegroom, 571-5808, [jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION:** By Motion (Hawn/Jackman; unan.; Marsh, absent) **continued the public hearing to October 11, 2005** to give staff time to negotiate an agreement with the landowner related to the acquisition of right-of-way for alignment of Hillglen for this project, and directed staff to investigate the possibility of funding the roundabout.

## NEW BUSINESS

*Study Session Item*

36. Consider receipt of the Modesto Police Department's Auto Theft Report for 2004.
- Motion receiving the Modesto Police Department's Auto Theft Report for 2004 recommended.
- Police; Karen Rabb, 572-9523, [rabbk@modestopd.com](mailto:rabbk@modestopd.com)*

**ACTION:** By order of the Chair received the Modesto Police Department's Auto Theft Report for 2004.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

The meeting adjourned at 8:46 p.m.

**CLOSED SESSION**

*All closed sessions heard prior to the Council meeting.*

**CONFERENCE WITH LABOR NEGOTIATOR:**  
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Confidential and Management Association  
(MCMA)

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Two cases.

## MINUTES

# City of Modesto

Safety & Communities Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Wednesday, September 7, 2005, at 5:30 p.m.**

Roll Call – Present      Committee Members Dunbar, Hawn, O’Bryant

Also Present:              None

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

8. Consider receiving Modesto Police Department’s report regarding ABC/dance permits in the downtown area.

**ACTION:** The Safety & Communities Committee accepted the report. This item was for information purposes only.

#### CONSENT:

9. Consider receiving Modesto Police Department’s informational report regarding enforcement plan for the Downtown Entertainment District.

**ACTION:** The Safety & Communities Committee accepted the report. This item was for information purposes only.

#### CONSENT:

10. Consider staff recommendation to deny the request for an all-way stop at the Encina Avenue and Santa Barbara Avenue Intersection.

**ACTION:** This item was removed from the Agenda.

### **NEW BUSINESS**

11. Consider staff recommendation to approve the Modesto Local Hazard Mitigation Plan and the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan and that they be submitted to City Council for public hearing and adoption.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

12. Discussion of inflatable playgrounds/generators and use of bounce houses in El Vista Park – citizen concern.

**ACTION:** This item was removed from the Agenda.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **FUTURE AGENDA ITEMS**

9. Continued discussion of Panhandling Ordinance (requested by Councilmember O'Bryant
10. Parks and Parks Security
11. ABC License Appeal Procedures
12. Addition of one Community Service Officer to administer the franchise towing agreement
13. Priority Criterion for Paving Alleys
14. Accident Analysis Annual Report
15. Citizen request to address drug paraphernalia shops and possible solutions

### **ADJOURNMENT**

This meeting adjourned at 6:35 p.m.

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, September 12, 2005, at 5:30 p.m.**

Roll Call: Present: Councilmembers Jackman, Keating, Marsh

Also Present: None

### **ORAL COMMUNICATIONS** **Three minute time limit per speaker**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 4

### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

1. Consider receiving status report of development projects processed by the Community & Economic Development Department.

**ACTION:** This item was for information only. No action taken.

#### CONSENT

59. Consider accepting status report on the Second Unit Ordinance Amendment Update

**ACTION:** This item was for information only. No action taken.

#### CONSENT

60. Consider staff recommendation to approve a five-year contract with Stott Outdoor Advertising for advertising on exteriors of all Modesto Area Express buses

**ACTION:** The Economic Development Committee approved Staff's recommendation

61. Consider staff recommendation to authorize solicitation of Requests for Proposals for on-call engineering services for the Public Works Water Quality Control Division for a one-year agreement with three one-year extension options in an amount not to exceed \$44,000 annually

**ACTION:** The Economic Development Committee approved Staff's recommendation

### **NEW BUSINESS**

62. Consider informational report regarding development of design guidelines and request for committee direction

**ACTION:** The Economic Development Committee gave direction to proceed with gaining Industry input on developing design guidelines for commercial, industrial and business park development, and return to the Committee with input.

63. Consider status report on the review of City/County development policies and standards within the Modesto Sphere of Influence.

**ACTION:** This item was for information only. No action taken.

64. Further consideration of staff report regarding Waste Management (Modesto Disposal Service) performance review of July 11, 2005

**ACTION:** The Economic Development Committee recommends this item be forwarded to the full Council to consider a one-year contract extension to January 2007 and to begin negotiations in January of 2006.

65. Verbal report and discussion of advertising signage on vehicles used as static advertising signage.

**ACTION:** This item was for information only. No action taken.

66. Receive update on Yosemite Boulevard/132 East Project

**ACTION:** This item was removed from the Agenda.

### **COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **FUTURE AGENDA ITEMS**

- 113. Sign Ordinance (requested by Chair Keating)
- 114. Encina Storm Drain Right-of-Way
- 115. Industrial Parks – drainage standards, conditions of available industrial park land and enforcement of NPU standards (requested by Chair Keating)
- 116. Prescott/Bangs Proposed Roundabout
- 117. Angle parking downtown
- 118. Riverdale Water System
- 119. Sky West Airlines lease agreement
- 120. Kansas-Woodland Business Park
- 121. Discussion of funding from existing homeowners to address Twin Bonds “problem”
- 122. 132/99 Connectivity and Carpenter Road Interchange Issue
- 123. 132 West Expressway
- 124. Review of “Will Serve” letter process (requested by Chair Keating)
- 125. Waste Collection Company permit/licensing (requested by Chair Keating)

### **ADJOURNMENT**

This meeting adjourned at 8:15 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, September 13, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rick Fritzmeier, Youth for Christ.

City Clerk’s Announcements: **Item 7 removed from Consent**  
**Item 14 moved to follow Item 9A**

Declaration of Conflicts of Interest: **Marsh – Item 4**  
**Hawn – Item 11**

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of plaque in memory of the late John Kenealy by members of the California Association of Physically Handicapped Chapter #37.

**ACTION:** Presentation made by Bev Hatcher, Parks, Recreation and Neighborhoods Department and Mayor Ridenour.

2. Introduction of City's new Chief Information Officer, Gary Cook.

**ACTION:** Introduction made by Judith Ray, Deputy City Manager

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

Dale Gene Williams thanked the Council for displaying the POW MIA flag.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 9A

**ACTION: Consent Items 3- 6, 8, 9, 9A: Jackman/Dunbar; unan.**

**ACTION Consent Item 7: Hawn/Jackman; unan.**

### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

#### CONSENT

3. Consider approval of the minutes of the regular City Council meeting of September 6, 2005.

(Motion approving recommended.)

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan.) approving the minutes of September 6, 2005.

#### CONSENT

***Marsh absent due to conflict***

4. Consider annexation of additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 10).
  - Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 10) recommended.

*City Manager's Office, Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005- 456** (Dunbar/Jackman; unan. Marsh absent due to conflict of interest) approving annexation of additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 10).

## CONSENT

5. Consider approving an Acquisition and Shortfall agreement between the City of Modesto Community Facilities District No. 2004-1 (Village One No. 2) and Sylvan School District for the installation of a storm drain line on Kodiak Drive (adjacent to Sanders Park site) and authorizing the District Administrator to execute the agreement.

- Resolution approving an Acquisition and Shortfall agreement between the City of Modesto Community Facilities District No. 2004-1 (Village One No. 2) and Sylvan School District for the installation of a storm drain line on Kodiak Drive (adjacent to Sanders Park site) and authorizing the District Administrator to execute the agreement recommended.

*City Manager's Office, Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-457** (Jackman/Dunbar; unan.) approving an Acquisition and Shortfall agreement between the City of Modesto Community Facilities District No. 2004-1 (Village One No. 2) and Sylvan School District for the installation of a storm drain line on Kodiak Drive (adjacent to Sanders Park site) and authorizing the District Administrator to execute the agreement.

## CONSENT

6. Consider authorizing the award of bid and contract for the purchase of INET system equipment to Netlogic Solutions for a total bid price of \$246,858.94.

- Resolution authorizing the award of bid and contract for the purchase of INET system equipment to Netlogic Solutions for a total bid price of \$246,858.94 recommended.

*Finance, Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-458** (Jackman/Dunbar; unan.) authorizing the award of bid and contract for the purchase of INET system equipment to Netlogic Solutions for a total bid price of \$246,858.94.

***Removed from Consent***

7. Consider approving an agreement with Turnstone Consulting for preparation of a Master Environmental Impact Report for the City's Wastewater Master Plan and Wastewater Rates and Collection Fees Updates in an amount not to exceed \$456,396, authorizing the City Manager to execute the Agreement and amend the FY 2006 CIP Budget by a total amount of \$785,400.

- Resolution approving an agreement with Turnstone Consulting for preparation of a Master Environmental Impact Report for the City's Wastewater Master Plan and Wastewater Rates and Collection Fees Updates in an amount not to exceed \$456,396, and authorizing the City Manager to execute the Agreement recommended.
- Resolution to amend the FY 2006 CIP Budget: a) to reduce Collection Systems Rehab Project 6210-480-B574 by \$150,000; b) to reduce Annual R&R Primary Site Project 6210-480-B576 by \$317,700; c) to reduce Annual R&R Secondary Site Project 6210-480-B577 by \$317,700 and return those funds to Wastewater Fund Balance 6210-800-8000-8003 to be reallocated to the Wastewater Master Plan 6210-430-A208 for a total of \$785,400 recommended.

*Public Works, Rich Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Resolution 2005-459** (Hawn/Jackman; unan.) approving an agreement with Turnstone Consulting for preparation of a Master Environmental Impact Report for the City's Wastewater Master Plan and Wastewater Rates and Collection Fees Updates in an amount not to exceed \$456,396, and authorizing the City Manager to execute the Agreement.

**ACTION: Resolution 2005-460** (Hawn/Jackman; unan.) amending the FY 2006 CIP Budget: a) to reduce Collection Systems Rehab Project 6210-480-B574 by \$150,000; b) to reduce Annual R&R Primary Site Project 6210-480-B576 by \$317,700; c) to reduce Annual R&R Secondary Site Project 6210-480-B577 by \$317,700 and return those funds to Wastewater Fund Balance 6210-800-8000-8003 to be reallocated to the Wastewater Master Plan 6210-430-A208 for a total of \$785,400.

#### CONSENT

8. Consider accepting the work by Vanguard Construction for the "2004 ADA Curb Ramp Construction" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$171,470.50 per the contract. Total project cost is \$225,166.24.

- Resolution accepting the work by Vanguard Construction for the "2004 ADA Curb Ramp Construction" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$171,470.50 per the contract. Total project cost is \$225,166.24, which included construction contingency, construction administration, and engineering design recommended.

*Public Works, Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-461** (Jackman/Dunbar; unan) accepting the work by Vanguard Construction for the "2004 ADA Curb Ramp Construction" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$171,470.50 per the contract. Total project cost is \$225,166.24, which included construction contingency, construction administration, and engineering design.

#### CONSENT

9. Consider approving the plans and specifications for the Pump Station for Well 62 at Freedom Park Project, accepting the bid and approving a \$632,315 contract with R.L. Davis Construction Co., Inc., for the project titled, "Pump Station for Well 62 at Freedom Park," and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$1,060,800; and certifying a Mitigated Negative Declaration (SCH #2005042019) for the Wells Replacement Project and adopting a finding that the City Council has reviewed and considered and made findings regarding the CEQA Environmental Review document.

- Resolution approving the plans and specifications for the Pump Station for Well 62 at Freedom Park Project, accepting the bid and approving a \$632,315 contract with R.L. Davis Construction Co., Inc., for the project titled, "Pump Station for Well 62 at Freedom Park," and authorizing the City Manager to execute the contract. Total estimated cost of

this project is \$1,060,800, which includes test hole and well development, engineering design, pump station construction contract, construction contingency, and construction administration recommended.

- Resolution certifying a Mitigated Negative Declaration (SCH #2005042019) for the Wells Replacement Project and adopting a finding that the City Council has reviewed and considered and made findings regarding the CEQA Environmental Review document recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-462**(Jackman/Dunbar; unan) approving the plans and specifications for the Pump Station for Well 62 at Freedom Park Project, accepting the bid and approving a \$632,315 contract with R.L. Davis Construction Co., Inc., for the project titled, “Pump Station for Well 62 at Freedom Park,” and authorizing the City Manager to execute the contract. Total estimated cost of this project is \$1,060,800, which includes test hole and well development, engineering design, pump station construction contract, construction contingency, and construction administration.

**ACTION: Resolution 2005-463** (Jackman/Dunbar; unan) certifying a Mitigated Negative Declaration (SCH #2005042019) for the Wells Replacement Project and adopting a finding that the City Council has reviewed and considered and made findings regarding the CEQA Environmental Review document.

CONSENT (Addendum)

9A. Consider authorizing the purchase and installation of a Liebert 65KVA uninterruptible power supply for the IT Department, for a total estimated cost of \$100,000.

- Resolution authorizing the purchase and installation of a Liebert 65KVA uninterruptible power supply for the IT Department, for a total estimated cost of \$100,000 recommended.

*Finance, Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-464** (Jackman/Dunbar; unan) authorizing the purchase and installation of a Liebert 65KVA uninterruptible power supply for the IT Department, for a total estimated cost of \$100,000.

## COUNCIL COMMENTS & REPORTS

None

## WRITTEN COMMUNICATIONS

*Moved from 9/6/05 Agenda per Mr. Sabatino Request*

10. Request from Carmen Sabatino, former Mayor of Modesto, regarding “a Charter Committee comprised of the President of the Stanislaus County Bar Association, two retired judges and two attorneys from different law firms would be formed to define the duties and responsibilities of the City Attorney's Office.”

**ACTION:** Carmen Sabatino was not available to comment at the meeting.

## HEARINGS

*Hawn absent due to conflict*

*Published in the Bee on August 21, 2005*

*Mailed to property owners on August 18, 2005*

11. Hearing to consider the application of Ernie Yoshino to rezone .35 acres located on the west side of Coffee Road, south of Athens Drive, from R-3 Medium-High Density Residential Zone, to Planned Development Zone, P-D(574), to convert an existing 2,002-square-foot residence into a medical office.

- Motion introducing an Ordinance amending section 16-3-9 of the Zoning Map from Medium-High Density Residential Zone, (R-3), to Planned Development Zone, P-D(574) (Ernie Yoshino) recommended.
- Resolution approving a Development Plan for P-D(574) (Ernie Yoshino) recommended.
- Resolution finding the project within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041): amending section 16-3-9 of the Zoning Map to rezone from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(574), property located on the west side of Coffee Road south of Athens Avenue (Ernie Yoshino) recommended.

*Community & Economic Development; Rita Doscher, 577-5279, [rdoscher@modestogov.com](mailto:rdoscher@modestogov.com)*

**ACTION:** By Motion (Dunbar/Keating; unan. Hawn and O'Bryant absent) introducing **Ordinance 3394** amending section 16-3-9 of the Zoning Map from Medium-High Density Residential Zone, (R-3), to Planned Development Zone, P-D(574) (Ernie Yoshino).

**ACTION: Resolution 2005-465** (Dunbar/Keating; unan. Hawn and O'Bryant absent) approving a Development Plan for P-D(574) (Ernie Yoshino).

**ACTION: Resolution 2005-466** (Dunbar/Keating; unan. Hawn and O'Bryant absent) finding the project within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041): amending section 16-3-9 of the Zoning Map to rezone from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(574), property located on the west side of Coffee Road south of Athens Avenue (Ernie Yoshino).

*Published in the Bee on August 21, 2005*

*Mailed to property owners on August 18, 2005*

12. Hearing to consider an application of Mid-Valley Engineering, for an amendment to Section 9-3-9 of the Zoning Map to rezone from, R-1 (Low- Density Residential), to P-D, Planned Development Zone, to allow the property owner to establish a medical office complex, property located at 3109 Coffee Road north of Rumble Road. (Mutual Venture Partners).

- Introduction of an Ordinance Amending Section 9-3-9 of the Zoning Map from Low-Density Residential Zone, (R-1), to Planned Development Zone, P-D(573). (Mutual Venture Partners) recommended.
- Resolution approving a Development Plan for P-D(573). (Mutual Venture Partners) recommended.
- Resolution finding the project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041): Amending Section 9-3-9 of the Zoning Map to Rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(573), property located on the west side of Coffee Road North of Rumble Road. (Mutual Venture Partners) recommended.

*Community & Economic Development; Daniel De La O, 577-5302, [ddelao@modestogov.com](mailto:ddelao@modestogov.com)*

**ACTION:** By Motion (Marsh/Jackman; unan. O'Bryant absent) introducing **Ordinance 3395** Amending Section 9-3-9 of the Zoning Map from Low- Density Residential Zone, (R-1), to Planned Development Zone, P-D(573). (Mutual Venture Partners).

**ACTION: Resolution 2005-467** (Marsh/Jackman; unan O'Bryant absent) approving a Development Plan for P-D(573). (Mutual Venture Partners).

**ACTION: Resolution 2005- 468** (Marsh/Jackman; unan O'Bryant absent) finding the project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041): Amending Section 9-3-9 of the Zoning Map to Rezone from Low- Density Residential Zone, R-1, to Planned Development Zone, P-D(573), property located on the west side of Coffee Road North of Rumble Road. (Mutual Venture Partners).

*Published in the Bee on August 15, 2005*

*Published in Vida en el Valle on Thursday, August 18, 2005*

13. Hearing to consider approving the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2004-2005, and authorizing the City Manager to submit the report to the U.S. Department of Housing and Urban Development (HUD) and consider approving the City of Modesto Citizen Participation Plan and authorizing the City Manager to submit the report to the U.S. Department of Housing and Urban Development (HUD).

- Resolution approving the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2004-2005, and authorizing the City Manager to submit the report to the U.S. Department of Housing and Urban Development (HUD) recommended.
- Resolution approving the City of Modesto Citizen Participation Plan and authorizing the City Manager to submit the report to the U.S. Department of Housing and Urban Development (HUD) recommended.

*Parks, Recreation & Neighborhoods, Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-469** ( Jackman/Keating; unan. O'Bryant absent) approving the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER)

for Fiscal Year 2004-2005, and authorizing the City Manager to submit the report to the U.S. Department of Housing and Urban Development (HUD).

**ACTION: Resolution 2005-470** (Jackman/Keating; unan. O'Bryant absent) approving the City of Modesto Citizen Participation Plan and authorizing the City Manager to submit the report to the U.S. Department of Housing and Urban Development (HUD).

### NEW BUSINESS

14. Consider potential environmental effects of the Tuolumne River Regional Park Gateway Parcel have been adequately addressed by the previously certified Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan (SCH No. 2000022028) and approving the Tuolumne River Regional Park Gateway Parcel Precise Plan.

- Resolution finding that the potential environmental effects of the Tuolumne River Regional Park Gateway Parcel have been adequately addressed by the previously certified Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan (SCH No. 2000022028) recommended.
- Resolution approving the Tuolumne River Regional Park Gateway Parcel Precise Plan recommended.

*Parks, Recreation & Neighborhoods; Doug Critchfield, 577-5353, [dcritchfield@modestogov.com](mailto:dcritchfield@modestogov.com)*

**ACTION: Resolution 2005-471** (Marsh/O'Bryant; unan.) finding that the potential environmental effects of the Tuolumne River Regional Park Gateway Parcel have been adequately addressed by the previously certified Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan (SCH No. 2000022028).

**ACTION: Resolution 2005- 472** (Marsh/O'Bryant; unan.) approving the Tuolumne River Regional Park Gateway Parcel Precise Plan.

Recess 7:15

Reconvene 7:25

15. Consider finding that the proposed development of the Sanders Neighborhood Park is within the scope of the previously certified Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR (SCH No. 90020181) and the Addendum to the EIR (SCH No. 90020181), and that the Village One Program EIR adequately describes the proposed park development for purposes of CEQA and consider approving the Design Development Report and Master Plan included therein for Sanders Neighborhood Park.

- Resolution finding that the proposed development of the Sanders Neighborhood Park is within the scope of the previously certified Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR (SCH No. 90020181) and the Addendum to the EIR (SCH No. 90020181), and that the Village One Program EIR adequately describes the proposed park development for purposes of CEQA recommended.

- Resolution approving the Design Development Report and Master Plan included therein for Sanders Neighborhood Park recommended.

*Parks, Recreation & Neighborhoods, Nathan G. Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2005- 473** (Dunbar/Jackman; unan. O’Bryant absent) finding that the proposed development of the Sanders Neighborhood Park is within the scope of the previously certified Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR (SCH No. 90020181) and the Addendum to the EIR (SCH No. 90020181), and that the Village One Program EIR adequately describes the proposed park development for purposes of CEQA.

**ACTION: Resolution 2005-474** (Dunbar/Jackman; unan. O’Bryant) approving the Design Development Report and Master Plan included therein for Sanders Neighborhood Park.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:30 p.m.

All closed sessions heard prior to the meeting.

### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Laura Michelle Mireles v. City of Modesto, Gregory Allen Miller,  
and Does 1-20  
Stanislaus County Superior Court Case No. 349325

#### **CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Negotiations: Modesto Confidential and Management Association (MCMA)

#### **CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Negotiations: Modesto City Employees Association (MCEA)

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR:**  
(Pursuant to Section 54956.8 of the Government Code)

Property: Sale of Tower Park, located at 17<sup>th</sup> & G Streets

APN: 106-006-002

City of Modesto, Owner

Negotiating Parties: City of Modesto, Owner  
Modesto Redevelopment Agency, Buyer

Under negotiation: Price and terms of sale for property rights to be disposed.

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, September 26, 2005 at 5:30 p.m.**

Roll Call: Present: Committee Member Hawn  
Absent: Committee Members Dunbar, Jackman  
Also Present: Mayor Ridenour

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

8. Consider staff report on Monthly Budget Adjustments for September 2005.

**ACTION:** The Finance Committee approved Staff's recommendation.

9. Consider staff recommendation to approve the release of a Request for Proposal for Ortho-Photography Acquisition, and refer to Council for approval.

**ACTION:** The Finance Committee approved Staff's recommendation.

10. Consider staff recommendation to amend the Modesto Police Department 2005/2006 budget by \$45,588.76 for the purchase and operation of one new fully equipped CSO truck.

**ACTION:** The Finance Committee approved Staff's recommendation.

11. Consider staff recommendation approval a Federal Legislative Lobbyist Contract with Patton Boggs.

**ACTION:** The Finance Committee approved Staff's recommendation.

### **NEW BUSINESS**

12. Review and discussion of Budgetary Control and Authority Policy and recommend Council action.

**ACTION:** The Finance Committee approved Staff's recommendation.

13. Review and discussion of Waiver/Exchange of Utility User's Tax penalties assessed to Modesto Irrigation District and City of Modesto and recommend Council action.

**ACTION:** The Finance Committee approved Staff's recommendation and forwarded to full Council.

14. Consider staff recommendation regarding General Fund Year-end Status FY 2004-05/Supplement Budget Process.

**ACTION:** The Finance Committee approved Staff's recommendation.

15. Consider an information report regarding Sewer Rate and Connection Fee Review – Status and Schedule Update.

**ACTION:** This item was for information only. No action was taken.

16. Consider staff recommendations on Compost Fund Budget Adjustments and recommend Council action.

**ACTION:** The Finance Committee approved Staff's recommendation.

17. Consider staff recommendations regarding the Municipal Golf Course clubhouse Roof Replacement.

**ACTION:** The Finance Committee approved Staff's recommendation.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:05 p.m.

