MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street
Conference Room 2005, Second Floor
Modesto, California
Monday, January 5, 2004, at 5:30 p.m.

Roll Call – Committee Members Present: Dunbar, Keating, O'Bryant

Also Present: Jackman, Marsh

ORAL COMMUNICATIONS

None.

Committee/Council workshop items are:

1) Recruitment Efforts for Modesto Police Officers

ACTION: No action taken. Informational item only.

2) Consider Staff Report to Council to Consider Adoption of a Resolution Allocating $39,000 in Community Development Block Grant Funding to The Salvation Army for the Operation of a Winter Shelter for the Homeless and $30,000 in Community Development Block Grant Funding t o Community Housing and Shelter Services to Provide Motel Vouchers for the Homeless and Authorizing the City Manager or His Designee to Sign and Execute the Agreements to Implement the Approved Programs

ACTION: The Committee requested a status report at the end of the program in March and forwarded this item to the full Council for consideration at the January 6, 2004 Council meeting.

3) Proposed Safe Drinking Water Ordinance

ACTION: No action taken on proposed ordinance. The Committee recommended The Citizens for SAFE Water in Habitats contact Operations & Maintenance Director and the Board of Supervisors regarding source water protection.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was 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, January 6, 2004, 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 10 and 18 removed from Consent

Declaration of Conflicts of Interest – Ridenour Item 4
Hawn Item 8 and Item 19

ORAL COMMUNICATIONS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