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special Planning Commission Workshop Meeting  
Conference Room 2001 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, September 26, 2005 at 7:30 p.m.**

Roll Call: Present: Chairman Hawn; Planning Commission Members  
Absent: Committee Members Dunbar, Jackman  
Also Present: Mayor Ridenour and Councilmember Marsh

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

18. Consider the Capital Improvement Program, 2005/06 Ten-Year Plan.

**ACTION:** The Finance Committee approved Staff's recommendation.

### NEW BUSINESS

None.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 10:30 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, September 27, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: Dunbar

Pledge of Allegiance to the Flag

Invocation: Paul Sanders, Salida Christian Fellowship

City Clerk’s Announcements – None

Declaration of Conflicts of Interest – Hawn Item 2

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 11

**ACTION Consent Items 1, 2B, 3- 11: Jackman/Hawn; unan. Dunbar absent**

**ACTION Consent Item 2A: Jackman/Marsh; unan. Dunbar and Hawn absent**

## CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

### CONSENT

1. Consider approval of the minutes of the regular City Council meeting of September 13, 2005.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)

**ACTION:** By Motion (Jackman/Hawn; unan. Dunbar absent) approving the minutes of September 13, 2005.

### CONSENT

2. Consider approving final adoption of the following:

*Councilmember Hawn was absent at introduction*

*Councilmember Hawn absent due to conflict of interest*

- A. Ordinance No. 3394-C.S. amending section 16-3-9 of the Zoning Map from Medium-High Density Residential Zone, (R-3), to Planned Development Zone, P-D(574) (Ernie Yoshino).

- Motion approving final adoption of Ordinance No. 3394-C.S. amending section 16-3-9 of the Zoning Map from Medium-High Density Residential Zone, (R-3), to Planned Development Zone, P-D(574) (Ernie Yoshino) recommended.

**ACTION:** By Motion (Jackman/Marsh; unan. Dunbar and Hawn absent) approved **final adoption of Ordinance No. 3394-C.S.** amending section 16-3-9 of the Zoning Map from Medium-High Density Residential Zone, (R-3), to Planned Development Zone, P-D(574) (Ernie Yoshino).

- B. Consider approving final adoption of Ordinance No. 3395-C.S. amending Section 9-3-9 of the Zoning Map from Low- Density Residential Zone, (R-1), to Planned Development Zone, P-D(573). (Mutual Venture Partners)

- Motion approving final adoption of Ordinance No. 3395-C.S. amending Section 9-3-9 of the Zoning Map from Low- Density Residential Zone, (R-1), to Planned Development Zone, P-D(573). (Mutual Venture Partners) recommended.

Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)

**ACTION:** By Motion (Jackman/Hawn; unan. Dunbar absent) approved **final adoption of Ordinance No. 3395-C.S.** amending Section 9-3-9 of the Zoning Map from Low-Density Residential Zone, (R-1), to Planned Development Zone, P-D(573). (Mutual Venture Partners).

CONSENT

3. Consider authorizing the Purchasing Supervisor to solicit formal Request for Bids (RFB) for industrial flow meter calibrations for an initial two-year period, with three one-year contract extension options for a total estimated annual cost of \$19,000.
- Resolution authorizing the Purchasing Supervisor to solicit formal Request for Bids (RFB) for industrial flow meter calibrations for an initial two-year period, with three one-year contract extension options for a total estimated annual cost of \$19,000 recommended.

*Finance, Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-475** (Jackman/Hawn; unan. Dunbar absent) authorizing the Purchasing Supervisor to solicit formal Request for Bids (RFB) for industrial flow meter calibrations for an initial two-year period, with three one-year contract extension options for a total estimated annual cost of \$19,000.

CONSENT

4. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids (RFB) for the purchase of new and replacement of patrol urban rifles and SWAT rifles for the Police Department, for a total estimated cost of \$76,495.
- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of new and replacement of patrol urban rifles and SWAT rifles for the Police Department, for a total estimated cost of \$76,495 recommended.

*Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-476** (Jackman/Hawn; unan. Dunbar absent) authorizing the Purchasing Supervisor to formally solicit Request for Bids for the purchase of new and replacement of patrol urban rifles and SWAT rifles for the Police Department, for a total estimated cost of \$76,495.

CONSENT

5. Consider approving an application for \$125,000 in funding from the Recreational Trails Program for the construction of the Riveralk trail in the Gateway Parcel of the Tuolumne River Regional Park (TRRP).
- Resolution approving a grant application for \$125,000 in funding from the Recreational Trails Program for the construction of the Riveralk trail in the Gateway Parcel of the Tuolumne River Regional Park (TRRP), and authorizing the City Manager to sign the grant application recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-477** (Jackman/Hawn; unan. Dunbar absent) approving a grant application for \$125,000 in funding from the Recreational Trails Program for the construction of the Riveralk trail in the Gateway Parcel of the Tuolumne River Regional Park (TRRP), and authorizing the City Manager to sign the grant application.

CONSENT

6. Consider approving an application for \$22,100 in funding from the Habitat Conservation Fund for the 2006 tree planting program in the Gateway Parcel of the Tuolumne River Regional Park (TRRP).
- Resolution approving a grant application for \$22,100 in funding from the Habitat Conservation Fund for the 2006 Trees for Tots tree planting program in the Gateway Parcel of the Tuolumne River Regional Park (TRRP), and authorizing the City Manager to sign the grant application recommended.  
*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-478** (Jackman/Hawn; unan. Dunbar absent) approving a grant application for \$22,100 in funding from the Habitat Conservation Fund for the 2006 Trees for Tots tree planting program in the Gateway Parcel of the Tuolumne River Regional Park (TRRP), and authorizing the City Manager to sign the grant application.

CONSENT

7. Consider approving a 6-month provisional appointment for Desirree Abshire, to Senior Community Development Program Specialist.
- Resolution approving a 6-month provisional appointment for Desirree Abshire, to Senior Community Development Program Specialist recommended.  
*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, [ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION: Resolution 2005-479** (Jackman/Hawn; unan. Dunbar absent) approving a 6-month provisional appointment for Desirree Abshire, to Senior Community Development Program Specialist.

CONSENT

8. Consider authorizing the Public Works Department to solicit Request for Proposals (RFPs) for On-call Engineering Services for the Public Works Water Quality Control Division for a one-year agreement with three one-year extension options in an amount not to exceed \$44,000 annually.
- Resolution authorizing the Public Works Department to solicit Request for Proposals (RFPs) for On-call Engineering Services for the Public Works Water Quality Control Division for a one-year agreement with three one-year extension options in an amount not to exceed \$44,000 annually recommended.  
*Public Works; Adam Denlinger, 577-6300, [adenlinger@modestogov.com](mailto:adenlinger@modestogov.com)*

**ACTION: Resolution 2005-480** (Jackman/Hawn; unan. Dunbar absent) authorizing the Public Works Department to solicit Request for Proposals (RFPs) for On-call Engineering Services for the Public Works Water Quality Control Division for a one-year agreement with three one-year extension options in an amount not to exceed \$44,000 annually.

CONSENT

9. Consider rejecting the bids for the project titled “Modesto Police Department Training Facility Range Building” and authorizing staff to re-advertise the project at a future date.
- Resolution rejecting the bids for the project titled “Modesto Police Department Training Facility Range Building” and authorizing staff to re-advertise the project at a future date recommended.

*Public Works, Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-481** (Jackman/Hawn; unan. Dunbar absent) rejecting the bids for the project titled “Modesto Police Department Training Facility Range Building” and authorizing staff to re-advertise the project at a future date.

CONSENT

10. Consider approving a Third Amendment to the Agreement with HDR Engineering, Inc., allowing the subcontracting of drafting work to National Engineering Services, for the project titled “Replacement of the La Loma Sewage Lift Station.”
- Resolution approving a Third Amendment to the Agreement with HDR Engineering, Inc., allowing the subcontracting of drafting work to National Engineering Services, for the project titled “Replacement of the La Loma Sewage Lift Station” recommended.

*Public Works, Dean Phillips, Sr., 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-482** (Jackman/Hawn; unan. Dunbar absent) approving a Third Amendment to the Agreement with HDR Engineering, Inc., allowing the subcontracting of drafting work to National Engineering Services, for the project titled “Replacement of the La Loma Sewage Lift Station.”

CONSENT

11. Consider accepting the work by Calwater Drilling Company, Inc., for the project titled “Water Well Development,” as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$304,000. Total project cost is \$340,950, which included construction contingency, and construction administration.
- Resolution accepting the work by Calwater Drilling Company, Inc., for the project titled “Water Well Development,” as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$304,000. Total project cost is \$340,950, which included construction contingency, and construction administration recommended.

*Public Works, Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-483** (Jackman/Hawn; unan. Dunbar absent) accepting the work by Calwater Drilling Company, Inc., for the project titled “Water Well Development,” as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$304,000. Total project cost is \$340,950, which included construction contingency, and construction administration.

## COUNCIL COMMENTS & REPORTS

None

### WRITTEN COMMUNICATIONS

12. Request from Marcus Nugent regarding a “temporary variance to allow camping along the waterway in various locations.”

**ACTION:** Marcus Nugent did not attend the meeting.

### UNFINISHED BUSINESS

*This item was continued from the 9/6/05 Meeting.*

13. Consider implementing the City’s Last, Best, Final Offer to the Modesto City Employees’ Association for the time frame of September 27, 2005 through July 23, 2007, unless otherwise noted.

- Resolution implementing the City’s Last, Best, Final Offer to Modesto City Employees’ Association (MCEA) for the timeframe of September 27, 2005 through July 23, 2007, unless otherwise noted recommended.
- Resolution approving the Class Range Table for MCEA recommended.
- Resolution amending the FY 05-06 Operating Budget recommended.  
*Personnel; Robin Renwick, 577-5400, [rrenwick@modestogov.com](mailto:rrenwick@modestogov.com)*

**ACTION: Resolution 2005-484** (Hawn/Keating; unan. Dunbar absent) implementing the City’s Last, Best, Final Offer to Modesto City Employees’ Association (MCEA) for the timeframe of September 27, 2005 through July 23, 2007, unless otherwise noted.

**ACTION: Resolution 2005-485** (Hawn/Keating; unan. Dunbar absent) approving the Class Range Table for MCEA.

**ACTION: Resolution 2005-486** (Hawn/Keating; unan. Dunbar absent) amending the FY 05-06 Operating Budget.

Recess 6:50

Reconvene 7:00

### HEARINGS

*Published in the Modesto Bee September 14, 2005*

14. Hearing to consider adopting Local Hazard Mitigation Plan and Multi-Jurisdictional Hazard Mitigation Plan.
- Resolution adopting the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan recommended.

- Resolution adopting the Modesto Local Hazard Mitigation Plan recommended.  
*Fire Department; David Grant, 572-9596, [dgrant@modestofire.com](mailto:dgrant@modestofire.com)*

**ACTION: Resolution 2005-487** (Jackman/Marsh; unan. Dunbar absent) adopting the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan

**ACTION: Resolution 2005-488** (Jackman/Marsh; unan. Dunbar absent) adopting the Modesto Local Hazard Mitigation Plan.

### **MATTERS TOO LATE FOR THE AGENDA**

None

### **ADJOURNMENT**

**This meeting adjourned at 7:15 p.m.**

*All closed sessions heard prior to the meeting.*

### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: *Bruce O. Elliot, Deceased v. City of Modesto*  
Worker's Compensation Appeals Board Case No. STK197541

#### **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: *Laura Michelle Mireles v. City of Modesto, Gregory Allen Miller and Does 1-20*  
Stanislaus County Superior Court Case No. 349325

#### **CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto City Employees Association (MCEA)

**CONFERENCE WITH LABOR NEGOTIATOR:**  
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Confidential and Management Association (MCMA)

## MINUTES

# City of Modesto

Audit Committee Meeting/  
Special City Council Workshop Meeting  
Tenth Street Place, 2<sup>nd</sup> Floor, Room 3001  
1010 10<sup>th</sup> Street  
Modesto, California

Monday, October 3, 2005, at 10:00 a.m.

Roll Call – Present: Mayor Ridenour, Councilmember Keating

*Absent: Councilmember O'Bryant*

Also Present: None

### ORAL COMMUNICATIONS

Mike Rego expressed appreciation to staff for prompt responses to his inquiries.

Item 3 removed from Consent.

Item 6 removed from Agenda.

### CONSENT ITEMS

1. Consider receiving Travel Information for Mayor and Councilmembers, Charter Officers, City Manager, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for Q4 (April, May and June 2005).

**ACTION:** This item was for information only. No action was taken.

2. Consider approving recommendation for eGovernment enhancements to include subscription system for emailing citizens when selected web pages are updated, and to provide a method for posting citizen advisory groups agendas/minutes.

**ACTION:** The Audit Committee approved staff's recommendation.

3. Consider reviewing the 2004 annual reports for the City of Modesto Community Facilities Districts and referring to City Council for acceptance.

**ACTION:** This item was removed from Consent. After audience and Committee discussion, the Audit Committee approved staff's recommendation.

4. Consider approving request for second amendment to Maze & associates contract for additional non-audit work to prepare annual State Controller report for three additional years, and to perform agreed-upon procedures for early implementation of Governmental Accounting Standards Board Statement 45.

**ACTION:** The Audit Committee approved staff's recommendation.

5. Consider request to authorize Internal Auditor to obtain pricing quote for an extension of audit contract with Maze & Associates.

**ACTION:** The Audit Committee approved staff's recommendation.

### **NEW BUSINESS**

6. Consider staff report reviewing funding and construction of a compost facility maintenance building.

**ACTION:** This item was removed from the Agenda.

7. Receive verbal progress report on audit projects.

**ACTION:** This item was for information only. No action was taken.

### **COMMITTEE COMMENTS & REPORTS**

None.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 10:30 a.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, October 4, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Ridenour asked for a moment of silence

City Clerk’s Announcements - None

Declaration of Conflicts of Interest - None

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

- Miguel Donoso expressed concern of the most recent homicides.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1-4 and 6

**ACTION Consent Items 1- 3, 4, 6: Jackman/Hawn; unan.**

**ACTION Consent: Item 5: Jackman/Dunbar; unan.**

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member  
or Councilmember.**

#### CONSENT

1. Consider approval of the minutes of the regular City Council meeting of September 27,  
2005.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)

**ACTION:** By Motion (Jackman/Hawn; unan.) approving the minutes of September 27, 2005.

CONSENT

2. Consider the Monthly Investment Report for July 2005.
  - Motion acknowledging receipt and accepting the Monthly Investment Report for July 2005.

*Finance; Belinda Duerksen, 577-5376, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION:** By Motion (Jackman/Hawn; unan.) acknowledging receipt and accepting the Monthly Investment Report for July 2005.

CONSENT

3. Consider approving an application for \$1.5 million in funding from California River Parkways Grant Program under the Water, Security, Clean Drinking Water, Coastal and Beach protection Act of 2002 - Proposition 50 – for the Tuolumne River Regional Park Gateway Project.
  - Resolution approving an application for \$1.5 million through the California river parkways Grant Program under the Water, Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 – Proposition 50 – for the Tuolumne River Regional Park Gateway project and authorizing the City Manager to execute the application recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-489** (Jackman/Hawn; unan.) approving an application for \$1.5 million through the California river parkways Grant Program under the Water, Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 – Proposition 50 – for the Tuolumne River Regional Park Gateway project and authorizing the City Manager to execute the application.

CONSENT

4. Consider authorizing the award of the contract for the Broker of Record, for the City's employee group insurance programs to Gallagher Benefits Services, of Fresno, CA.
  - Resolution authorizing the award of proposal and contract for the Broker of Record, for the City's employee group insurance programs to Gallagher Benefits Services, of Fresno, CA and authorizing the Risk Manager to serve as the coordinator for the various plans and authorizing the City Manager to execute the necessary agreement recommended.

*Personnel; Mary Akin, 577-5251, [makin@modestogov.com](mailto:makin@modestogov.com)*

**ACTION: Resolution 2005-490** (Jackman/Hawn; unan.) authorizing the award of proposal and contract for the Broker of Record, for the City's employee group insurance programs to Gallagher Benefits Services, of Fresno, CA and authorizing the Risk Manager to

serve as the coordinator for the various plans and authorizing the City Manager to execute the necessary agreement.

#### REMOVED FROM CONSENT

5. Consider approving the plans and specifications and accepting the bid and approving a \$434,796 contract with George Reed, Inc., for the project titled, "2500 Sylvan Avenue Street Improvements." Total estimated cost of this project is \$543,495, which includes roadway construction contract, construction contingency, and construction administration.
  - Resolution approving the plans and specifications for the 2500 Sylvan Avenue Street Improvements Project, accepting the bid and approving a \$434,796 contract with George Reed, Inc., for the project titled, "2500 Sylvan Avenue Street Improvements," and authorizing the City Manager to execute the contract recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-491** (Jackman/Dunbar; unan.) approving the plans and specifications for the 2500 Sylvan Avenue Street Improvements Project, accepting the bid and approving a \$434,796 contract with George Reed, Inc., for the project titled, "2500 Sylvan Avenue Street Improvements," and authorizing the City Manager to execute the contract.

#### CONSENT

6. Consider amending and restating Resolution No. 2005-282 to add Section 10.A. clarifying policy issues on Water Connection Fees and amending Section 14, footnote 1 to clarify inflation adjustment for connection charges.
  - Resolution amending and restating Resolution No. 2005-282 to add Section 10.A. clarifying policy issues on Water Connection Fees and amending Section 14, footnote 1 to clarify inflation adjustment for connection charges recommended.

*Public Works; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION: Resolution 2005-492** (Jackman/Hawn; unan.) amending and restating Resolution No. 2005-282 to add Section 10.A. clarifying policy issues on Water Connection Fees and amending Section 14, footnote 1 to clarify inflation adjustment for connection charges.

### COUNCIL COMMENTS & REPORTS

None.

### WRITTEN COMMUNICATIONS

7. Letter from Michele Laverty, Interim Director, of the Ag Science Center regarding the Ag Science Center Project.

**ACTION:** No action taken.

## NEW BUSINESS

8. Consider implementing City's Last, Best, Final Offer to Modesto Confidential and Management Association (MCMA) for the timeframe of October 4, 2005 through June 25, 2007 unless otherwise noted.
- Resolution implementing the City's Last, Best, Final Offer to Modesto Confidential and Management Association (MCMA) for the timeframe of October 4, 2005 through June 25, 2007, unless otherwise noted.
  - Resolution approving the Class Range Table for MCMA.
  - Resolution amending the FY 05-06 Operating Budget to transfer \$414,500 from various Fund reserves (\$207,250 from the General Fund Reserve and \$207,250 from other Fund reserves) to various accounts in departments' operating budgets.
- Personnel; Robin Renwick, 577-5400, [rrenwick@modestogov.com](mailto:rrenwick@modestogov.com)*

**ACTION: Resolution 2005-493** (Dunbar/Hawn; unan.) implementing the City's Last, Best, Final Offer to Modesto Confidential and Management Association (MCMA) for the timeframe of October 4, 2005 through June 25, 2007, unless otherwise noted.

**ACTION: Resolution 2005-494** (Dunbar/Hawn; unan.) approving the Class Range Table for MCMA.

**ACTION: Resolution 2005-495** (Dunbar/Hawn; unan.) amending the FY 05-06 Operating Budget to transfer \$414,500 from various Fund reserves (\$207,250 from the General Fund Reserve and \$207,250 from other Fund reserves) to various accounts in departments' operating budgets.

9. Consider approving a \$379,200 Agreement with Carollo Engineers for professional engineering services to develop the Wastewater Master Plan Phase 2 (Treatment and Disposal) Update, and authorizing the City Manager to execute the agreement.
- Resolution approving a \$379,200 Agreement with Carollo Engineers, of Walnut Creek, California, for professional engineering services to develop the Wastewater Master Plan Phase 2 (Treatment and Disposal) Update, and authorizing the City Manager to execute the agreement recommended.
  - Resolution amending the current Capital Improvement Budget in order to fully fund the Agreement with Carollo Engineers by (1) returning \$36,722 from 6210-440-5201-0235 (Capital Improvement Services Administration) and \$30,214 from 6210-430-A209 (Engineering Systems Analysis) to reserves account 6210-800-8000-8003; and (2) reappropriation of \$66,936 from reserves to 6210-430-A208 (Wastewater Master Plan Update) recommended.
- Public Works; Jack Bond, 577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION: Resolution 2005-496** (Jackman/Dunbar; unan.) approving a \$379,200 Agreement with Carollo Engineers, of Walnut Creek, California, for professional engineering

services to develop the Wastewater Master Plan Phase 2 (Treatment and Disposal) Update, and authorizing the City Manager to execute the agreement.

**ACTION: Resolution 2005-497** (Jackman/Dunbar; unan.) amending the current Capital Improvement Budget in order to fully fund the Agreement with Carollo Engineers by (1) returning \$36,722 from 6210-440-5201-0235 (Capital Improvement Services Administration) and \$30,214 from 6210-430-A209 (Engineering Systems Analysis) to reserves account 6210-800-8000-8003; and (2) reappropriation of \$66,936 from reserves to 6210-430-A208 (Wastewater Master Plan Update).

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:17 p.m.

All closed sessions heard prior to the Council meeting

### **CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATOR:**  
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Unrepresented Management/Confidential  
Employees

**CONFERENCE WITH LABOR NEGOTIATOR:**  
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Confidential and Management Association (MCMA)

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, October 10, 2005, at 5:30 p.m.**

Roll Call: Present: Councilmembers Jackman, Marsh

Also Present: None

Absent: Chairman Keating

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Item 1

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

### CONSENT

1. Consider receiving status report of development projects processed by the Community & Economic Development Department.

**ACTION:** This item was for information only. No action taken.

### NEW BUSINESS

67. Consider receiving update on actions and activities regarding junk and debris enforcement as requested by Vice Mayor Jackman

**ACTION:** This item was for information only. No action taken.

68. Consider staff recommendation to approve an amendment to the contract with Parsons Brinckerhoff, Quade and Douglas, Inc. to finish design of the new Bus Maintenance Facility and referring to Council for approval

**ACTION:** The Committee referred this item to the City Council with no recommendation and requested the City Attorney to review the contract.

69. Consider request by the DeSilva Group to initiate a 2006 Urban Growth Review update for the Hetch Hetchy comprehensive planning district

**ACTION:** This item will return to the next Committee meeting.

### **COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **FUTURE AGENDA ITEMS**

126. Sign Ordinance (requested by Chair Keating)
127. Encina Storm Drain Right-of-Way
128. Industrial Parks – drainage standards, conditions of available industrial park land and enforcement of NPU standards (requested by Chair Keating)
129. Prescott/Bangs Proposed Roundabout
130. Angle parking downtown
131. Riverdale Water System
132. Sky West Airlines lease agreement
133. Kansas-Woodland Business Park
134. Design Guidelines
135. General Plan Update Work Program
136. Discussion of funding from existing homeowners to address Twin Bonds “problem”
137. 132/99 Connectivity and Carpenter Road Interchange Issue
138. 132 West Expressway
139. Review of “Will Serve” letter process (requested by Chair Keating)
140. Waste Collection Company permit/licensing (requested by Chair Keating)

### **ADJOURNMENT**

This meeting adjourned at 7:15 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, October 11, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Reverend Joel Richards, La Loma Grace Brethren Church

City Clerk’s Announcements: Item 21 removed from Consent  
Item 22 continued to October 25, 2005

Declaration of Conflicts of Interest: Marsh – Item 25

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of City’s new Finance Director, Wayne Padilla.

**ACTION:** Introduction made by Judith Ray.

2. Presentation by Beverly McCullough, Recycling Program Coordinator, regarding Second  
Chance Week, October 17-22, 2005.  
*Parks Recreation & Neighborhoods, B. McCullough, 577-5497, [bdmccullough@modestogov.com](mailto:bdmccullough@modestogov.com)*

**ACTION:** Presentation made by Beverly McCullough.

### MISCELLANEOUS

Legislation  
Appointments  
Other

3. Consider appointing six Modesto area high school students to the City of Modesto Youth Commission. The one senior Commissioner will be appointed for a term of one year, each of the five juniors will be appointed for a term of two years.

- Resolution appointing the following six Modesto area high school students to the City of Modesto Youth Commission:
  - Johansen High School – Yashar Nazi for a term of one year.
  - Beyer High School – Neil Watson for a term of two years.
  - Central Catholic High School – Trenton Maylor for two years.
  - Johansen High School – Britney Meeks for two years.
  - Modesto High School – Katy Uyeno for two years.
  - Modesto Christian High School – Michelle Mitchell for two years.

*Parks, Recreation & Neighborhoods, Jennifer Brinar, 571-589, [Jbrinar@modestogov.com](mailto:Jbrinar@modestogov.com)*

**ACTION: Resolution 2005-498** (Jackman/Keating; unan.) appointed the following six Modesto area high school students to the City of Modesto Youth Commission:

- Johansen High School – Yashar Nazi for a term of one year.
- Beyer High School – Neil Watson for a term of two years.
- Central Catholic High School – Trenton Maylor for two years.
- Johansen High School – Britney Meeks for two years.
- Modesto High School – Katy Uyeno for two years.
- Modesto Christian High School – Michelle Mitchell for two years.

### **ORAL COMMUNICATIONS**

**Three minute time limit per speaker**

- Dave Geer spoke regarding a County-wide Veterans Center approved at the Board of Supervisors meeting.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 4-16 and 18-20

**ACTION Consent Items 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20**

**ACTION Consent: Item 17 – Keating/Jackman; unan.**

**ACTION Consent: Item 21 – Dunbar/Jackman; unan.**

### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

4. Consider approval of the minutes of the regular City Council meeting of October 4, 2005. (Motion approving recommended.)

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan.) approving the Minutes of October 4, 2005.

CONSENT

5. Consider approving an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 (Village One #2) and William Lyon Homes, Inc. with a maximum reimbursement amount of \$2,413,507 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with an Addendum for the Amendment of the Village One Specific Plan , Amendment of Precise Plan Area 24, Approval of Precise Plan Area 23, Falling Leaf Vesting Tentative Subdivision Map, and subsequent approval consistent with the proposed project (EA/C&ED No. 2004-58).

- Resolution approving an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 (Village One #2) and William Lyon Homes, Inc. with a maximum reimbursement amount of \$2,413,507 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with an Addendum for the Amendment of the Village One Specific Plan, Amendment of Precise Plan Area 24, Approval of Precise Plan Area 23, Falling Leaf Vesting Tentative Subdivision Map, and Subsequent Approval Consistent with the Proposed Project (EA/C&ED No. 2004-58) recommended.

*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-499** (Jackman/Dunbar; unan.) approving an Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 (Village One #2) and William Lyon Homes, Inc. with a maximum reimbursement amount of \$2,413,507 and finding that the potential environmental effects of this agreement have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with an Addendum for the Amendment of the Village One Specific Plan, Amendment of Precise Plan Area 24, Approval of Precise Plan Area 23, Falling Leaf Vesting Tentative Subdivision Map, and Subsequent Approval Consistent with the Proposed Project (EA/C&ED No. 2004-58).

CONSENT

6. Consider approving a two (2) year agreement for federal lobbying services in the amount of \$120,000 with Patton Boggs, LLP and federal legislative lobbying services from October 2, 2005 to October 1, 2007, and authorize the City Manager to execute the agreement; and amending the FY 2005-06 annual operating budget.

- Resolution approving a two (2) year agreement for federal legislative lobbying services in the annual amount of \$120,000 with Patton Boggs, LLP and authorizing the City Manager to execute the agreement recommended.
- Resolution amending the FY 2005-06 annual operating budget to transfer \$44,705 from General Fund Reserve Account #0100-800-8000-8003 to City Manger's Operating Account #0100-020-0201-0235 to fully fund an agreement for consultant services with Patton Boggs, LLP to perform legislative lobbying services recommended.

*City Manager's Office; Bryan Whitemyer 571-5580, [bwhitemyer@modestogov.com](mailto:bwhitemyer@modestogov.com)*

**ACTION: Resolution 2005-500** (Jackman/Dunbar; unan.) approving a two (2) year agreement for federal legislative lobbying services in the annual amount of \$120,000 with Patton Boggs, LLP and authorizing the City Manager to execute the agreement.

**ACTION: Resolution 2005-501** (Jackman/Dunbar; unan.) amending the FY 2005-06 annual operating budget to transfer \$44,705 from General Fund Reserve Account #0100-800-8000-8003 to City Manger's Operating Account #0100-020-0201-0235 to fully fund an agreement for consultant services with Patton Boggs, LLP to perform legislative lobbying services.

CONSENT

7. Consider approval of Amendment No. 2 to an Agreement with Turnstone for preparation of a Draft Environmental Impact Report for the Tivoli Specific Plan and related applications, in an amount not-to-exceed \$406,062 and authorizing the City Manager to execute the Agreement.

- Resolution approving Amendment No. 2 to an Agreement with Turnstone for preparation of a Draft Environmental Impact Report for the Tivoli Specific Plan, in an amount not-to-exceed \$406,062 and related applications, in an amount not-to-exceed \$406,062 and authorizing the City Manager to execute the Agreement recommended.

*Community & Economic Development; Paul Liu, 571-5808, [pliu@modestogov.com](mailto:pliu@modestogov.com)*

**ACTION: Resolution 2005-502** (Jackman/Dunbar; unan.) approving Amendment No. 2 to an Agreement with Turnstone for preparation of a Draft Environmental Impact Report for the Tivoli Specific Plan, in an amount not-to-exceed \$406,062 and related applications, in an amount not-to-exceed \$406,062 and authorizing the City Manager to execute the Agreement.

CONSENT

8. Consider approving an agreement with Impact Sciences Inc. for preparation of an Initial Study for the proposed Pelandale/McHenry Specific Plan, pursuant to the California Environmental Quality Act, not to exceed \$116,380.00.

- Resolution approving an agreement with Impact Sciences Inc. for preparation of an Initial Study for the Pelandale/McHenry Specific Plan, pursuant to the California Environmental Quality Act, not to exceed \$116,380.00; and authorizing the City Manager to execute the agreement recommended.

*Community & Economic Development Department; Miguel Galvez, 571-5539, [mgalvez@modestogov.com](mailto:mgalvez@modestogov.com)*

**ACTION: Resolution 2005-503** (Jackman/Dunbar; unan.) approving an agreement with Impact Sciences Inc. for preparation of an Initial Study for the Pelandale/McHenry Specific Plan, pursuant to the California Environmental Quality Act, not to exceed \$116,380.00; and authorizing the City Manager to execute the agreement.

CONSENT

9. Consider monthly budget adjustments for September 2005.

- Resolution approving the monthly budget adjustments for September 2005 recommended.

*Finance; Gail Bailey, 577-5378, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-504** (Jackman/Dunbar; unan.) approving the monthly budget adjustments for September 2005.

CONSENT

10. Consider approving a revision to the City's Budgetary Control and Authority Policy.

- Resolution approving a revision to the City's Budgetary Control and Authority Policy recommended.

*Finance; Gail Bailey, 577-5378, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-505** (Jackman/Dunbar; unan.) approving a revision to the City's Budgetary Control and Authority Policy.

CONSENT

11. Consider accepting the General Fund Year End Status Report for FY2004-05 and 2005-06 Supplemental Budget Process.

- Motion accepting receipt of report for the General Fund Year End Status Report for FY2004-05 and 2005-06 Supplemental Budget Process recommended.

*Finance; Gail Bailey, 577-5378, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: By Motion** (Jackman/Dunbar; unan.) accepted the General Fund Year End Status Report for FY2004-05 and 2005-06 Supplemental Budget Process.

CONSENT

12. Consider authorizing the City Manager to execute the Stanislaus County Fire Authority Joint Powers Agreement, which grants the City of Modesto membership in the Stanislaus County Fire Authority.

- Resolution authorizing the City Manager to execute the Stanislaus County Fire Authority Joint Powers Agreement, which grants the City of Modesto membership in the Stanislaus County Fire Authority recommended.

*Fire; James Miguel, 572-9590, [jmiguel@modestofire.com](mailto:jmiguel@modestofire.com)*

**ACTION: Resolution 2005-506** (Jackman/Dunbar; unan.) authorizing the City Manager to execute the Stanislaus County Fire Authority Joint Powers Agreement, which grants the City of Modesto membership in the Stanislaus County Fire Authority

CONSENT

13. Consider authorizing the City Manager to execute a contract between the City of Modesto and the Yosemite Community College District, allowing the Community College District to reimburse the City of Modesto for in-service training hours in the Fire and Police Departments. This revenue would be used to augment the educational partnership program administered by the Personnel Department.

- Resolution authorizing the City Manager to execute a contract between the City of Modesto and the Yosemite Community College District, allowing the Community College District to reimburse the City of Modesto for in-service training hours in the Fire and Police Departments recommended.

*Fire; James Miguel, 572-9590, [jmiguel@modestofire.com](mailto:jmiguel@modestofire.com)*

**ACTION: Resolution 2005-507** (Jackman/Dunbar; unan.) authorizing the City Manager to execute a contract between the City of Modesto and the Yosemite Community College District, allowing the Community College District to reimburse the City of Modesto for in-service training hours in the Fire and Police Departments.

CONSENT

14. Consider adopting the “Designation of Applicant’s Agent Resolution” (the State of California Office of Emergency Services form 130, authorizing the City Manager, or Fire Chief, or Deputy City Manager to execute on behalf of the City all forms necessary for obtaining federal financial assistance or state financial assistance for Hurricane Katrina evacuees.

- Adoption of the “Designation of Applicant’s Agent Resolution” (the State of California Office of Emergency Services form 130) authorizing the City Manager, or Fire Chief, or Deputy City Manager to execute on behalf of the City all forms necessary for obtaining federal financial assistance or state financial assistance for Hurricane Katrina evacuees recommended.

*Fire; David Grant, 572-9596, [grantd@modestopd.com](mailto:grantd@modestopd.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan.) adopting the “Designation of Applicant’s Agent Resolution” (the State of California Office of Emergency Services form 130) authorizing the City Manager, or Fire Chief, or Deputy City Manager to execute on behalf of the City all forms necessary for obtaining federal financial assistance or state financial assistance for Hurricane Katrina evacuees.

CONSENT

15. Consider amending the FY 05-06 operating budget to fund the replacement of the Municipal Golf Course Clubhouse Roof.

- Resolution approving adoption of a resolution amending the FY 05-06 operating budget to appropriate \$12,000 from 0100-800-8000-8003, General Fund Reserve, to 6600-330-3316-0223, Golf Fund Repair and Maintenance to fund the replacement of the Municipal Golf Course Clubhouse Roof recommended.

*Parks, Recreation & Neighborhoods, Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Resolution 2005-508** (Jackman/Dunbar; unan.) approving adoption of a resolution amending the FY 05-06 operating budget to appropriate \$12,000 from 0100-800-8000-8003, General Fund Reserve, to 6600-330-3316-0223, Golf Fund Repair and Maintenance to fund the replacement of the Municipal Golf Course Clubhouse Roof.

CONSENT

16. Consider introducing an ordinance amending Sections 5-5.03, 5-5.05, 5-5.09, 5-5.10, 5-5.11, 5-5.15, 5-5.16, 5-5.18, 5-5.33, 5-5.38 and 5-5.41 of Chapter 5 of Title 5 of the Modesto Municipal Code relating to Solid Waste.

- Motion introducing an ordinance amending Sections 5-5.03, 5-5.05, 5-5.09, 5-5.10, 5-5.11, 5-5.15, 5-5.16, 5-5.18, 5-5.33, 5-5.38 and 5-5.41 of Chapter 5 of Title 5 of the Modesto Municipal Code relating to Solid Waste recommended.

*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, [ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan.) introduced **Ordinance No. 3396–C.S.** amending Sections 5-5.03, 5-5.05, 5-5.09, 5-5.10, 5-5.11, 5-5.15, 5-5.16, 5-5.18, 5-5.33, 5-5.38 and 5-5.41 of Chapter 5 of Title 5 of the Modesto Municipal Code relating to Solid Waste.

*Removed from Consent*

17. Consider finding that a shelter crisis exists within the City of Modesto, declaring a Shelter Emergency from November 1, 2005 through April 30, 2006, as authorized by the California Government Code, authorizing the City Manager or his designee to take actions necessary to mitigate the effects of the shelter crisis.

- Resolution finding that a shelter crisis exists within the City of Modesto, declaring a Shelter Emergency from November 1, 2005 through April 30, 2006, as authorized by the California Government Code, authorizing the City Manager or his designee to take actions necessary to mitigate the effects of the shelter crisis recommended.  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-509** (Keating/Jackman; unan.) finding that a shelter crisis exists within the City of Modesto, declaring a Shelter Emergency from November 1, 2005 through April 30, 2006, as authorized by the California Government Code, authorizing the City Manager or his designee to take actions necessary to mitigate the effects of the shelter crisis.

CONSENT

18. Consider accepting a COPS 2005 Technology Grant Award in the amount of \$295,993 from the Office of Community Oriented Policing Services.

- Resolution accepting a grant in the amount of \$295,993 entitled “COPS 2005 Technology” from the Office of Community Oriented Policing Services for technology to enhance law enforcement and authorizing the City Manager, or his designee, to execute the necessary documents recommended.
- Resolution amending the fiscal year 2005/06 operating budget estimating revenue and appropriating funds recommended.

*Police; Barbara Jackson, 572-9824, [jacksonb@modetopd.com](mailto:jacksonb@modetopd.com)*

**ACTION: Resolution 2005-510** (Jackman/Dunbar; unan.) accepting a grant in the amount of \$295,993 entitled “COPS 2005 Technology” from the Office of Community Oriented Policing Services for technology to enhance law enforcement and authorizing the City Manager, or his designee, to execute the necessary documents.

**ACTION: Resolution 2005-511** (Jackman/Dunbar; unan.) amending the fiscal year 2005/06 operating budget estimating revenue and appropriating funds.

CONSENT

19. Consider accepting the 2005 Edward Byrne Justice Assistance Grant Program in the amount of \$116,260 from the U.S. Department of Justice.

- Resolution accepting the 2005 Edward Byrne Justice Assistance Grant Program in the amount of \$116,260 from the U.S. Department of Justice and authorizing the City

Manager, or his authorized designee, to execute the necessary grant documents recommended.

- Resolution amending the fiscal year 2005/06 operating budget to estimate revenue and appropriating funds recommended.

*Police; Roy Wasden, 572-9503, [wasdenr@modestopd.com](mailto:wasdenr@modestopd.com)*

**ACTION: Resolution 2005-512** (Jackman/Dunbar; unan.) accepting the 2005 Edward Byrne Justice Assistance Grant Program in the amount of \$116,260 from the U.S. Department of Justice and authorizing the City Manager, or his authorized designee, to execute the necessary grant documents.

**ACTION: Resolution 2005-513** (Jackman/Dunbar; unan.) amending the fiscal year 2005/06 operating budget to estimate revenue and appropriating funds.

#### CONSENT

20. Consider increasing the Public Works Director's authority to issue change orders to increase the project scope, by adding additional paving and storm drain work, on the "Floyd Avenue Improvements – Oakdale Road to Grouse Crossing Way" project from 8 percent (\$188,365.87) to 16.5 percent (\$388,504.60) of the original contract price with George Reed, Inc. Total estimated cost of this project is \$4,743,961.00, which includes right-of-way, construction contingency, construction administration and engineering design.

- Resolution increasing the Public Works Director's authority to issue change orders to increase the project scope, by adding additional paving and storm drain work, on the "Floyd Avenue Improvements – Oakdale Road to Grouse Crossing Way" project from 8 percent (\$188,365.87) to 16.5 percent (\$388,504.60) of the original contract price with George Reed, Inc. Total estimated cost of this project is \$4,743,961.00, which includes right-of-way, construction contingency, construction administration and engineering design recommended.

*Public Works, Kris Ohlson, 577-5452, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-514** (Jackman/Dunbar; unan.) increasing the Public Works Director's authority to issue change orders to increase the project scope, by adding additional paving and storm drain work, on the "Floyd Avenue Improvements – Oakdale Road to Grouse Crossing Way" project from 8 percent (\$188,365.87) to 16.5 percent (\$388,504.60) of the original contract price with George Reed, Inc. Total estimated cost of this project is \$4,743,961.00, which includes right-of-way, construction contingency, construction administration and engineering design.

#### *Removed from Consent*

21. Consider (i) making certain findings concerning mitigation measures, adopting a mitigation monitoring and reporting program, making findings concerning alternatives, and adopting a statement of overriding considerations in connection with approval of the Project contemplated by the Final Subsequent Environmental Impact Report for the Modesto Regional Water Treatment Plant Phase Two Expansion Project and Related Downstream Improvements (Sch No. 2004022013); and (ii) approving the amended and restated Treatment and Delivery Agreement with the Modesto Irrigation District related to the Phase Two Expansion of the Modesto Regional Water Treatment Plant, and

authorizing the City Manager to execute the agreement, authorizing staff to pursue implementation of the Phase Two Expansion of the Modesto Regional Water Treatment Plant under the terms of the Amended And Restated Treatment and Delivery Agreement, and approving the Downstream City Facilities Project as analyzed by the Final SEIR, including the design and construction of the Downstream City Facilities, which includes storage tanks, pipelines, flow control valves, pumps, and associated structures, acquisition of rights of way as necessary to implement the Downstream City Facilities, and any activities as necessary to obtain necessary permits or authorizations to implement the Downstream City Facilities.

- Resolution making certain findings concerning mitigation measures, adopting a mitigation monitoring and reporting program, making findings concerning alternatives, and adopting a statement of overriding considerations in connection with approval of the Project contemplated by the Final Subsequent Environmental Impact Report for the Modesto Regional Water Treatment Plant Phase Two Expansion Project and Related Downstream Improvements (Sch No. 2004022013) recommended.
- Resolution approving the amended and restated Treatment and Delivery Agreement with the Modesto Irrigation District related to the Phase Two Expansion of the Modesto Regional Water Treatment Plant, and authorizing the City Manager to execute the agreement, authorizing staff to pursue implementation of the Phase Two Expansion of the Modesto Regional Water Treatment Plant under the terms of the Amended And Restated Treatment and Delivery Agreement, and approving the Downstream City Facilities Project as analyzed by the Final SEIR, including the design and construction of the Downstream City Facilities, which includes storage tanks, pipelines, flow control valves, pumps, and associated structures, acquisition of rights of way as necessary to implement the Downstream City Facilities, and any activities as necessary to obtain necessary permits or authorizations to implement the Downstream City Facilities recommended.

*Public Works, Rich Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Resolution 2005-515** (Dunbar/Jackman; unan.) making certain findings concerning mitigation measures, adopting a mitigation monitoring and reporting program, making findings concerning alternatives, and adopting a statement of overriding considerations in connection with approval of the Project contemplated by the Final Subsequent Environmental Impact Report for the Modesto Regional Water Treatment Plant Phase Two Expansion Project and Related Downstream Improvements (Sch No. 2004022013).

**ACTION: Resolution 2005-516** (Dunbar/Jackman; unan.) approving the amended and restated Treatment and Delivery Agreement with the Modesto Irrigation District related to the Phase Two Expansion of the Modesto Regional Water Treatment Plant, and authorizing the City Manager to execute the agreement, authorizing staff to pursue implementation of the Phase Two Expansion of the Modesto Regional Water Treatment Plant under the terms of the Amended And Restated Treatment and Delivery Agreement, and approving the Downstream City Facilities Project as analyzed by the Final SEIR, including the design and construction of the Downstream City Facilities, which includes storage tanks, pipelines, flow control valves, pumps, and associated structures, acquisition of rights of way as necessary to

implement the Downstream City Facilities, and any activities as necessary to obtain necessary permits or authorizations to implement the Downstream City Facilities.

## COUNCIL COMMENTS & REPORTS

None.

## HEARINGS

*This item has been requested to be continued to 10/25/05 Agenda*

*Councilmember Marsh absent due to conflict of interest*

22. Continued hearing to consider the appeal by NA Engineering and Development Company to a decision by the Planning Commission denying the application of NA Engineering and Development Company for a Tentative Parcel Map to divide an 8.45-Acre Property into two parcels, property located on the southeast corner of Roselle and Hillglen Avenues.
- Provide direction to staff on the acquisition of right-of-way for and construction of Hillglen Avenue and the roundabout at the intersection of Hillglen and Roselle Avenues.
  - Resolution denying the appeal, directing the applicant to redesign the project to construct an aligned part-width Hillglen Avenue and sending the redesigned project back to Planning Commission for review.

*Community & Economic Development; Josh Bridegroom, 571-5808, [jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION:** By Motion (Hawn/Jackman; unan. Marsh absent) continued the hearing to October 25, 2005.

*This item has been continued from 9/6/05*

23. Hearing to consider approving a Capital Facilities Fee Reimbursement Agreement with William and Veronica Loretelli in the amount of \$66,750 for a right of way located at the southwest corner of Coffee Road and Claratina Avenue.

- Resolution approving a Capital Facilities Fee Reimbursement Agreement with William and Veronica Loretelli in the amount of \$66,750 for right of way located at the southwest corner of Coffee Road and Claratina Avenue recommended.

*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-517** (Hawn/Marsh; unan.) approving a Capital Facilities Fee Reimbursement Agreement with William and Veronica Loretelli in the amount of \$66,760 (**corrected amount**) for right of way located at the southwest corner of Coffee Road and Claratina Avenue.

*Published in the Modesto Bee on September 14, 2005*

24. Hearing to consider (i) establishing City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy), authorizing the levy of special taxes therein and establishing an annual appropriations limit; (ii) determining it necessary to incur bonded indebtedness, in an amount not to exceed \$150 million, within City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy); (iii) calling a special election for the City of

Modesto Community Facilities District No. 2005-1 (Hetch Hetchy); (iv) declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy); and (iv) introducing an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy).

- Resolution establishing City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy), authorizing the levy of special taxes therein and establishing an annual appropriations limit recommended.
- Resolution determining it necessary to incur bonded indebtedness, in an amount not to exceed \$150 million, within City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy) recommended.
- Resolution calling a special election for the City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy) recommended.
- Resolution declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy) recommended.
- Introduce an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy) recommended.

*City Manager's Office Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-518** (Dunbar/Marsh; unan.) establishing City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy), authorizing the levy of special taxes therein and establishing an annual appropriations limit

**ACTION: Resolution 2005-519** (Dunbar/Marsh; unan.) determining it necessary to incur bonded indebtedness, in an amount not to exceed \$150 million, within City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy).

**ACTION: Resolution 2005-520** (Dunbar/Marsh; unan.) calling a special election for the City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy).

**ACTION: Resolution 2005-521** (Dunbar/Marsh; unan.) declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy).

**ACTION: By Motion** (Dunbar/Hawn; unan.) introduced **Ordinance No. 3397-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy).

*Published in the Modesto Bee on September 18, 2005*

Marsh absent due to a conflict of interest

25. Hearing to consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 9); and canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1.

- Resolution calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 9) recommended.
- Resolution canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1 recommended.

*City Manager's Office Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-522** (Jackman/O'Bryant; unan.) calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 9).

**ACTION: Resolution 2005-523** (Jackman/O'Bryant; unan) canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1.

**Councilmember Marsh left the meeting at 5:50 pm.**

*Published in the Modesto Bee on October 1, 2005*

26. Hearing to consider the amended Capital Improvement Program for FY 2006.

- Resolution amending the Capital Improvement Program budget for FY 2005-2006 to re-appropriate existing projects, appropriate new projects and recognize additional revenues recommended.

*Finance; Debra Eggerman, 577-5394, [deggerman@modestogov.com](mailto:deggerman@modestogov.com)*

**ACTION:** By motion (Jackman/Dunbar; unan. Marsh absent) continued to October 25, 2005.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

The meeting adjourned at 7:30 p.m.

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2001 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Friday, October 21, 2005 at 9:00 a.m.**

Roll Call: Present: Committee Members Dunbar, Hawn, and Jackman  
Also Present: Councilmember Marsh and Mayor Ridenour (arrived at 11:00 am)

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

19. Consider staff report on Monthly Budget Adjustments for October 2005.

**ACTION:** The Finance Committee approved Staff's recommendation.

### NEW BUSINESS

20. Review Gartner Report and refer to City Council to accept findings and recommendations of the Business Process and Systems Requirements Analysis.

**ACTION:** The Finance Committee approved Staff's recommendation.

21. Review Business License information pertaining to apartment complexes and provide guidance for the re-write of the MMC Business License Section.

**ACTION:** The Finance Committee directed staff to clean up language and correct outdated practices and policies.

22. Consider expending funds for fiscal impact analysis related to funding mechanisms for police and fire services.

**ACTION:** The Finance Committee approved Staff's recommendation.

23. Review and recommend to City Council funding of FY2005-06 supplemental budget requests, and consider staff recommendation targeting any operational savings above three percent (3%) for the Technology Reserve Fund.

**ACTION:** The Finance Committee approved Staff's recommendations, including the requests with approved fee revenue support and the Rockwell Maintenance Contract.

24. Consider staff recommendation to increase parking violation fines and refer to Council for approval.

**ACTION:** This item was continued to October 24, 2005 Special Finance Committee Meeting/Special City Council Workshop Meeting.

25. Consider staff recommendation to identify a Proposed 2006 Water Bond Financing Team.

**ACTION:** This item was continued to the October 24, 2005 Special Finance Committee Meeting/Special City Council Workshop Meeting.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 12:40 p.m.

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2001 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, October 24, 2005 at 5:30 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn, and Jackman

Also Present: Councilmember Marsh

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

None.

### NEW BUSINESS

**(Continued from October 21, 2005 Meeting)**

6. Consider staff recommendation to increase parking violation fines and refer to Council for approval.

**ACTION:** The Finance Committee approved staff's recommendation.

7. Consider staff recommendation to identify a Proposed 2006 Water Bond Financing Team.

**ACTION:** The Finance Committee approved staff's recommendation.

### NEW BUSINESS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

1. Consider staff recommendation regarding the RFP for Landscape Maintenance Services.

**ACTION:** The Finance Committee approved staff's recommendation.

2. Consider Sewer Rate and Connection Fee Review-Engineer's Report.

**ACTION:** This item was for information only. No action was taken.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:40 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, October 25, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour  
Absent: Councilmember Hawn

Pledge of Allegiance to the Flag

Invocation: Pastor Ken Swett, Modesto Foresquare Church

City Clerk’s Announcements: **Hawn Absent;**  
**Item 20 continued to 11/22/05**  
**Item 22 continued to 11/9/05**

Declaration of Conflicts of Interest: **Milich announced Ridenour has a CIP conflict for the construction of Floyd Avenue from Roselle to Fine and Keating has a CIP conflict on Downstream Improvements for the Primary Plant**

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Garden Club on FY 04-05 activities and proposed 05-06 activities; consider approving a new lease agreement with the Modesto Garden Club for City-owned property at 622-14<sup>th</sup> Street.
  - Resolution approving a new lease agreement with the Modesto Garden Club for City-owned property at 622-14<sup>th</sup> Street, and authorizing the City Manager to execute the Agreement.  
*Parks, Recreation & Neighborhoods; C. Eubank; 577-5349, [ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION: Resolution 2005- 524** (Jackman/O’Bryant; unan. Hawn absent) approved a new lease agreement with the Modesto Garden Club for City-owned property at 622-14<sup>th</sup> Street, and authorizing the City Manager to execute the Agreement.

2. Presentation of new Modesto Tourism Maps to the Modesto City Council by Jennifer Mullen of the Convention and Visitors Bureau.  
*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, [ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION:** No action taken

3. Consider receipt of an informational presentation regarding the Modesto Police Department's Internal Affairs/Complaints Report for 2004.
  - Motion accepting receipt of an informational presentation regarding the Modesto Police Department's Internal Affairs/Complaints Report for 2004.  
*Police; Michael Harris, 572-9523, [harrism@modestopd.com](mailto:harrism@modestopd.com)*

**ACTION:** By Motion (Jackman/Marsh; unan. Hawn absent) accepted receipt of an informational presentation regarding the Modesto Police Department's Internal Affairs/Complaints Report for 2004.

4. Consider accepting a status report on the Volunteer Income Tax Assistance Grant.
  - Motion accepting a status report on the Volunteer Income Tax Assistance Grant recommended.  
*Police; Concepcion Gaytin, 298-5311, [cgayotin@modestogov.com](mailto:cgayotin@modestogov.com)*

**ACTION:** By Motion (Dunbar/Jackman; unan. Hawn absent) accepted a status report on the Volunteer Income Tax Assistance Grant.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

- Carmen Sabatino spoke regarding credit card transactions and requested that the City Attorney's office be reviewed.
- John Mataka representing the Grayson Neighborhood Council requested the Modesto City Council revoke the sewer permit for the tallow plant.
- Miguel Donoso requested the Council to stop operations at the tallow plant.
- Doug Gilbert requested the Council revoke the sewer permit for the tallow plant.
- Joel Richards requested the Council consider adjusting their compensation.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5-14 and 16**

**ACTION Consent Items 5- 14, 16: Jackman/Marsh, unan.; Hawn, absent**

**ACTION Consent: Item 15 – Jackman/Dunbar, unan.; Hawn, absent**

## CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

### CONSENT

5. Consider approval of the minutes of the regular City Council meeting of October 11, 2005.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)

**ACTION:** By Motion (Jackman/Marsh unan. Hawn absent) approving the Minutes of October 11, 2005.

### CONSENT (*published 10/15/05*)

6. Consider approving final adoption of the following:

- A. **Ordinance No. 3396-C.S.** amending Sections 5-5.03, 5-5.05, 5-5.09, 5-5.10, 5-5.11, 5-5.15, 5-5.16, 5-5.18, 5-5.33, 5-5.38 and 5-5.41 of Chapter 5 of Title 5 of the Modesto Municipal Code relating to Solid Waste.

- Motion approving **final adoption of Ordinance No. 3396-C.S.** an ordinance amending Sections 5-5.03, 5-5.05, 5-5.09, 5-5.10, 5-5.11, 5-5.15, 5-5.16, 5-5.18, 5-5.33, 5-5.38 and 5-5.41 of Chapter 5 of Title 5 of the Modesto Municipal Code relating to Solid Waste recommended.

**ACTION:** By Motion (Jackman/Marsh unan. Hawn absent) approved the **final adoption of Ordinance No. 3396-C.S.** an ordinance amending Sections 5-5.03, 5-5.05, 5-5.09, 5-5.10, 5-5.11, 5-5.15, 5-5.16, 5-5.18, 5-5.33, 5-5.38 and 5-5.41 of Chapter 5 of Title 5 of the Modesto Municipal Code relating to Solid Waste.

- B. **Ordinance No. 3397-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy).

- Motion approving **final adoption of Ordinance No. 3397-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy) recommended.

Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)

**ACTION:** By Motion (Jackman/Marsh unan. Hawn absent) approved the **final adoption of Ordinance No. 3397-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2005-1 (Hetch Hetchy).

### CONSENT

7. Consider approving amendment to the Maze & Associates contract for additional, non-audit work, consisting of (1) preparing the State Controller's Report at a cost not to exceed \$7,110 for Fiscal Year 2005, \$7,125 for Fiscal Year 2006, and \$7,240 for Fiscal Year 2007, and, (2) performing agreed-upon procedures for City's early implementation of

Governmental Accounting Standards Board Statement 45, regarding retiree health benefits; and, authorizing the City Manager to execute the contract amendment.

- Motion approving amendment to the Maze & Associates contract for additional, non-audit work, consisting of 1) preparing the State Controller's Report at a cost not to exceed \$7,110 for Fiscal Year 2005, \$7,125 for Fiscal Year 2006, and \$7,240 for Fiscal Year 2007, and 2) performing agreed-upon procedures for City's early implementation of Governmental Accounting Standards Board Statement 45, regarding retiree health benefits; and, authorizing the City Manager to execute the contract amendment recommended.

*Clerk; Gary J Nienhuis, 571-5544, [gnienhuis@modestogov.com](mailto:gnienhuis@modestogov.com)*

**ACTION: Resolution 2005-525** (Jackman/Marsh unan. Hawn absent) approved the amendment to the Maze & Associates contract for additional, non-audit work, consisting of 1) preparing the State Controller's Report at a cost not to exceed \$7,110 for Fiscal Year 2005, \$7,125 for Fiscal Year 2006, and \$7,240 for Fiscal Year 2007, and 2) performing agreed-upon procedures for City's early implementation of Governmental Accounting Standards Board Statement 45, regarding retiree health benefits; and, authorizing the City Manager to execute the contract amendment.

#### CONSENT

8. Motion acknowledging receipt of 2004 Annual Reports for City of Modesto Community Facilities Districts.

- Motion acknowledging receipt of 2004 Annual Reports for City of Modesto Community Facilities Districts recommended.

*City Manager; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION:** By Motion (Jackman/Marsh unan. Hawn absent) acknowledged receipt of 2004 Annual Reports for City of Modesto Community Facilities Districts.

#### CONSENT

9. Consider the Monthly Investment Report for August 2005.

- Motion acknowledging receipt and accepting the Monthly Investment Report for August 2005.

*Finance; Belinda Duerksen, 577-5376, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION:** By Motion (Jackman/Marsh unan. Hawn absent) acknowledged receipt and accepting the Monthly Investment Report for August 2005.

#### CONSENT

10. Consider authorizing the Purchasing Supervisor to formally solicit request for Bids, for the acquisition of high accuracy, high-resolution ortho-photography (aerial photography), for a total estimated cost of \$ 100,000.

- Resolution authorizing the Purchasing Supervisor to formally solicit request for Bids, for the acquisition of high accuracy, high-resolution ortho-photography (aerial photography), for a total estimated cost of \$ 100,000 recommended.

*Information Technology; Robert Beckler, 571-5596, [rbeckler@modestogov.com](mailto:rbeckler@modestogov.com)*

**ACTION: Resolution 2005-526** (Jackman/Marsh unan. Hawn absent) authorized the Purchasing Supervisor to formally solicit request for Bids, for the acquisition of high accuracy, high-resolution ortho-photography (aerial photography), for a total estimated cost of \$ 100,000.

#### CONSENT

11. Consider approving the purchase, maintenance, operating, and replacement costs of one new fully-equipped Community Services Officer (CSO) truck; and amending the Modesto Police Department's 2005/2006 budget by \$45,588.76 from general fund reserves.

- Resolution approving the purchase, maintenance, operating, and replacement costs of one new fully-equipped Community Services Officer (CSO) truck recommended.
- Resolution amending the Modesto Police Department's 2005/2006 budget by \$45,588.76 from general fund reserves recommended.

*Police; Greg Savelli, 577-9550, [SavelliG@ModestoPD.com](mailto:SavelliG@ModestoPD.com)*

**ACTION: Resolution 2005-527** (Jackman/Marsh unan. Hawn absent) approved the purchase, maintenance, operating, and replacement costs of one new fully-equipped Community Services Officer (CSO) truck.

**ACTION: Resolution 2005-528** (Jackman/Marsh unan. Hawn absent) amended the Modesto Police Department's 2005/2006 budget by \$45,588.76 from general fund reserves.

#### CONSENT

12. Consider approving the transfer of funds for the acquisition of office equipment for the Gang Intelligence Task Force and authorizing the City Manager, or his designee, to execute the necessary documents; and amending the 2005/2006 budget, estimating revenue of \$43,000.00 from Asset Forfeitures and Expenses of \$43,000 for the purchase of office furnishings, technology needs, and associated needs for the Gang Intelligence Task Force.

- Resolution approving the transfer of funds for the acquisition of office equipment for the Gang Intelligence Task Force and authorizing the City Manager, or his designee, to execute the necessary documents recommended.
- Resolution amending the 2005/2006 budget, estimating revenue of \$43,000.00 from Asset Forfeitures and Expenses of \$43,000 for the purchase of office furnishings, technology needs, and associated needs for the Gang Intelligence Task Force recommended.

*Police; David Cooperider, 572-9678, [cooperiderd@modestopd.com](mailto:cooperiderd@modestopd.com)*

**ACTION: Resolution 2005-529** (Jackman/Marsh unan. Hawn absent) approved the transfer of funds for the acquisition of office equipment for the Gang Intelligence Task Force and authorizing the City Manager, or his designee, to execute the necessary documents.

**ACTION: Resolution 2005-530** (Jackman/Marsh unan. Hawn absent) amended the 2005/2006 budget, estimating revenue of \$43,000.00 from Asset Forfeitures and Expenses of \$43,000 for the purchase of office furnishings, technology needs, and associated needs for the Gang Intelligence Task Force.

CONSENT

13. Consider approving an agreement with Stanislaus County Office of Education in the amount of \$44,678 for the provision of one Modesto Police Officer at Petersen Alternative Center for Education (P.A.C.E.) campus and authorizing the City Manager, or his designee, to execute the agreement.

- Resolution approving an agreement with Stanislaus County Office of Education in the amount of \$44,678 for the provision of one Modesto Police Officer at Petersen Alternative Center for Education (P.A.C.E.) campus and authorizing the City Manager, or his designee, to execute the agreement recommended.

*Police, David Chamberlain, 572-9613, [chamberlaind@modestopd.com](mailto:chamberlaind@modestopd.com),*

**ACTION: Resolution 2005-531** (Jackman/Marsh unan. Hawn absent ) approved an agreement with Stanislaus County Office of Education in the amount of \$44,678 for the provision of one Modesto Police Officer at Petersen Alternative Center for Education (P.A.C.E.) campus and authorizing the City Manager, or his designee, to execute the agreement.

CONSENT

14. Consider approving a Water Main Reimbursement Agreement between the City of Modesto and William Lyon Homes, a California corporation, in the amount of \$101,504.80, related to the removal of 418 lineal feet of 8" water line and the installation of 1,340 lineal feet of a 12" water main and authorizing the City Manager to sign Agreement

- Resolution approving a Water Main Reimbursement Agreement between the City of Modesto and William Lyon Homes, a California corporation, in the amount of \$101,504.80, related to the removal of 418 lineal feet of 8" water line and the installation of 1,340 lineal feet of a 12" water main and authorizing the City Manager to sign Agreement recommended.

*Public Works, Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-532** (Jackman/Marsh unan. Hawn absent) approved a Water Main Reimbursement Agreement between the City of Modesto and William Lyon Homes, a California corporation, in the amount of \$101,504.80, related to the removal of 418 lineal feet of 8" water line and the installation of 1,340 lineal feet of a 12" water main and authorizing the City Manager to sign Agreement.

*This item was removed from Consent*

15. Consider approving a 5-year agreement with Stott Outdoor Advertising to sell and maintain advertising on the exteriors of all Modesto Area Express (MAX) urban service

buses for a minimum payment to the City of \$6,750 per month or 35% of Stott's net advertising revenue, whichever amount is greater and authorizing the City Manager, or his designee, to execute the agreement.

- Resolution approving a 5-year agreement with Stott Outdoor Advertising to sell and maintain advertising on the exteriors of all Modesto Area Express (MAX) urban service buses for a minimum payment to the City of \$6,750 per month or 35% of Stott's net advertising revenue, whichever amount is greater and authorizing the City Manager, or his designee, to execute the agreement recommended.

*Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION: Resolution 2005-533** (Jackman/Dunbar; unan.) approved a 5-year agreement with Stott Outdoor Advertising to sell and maintain advertising on the exteriors of all Modesto Area Express (MAX) urban service buses for a minimum payment to the City of \$6,750 per month or 35% of Stott's net advertising revenue, whichever amount is greater and authorizing the City Manager, or his designee, to execute the agreement.

#### CONSENT

16. Consider approving an agreement with Larry Walker Associates for the development and implementation of a Stormwater Management Program for a one-year agreement in an amount not to exceed \$332,288 with one (1) one-year extension option in an amount not to exceed \$193,000 for a total agreement amount not to exceed \$525,288 and authorizing the City Manager, or his designee, to execute the agreement.

- Resolution approving an agreement with Larry Walker Associates for the development and implementation of a Stormwater Management Program for a one-year agreement in an amount not to exceed \$332,288 with one (1) one-year extension option in an amount not to exceed \$193,000 for a total agreement amount not to exceed \$525,288 and authorizing the City Manager, or his designee, to execute the agreement recommended.

*Public Works; Adam Denlinger, 577-6300, [adenlinger@modestogov.com](mailto:adenlinger@modestogov.com)*

**ACTION: Resolution 2005-534** (Jackman/Marsh unan. Hawn absent) approved an agreement with Larry Walker Associates for the development and implementation of a Stormwater Management Program for a one-year agreement in an amount not to exceed \$332,288 with one (1) one-year extension option in an amount not to exceed \$193,000 for a total agreement amount not to exceed \$525,288 and authorizing the City Manager, or his designee, to execute the agreement.

#### COUNCIL COMMENTS & REPORTS

17. Consider request from Vice Mayor Jackman to discuss making a request to the Legislature of the State of California to take all necessary steps to make the percentage of property taxes redistributed back to the incorporated cities and counties more equitable; i.e., City/County of San Francisco gets back 65% while Stanislaus County gets back 11%. Modesto receives 7% of property tax collected within its borders.

**ACTION:** By order of the Chair referred to Finance Committee. The Mayor will review this issue at the monthly Mayor meetings in the region and this item will be added to the Legislative Platform.

### UNFINISHED BUSINESS

18. Consider authorizing a budget amendment to transfer monies totaling \$289,776 from the Sewer Fund Reserve to the Compost Fund Reserves for expenditures incurred in 2004-05, thereby establishing a Compost Fund Reserve in the amount of \$197,049; and amending the Compost Fund 2005-06 Revenue and Expense Budgets to include payment of rental fees to the Sewer Fund in the amount of \$18,000 annually and to more accurately reflect anticipated revenues.
- Resolution authorizing a budget amendment to transfer monies totaling \$289,776 from the Sewer Fund Reserve to the Compost Fund Reserves for expenditures incurred in 2004-05, thereby establishing a Compost Fund Reserve in the amount of \$197,049 recommended.
  - Resolution amending the Compost Fund 2005-06 Revenue and Expense Budgets to include payment of rental fees to the Sewer Fund in the amount of \$18,000 annually and to more accurately reflect anticipated revenues recommended.
- Public Works, Jana Coons, 342-2281, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION: Resolution 2005-535** (Dunbar/Jackman; unan. Hawn absent) authorized a budget amendment to transfer monies totaling \$289,776 from the Sewer Fund Reserve to the Compost Fund Reserves for expenditures incurred in 2004-05, thereby establishing a Compost Fund Reserve in the amount of \$197,049.

**ACTION: Resolution 2005-536** (Dunbar/Jackman; unan. Hawn absent) amended the Compost Fund 2005-06 Revenue and Expense Budgets to include payment of rental fees to the Sewer Fund in the amount of \$18,000 annually and to more accurately reflect anticipated revenues.

### HEARINGS

*Continued from October 11, 2005—refer to CIP binder  
Published in the Modesto Bee on October 1, 2005*

19. Hearing to consider the amended Capital Improvement Program for FY 2006.
- Resolution amending the Capital Improvement Program budget for FY 2005-2006 to re-appropriate existing projects, appropriate new projects and recognize additional revenues recommended.
- Finance; Debra Eggerman, 577-5394, [deggerman@modestogov.com](mailto:deggerman@modestogov.com)*

**ACTION: Resolution 2005- 537** (Jackman/Dunbar; unan. Hawn absent) amended the Capital Improvement Program budget for FY 2005-2006 to re-appropriate existing projects, appropriate new projects and recognize additional revenues.

The following items received a separate vote due to various Councilmembers having a conflict of interest:

- Floyd Avenue improvement project between Roselle & Fine (Keating/Dunbar; unan.; Hawn absent and Ridenour absent due to conflict of interest)
- Downstream Improvements for the Primary Treatment Plant (Marsh/Dunbar; unan. Hawn absent and Keating absent due to conflict of interest)

*This item was continued to November 22, 2005.*

*This item was continued from August 9, 2005, September 6, 2005, and October 11, 2005*

*Councilmember Marsh absent due to conflict of interest*

20. Continued hearing to consider the appeal by Thompson-Hysell on behalf of NA Engineering and Development Company to a decision by the Planning Commission denying the application of NA Engineering and Development Company for a Tentative Parcel Map to divide an 8.45-Acre Property into two parcels, property located on the southeast corner of Roselle and Hillglen Avenues.
- Provide direction to staff on the acquisition of right-of-way for and construction of Hillglen Avenue and the roundabout at the intersection of Hillglen and Roselle Avenues recommended.
  - Resolution denying the appeal without prejudice, directing the applicant to redesign the project to construct an aligned part-width Hillglen Avenue and sending the redesigned project back to Planning Commission for review recommended.
  - Consider approving an Agreement for Property Acquisition between the City of Modesto and NA Engineering and Development Company pursuant to Government Code Section 66462.5 recommended.

*Community & Economic Development; Josh Bridegroom, 571-5808,  
[jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan. Hawn and Marsh absent) continued the hearing to November 22, 2005.

*Published in the Modesto Bee on October 5, 2005*

21. Hearing to consider introduction of a new Pet Overpopulation Ordinance of the Modesto Municipal Code related to breeding, transfer and spaying and neutering of dogs and cats.
- Motion introducing an Ordinance adding Article 5 to Chapter 4 of Title 5 of the Modesto Municipal Code relating to Pet Overpopulation recommended.
- Police; Adam McGill, 572-9858, [mcgilla@modestopd.com](mailto:mcgilla@modestopd.com)*

**ACTION:** By Motion (Keating/Dunbar; unan. Hawn absent) **introduced Ordinance 3398-C.S.** adding Article 5 to Chapter 4 of Title 5 of the Modesto Municipal Code relating to Pet Overpopulation.

*Published in the Modesto Bee on Saturday, October 1, 2005. It is requested that this item be continued to November 9, 2005.*

22. Hearing to consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 10); and canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1.
- Resolution calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 10) recommended.
  - Resolution canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1 recommended.
- City Manager; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan. Hawn absent) continued the hearing to November 9, 2005.

### NEW BUSINESS

23. Consider accepting the report on Waste Management's performance during the period October 2004 through June 2005, and authorizing the City Manager to execute the second and final one (1) year extension of the Interim Service Agreement.
- Resolution accepting the report on Waste Management's performance during the period October 2004 through June 2005, and authorizing the City Manager to execute the second and final one (1) year extension of the Interim Service Agreement recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: Resolution 2005- 538** (Marsh/Dunbar; unan. Hawn absent) accepted the report on Waste Management's performance during the period October 2004 through June 2005, and authorizing the City Manager to execute the second and final one (1) year extension of the Interim Service Agreement.

### MATTERS TOO LATE FOR THE AGENDA

None

### CLOSED SESSION

*The closed session was heard prior to the Council meeting.*

### CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case.

**ADJOURNMENT**

The meeting adjourned at 7:25 pm

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, November 1, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

Absent: Hawn

Pledge of Allegiance to the Flag

Invocation: Pastor Rich Cook, Calvary Temple

City Clerk’s Announcements Item 12 continued to November 22, 2005

Declaration of Conflicts of Interest - Marsh Item 12

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of Vince Harris, Executive Director of the Stanislaus Council of Governments (StanCOG) for Stanislaus County by Vice Mayor Jackman.

**ACTION:** Introduction made by Vice Mayor Jackman.

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 2 through 9

**ACTION Items 2-9:** Jackman/Dunbar; unan.; Hawn, absent

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

CONSENT

2. Consider approval of the minutes of the regular City Council meeting of October 25, 2005.

(Motion approving recommended.)

*Clerk; Rebecca Redin, 577-5397, [rredin@modestogov.com](mailto:rredin@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan.; Hawn, absent) approving the minutes of October 25, 2005.

CONSENT

3. Consider approving the final adoption of Ordinance 3398-C.S. adding Article 5 to Chapter 4 of Title 5 of the Modesto Municipal Code relating to Pet Overpopulation.

- Motion approving the final adoption of Ordinance 3398-C.S. adding Article 5 to Chapter 4 of Title 5 of the Modesto Municipal Code relating to Pet Overpopulation recommended.

*Clerk; Rebecca Redin, 577-5397, [rredin@modestogov.com](mailto:rredin@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan.; Hawn, absent) approved the **final adoption of Ordinance 3398-C.S.** adding Article 5 to Chapter 4 of Title 5 of the Modesto Municipal Code relating to Pet Overpopulation.

CONSENT

4. Consider accepting with regret the resignations of Joe Mendoza from the Equal Opportunity/Disability Commission and Human Relations Commission; and Amy Christensen from the Equal Opportunity/Disability Commission.

- Resolution accepting with regret the resignation of Joe Mendoza from the Equal Opportunity/Disability Commission and the Human Relations Commission recommended.
- Resolution accepting with regret the resignation of Amy Christensen from the Equal Opportunity/Disability Commission recommended.

*City Manager; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Resolution 2005-539** (Jackman/Dunbar; unan.; Hawn, absent) accepted with regret the resignation of Joe Mendoza from the Equal Opportunity/Disability Commission and the Human Relations Commission.

**ACTION: Resolution 2005-540** (Jackman/Dunbar; unan.; Hawn, absent) accepted with regret the resignation of Amy Christensen from the Equal Opportunity/Disability Commission.

CONSENT

5. Consider approving budget adjustments for October 2005.

- Resolution approving budget adjustment for October 2005 recommended.

*Finance; Gail Bailey, 209-577-5378, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-541** (Jackman/Dunbar; unan.; Hawn, absent) approved budget adjustment for October 2005.

CONSENT

6. Consider authorizing the award of bid and contract for two new, current year/model, Chevrolet Tahoe vehicles to American Chevrolet, for an estimated total cost of \$59,694.62.
- Resolution authorizing the award of bid and contract for two (2), new, current year/model, Chevrolet Tahoe vehicles to American Chevrolet for an estimated total cost of \$59,694.62 recommended.
- Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Resolution 2005-542** (Jackman/Dunbar; unan.; Hawn, absent) authorized the award of bid and contract for two (2), new, current year/model, Chevrolet Tahoe vehicles to American Chevrolet for an estimated total cost of \$59,694.62.

CONSENT

7. Consider approving a Housing Maintenance Program loan for Jeanetta Ayers, secured by her home at 2617 McAdoo Avenue, Modesto in the amount of \$97,657.
- Resolution approving a Housing Maintenance Program loan for Jeanetta Ayers, secured by her home at 2617 McAdoo Avenue, Modesto in the amount of \$97,657 recommended.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Resolution 2005-543** (Jackman/Dunbar; unan.; Hawn, absent) approved a Housing Maintenance Program loan for Jeanetta Ayers, secured by her home at 2617 McAdoo Avenue, Modesto in the amount of \$97,657.

CONSENT

8. Consider approving an Amendment to Agreement with Stantec Consulting for additional work in the amount of \$75,000, to complete the Storm Drain Master Plan.
- Resolution approving an Amendment to Agreement with Stantec Consulting (Stantec) for additional work in the amount of \$75,000, to complete the Storm Drain Master Plan and authorizing the City Manager to execute said Amendment to Agreement recommended.
  - Resolution amending the current Capital Improvement Budget in order to fully fund the Amendment to Agreement with Stantec Consulting by (1) returning \$75,000 from 6280-430-A213-6010 (Storm Drainage System Analysis) to reserves account 6280-800-8000-8003; and (2) reappropriation of that same \$75,000 from reserves to 6280-440-A231-6010 (Storm Drain Master Plan) recommended.
- Public Works; Jack Bond, 577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION: Resolution 2005-544** (Jackman/Dunbar; unan.; Hawn, absent) approved an Amendment to Agreement with Stantec Consulting (Stantec) for additional work in the amount of

\$75,000, to complete the Storm Drain Master Plan and authorizing the City Manager to execute said Amendment to Agreement.

**ACTION: Resolution 2005-545** (Jackman/Dunbar; unan.; Hawn, absent) amended the current Capital Improvement Budget in order to fully fund the Amendment to Agreement with Stantec Consulting by (1) returning \$75,000 from 6280-430-A213-6010 (Storm Drainage System Analysis) to reserves account 6280-800-8000-8003; and (2) reappropriation of that same \$75,000 from reserves to 6280-440-A231-6010 (Storm Drain Master Plan).

#### CONSENT

9. Consider rejecting the sole bid for the project titled "Freedom Neighborhood Park" and authorizing staff to re-advertise the project at a future date.
- Resolution rejecting the sole bid for the project titled "Freedom Neighborhood Park" and authorizing staff to re-advertise the project at a future date recommended.
- Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-546** (Jackman/Dunbar; unan.; Hawn, absent) rejected the sole bid for the project titled "Freedom Neighborhood Park" and authorizing staff to re-advertise the project at a future date.

#### COUNCIL COMMENTS & REPORTS

10. Request from Mayor Ridenour for a motion authorizing the Mayor to sign a letter to the Stanislaus County Board of Supervisors regarding development planning and implementation within Stanislaus County.
- Motion authorizing the Mayor to sign a letter to the Stanislaus County Board of Supervisors regarding development planning and implementation within Stanislaus County recommended.

**ACTION:** By Motion (Jackman/Keating; unan.; Hawn, absent) authorized the Mayor to sign a letter to the Stanislaus County Board of Supervisors regarding development planning and implementation within Stanislaus County.

#### WRITTEN COMMUNICATIONS

11. Request from Marcus Nugent regarding a temporary variance to allow camping along the waterway in various locations.

**ACTION:** No action taken.

#### HEARINGS

*Marsh absent due to conflict of interest*

*Published in the Modesto Bee on October 12, 2005*

*It has been requested that this item be continued to November 22, 2005.*

12. Hearing to consider the appeal by Cingular Wireless to a decision by the Board of Zoning Adjustment denying the application of Cingular Wireless for an expansion on an existing cell tower and telecommunications facility, property located south of Merle Avenue and east of Wisdom Way.

- Resolution denying the appeal and upholding the decision of the Board of Zoning Adjustment denying the application of Cingular Wireless for an extension to an existing cell tower and telecommunications facility, property located south of Merle Avenue and east of Wisdom Way.

*Community & Economic Development Department; Rita Doscher, 577-5287,  
[rdoscher@modestogov.com](mailto:rdoscher@modestogov.com)*

**ACTION:** By Motion (Jackman/Dunbar; unan.; Hawn & Marsh, absent) continued the hearing to November 22, 2005.

*Published in the Modesto Bee on Wednesday, October 12, 2005*

13. Hearing to consider the application of Best Properties to amend the Village One Specific Plan and the Precise Plan for Area No. 20 to accommodate a proposal for the Village Center Retail Center located at the southeast corner of Floyd Avenue and Roselle Avenue.

- Resolution approving the proposed Amendment to the Village One Specific Plan recommended.
- Introduction of an ordinance amending the Precise Plan for Area No. 20 recommended.
- Resolution finding the proposed Amendments within the scope of the Village One Program EIR recommended.

*Community & Economic Development Department; Steve Mitchell, 577-5287,  
[smitchell@modestogov.com](mailto:smitchell@modestogov.com)*

**ACTION: Resolution 2005-547** (Marsh/Jackman; majority Dunbar no; Hawn absent) approving the proposed Amendment to the Village One Specific Plan.

**ACTION:** By Motion (Marsh/Jackman; majority Dunbar no; Hawn absent) **introduced Ordinance No. 3399** amending the Precise Plan for Area No. 20.

**ACTION: Resolution 2005-548** (Marsh/Jackman; majority Dunbar no; Hawn absent) finding the proposed Amendments within the scope of the Village One Program EIR.

## NEW BUSINESS

*Study Session Item*

14. Presentation and discussion of Emergency Planning and Preparedness for the City of Modesto.

*Fire; David R. Grant, 572-9596, [dgrant@modestofire.com](mailto:dgrant@modestofire.com)*

**ACTION:** Information only. No action taken.

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

The meeting adjourned at 6:50 p.m.

**CLOSED SESSION**

Closed session heard prior to the meeting.

**CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *Billy Koonce v. City of Modesto, MV Transportation, et al.*  
Stanislaus County Superior Court Case No. 340946

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, November 7, 2005, at 5:30 p.m.**

Roll Call: Present: Councilmembers Jackman, Keating, Marsh

Also Present: None

Absent: None

### **ORAL COMMUNICATIONS** **Three minute time limit per speaker**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Item 1

### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

### **CONSENT**

1. Consider receiving status report of development projects processed by the Community & Economic Development Department.

**ACTION:** This item was for information only. No action taken.

### **NEW BUSINESS**

70. Consider staff recommendation to establish Capital Facilities Fees Policies and Procedures for the administration of the City of Modesto's Capital Facilities Fee Program.

**ACTION:** The Economic Development Committee approved Staff's recommendation and requested that staff return with a notification process of the inflator to the development community.

71. Consider acceptance of staff report on Request for Proposals for Pruned Refuse, Leaf and Forestry Materials Collection Services; authorize retention of those services in-house; and directing staff to develop options for a permanent funding source.

**ACTION:** The Economic Development Committee approved Staff's recommendation, with Chair Keating voting no.

72. Consider compost operations alternatives with appropriate tipping fee adjustments.

**ACTION:** The Economic Development Committee approved Staff's recommendation, Alternative 2; with recommendation to staff to initiate a managed competition process for the site.

73. Consider staff recommendation to evaluate methodology for determining consistency with General Plan Policies in response to the DeSilva request for a Measure M vote for the Hetch Hetchy CPD.

**ACTION:** The Economic Development Committee voted to affirm the existing Measure M policy precluding staff time, cost and investment prior to Urban Growth Review.

### **COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **FUTURE AGENDA ITEMS**

- 141. Encina Storm Drain Right-of-Way
- 142. TID Surface Water
- 143. 1029 Ninth Street (former Everett & Jones Restaurant site)
- 144. Outdoor Dining Ordinance Revision
- 145. Industrial Parks – drainage standards, conditions of available industrial park land and enforcement of NPU standards (requested by Chair Keating)
- 146. Sign Ordinance (requested by Chair Keating)
- 147. Prescott/Bangs Proposed Roundabout
- 148. Angle parking downtown
- 149. Riverdale Water System
- 150. Sky West Airlines lease agreement
- 151. Kansas-Woodland Business Park
- 152. Design Guidelines

153. General Plan Update Work Program
154. Discussion of funding from existing homeowners to address Twin Bonds “problem”
155. 132/99 Connectivity and Carpenter Road Interchange Issue
156. 132 West Expressway
157. Review of “Will Serve” letter process (requested by Chair Keating)
158. Waste Collection Company permit/licensing (requested by Chair Keating)

### **ADJOURNMENT**

This meeting adjourned at 8:15 p.m.

## MINUTES

# City of Modesto

## SPECIAL CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, November 9, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Jackman, Keating, Marsh, O’Bryant

Absent: Hawn, Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Pastor Mark Guerrero, Bethel Church

City Clerk’s Announcements – Item 4 removed from Consent

Declaration of Conflicts of Interest – Marsh Item 17 and 19

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of David Rawe, Assistant Risk Manager, and Rosemary Carrancho, Employee Benefits Coordinator, by Robin Renwick, Personnel Director.

**ACTION:** Introductions made by Robin Renwick, Personnel Director.

2. Presentation by Stanislaus Partners in Education (SPIE) in recognition of the Modesto Police Department for youth and educational partnerships, and Modesto Police Department's receipt of SPIE's *The Peter W. Johansen Award*.

**ACTION:** Presentation made by Roy Wasden, Police Chief.

## ORAL COMMUNICATIONS

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 14

**ACTION Consent Items 3, 5 – 14:** Keating/Dunbar; unan; Hawn and Ridenour absent

**ACTION Consent Item 4:** Keating/O’Bryant; majority; Dunbar, no; Hawn & Ridenour, absent

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

#### CONSENT

3. Consider approval of the minutes of the regular City Council meeting of November 1, 2005.

(Motion approving recommended.)

Clerk; Rebecca Redin, 577-5397, [rredin@modestogov.com](mailto:rredin@modestogov.com)

**ACTION:** By Motion (Keating/Dunbar; unan; Hawn and Ridenour absent) approving the minutes of November 1, 2005.

#### CONSENT

*Removed from Consent (Dunbar – no)*

4. Consider the final adoption of **Ordinance No. 3399-C.S.** amending the Precise Plan for Area No. 20.

- Motion approving the final adoption of **Ordinance No. 3399-C.S.** amending the Precise Plan for Area No. 20 recommended.

Clerk; Rebecca Redin, 577-5397, [rredin@modestogov.com](mailto:rredin@modestogov.com)

**ACTION:** By Motion (Keating/O’Bryant; majority; Dunbar no; Hawn and Ridenour absent) approved the final adoption of **Ordinance No. 3399-C.S.** amending the Precise Plan for Area No. 20.

#### CONSENT

5. Consider approving lease with FMC Corporation for maintenance of five monitoring wells located on City-owned parcels and authorizing the City Manager to execute said Lease.

- Resolution approving lease with FMC Corporation for maintenance of five monitoring wells located on City-owned parcels and authorizing the City Manager to execute said Lease recommended.

Community & Economic Development; Linda Boston, 209-571-5719, [lboston@modestogov.com](mailto:lboston@modestogov.com)

**ACTION: Resolution 2005-549** (Keating/Dunbar; unan; Hawn and Ridenour absent) approved the lease with FMC Corporation for maintenance of five monitoring wells located on City-owned parcels and authorizing the City Manager to execute said Lease.

CONSENT

6. Consider waiving penalties for Modesto Irrigation District Utility User's Tax payments of \$58,871.52 for the month of October 2002 and \$66,700.42 for the month of October 2003 in exchange for a waiver of \$243,755.77, or a negotiated lesser amount, in late fees and penalties recently assessed to City of Modesto by Modesto Irrigation District.
- Resolution waiving penalties for Modesto Irrigation District Utility User's Tax payments of \$58,871.52 for the month of October 2002 and \$66,700.42 for the month of October 2003 in exchange for a waiver of \$243,755.77, or a negotiated lesser amount, in late fees and penalties recently assessed to City of Modesto by Modesto Irrigation District recommended.

*Finance; Cheryl Detmar, 209-571-5174, [cdetmar@modestogov.com](mailto:cdetmar@modestogov.com)*

**ACTION: Resolution 2005-550** (Keating/Dunbar; unan; Hawn and Ridenour absent) waiving penalties for Modesto Irrigation District Utility User's Tax payments of \$58,871.52 for the month of October 2002 and \$66,700.42 for the month of October 2003 in exchange for a waiver of \$243,755.77, or a negotiated lesser amount, in late fees and penalties recently assessed to City of Modesto by Modesto Irrigation District.

CONSENT

7. Consider awarding the printing of Modesto Area Express (MAX) Ride Guides to San Dieguito Printers for an initial two-year period, with three one-year contract extension options for a total estimated annual cost of \$36,090.89.
- Resolution awarding the printing of Modesto Area Express (MAX) Ride Guides to San Dieguito Printers for an initial two-year period, with three one-year contract extension options for a total estimated annual cost of \$36,090.89 recommended.

*Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Resolution 2005-551** (Keating/Dunbar; unan; Hawn and Ridenour absent) awarding the printing of Modesto Area Express (MAX) Ride Guides to San Dieguito Printers for an initial two-year period, with three one-year contract extension options for a total estimated annual cost of \$36,090.89.

CONSENT

8. Consider awarding the furnishing of polygraph examination services for the Police Department, to Central Coast Polygraph, Inc. the "primary" contractor, with Dee Moody Polygraph & Investigations as the "secondary" contractor, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$18,750.
- Resolution authorizing awarding the furnishing of polygraph examination services for the Police Department, to Central Coast Polygraph, Inc as the "primary" contractor, with Dee Moody Polygraph & Investigations as the "secondary"

contractor, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$18,750 recommended.

*Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-552** (Keating/Dunbar; unan; Hawn and Ridenour absent) awarding the furnishing of polygraph examination services for the Police Department, to Central Coast Polygraph, Inc as the “primary” contractor, with Dee Moody Polygraph & Investigations as the “secondary” contractor, for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$18,750.

#### CONSENT

9. Consider approving a contract with American Medical Response (AMR) wherein AMR compensates the City of Modesto \$72,000.00 per year for first responder and related medical services performed by the Modesto Fire Department, and authorizing the City Manager to execute the agreement.

- Resolution approving a contract with American Medical Response (AMR) wherein AMR compensates the City of Modesto \$72,000.00 per year for first responder and related medical services performed by the Modesto Fire Department, and authorizing the City Manager to execute the agreement recommended.

*Fire; James Miguel; 209-572-9590, [jmiguel@modestofire.com](mailto:jmiguel@modestofire.com)*

**ACTION: Resolution 2005-553** (Keating/Dunbar; unan; Hawn and Ridenour absent) approved a contract with American Medical Response (AMR) wherein AMR compensates the City of Modesto \$72,000.00 per year for first responder and related medical services performed by the Modesto Fire Department, and authorizing the City Manager to execute the agreement.

#### CONSENT

10. Consider authorizing the Acting Public Works Director to formally solicit Requests for Bids to provide construction of the Neighborhood Center at Marshall Park.

- Resolution authorizing the Acting Public Works Director to formally solicit Requests for Bids to provide construction of the Neighborhood Center at Marshall Park recommended.
- Resolution amending the FY 05-06 operating and Capital Improvement Program budget to: a) decrease appropriation to CIP project 1350-310-P503, New Parkland Acquisition, by \$536,515, return to CFF Fund Reserve; b) transfer \$536,515 from CFF fund to the Special Fund for Capital Outlay account 1350-700-M163 c) decrease account 1300-800-8000-8003, Special Fund for Capital Outlay by \$500,000; and, d) increase CIP project 1300-310-M163, Neighborhood Center at Marshall Park, by \$1,036,515 to fully fund the project recommended.

*Parks, Recreation & Neighborhoods; Doug Critchfield, 209-577-5353,  
[dcritchfield@modestogov.com](mailto:dcritchfield@modestogov.com)*

**ACTION: Resolution 2005-554** (Keating/Dunbar; unan; Hawn and Ridenour absent) authorized the Acting Public Works Director to formally solicit Requests for Bids to provide construction of the Neighborhood Center at Marshall Park.

**ACTION: Resolution 2005-555** (Keating/Dunbar; unan; Hawn and Ridenour absent) amending the FY 05-06 operating and Capital Improvement Program budget to: a) decrease appropriation to CIP project 1350-310-P503, New Parkland Acquisition, by \$536,515, return to CFF Fund Reserve; b) transfer \$536,515 from CFF fund to the Special Fund for Capital Outlay account 1350-700-M163 c) decrease account 1300-800-8000-8003, Special Fund for Capital Outlay by \$500,000; and, d) increase CIP project 1300-310-M163, Neighborhood Center at Marshall Park, by \$1,036,515 to fully fund the project.

CONSENT

11. Consider approving allocation of Community Housing Development Organization (CHDO) Set-Aside Funds in the amount of \$206,372 for Habitat for Humanity, Stanislaus and authorizing the City Manager to execute the agreement.
- Resolution approving allocation of Community Housing Development Organization (CHDO) Set-Aside Funds in the amount of \$206,372 for Habitat for Humanity, Stanislaus and authorizing the City Manager to execute the agreement recommended. *Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, [caverell@modestogov.com](mailto:caverell@modestogov.com)*

**ACTION: Resolution 2005-556** (Keating/Dunbar; unan; Hawn and Ridenour absent) approved allocation of Community Housing Development Organization (CHDO) Set-Aside Funds in the amount of \$206,372 for Habitat for Humanity, Stanislaus and authorizing the City Manager to execute the agreement.

CONSENT

12. Consider approving the plans and specifications, awarding the bid, and approving a \$68,800 construction contract with Collins Electrical for the project entitled, "Briggsmore Avenue Streetlight Modifications."
- Resolution approving the plans and specifications, awarding the bid, and approving a \$68,800 construction contract with Collins Electrical for the project entitled, "Briggsmore Avenue Streetlight Modifications," and authorizing the City Manager to execute the contract agreement recommended. *Public Works; Jeffrey L. Barnes, 577-5468, [jbarnes@modestogov.com](mailto:jbarnes@modestogov.com)*

**ACTION: Resolution 2005-557** (Keating/Dunbar; unan; Hawn and Ridenour absent) approved the plans and specifications, awarding the bid, and approving a \$68,800 construction contract with Collins Electrical for the project entitled, "Briggsmore Avenue Streetlight Modifications," and authorizing the City Manager to execute the contract agreement.

CONSENT

13. Consider increasing the Public Works Director's authority to issue change orders on the "2003/04 Pavement Maintenance Program – Coffee Road Reconstruction from 365' North of Sylvan Avenue to 2,500' North of Sylvan Avenue" project from 10 percent (\$99,325.65) to 15 percent (\$148,988.48) of the original contract price with Top Grade

Construction, Inc. Total estimated cost of this project is \$1,369,176.18, which includes construction contingency, construction administration and engineering design.

- Resolution increasing the Public Works Director's authority to issue change orders on the " 2003/04 Pavement Maintenance Program – Coffee Road Reconstruction from 365' North of Sylvan Avenue to 2,500' North of Sylvan Avenue" project from 10 percent (\$99,325.65) to 15 percent (\$148,988.48) of the original contract price with Top Grade Construction, Inc recommended.

*Public Works; Kris Ohlson, 577-5452; [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-558** (Keating/Dunbar; unan; Hawn and Ridenour absent) increased the Public Works Director's authority to issue change orders on the " 2003/04 Pavement Maintenance Program – Coffee Road Reconstruction from 365' North of Sylvan Avenue to 2,500' North of Sylvan Avenue" project from 10 percent (\$99,325.65) to 15 percent (\$148,988.48) of the original contract price with Top Grade Construction, Inc.

#### CONSENT

14. Consider approval of final map of Hacienda del Sol Unit No. 2 Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdivider as required by Section 4-4.604(c) of the Municipal Code. (Owner: Centex Homes, A Nevada General Partnership).

- Resolution approving the final map of Hacienda del Sol Unit No. 2 Subdivision in the Village One Specific Plan Area and authorizing the City Manager to execute the subdivision agreement.

*Public Works; Bill Sandhu, 209-577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-559** (Keating/Dunbar; unan; Hawn and Ridenour absent) approved the final map of Hacienda del Sol Unit No. 2 Subdivision in the Village One Specific Plan Area and authorizing the City Manager to execute the subdivision.

#### COUNCIL COMMENTS & REPORTS

None

#### WRITTEN COMMUNICATIONS

15. Consider a letter from Susan M. Evans regarding improvements within Modesto's transportation system.

**ACTION:** Ms. Evans was not present at the meeting.

#### UNFINISHED BUSINESS

*The wording for this item was amended for Clerical Error.*

16. Consider approving Del Valle Infrastructure Agreement & CIP Amendments.
- Resolution approving a Second Amendment to the Agreement to Construct Necessary Infrastructure between the City and Del Valle Capital Corporation to:
    - a) Authorize Final Inspection and Occupancy Permits for up to 58 additional homes in the Galas Brothers Unit No. 1 and Unit No. 2 subdivisions, and
    - b) Incorporate the terms and provisions of the Interim Water Improvements Agreement.And authorize the City Manager, or his designee, to execute the Amendment recommended.
  - Resolution approving an Amendment to the 2005-2006 Capital Improvement Program to increase the allocation to South Modesto Interim Water Improvements project, initially funded at \$1.0 million, for a total estimated amount of \$1.492 million, as specified in the Second Amendment to the Agreement to Construct Necessary Infrastructure and Attachments recommended.
  - Resolution declaring that any future request of occupancy beyond 216 units from Del Valle Capital Corporation will be denied until the successful completion of the developer-provided well and required wellhead treatment facilities recommended.
  - Motion introducing an Ordinance to Amend Chapter 3, Title 8 of the Modesto Municipal Code relating to City Contracts to extend the Contracting Authority of the City Manager for Public Works projects consisting of specified improvements to the water system in South Modesto, including authorization for contract approval of up to \$2 million recommended.  
*Public Works; Rich Ulm, 209-577-5261, rulm@modestogov.com*

**ACTION: Resolution 2005-560** (Marsh/Dunbar; unan. Hawn and Ridenour absent) approved a Second Amendment to the Agreement to Construct Necessary Infrastructure between the City and Del Valle Capital Corporation to:

- a) Authorize Final Inspection and Occupancy Permits for up to 58 additional homes in the Galas Brothers Unit No. 1 and Unit No. 2 subdivisions, and
- b) Incorporate the terms and provisions of the Interim Water Improvements Agreement.

And authorize the City Manager, or his designee, to execute the Amendment

**ACTION: Resolution 2005-561** (Marsh/Dunbar; unan. Hawn and Ridenour absent) approved an Amendment to the 2005-2006 Capital Improvement Program to increase the allocation to South Modesto Interim Water Improvements project, initially funded at \$1.0 million, for a total estimated amount of \$1.492 million, as specified in the Second Amendment to the Agreement to Construct Necessary Infrastructure and Attachments.

**ACTION: By Motion** (Marsh/Dunbar; unan. Hawn and Ridenour absent) **introduced Ordinance 3400-C.S.**—an ordinance amending Chapter 3, Title 8 of the Modesto Municipal Code relating to City Contracts to extend the Contracting Authority of the City Manager for Public Works projects consisting of specified improvements to the water system in South Modesto, including authorization for contract approval of up to \$2 million.

**ACTION:** Staff was directed to enter into an agreement with West Yost at the expense of the developer for a capacity analysis of an additional 167 units. West Yost is to communicate regularly with the developer and City staff is to report progress to the City Council at each meeting.

## HEARINGS

*Published in the Modesto Bee on Saturday, 10/1/05; Continued from 10/25/05*

*Marsh absent due to conflict of interest*

17. Hearing to consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 10); and canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1.
- Resolution calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 10) recommended.
  - Resolution canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1 recommended.

*City Manager; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-562** (Dunbar/Keating; unan. Hawn, Marsh and Ridenour absent) calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 10).

**ACTION: Resolution 2005-563** (Dunbar/Keating; unan. Hawn, Marsh and Ridenour absent) canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1.

*Published in the Modesto Bee on October 25, 2005*

18. Hearing to consider the expenditure of the City of Modesto's 2005/2006 allocation of \$299,591 from the State of California Supplemental Law Enforcement Services Fund, as recommended by the Chief of Police, for technology and communication equipment.
- Resolution approving the expenditure of the State of California Supplemental Law Enforcement Services Fund Grant Monies allocated to the City of Modesto in the 2005/2006 Fiscal Year recommended.
  - Resolution amending the 2005/2006 fiscal year budget to appropriate revenues and expenses for the State of California Supplemental Law Enforcement Services Fund Grant recommended.

*Police; Karen Rabb, Administrative Analyst, 572-9523, [rabbk@modestopd.com](mailto:rabbk@modestopd.com)*

**ACTION: Resolution 2005-564** (O'Bryant/Marsh unan; Hawn and Ridenour absent) approved the expenditure of the State of California Supplemental Law Enforcement Services Fund Grant Monies allocated to the City of Modesto in the 2005/2006 Fiscal Year.

**ACTION: Resolution 2005-565** (O'Bryant/Marsh unan; Hawn and Ridenour absent) amended the 2005/2006 fiscal year budget to appropriate revenues and expenses for the State of California Supplemental Law Enforcement Services Fund Grant.

## NEW BUSINESS

*Continued from 10/25/05*

*Marsh absent due to conflict of interest*

19. Consider approving the consolidation of boundary maps related to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

- Resolution approving the consolidation of boundary maps related to City of Modesto Community Facilities District No. 2004-1 (Village One #2) recommended.

*City Manager; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2005-566** (Dunbar/Keating; unan. Hawn, Marsh and Ridenour absent) approved the consolidation of boundary maps related to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

## MATTERS TOO LATE FOR THE AGENDA

None

## ADJOURNMENT

This meeting adjourned at 7:30 p.m.

## CLOSED SESSION

None.

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2001 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, November 21, 2005 at 5:30 p.m.**

Roll Call: Present: Committee Members Dunbar and Hawn  
  
Also Present: Councilmember Marsh (left meeting at 5:45 p.m.)  
  
Absent: Councilmember Jackman

### **ORAL COMMUNICATIONS** **Three minute time limit per speaker**

1. Discussion from Bob Phibbs regarding the award of bid for Landscape Maintenance Services on behalf of the Modesto City Employees Association.

**ACTION:** No action taken.

### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

2. Consider staff recommendations for November 2005 Monthly Budget Adjustments.

**ACTION:** The Finance Committee approved staff's recommendation.

### **NEW BUSINESS**

3. Consider staff recommendations for Modesto Regional Water Treatment Plan – Phase II.

**ACTION:** The Finance Committee approved staff's recommendation and staff was directed to provide more detail at the Council meeting.

4. Consider staff recommendations on the Turlock Irrigation District's Proposed Regional Surface Water Supply Project.

**ACTION:** The Finance Committee approved staff's recommendation.

5. Consider informational report concerning the implications of the current property tax allocations under Assembly Bill 8.

**ACTION:** The Finance Committee directed staff to bring this item to Council with Draft Resolution to be presented to the City's Legislative Analyst.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:45 p.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

**Tuesday, November 22, 2005, at 5:30 p.m.**

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent:

Pledge of Allegiance to the Flag

Invocation: Pastor Chuck Cutsinger, Calvary Temple

City Clerk’s Announcements Item 23 continued to December 14

Declaration of Conflicts of Interest - Keating – Item 16, Marsh Items 22 and 23

**In the event that the election results are not received from Stanislaus County Elections Office, Items 1 & 2 will be removed from the agenda.**

1. Certification of canvass of votes from the November 8, 2005 election.
  - Resolution adopting the certification of canvass of votes from the November 8, 2005 election recommended.

**ACTION: Resolution 2005-567 (Dunbar/O’Bryant; unan.)** adopted the certification of canvass of votes from the November 8, 2005 election.

2. Oath of Office by newly elected City Councilmembers and Modesto Board of Education Members.

**ACTION:** Oath of Office administered by Jean Zahr, City Clerk

### ACKNOWLEDGEMENTS AND PRESENTATIONS

- Verbal Status report regarding Galas Subdivision Water Supply Modeling *Public Works; James Niskanen, 577-5213, [jniskanen@modestogov.com](mailto:jniskanen@modestogov.com)*

**ACTION:** Information only. No action taken.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

Miguel Donoso expressed concern the delinquencies with Modesto Tallow.

Councilmember Jackman requested the delinquent status of the Tallow Plant be included on an upcoming Council agenda.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 17

**ACTION Consent Items 3-15, 17: Jackman/Marsh; unan**

**ACTION Consent Item 16: Jackman/Marsh; unan. Keating absent due to conflict of interest**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

3. Consider approval of the minutes of the regular City Council meeting of November 9, 2005.

- Motion approving recommended.

*Clerk; Rebecca Redin, 577-5397, [rredin@modestogov.com](mailto:rredin@modestogov.com)*

**ACTION:** By Motion (Jackman/Marsh; unan.) approving the Minutes of November 9, 2005.

**CONSENT**

4. Consider the final adoption of Ordinance No. 3400-C.S.—an ordinance amending Chapter 3, Title 8 of the Modesto Municipal Code relating to City Contracts to extend the Contracting Authority of the City Manager for Public Works projects consisting of specified improvements to the water system in South Modesto, including authorization for contract approval of up to \$2 million.

- Motion approving the final adoption of Ordinance No. 3400-C.S.—an ordinance amending Chapter 3, Title 8 of the Modesto Municipal Code relating to City Contracts to extend the Contracting Authority of the City Manager for Public Works projects consisting of specified improvements to the water system in South Modesto, including authorization for contract approval of up to \$2 million recommended.

*Clerk; Rebecca Redin, 577-5397, [rredin@modestogov.com](mailto:rredin@modestogov.com)*

**ACTION:** By Motion (Jackman/Marsh; unan.) approved the final adoption of **Ordinance No. 3400-C.S.** amending Chapter 3, Title 8 of the Modesto Municipal Code relating to City Contracts to extend the Contracting Authority of the City Manager for Public

Works projects consisting of specified improvements to the water system in South Modesto, including authorization for contract approval of up to \$2 million.

CONSENT

5. Consider accepting with regret the resignation of Arnold Blank from the Golf Courses Advisory Committee.
- Resolution accepting with regret the resignation of Arnold Blank from the Golf Courses Advisory Committee recommended.
- City Manager's Office; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Resolution 2005-568** (Jackman/Marsh; unan.) accepting with regret the resignation of Arnold Blank from the Golf Courses Advisory Committee.

CONSENT

6. Consider approving the population-based cost-sharing formula for the Stanislaus Regional 9-1-1 Center that was approved by the 911 Commission on August 25, 2005.
- Resolution approving the population-based cost-sharing formula for the Stanislaus Regional 9-1-1 Center that was approved by the 911 Commission on August 25, 2005 recommended.
- City Manager's Office; Bryan Whitemyer, 209-571-5580, [bwhitemyer@modestogov.com](mailto:bwhitemyer@modestogov.com)*

**ACTION: Resolution 2005-569** (Jackman/Marsh; unan.) approving the population-based cost-sharing formula for the Stanislaus Regional 9-1-1 Center that was approved by the 911 Commission on August 25, 2005.

CONSENT

7. Consider approving a request by Michael and Naja Frowein and Maurice and Antoinette Chambers for additional time to complete the conditional vacation and abandonment of the portion of North Beyer Park Drive between Claratina Avenue and Inspiration Drive previously approved by the City Council on November 25, 2003.
- Resolution restating and amending City Council Resolution No. 2003-626 to allow until November 25, 2007 to complete the conditional abandonment recommended.
- Community & Economic Development; Steve Mitchell, 577-5287, [smitchell@modestogov.com](mailto:smitchell@modestogov.com)*

**ACTION: Resolution 2005-570** (Jackman/Marsh; unan.) restating and amending City Council Resolution No. 2003-626 to allow until November 25, 2007 to complete the conditional abandonment.

CONSENT

8. Consider awarding the furnishing of armed/uniformed security guard services to NCLN20 Inc for a two-year agreement, with three one-year extension options, for an estimated annual cost of \$344,558.

- Resolution awarding the furnishing of armed/uniformed security guard services to NCLN20 Inc for a two-year agreement, with three one-year extension options, for an estimated annual cost of \$344,558 recommended.

*Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Resolution 2005-571** (Jackman/Marsh; unan.) awarding the furnishing of armed/uniformed security guard services to NCLN20 Inc for a two-year agreement, with three one-year extension options, for an estimated annual cost of \$344,558.

#### CONSENT

9. Consider authorizing the Purchasing Supervisor to solicit formal Request for Bids (RFB) for traffic signal hardware for an initial one-year period, for a first year estimated annual cost of \$75,041, and with a one-year contract extension purchase option.

- Resolution authorizing the Purchasing Supervisor to solicit formal Request for Bids (RFB) for traffic signal hardware for an initial one-year period, for a first year estimated annual cost of \$75,041 and with a one-year contract extension purchase option recommended.

*Finance; Tom Reddie, 209-577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Resolution 2005-572** (Jackman/Marsh; unan) authorizing the Purchasing Supervisor to solicit formal Request for Bids (RFB) for traffic signal hardware for an initial one-year period, for a first year estimated annual cost of \$75,041 and with a one-year contract extension purchase option.

#### CONSENT

10. Consider the receipt and acceptance of the Monthly Investment Report – September 2005.

- Motion acknowledging the receipt and acceptance of the Monthly Investment Report – September 2005 recommended.

*Finance; Belinda Duerksen, 209-571-5511, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION: By Motion** (Jackman/Marsh; unan) acknowledged the receipt and acceptance of the Monthly Investment Report – September 2005.

#### CONSENT

11. Consider approving a contract between the City of Modesto and the Mountain Valley Emergency Medical Services Agency (MVEMSA), to permit the Modesto Fire Department to provide Advanced Life Support (ALS) services and authorizing the City Manager to execute the contract.

- Resolution approving a contract between the City of Modesto and the Mountain Valley Emergency Medical Services Agency (MVEMSA), to permit the Modesto Fire Department to provide Advanced Life Support (ALS) services and authorizing the City Manager to execute the contract recommended.

*Fire; James Miguel, 572-9590, [jmiguel@modestofire.com](mailto:jmiguel@modestofire.com)*

**ACTION: Resolution 2005-573** (Jackman/Marsh; unan) approving a contract between the City of Modesto and the Mountain Valley Emergency Medical Services Agency (MVEMSA), to permit the Modesto Fire Department to provide Advanced Life Support (ALS) services and authorizing the City Manager to execute the contract.

#### CONSENT

12. Consider authorizing the award of bid and contract for the purchase and installation of a Liebert 65KVA Uninterruptible Power Supply (UPS) System for the Information Technology Department to Elite Power, Inc., for an estimated purchase price of \$124,650.
- Resolution authorizing the award of bid and contract for the purchase and installation of a Liebert 65KVA Uninterruptible Power Supply (UPS) System for the IT Department to Elite Power, Inc., for an estimated purchase price of \$124,650 recommended.
  - Resolution amending the 2005/2006 budget to appropriate \$24,650 from the general fund reserves 0100-800-8000-8003 to the Information Technology Department operating budget 7130-070-0744-5400 to fully fund the purchase of a Liebert 65KVA Uninterruptible Power Supply (UPS) System recommended.  
*Information Technology; Gary Cook; 577-5229; [gcook@modestogov.com](mailto:gcook@modestogov.com)*

**ACTION: Resolution 2005-574** (Jackman/Marsh; unan) authorizing the award of bid and contract for the purchase and installation of a Liebert 65KVA Uninterruptible Power Supply (UPS) System for the IT Department to Elite Power, Inc., for an estimated purchase price of \$124,650.

**ACTION: Resolution 2005-575** (Jackman/Marsh; unan) amending the 2005/2006 budget to appropriate \$24,650 from the general fund reserves 0100-800-8000-8003 to the Information Technology Department operating budget 7130-070-0744-5400 to fully fund the purchase of a Liebert 65KVA Uninterruptible Power Supply (UPS) System.

#### CONSENT

13. Consider approving a grant application for \$1.5 million in Caltrans Bicycle Transportation Account funds for the Briggsmore Bridge in Phase V of the Virginia Avenue Corridor Trail Project, and authorizing the City Manager or his designee to execute the application.
- Resolution approving a grant application for \$1.5 million in Caltrans Bicycle Transportation Account funds for the Briggsmore Bridge in Phase V of the Virginia Avenue Corridor Trail Project, and authorizing the City Manager or his designee to execute the application recommended.  
*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Resolution 2005-576** (Jackman/Marsh; unan) approving a grant application for \$1.5 million in Caltrans Bicycle Transportation Account funds for the Briggsmore Bridge in Phase V of the Virginia Avenue Corridor Trail Project, and authorizing the City Manager or his designee to execute the application.

## CONSENT

14. Consider authorizing expenditure of the currently budgeted funds (approximately \$49,950) to continue participation in ongoing groundwater management related activities.

- Resolution authorizing the following recommended:
  1. Payment to the Modesto Irrigation District (MID) for the City's fair share (\$21,000) of the \$195,000 ongoing United States Geological Survey (USGS) – Phase IV, Groundwater Flow Modeling project (“Modeling project”), and
  2. Payment to MID for the City's fair share (\$2,000 remaining balance of the \$21,000 total) of the \$195,000 USGS – Phase III, Modeling project, and
  3. Expenditure of the balance of the budgeted funds (approximately \$26,950) for ongoing groundwater management related work in both the Modesto Groundwater Sub-basin and the Turlock Groundwater Sub-basin, including City staff charges.

*Public Works; Jack Bond, 209-577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION: Resolution 2005-577** (Jackman/Marsh; unan) authorizing the following:

1. Payment to the Modesto Irrigation District (MID) for the City's fair share (\$21,000) of the \$195,000 ongoing United States Geological Survey (USGS) – Phase IV, Groundwater Flow Modeling project (“Modeling project”), and
2. Payment to MID for the City's fair share (\$2,000 remaining balance of the \$21,000 total) of the \$195,000 USGS – Phase III, Modeling project, and
3. Expenditure of the balance of the budgeted funds (approximately \$26,950) for ongoing groundwater management related work in both the Modesto Groundwater Sub-basin and the Turlock Groundwater Sub-basin, including City staff charges.

## CONSENT

15. Consider approving a Supplemental Lease Agreement with the General Services Administration for Office Space at the Modesto City-County Airport. This supplemental lease agreement will generate \$11,560.32 per year in revenues.

- Resolution approving a Supplemental Lease Agreement with the United States General Services Administration for office space at the Modesto City-County Airport and authorizing the City Manager, or his designee, to execute the agreement on behalf of the City recommended.

*Public Works; Michael Musca, 209-577-5318, [mmusca@modestogov.com](mailto:mmusca@modestogov.com)*

**ACTION: Resolution 2005-578** (Jackman/Marsh; unan) approving a Supplemental Lease Agreement with the United States General Services Administration for office space at the Modesto City-County Airport and authorizing the City Manager, or his designee, to execute the agreement on behalf of the City.

## CONSENT

Councilmember Keating absent due to conflict of interest

16. Consider approving the award of a professional services agreement to West Yost and Associates for \$1,262,000 to complete the Final Design for the City Water System Tier 1 Downstream Improvements to accommodate the Modesto Regional Water Treatment Plant Phase Two Expansion, and authorizing the City Manager to execute the Agreement.
- Resolution approving the award of a professional services agreement to West Yost and Associates for \$1,262,000 to complete the Final Design for the City Water System Tier 1 Downstream Improvements to accommodate the Modesto Regional Water Treatment Plant Phase Two Expansion, and authorizing the City Manager to execute the Agreement recommended.
- Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2005-579** (Jackman/Marsh; unan; Keating absent due to conflict of interest) approving the award of a professional services agreement to West Yost and Associates for \$1,262,000 to complete the Final Design for the City Water System Tier 1 Downstream Improvements to accommodate the Modesto Regional Water Treatment Plant Phase Two Expansion, and authorizing the City Manager to execute the Agreement.

#### CONSENT

17. Consider accepting the improvements for the Papillon Park Subdivision and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods (Owner: Marilyn Shroyer, Trustee Of The Marilyn Shroyer Trust).
- Resolution accepting the improvements for the Papillon Park Subdivision and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.
- Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-580** (Jackman/Marsh; unan) accepting the improvements for the Papillon Park Subdivision and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

#### COUNCIL COMMENTS & REPORTS

None

#### UNFINISHED BUSINESS

18. Consider authorizing the award of proposal for Landscape Maintenance Services to Grover Landscape Services, Inc., and directing staff to negotiate a landscape maintenance service agreement for parks, right of ways and public landscaping owned and/or maintained by the City of Modesto with Grover Landscape Services, Inc.
- Resolution authorizing the award of bid for Landscape Maintenance Services to Grover Landscape Services, Inc., and directing staff to negotiate a landscape maintenance service agreement for parks, right of ways and public landscaping owned and/or maintained by the City of Modesto with Grover Landscape Services, Inc. recommended.

*Parks; Recreation & Neighborhoods; James E. Niskanen, 209-577-5351,  
[jniskanen@modestogov.com](mailto:jniskanen@modestogov.com)*

**ACTION: Resolution 2005-581** (Dunbar/Hawn; majority; Jackman and Marsh no) authorizing the award of bid for Landscape Maintenance Services to Grover Landscape Services, Inc., and directing staff to negotiate a landscape maintenance service agreement for parks, right of ways and public landscaping owned and/or maintained by the City of Modesto with Grover Landscape Services, Inc.

19. Consider approving the funding of FY 2005-06 supplemental budget requests and approving a staff recommendation targeting any operational savings above three percent (3%) for the Technology Reserve Fund.

- Resolution approving the funding of FY 2005-06 supplemental budget requests and approving a staff recommendation targeting any operational savings above three percent (3%) for the Technology Reserve Fund recommended.

*City Manager; Judith Ray, 209-571-5809, [jray@modestogov.com](mailto:jray@modestogov.com)*

**ACTION: Resolution 2005-582**( Hawn/Marsh; unan.) approving the funding of FY 2005-06 supplemental budget requests and approving a staff recommendation targeting any operational savings above three percent (3%) for the Technology Reserve Fund. Staff was also directed to return with options to restore the \$38,000 in the golf capital improvements fund.

20. Consider accepting a project status report regarding Pelandale Intersection Improvements.

- Motion acknowledging the Pelandale Intersection Improvements project status report recommended.

*Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION:** By Motion ( Dunbar/Hawn; unan.) acknowledged the Pelandale Intersection Improvements project status report.

## HEARINGS

*Published in the Modesto Bee on November 3, 2005*

21. Hearing to consider increasing bail schedules (fines) for parking violations within the city limits of Modesto and rescinding Resolution No. 91-705.

- Resolution increasing bail schedules (fines) for parking violations within the city limits of Modesto and rescinding Resolution No. 91-705 recommended.

*Police; Adam McGill, 209-572-9858, [mcgilla@modestopd.com](mailto:mcgilla@modestopd.com)*

**ACTION: Resolution 2005-583** (Dunbar/Hawn; unan.) increasing bail schedules (fines) for parking violations within the city limits of Modesto and rescinding Resolution No. 91-705 and directed staff to review these schedules every 3 years.

*This item was continued from 8/9/05, 9/6/05, 10/11/05, and 10/25/05.*

*It is anticipated that this item will be removed per the verbal request of the appellant.*

*Councilmember Marsh absent due to conflict of interest.*

22. Hearing to consider the appeal by Thompson-Hysell on behalf of NA Engineering and Development Company to a decision by the Planning Commission denying the application of NA Engineering and Development Company for a Tentative Parcel Map to divide an 8.45-Acre Property into two parcels, property located on the southeast corner of Roselle and Hillglen Avenues.
- Provide direction to staff on the acquisition of right-of-way for and construction of Hillglen Avenue and the roundabout at the intersection of Hillglen and Roselle Avenues recommended.
  - Resolution denying the appeal without prejudice, directing the applicant to redesign the project to construct an aligned part-width Hillglen Avenue and sending the redesigned project back to Planning Commission for review recommended.
  - Resolution approving an Agreement for Property Acquisition between the City of Modesto and NA Engineering and Development Company pursuant to Government Code Section 66462.5 recommended.

*Community & Economic Development; Josh Bridegroom, 571-5808,  
[jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION: At the request of the appellant this item was continued to December 14, 2005.**

*Continued from November 1, 2005.*

*Published in the Modesto Bee on October 12, 2005*

*Councilmember Marsh absent due to conflict of interest*

23. Hearing to consider the appeal by Cingular Wireless to a decision by the Board of Zoning Adjustment denying the application of Cingular Wireless for an expansion on an existing cell tower and telecommunications facility, property located south of Merle Avenue and east of Wisdom Way.
- Resolution denying the appeal and upholding the decision of the Board of Zoning Adjustment denying the application of Cingular Wireless for an extension to an existing cell tower and telecommunications facility, property located south of Merle Avenue and east of Wisdom Way.

*Community & Economic Development Department; Rita Doscher, 577-5287,  
[rdoscher@modestogov.com](mailto:rdoscher@modestogov.com)*

**Councilmember Jackman left the meeting at 11:15.**

**ACTION: Resolution 2005-584** (Dunbar/O'Bryant; majority; Keating no, Jackman absent, and Marsh absent due to conflict of interest) denying the appeal and upholding the decision of the Board of Zoning Adjustment denying the application of Cingular Wireless for an extension to an existing cell tower and telecommunications facility, property located south of Merle Avenue and east of Wisdom Way, with the following findings:

1. That the proposed height of the tower expansion is not compatible with the height restrictions in the R-1, Single-Family Residential Zone. The

current cellular communications monopole is the highest freestanding structure in the surrounding area, and is already visually obtrusive. Increasing the height of the existing monopole to an overall height of eighty-four-feet-three-inches (84'-3") will only make it more obtrusive and incompatible with the surrounding residential area.

2. That the Council has considered the fact that a water tank is also in the R-1, Single-Family Residential Zone and that the water tank is not a residential use. The Council finds that the presence of a water tank in the R-1 zone is irrelevant to the visual impact that an extension of an existing pole would have on the surrounding residential area.
3. That there are alternative commercial locations in the vicinity that the cellular service provider could use, locate at, or collocate on and that would allow the cellular service provider to both satisfy its coverage objectives and create fewer impacts.
4. That the conditional use permit for an extension to the existing cellular telecommunications tower is not consistent with previous approvals in R-1 Zones or in the surrounding area.
5. That granting the conditional use permit would not be in the best interest of the public's welfare.
6. That the cellular service provider has not demonstrated a significant gap in coverage that would constitute an "effective prohibition" under the Federal Telecommunications Act. Nor has the cellular service provider demonstrated that it has considered alternative locations or alternative heights that would create fewer visual impacts.
7. That these findings are based on and supported by the evidence in the staff report submitted to the city council and the oral and documentary evidence received and considered at the public hearing together with the rules and regulations of the City, including the City's Zoning Code.

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 11:25 p.m.

**CLOSED SESSION**

All closed sessions heard prior to the meeting.

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

(Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition of Sylvan School District surplus property located on Floyd Avenue, at the intersection of Floyd Avenue and Lincoln Oak Drive.

APN: 077-008-027 -.48 Acres ±

Negotiating Parties: Vicky Dion, CFD Engineer – for the City  
Ron Lebs – negotiating for Sylvan Union School District

Under Negotiation: Price and terms of sale of property.

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: George Britton, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Unrepresented Management/Confidential Employees

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

**PUBLIC EMPLOYEE APPOINTMENT**

Title: Acting City Attorney

## MINUTES

# City of Modesto

Special Finance Committee Meeting/  
Special City Council Workshop Meeting  
Conference Room 2001 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, November 29, 2005 at 1:30 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn, Jackman  
Also Present: Councilmember Marsh and Mayor Ridenour  
Absent: None

### ORAL COMMUNICATIONS Three minute time limit per speaker

#### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### NEW BUSINESS

1. Consider oral presentation and discussion on the Engineer's Report regarding the Sewer Rate Study.

**ACTION:** This item was for information only. No action was taken.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

This meeting adjourned at 4:22 p.m.

## MINUTES

# City of Modesto

Safety & Communities Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, December 5, 2005, at 5:30 p.m.**

Roll Call – Present      Committee Members Dunbar, Hawn, O’Bryant

Also Present:              None

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

None.

### CONSENT

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

None.

### NEW BUSINESS

13. Consider recommendation to amend ordinance allowing solicitation upon obtaining permit.

**ACTION:** The Safety & Communities Committee approved Staff’s recommendation.

14. Consideration and discussion of 2004 Annual Collision Report.

**ACTION:** This item was for information only. No action was taken.

15. Consider recommendation to approve extending the existing license agreement and the existing maintenance agreement with the Modesto Nuts Professional Baseball Club through December 31, 2006.

**ACTION:** The Safety & Communities Committee approved Staff’s recommendation.

16. Consider recommendation to accept report on Xclamation Fest 2005 held on July 23, 2005, approving Xclamation Fest 2006, hosted by Chris Ricci Presents, Inc. on July 22, 2006 and a shift of the downtown location of the event.

**ACTION:** The Safety & Communities Committee approved Staff's recommendation.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **FUTURE AGENDA ITEMS**

16. Continued discussion of Panhandling Ordinance (requested by Councilmember O'Bryant
17. Telephonic reporting of vehicle thefts
18. Update on 10-year plan to end homelessness
19. Generators in parks
20. Parks and Parks Security
21. ABC License Appeal Procedures
22. Addition of one Community Service Officer to administer the franchise towing agreement
23. Priority Criterion for Paving Alleys
24. Citizen request to address drug paraphernalia shops and possible solutions

### **ADJOURNMENT**

This meeting adjourned at 6:20 p.m.

## MINUTES

# City of Modesto

Audit Committee Meeting/  
Special City Council Workshop Meeting  
Tenth Street Place, 2<sup>nd</sup> Floor, Room 3001  
1010 10<sup>th</sup> Street  
Modesto, California

Tuesday, December 6, 2005, at 10:00 a.m.

Roll Call – Present: Mayor Ridenour, Councilmembers Keating and O’Bryant

*Absent: None*

Also Present: None

### ORAL COMMUNICATIONS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Discussion and direction regarding City Attorney recruitment process, including use of an executive search firm.

**ACTION:** Staff was directed to issue Request for Proposal to four (4) executive search firms for City Attorney.

### COMMITTEE COMMENTS & REPORTS

None.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 11:20 a.m.

## MINUTES

# City of Modesto

## CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Tuesday, December 6, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: Jackman, Marsh

Pledge of Allegiance to the Flag

Invocation: Pastor Mark McLeod, Community Assembly of God

City Clerk’s Announcements Item 15 removed from Consent  
Item 16 removed from the agenda  
Item 18 continued to December 14, 2005

Declaration of Conflicts of Interest - None

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Sandra DeAlcuaz, the Executive Director of the First Tee of Modesto.

**ACTION:** Presentation made by Sandra DeAlcuaz.

2. Verbal Status report regarding Galas Subdivision Water Supply Modeling  
*Public Works; James Niskanen, 577-5213, [jniskanen@modestogov.com](mailto:jniskanen@modestogov.com)*

**ACTION:** Report given by Rich Ulm, Acting Public Works Director

### MISCELLANEOUS

#### Appointments

3. Consider appointing Mayor Jim Ridenour and Councilmember Janice Keating as members, and Brad Hawn as alternate, to the MID Domestic Water Policy Board.

- Resolution appointing Mayor Jim Ridenour and Councilmember Janice Keating as members, and Brad Hawn as alternate, to the MID Domestic Water Policy Board recommended.

**ACTION: Resolution 2005-585** (Dunbar/O'Bryant; unan. Marsh and Jackman absent) appointing Mayor Jim Ridenour and Councilmember Janice Keating as members, and Brad Hawn as alternate, to the MID Domestic Water Policy Board.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

- Miguel Donoso commented on the Modesto Tallow Plant and requested information be released prior to the Council meeting.
- Eric Reimer mentioned a CUP issued for a veterinary facility and fencing of the alley off of McHenry near the medical marijuana dispensary and requested a staff response regarding the status of the CUP.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 4 –10,12-14 and 16

**ACTION CONSENT Item 4 - 10, 12-14, 16: Dunbar/Hawn; unan. Jackman and Marsh absent**

**Action Item 11: Dunbar/Hawn; unan. Jackman and Marsh absent**

**Action Item 15: Hawn/Keating; unan. Jackman and Marsh absent**

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

4. Consider approval of the minutes of the regular City Council meeting of November 22, 2005.

- Motion approving recommended.

*Clerk; Rebecca Redin, 577-5397, [rredin@modestogov.com](mailto:rredin@modestogov.com)*

**ACTION:** By Motion (Dunbar/Hawn; unan, Jackman and Marsh absent) approved the minutes of November 22, 2005.

**CONSENT**

5. Consider approving the 2006 Council Meeting Calendar.

- Resolution approving the 2006 Council Meeting Calendar recommended.  
*Clerk; Rebecca Redin, 577-5397, [rredin@modestogov.com](mailto:rredin@modestogov.com)*

**ACTION: Resolution 2005-586** (Dunbar/Hawn; unan, Jackman and Marsh absent) approving the 2006 Council Meeting Calendar

#### CONSENT

6. Consider approving a Capital Facilities Fee (“CFF”) Right of Way Reimbursement Agreement between the City of Modesto and William Lyon Homes, Inc. with a maximum reimbursement amount of \$1,326,367, authorizing the City Manager to execute the agreement, and finding that the agreement is within the scope of the previously certified Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR and the Addendum to the EIR (SCH No. 90020181).
- Resolution approving a Capital Facilities Fee (“CFF”) Right of Way Reimbursement Agreement between the City of Modesto and William Lyon Homes, Inc. with a maximum reimbursement amount of \$1,326,367, authorizing the City Manager to execute the agreement, and finding that the agreement is within the scope of the previously certified Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR and the Addendum to the EIR (SCH No. 90020181).recommended.

*City Manager’s Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-587** (Dunbar/Hawn; unan, Jackman and Marsh absent) approving a Capital Facilities Fee (“CFF”) Right of Way Reimbursement Agreement between the City of Modesto and William Lyon Homes, Inc. with a maximum reimbursement amount of \$1,326,367, authorizing the City Manager to execute the agreement, and finding that the agreement is within the scope of the previously certified Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR and the Addendum to the EIR (SCH No. 90020181).

#### CONSENT

7. Consider authorizing the Purchasing Supervisor to formally solicit Request for Proposals for the furnishing of janitorial services, for the Parks, Recreation and Neighborhoods Department and the Joint Powers Agency (JPA) for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$290,292.
- Resolution authorizing the Purchasing Supervisor to formally solicit Request for Proposals for the furnishing of janitorial services, for the Parks, Recreation and Neighborhoods Department and the Joint Powers Agency (JPA) for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$290,292 recommended.

*Finance; Ken Masasso, 209-577-5420, [kmassasso@modestogov.com](mailto:kmassasso@modestogov.com)*

**ACTION: Resolution 2005-588** (Dunbar/Hawn; unan, Jackman and Marsh absent) authorizing the Purchasing Supervisor to formally solicit Request for Proposals for the furnishing of janitorial services, for the Parks, Recreation and Neighborhoods Department and

the Joint Powers Agency (JPA) for a two-year agreement, with three one-year extension options, at an estimated annual cost of \$290,292.

CONSENT

8. Consider approving budget adjustments for November 2005.
- Resolution approving budget adjustments for November 2005 recommended.
- Finance; Gail Bailey, 577-5378, [gbailey@modestogov.com](mailto:gbailey@modestogov.com)*

**ACTION: Resolution 2005-589** (Dunbar/Hawn; unan, Jackman and Marsh absent) approving budget adjustments for November 2005.

CONSENT

9. Consider amending the Position Classification Plan to revise the job specification for the classifications of Animal Control Officer I/II.
- Resolution amending the Position Classification Plan to revise the job specification for the classifications of Animal Control Officer I/II recommended.
  - Resolution amending the Class Range Table for General Non-Sworn Classes to change the salary range for Animal Control Officer I from Salary Range 110 to Salary Range 114 (\$2769-\$3366 mo.); and to change the salary range for Animal Control Officer II from Salary Range 115 to Salary Range 119 (\$3133-\$3808 mo.) recommended.
- Personnel; Cherree Platt, 577-5439, [cplatt@modestogov.com](mailto:cplatt@modestogov.com)*

**ACTION: Resolution 2005-590** (Dunbar/Hawn; unan, Jackman and Marsh absent) amending the Position Classification Plan to revise the job specification for the classifications of Animal Control Officer I/II.

**ACTION: Resolution 2005-591** (Dunbar/Hawn; unan, Jackman and Marsh absent) amending the Class Range Table for General Non-Sworn Classes to change the salary range for Animal Control Officer I from Salary Range 110 to Salary Range 114 (\$2769-\$3366 mo.); and to change the salary range for Animal Control Officer II from Salary Range 115 to Salary Range 119 (\$3133-\$3808 mo.).

CONSENT

10. Consider authorizing the purchase of retired canines, by their handlers, and approving the agreement for purchase.
- Motion accepting the staff report recommended.
  - Resolution authorizing the purchase of retired canines, by their handlers, and approving the agreement for purchase recommended.
- Police; Karen Rabb, 209-572-9523, [rabbk@modestopd.com](mailto:rabbk@modestopd.com)*

**ACTION:** By Motion (Dunbar/Hawn; unan, Jackman and Marsh absent) accepting the staff report.

**ACTION: Resolution 2005-592** (Dunbar/Hawn; unan, Jackman and Marsh absent) authorizing the purchase of retired canines, by their handlers, and approving the agreement for purchase.

Removed from Consent

11. Consider approving an agreement with Stanislaus County Office of Education in the amount of \$15,000 to provide Party Patrol Police Officers and conduct juvenile alcohol education, prevention and intervention programs for Chrysler Elementary, Prescott Junior High and schools within Stanislaus County.

- Resolution approving an agreement with Stanislaus County Office of Education in the amount of \$15,000 to provide Party Patrol Police Officers and conduct juvenile alcohol education, prevention and intervention programs for Chrysler Elementary, Prescott Junior High School and schools within Stanislaus County, and authorizing the City Manager, or his designee, to execute the agreement recommended.
- Resolution amending the 2005/2006 operating budget to recognize revenue and appropriate funds for overtime Party Patrol Officers and program costs recommended.

*Police; Ron Reid, 572-9162, [reidr@modestopd.com](mailto:reidr@modestopd.com)*

**ACTION: Resolution 2005-593** (Dunbar/Hawn; unan, Jackman and Marsh absent) approving an agreement with Stanislaus County Office of Education in the amount of \$15,000 to provide Party Patrol Police Officers and conduct juvenile alcohol education, prevention and intervention programs for Chrysler Elementary, Prescott Junior High School and schools within Stanislaus County, and authorizing the City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2005-594** (Dunbar/Hawn; unan, Jackman and Marsh absent) amending the 2005/2006 operating budget to recognize revenue and appropriate funds for overtime Party Patrol Officers and program costs.

CONSENT

12. Consider agreement with Stanislaus County Office of Education in the amount of \$63,750 to provide overtime and associated costs for Police Officers for the Gang Awareness Prevention Program (GAPP) / WAKE-UP Program.

- Resolution approving an agreement with Stanislaus County Office of Education in the amount of \$63,750 for the provision of overtime and associated costs for Police Officers to provide, supervise and facilitate the Gang Awareness and Prevention Program (GAPP) / WAKE-UP Program and authorizing the City Manager, or his designee, to execute the agreement recommended.
- Resolution amending the 2005/2006 operating budget to recognize revenue and appropriate funds for the Gang Awareness and Prevention Program (GAPP) / WAKE-UP Program.

*Police; Ron Reid, 572-9162, [reidr@modestopd.com](mailto:reidr@modestopd.com)*

**ACTION: Resolution 2005-595** (Dunbar/Hawn; unan, Jackman and Marsh absent) approving an agreement with Stanislaus County Office of Education in the amount of \$63,750

for the provision of overtime and associated costs for Police Officers to provide, supervise and facilitate the Gang Awareness and Prevention Program (GAPP) / WAKE-UP Program and authorizing the City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2005-596** (Dunbar/Hawn; unan, Jackman and Marsh absent) amending the 2005/2006 operating budget to recognize revenue and appropriate funds for the Gang Awareness and Prevention Program (GAPP) / WAKE-UP Program.

#### CONSENT

13. Consider approving a Joint Powers Agreement between the County of Stanislaus and the City of Modesto to facilitate cooperation for the improvements of (1) the intersection of Pelandale and Sisk Road at the State Route 99 Freeway, and (2) improvement of Pelandale Avenue between State Route 99 and a point 1,400 feet east of McHenry Avenue, which are partially located within the City limits and within the unincorporated area of the County and authorizing the City Manager to execute the agreement.

- Resolution approving a Joint Powers Agreement between the County of Stanislaus and the City of Modesto to facilitate cooperation for the improvements of (1) the intersection of Pelandale and Sisk Road at the State Route 99 Freeway, and (2) improvement of Pelandale Avenue between State Route 99 and a point 1,400 feet east of McHenry Avenue, which are partially located within the City limits and within the unincorporated area of the County and authorizing the City Manager to execute the agreement recommended.

*Public Works; Lee Dumas, 571-5537, [ldumas@modestogov.com](mailto:ldumas@modestogov.com)*

**ACTION: Resolution 2005-597** (Dunbar/Hawn; unan, Jackman and Marsh absent) approving a Joint Powers Agreement between the County of Stanislaus and the City of Modesto to facilitate cooperation for the improvements of (1) the intersection of Pelandale and Sisk Road at the State Route 99 Freeway, and (2) improvement of Pelandale Avenue between State Route 99 and a point 1,400 feet east of McHenry Avenue, which are partially located within the City limits and within the unincorporated area of the County and authorizing the City Manager to execute the agreement.

#### CONSENT

14. Consider approving the final map of Falling Leaf Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: William Lyon Homes, INC., a California Corporation).

- Resolution approving the final map of Falling Leaf Subdivision in the Village One Specific Plan Area and authorizing the City Manager to execute subdivision agreement recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-598** (Dunbar/Hawn; unan, Jackman and Marsh absent) approving the final map of Falling Leaf Subdivision in the Village One Specific Plan Area and authorizing the City Manager to execute subdivision agreement.

Removed from Consent

15. Consider approving the Preliminary Design Plan prepared by the Black & Veatch Corporation related to the Phase Two expansion of the Modesto Regional Water Treatment Plant; and authorizing Modesto Irrigation District to execute an agreement with the Black & Veatch Corporation in an amount not to exceed \$3,091,000 to provide engineering services to prepare the final design related to the Phase Two expansion of the Modesto Regional Water Treatment Plant; and authorizing Modesto Irrigation District to proceed with approval of an engineering services contract with Black & Veatch Corporation for Stage One services with the selected membrane filter vendor and authorizing Modesto Irrigation District to proceed with execution of a Memorandum of Understanding with the recommended membrane filter vendor for a future general construction contract.

- Resolution approving the Preliminary Design Plan prepared by the Black & Veatch Corporation related to the Phase Two expansion of the Modesto Regional Water Treatment Plant recommended.
- Resolution authorizing Modesto Irrigation District to execute an agreement with the Black & Veatch Corporation in an amount not to exceed \$3,091,000 to provide engineering services to prepare the final design related to the Phase Two expansion of the Modesto Regional Water Treatment Plant recommended.
- Resolution authorizing Modesto Irrigation District to proceed with approval of an engineering services contract with Black & Veatch Corporation for Stage One services with the selected membrane filter vendor and authorizing Modesto Irrigation District to proceed with execution of a Memorandum of Understanding with the recommended membrane filter vendor for a future general construction contract recommended.

*Public Works; Richard Ulm, 209-577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Resolution 2005-599** (Hawn/Keating; unan. Jackman and Marsh absent) approving the Preliminary Design Plan prepared by the Black & Veatch Corporation related to the Phase Two expansion of the Modesto Regional Water Treatment Plant.

**ACTION: Resolution 2005-600** (Hawn/Keating; unan. Jackman and Marsh absent) authorizing Modesto Irrigation District to execute an agreement with the Black & Veatch Corporation in an amount not to exceed \$3,091,000 to provide engineering services to prepare the final design related to the Phase Two expansion of the Modesto Regional Water Treatment Plant.

**ACTION: Resolution 2005-601** (Hawn/Keating; unan. Jackman and Marsh absent) authorizing Modesto Irrigation District to proceed with approval of an engineering services contract with Black & Veatch Corporation for Stage One services with the selected membrane filter vendor and authorizing Modesto Irrigation District to proceed with execution of a Memorandum of Understanding with the recommended membrane filter vendor for a future general construction contract.

## COUNCIL COMMENTS & REPORTS

16. At the request of Councilmember Jackman, discussion regarding Modesto's Growth Management Measures.

**ACTION:** Removed from the agenda.

## UNFINISHED BUSINESS

17. Consider approving Salary and Benefit Changes for Unrepresented Employees for FY05-06 and FY 06-07.
- Resolution amending Salary Schedules for Unrepresented Management and Confidential employees and authorizing across-the-board salary increases and related benefit changes for FY 05-06 and FY 06-07, and rescinding Resolution No. 2005-307 effective December 5, 2005 and Resolution No. 2003-330 effective December 26, 2005 recommended.
  - Resolution approving various Class Range Tables for Unrepresented Management and Confidential classifications recommended.
  - Resolution amending the City's contribution and employees' mandatory contributions to 401(a) Money Purchase Plans recommended.
  - Resolution amending the FY 05-06 Operating budget to transfer \$124,000 from General Fund reserves and \$19,300 from other fund reserves to various accounts in departments' operating budgets recommended.

*Personnel; Robin Renwick, 577-5400, [rrenwick@modestogov.com](mailto:rrenwick@modestogov.com)*

**ACTION: Resolution 2005-602** (Dunbar/Hawn; majority; Keating no, Jackman and Marsh absent) amending Salary Schedules for Unrepresented Management and Confidential employees and authorizing across-the-board salary increases and related benefit changes for FY 05-06 and FY 06-07, and rescinding Resolution No. 2005-307 effective December 5, 2005 and Resolution No. 2003-330 effective December 26, 2005.

**ACTION: Resolution 2005-603** (Dunbar/Hawn; majority; Keating no, Jackman and Marsh absent) approving various Class Range Tables for Unrepresented Management and Confidential classifications

**ACTION: Resolution 2005-604** (Dunbar/Hawn; majority; Keating no, Jackman and Marsh absent) amending the City's contribution and employees' mandatory contributions to 401(a) Money Purchase Plans.

**ACTION: Resolution 2005-605** (Dunbar/Hawn; majority; Keating no, Jackman and Marsh absent) amending the FY 05-06 Operating budget to transfer \$124,000 from General Fund reserves and \$19,300 from other fund reserves to various accounts in departments' operating budgets.

## HEARINGS

*It is requested that this item be continued to December 14, 2005.*

18. Hearing to consider acceptance of the Capital Facilities Fees Program Annual Report.

- Motion (Keating/Dunbar; unan. Jackman and Marsh absent) to continue the hearing to December 14, 2005 recommended.

*Public Works; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

19. Consider introducing an Ordinance adding Section 10-2.234.1 to Article 2 of Chapter 2 of Title 10, amending Section 10-2.307 of Article 3 of Chapter 2 of Title 10, and adding Article 24.1 to Chapter 2 of Title 10 of the Modesto Municipal Code pertaining to Medical Marijuana Dispensaries, and repealing Ordinance No. 3384-C.S.

- Motion introducing an Ordinance adding Section 10-2.234.1 to Article 2 of Chapter 2 of Title 10, amending Section 10-2.307 of Article 3 of Chapter 2 of Title 10, and adding Article 24.1 to Chapter 2 of Title 10 of the Modesto Municipal Code pertaining to Medical Marijuana Dispensaries, and repealing Ordinance No. 3384-C.S recommended.

*City Attorney; Mike Milich, 209-577-5471, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (O'Bryant/Dunbar; unan. Jackman and Marsh absent) **introducing an Ordinance No. 3401-C.S.** adding Section 10-2.234.1 to Article 2 of Chapter 2 of Title 10, amending Section 10-2.307 of Article 3 of Chapter 2 of Title 10, and adding Article 24.1 to Chapter 2 of Title 10 of the Modesto Municipal Code pertaining to Medical Marijuana Dispensaries, and repealing Ordinance No. 3384-C.S

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 9:00 p.m.

All closed sessions heard prior to the Council meeting.

### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

**One Case** (Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: JoAnn Bertolotti, Leslie Curtin and Lori Martinez, et al.  
Superior Court Case No. 373350

#### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

**CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *In the Matter of Agreed Case Between City of Modesto v. Jean Zahr, in her Capacity as the Election Official of the City of Modesto*  
Stanislaus County Superior Court Case No. 376506

## MINUTES

# City of Modesto

Audit Committee Meeting/  
Special City Council Workshop Meeting  
Tenth Street Place, 2<sup>nd</sup> Floor, Room 3001  
1010 10<sup>th</sup> Street  
Modesto, California

Tuesday, December 8, 2005, at 11:30 a.m.

Roll Call – Present: Mayor Ridenour, Councilmembers Keating and O’Bryant

*Absent: None*

Also Present: None

### CLOSED SESSION

#### **PUBLIC EMPLOYEE APPOINTMENT**

(Pursuant to Sections 54954.2 and 54954.5 of the Government Code)

Title: Interim City Attorney

**ACTION:** No reportable action.

### ADJOURNMENT

This meeting adjourned at 2:30 p.m.

## MINUTES

# City of Modesto

Economic Development Committee/  
Special City Council Workshop Meeting  
Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, December 12, 2005, at 3:00 p.m.**

Roll Call: Present: Councilmembers Keating, Marsh

Also Present: None

Absent: Councilmember Jackman

### **ORAL COMMUNICATIONS** **Three minute time limit per speaker**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Item 1 - 3

### **CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### **CONSENT**

1. Consider receiving status report of development projects processed by the Community & Economic Development Department.

**ACTION:** This item was for information only. No action taken.

#### **CONSENT**

2. Consider staff recommendation to approve Capital Facilities Fees Policies and Procedure for the administration of the City of Modesto's Capital Facilities Fee Program and forward to Council for adoption.

**ACTION:** The Economic Development Committee approved Staff's recommendation and requested inflation increases be included on a Council Agenda for public vote.

3. Consider directing staff to pursue disposal of City owned real property located on the north side of Encina Avenue between Conejo and Phoenix Avenues.

**ACTION:** Staff was directed to investigate options to dispose of the subject property.

### **NEW BUSINESS**

4. Consider staff recommendation for a feasibility study for the development of 1029 Ninth Street, for construction of a three-year temporary parking lot, and to set aside the remaining insurance funds to support the new bus maintenance facility.

**ACTION:** The Economic Development Committee approved Staff's recommendation with Chairman Keating voting no on the feasibility study.

5. Consider approving staff recommendation for revisions to the Outdoor Dining Ordinance No. 3054-C.S. and recommending approval to the City Council.

**ACTION:** The Economic Development Committee approved Staff's recommendation, with an amendment to Section 4-15.10762 allowing existing businesses to be grandfathered.

6. Consider staff recommendation to establish local limits for discharge of copper, mercury, ammonia, total dissolved solids (TDS), electroconductivity (EC), arsenic and molybdenum into the City's wastewater system.

**ACTION:** The Economic Development Committee approved Staff's recommendation.

7. Consider receiving update and discussion of SR 132 Widening Project.

**ACTION:** The Economic Development Committee continued this item to a later date.

8. Discussion of traffic control for the intersection of Prescott Road and Bangs Avenue and recommend to Council a selected traffic control device.

**ACTION:** The Economic Development Committee approved Staff's recommendation for a traffic signal.

9. Consideration and recommendation for appointment or reappointment to various boards, commissions and committees.

**ACTION:** The Economic Development Committee approved Staff's recommendation.

- Approved reappointments to Board of Building Appeals and DID.
- Want to do short interviews for BZA and Planning Commission reappointments.
- Delay consideration of Local Cable Programming Commission.

### **COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**FUTURE AGENDA ITEMS**

- 159. Industrial Parks – drainage standards, conditions of available industrial park land and enforcement of NPU standards (requested by Chair Keating)
- 160. Sign Ordinance (requested by Chair Keating)
- 161. Angle parking downtown
- 162. Riverdale Water System
- 163. Sky West Airlines lease agreement
- 164. Kansas-Woodland Business Park
- 165. Design Guidelines
- 166. General Plan Update Work Program
- 167. Discussion of funding from existing homeowners to address Twin Bonds “problem”
- 168. Review of “Will Serve” letter process (requested by Chair Keating)

**ADJOURNMENT**

This meeting adjourned at 5:55 p.m.

## MINUTES

# City of Modesto

## SPECIAL CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, December 14, 2005, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Keating, Marsh, O’Bryant,  
Mayor Ridenour

Absent: Jackman

Pledge of Allegiance to the Flag

Invocation: Bob Moffet, Mill Creek Church

City Clerk’s Announcements:

- Item 8 removed from Consent
- Item 17 removed from the Agenda at the request of the appellant
- Item 19 continued to January 10, 2006

Declaration of Conflicts of Interest: None

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of newly promoted Police Department Management Staff.

**ACTION:** Introductions made by Mike Harden, Assistant Police Chief.

2. National Night Out Award and Luxury Limousine Proclamation.

**ACTION:** Presentation made by Mike Harden, Assistant Police Chief, Rose Fabela, Community Service Officer and proclamation presented by Mayor Ridenour.

3. Verbal report regarding status of Modesto Tallow.  
*City Manager’s Office; Judith Ray, 571-5809, [jray@modestogov.com](mailto:jray@modestogov.com)*

**ACTION:** Report given by Judith Ray, Deputy City Manager

**MISCELLANEOUS**  
Appointments

4. Consider approving the appointment of Tonya Halvorson to the Board of Directors of the Downtown Improvement District Advisory Board.
- Resolution approving the appointment of Tonya Halvorson to the Board of Directors of the Downtown Improvement District Advisory Board recommended.  
*City Council; Kathy Espinoza, 571-5169, [kespinoza@modestogov.com](mailto:kespinoza@modestogov.com)*

**ACTION: Resolution 2005-606** (Hawn/Marsh; unan. Jackman absent) approving the appointment of Tonya Halvorson to the Board of Directors of the Downtown Improvement District Advisory Board.

**ORAL COMMUNICATIONS**  
**Three minute time limit per speaker**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 5 through 16

**ACTION Consent Item 5, 7, 9-15:** Marsh/Hawn; unan. Jackman absent  
**ACTION Item 6:** Dunbar/O’Bryant; unan. Jackman and Marsh absent  
**ACTION Item 8:** Ridenour/Marsh; unan. Jackman absent  
**ACTION Item 16:** Marsh/Hawn; unan. Jackman absent

**CONSENT ITEMS**

**An item may be removed from consent and discussed at the request of an audience member or Councilmember.**

**CONSENT**

5. Consider approval of the minutes of the regular City Council meeting of December 6, 2005.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Marsh/Hawn; unan. Jackman absent) approved the minutes of December 6, 2005.

Removed from Consent

*Councilmembers Marsh and Jackman were absent at the introduction of this Ordinance.*

6. Consider final adoption of Ordinance No. 3401-C.S. adding Section 10-2.234.1 to Article 2 of Chapter 2 of Title 10, amending Section 10-2.307 of Article 3 of Chapter 2 of Title 10, and adding Article 24.1 to Chapter 2 of Title 10 of the Modesto Municipal Code pertaining to Medical Marijuana Dispensaries, and repealing Ordinance No. 3384-C.S.

- Motion approving final adoption of Ordinance No. 3401-C.S. adding Section 10-2.234.1 to Article 2 of Chapter 2 of Title 10, amending Section 10-2.307 of Article 3 of Chapter 2 of Title 10, and adding Article 24.1 to Chapter 2 of Title 10 of the Modesto Municipal Code pertaining to Medical Marijuana Dispensaries, and repealing Ordinance No. 3384-C.S recommended.

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Dunbar/O'Bryant; unan. Jackman and Marsh absent) **approved the final adoption of Ordinance No. 3401-C.S.** adding Section 10-2.234.1 to Article 2 of Chapter 2 of Title 10, amending Section 10-2.307 of Article 3 of Chapter 2 of Title 10, and adding Article 24.1 to Chapter 2 of Title 10 of the Modesto Municipal Code pertaining to Medical Marijuana Dispensaries, and repealing Ordinance No. 3384-C.S.

#### CONSENT

7. Consider approving an exception to City of Modesto Downtown Sidewalk Standards for the State Theater project on J Street.

- Resolution approving an exception to City of Modesto Downtown Sidewalk Standards for the State Theater project on J Street recommended.

*Public Works; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION: Resolution 2005-607** (Marsh/Hawn; unan. Jackman absent) approving an exception to City of Modesto Downtown Sidewalk Standards for the State Theater project on J Street

*Item 8 was removed from Consent*

8. Consider approving the consultant pool list for the development of Facilities Master Plans and Infrastructure Finance Plans.

- Resolution authorizing the selection of consultants for the preparation of Facilities Master Plans and Infrastructure Finance Plans recommended.

*City Manager's Office; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2005-608** (Ridenour/Marsh; unan. Jackman absent) authorizing the selection of consultants for the preparation of Facilities Master Plans and Infrastructure Finance Plans. Staff was directed to review the 5 previous proposals received using expanded criteria to possibly add to the existing pool. Staff was also directed to examine qualification criteria and seek additional proposals to add to the list.

#### CONSENT

9. Consider approving the Monthly Investment Report—October 2005.

- Motion acknowledging receipt of report recommended.

*Finance; Belinda Duerksen, 571-5511, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION:** By Motion (Marsh/Hawn; unan. Jackman absent) acknowledging receipt of report

## CONSENT

10. Consider approving License and Maintenance Agreement Extensions with the Modesto Nuts.

- Resolution approving an extension of the existing license agreement with the Modesto Nuts Professional Baseball Club through December 31, 2006, and authorizing the City Manager to execute the agreement extension recommended.
- Resolution approving an extension of the existing maintenance agreement with the Modesto Nuts Professional Baseball Club through December 31, 2006, and authorizing the City Manager to execute the agreement extension recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Resolution 2005-609** (Marsh/Hawn; unan. Jackman absent) approving an extension of the existing license agreement with the Modesto Nuts Professional Baseball Club through December 31, 2006, and authorizing the City Manager to execute the agreement extension.

**ACTION: Resolution 2005-610** (Marsh/Hawn; unan. Jackman absent) approving an extension of the existing maintenance agreement with the Modesto Nuts Professional Baseball Club through December 31, 2006, and authorizing the City Manager to execute the agreement extension.

## CONSENT

11. Consider approving an agreement with EDAW, Inc. to provide Phase I Construction Documents, Construction Observation/Administration and Permitting Support for the Gateway Parcel of the Tuolumne River Regional Park at a cost not to exceed \$398,131.00 and authorizing the City Manager to execute the agreement.

- Resolution approving an agreement with EDAW, Inc. to provide Phase I Construction Documents, Construction Observation/Administration and Permitting Support for the Gateway Parcel of the Tuolumne River Regional Park at a cost not to exceed \$398,131.00 and authorizing the City Manager to execute the agreement recommended.

*Parks, Recreation & Neighborhoods; Doug Critchfield, 577-5353, [dcritchfield@modestogov.com](mailto:dcritchfield@modestogov.com)*

**ACTION: Resolution 2005-611** (Marsh/Hawn; unan. Jackman absent) approving an agreement with EDAW, Inc. to provide Phase I Construction Documents, Construction Observation/Administration and Permitting Support for the Gateway Parcel of the Tuolumne River Regional Park at a cost not to exceed \$398,131.00 and authorizing the City Manager to execute the agreement.

## CONSENT

12. Consider approving an agreement with the Gillig Corporation for the purchase of one hybrid electric bus at a cost of \$556,778.73 and authorizing the City Manager to execute the agreement.

- Resolution approving an agreement with the Gillig Corporation for the purchase of one hybrid electric bus at a cost of \$556,778.73 and authorizing the City Manager to execute the agreement recommended.

*Public Works; Fred Cavanah, 577-5298, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Resolution 2005-612** (Marsh/Hawn; unan. Jackman absent) approving an agreement with the Gillig Corporation for the purchase of one hybrid electric bus at a cost of \$556,778.73 and authorizing the City Manager to execute the agreement.

13. Consider approving the plans & specifications, accepting the bid and approving a \$305,581.00 contract with Playground Plus, for the project titled, "Play Equipment Upgrades for Modesto Playgrounds Group 1," and authorizing the City Manager to execute the contract. Total estimated cost of this contract is \$354,473.96, which includes construction contingency, and construction administration.

- Resolution approving the plans & specifications, accepting the bid and approving a \$305,581.00 contract with Playground Plus, for the project titled, "Play Equipment Upgrades for Modesto Playgrounds Group 1," and authorizing the City Manager to execute the contract recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**Resolution 2005-613** (Marsh/Hawn; unan. Jackman absent) approving the plans & specifications, accepting the bid and approving a \$305,581.00 contract with Playground Plus, for the project titled, "Play Equipment Upgrades for Modesto Playgrounds Group 1," and authorizing the City Manager to execute the contract.

#### CONSENT

14. Consider canceling the contract with Soares Pipeline, Inc., for the project titled, "Annual Sewer Rehabilitation 2004."

- Resolution canceling the \$724,000 contract with Soares Pipeline, Inc., for the project titled, "Annual Sewer Rehabilitation 2004" recommended.

*Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2005-614** (Marsh/Hawn; unan. Jackman absent) canceling the \$724,000 contract with Soares Pipeline, Inc., for the project titled, "Annual Sewer Rehabilitation 2004"

#### CONSENT

15. Consider approving the Final Map of Oakdale Park Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the Subdivider as required by Section 4-4.604(c) of the Municipal Code (Owner: PPC Oakdale Park LLC, a California Limited Liability).

- Resolution approving the final map of Oakdale Park Subdivision in the Village One Specific Plan Area and authorizing the City Manager to execute subdivision agreement recommended.

*Public Works; Bill Sandhu, 577-5259, [bsandhu@modestogov.com](mailto:bsandhu@modestogov.com)*

**ACTION: Resolution 2005-615** (Marsh/Hawn; unan. Jackman absent) approving the final map of Oakdale Park Subdivision in the Village One Specific Plan Area and authorizing the City Manager to execute subdivision agreement.

Removed from Consent

16. Consider approving a Third Amendment to the Agreement to Construct Necessary Infrastructure between the City and Del Valle Capital Corporation to authorize Final Inspection and Occupancy Permits for up to 73 additional homes in the Galas Brothers Unit No. 1 and Unit No. 2 subdivisions, and authorize the City Manager, or his designee, to execute the Amendment.

- Resolution approving a Third Amendment to the Agreement to Construct Necessary Infrastructure between the City and Del Valle Capital Corporation to authorize Final Inspection and Occupancy Permits for up to 73 additional homes in the Galas Brothers Unit No. 1 and Unit No. 2 subdivisions, and authorize the City Manager, or his designee, to execute the Amendment recommended.

*Public Works; Rich Ulm, 577-5264, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Resolution 2005-616** (Marsh/Hawn; unan. Jackman absent) approving a Third Amendment to the Agreement to Construct Necessary Infrastructure between the City and Del Valle Capital Corporation to authorize Final Inspection and Occupancy Permits for up to 73 additional homes in the Galas Brothers Unit No. 1 and Unit No. 2 subdivisions, and authorize the City Manager, or his designee, to execute the Amendment.

### COUNCIL COMMENTS & REPORTS

- Councilmember Marsh requested the City Attorney draft an ordinance to amend the seating of the Councilmembers at the dias to Chair order rather than alphabetic order.

- Councilmember Marsh requested that the decorations of the holiday tree at 19<sup>th</sup> and H Streets be improved.

## HEARINGS

*Item 17 was removed from the Agenda at the request of the appellant.*

*This item was continued from 8/9/05, 9/6/05, 10/11/05, 10/25/05, and 11/22/05.*

*Councilmember Marsh absent due to conflict of interest.*

17. Hearing to consider the appeal by Thompson-Hysell on behalf of NA Engineering and Development Company to a decision by the Planning Commission denying the application of NA Engineering and Development Company for a Tentative Parcel Map to divide an 8.45-Acre Property into two parcels, property located on the southeast corner of Roselle and Hillglen Avenues.
- Provide direction to staff on the acquisition of right-of-way for and construction of Hillglen Avenue and the roundabout at the intersection of Hillglen and Roselle Avenues recommended.
  - Resolution denying the appeal without prejudice, directing the applicant to redesign the project to construct an aligned part-width Hillglen Avenue and sending the redesigned project back to Planning Commission for review recommended.
  - Resolution approving an Agreement for Property Acquisition between the City of Modesto and NA Engineering and Development Company pursuant to Government Code Section 66462.5 recommended.

*Community & Economic Development; Josh Bridegroom, 571-5808,  
[jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION: Removed from the agenda.**

*Published in the Modesto Bee November 21, 2005*

*This item was continued from December 6, 2005*

18. Hearing to consider acceptance of the Capital Facilities Fees Program Annual Report.
- Motion to accept the Annual Report on the Capital Facilities Fee (CFF) Program recommended.

*Public Works; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION:** By Motion (Dunbar/Keating; unan. Jackman absent) accepting the Annual Report on the Capital Facilities Fee (CFF) Program.

*Published in the Modesto Bee on December 1, 2005*

*It is requested that this item be continued to January 10, 2006*

19. Hearing to consider adopting a resolution amending Resolution 2003-309 and updating the 2003 Capital Facilities Fees Program's land values and right of way policies for expressways.

- Motion continuing to January 10, 2006 recommended.

*City Manager; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION:** By Motion (Hawn/Keating; unan. Jackman absent) continued this hearing to January 10, 2005

### **NEW BUSINESS**

20. Study Session Item: Kaiser Medical Campus Project Development Status Report
- Discussion Item only. No action is required.  
*Community & Economic Development; Brad Kilger, 577-5228, [bkilger@modestogov.com](mailto:bkilger@modestogov.com)*

**ACTION: Discussion only. No action taken.**

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 8:12 p.m.

### **CLOSED SESSION**

#### **PUBLIC EMPLOYEE APPOINTMENT**

(Pursuant to Section 54954.2 and 54954.5 of the Government Code)

Interview, Consideration and Possible Appointment of Interim City Attorney

**ACTION:** The City Clerk announced that the City Council approved entering into a contract with Richard R. Rudnansky as Interim City Attorney from Meyers Nave Professional Law Corporation. The City Council authorized Mayor Ridenour to finalize the details of the contract, which will be considered for approval at the January 3, 2006 Council meeting.

## MINUTES

# City of Modesto

## Special Finance Committee Meeting/ Special City Council Workshop Meeting

Conference Room 2001 (Second Floor)

Tenth Street Place

1010 10<sup>th</sup> Street, Modesto, California

**Wednesday, December 15, 2005 at 1:30 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn

Also Present: None

Absent: Committee Member Jackman

### ORAL COMMUNICATIONS

**Three minute time limit per speaker**

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

#### CONSENT

2. Consider staff recommendations for December 2005 Monthly Budget Adjustments.

**ACTION:** The Finance Committee approved Staff's recommendation.

### NEW BUSINESS

2. Consider staff recommendations regarding the Development Process Improvements Program – Proposed Building Permit Fee Increase and Budget Amendment.

**ACTION:** The Finance Committee approved Staff's recommendation.

3. Consider staff recommendations regarding Authorization to Designated Staff to Approve Electronic Bank Transactions.

**ACTION:** The Finance Committee approved Staff's recommendation provided electronic transfers can no longer be made from employee home computers.

### UNFINISHED BUSINESS

4. Consider oral presentation and discussion on the Engineer's Report regarding the Sewer Rate Study continued from the November 29, 2005 Workshop.

**ACTION:** This item was for information only. No action was taken.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 3:05 p.m.

## MINUTES

# City of Modesto

Audit Committee Meeting/  
Special City Council Workshop Meeting  
Tenth Street Place, 2<sup>nd</sup> Floor, Room 6825  
1010 10<sup>th</sup> Street  
Modesto, California

Wednesday, December 21, 2005, at 10:00 a.m.

Roll Call – Present: Mayor Ridenour, Councilmembers Keating and O’Bryant

*Absent: None*

Also Present: None

### ORAL COMMUNICATIONS Three minute time limit per speaker

None.

### CONSENT ITEMS

**An item may be removed from consent and discussed at the request of an audience member or Committee Member.**

None.

### NEW BUSINESS

1. Consider the proposals and select a professional firm for Modesto City Attorney recruitment.

**ACTION:** The Audit Committee recommended to choose CPS as the recruitment firm and requested Dave Harris to manage the majority of the process and John Shannon to conduct the profiling process.

### UNFINISHED BUSINESS

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 10:30 a.m.

## MINUTES

# City of Modesto

## SPECIAL CITY COUNCIL MEETING

Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, December 21, 2005, at 4:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Keating, O’Bryant,  
Mayor Ridenour

Absent: Councilmembers Jackman, Marsh

Pledge of Allegiance to the Flag

1. Certification of canvass of votes from the December 13, 2005 Run-Off election.
  - Resolution adopting the certification of canvass of votes from the December 13, 2005 Run-Off election recommended.

**ACTION: Resolution 2005-617** (Hawn/Keating; unan. Jackman and Marsh absent) adopting the certification of canvass of votes from the December 13, 2005 Run-Off election.

2. Comments from outgoing Councilmember.

**ACTION:** None.

3. Oath of Office by Councilmembers elected to Chair Nos. 4 & 5.

**ACTION:** The City Clerk administered the Oath of Office to Will O’Bryant, Chair No. 4, and Kristin Olsen, Chair No. 5.

### ORAL COMMUNICATIONS

Miguel Donoso spoke regarding the Run-Off Election process.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 4:41 p.m.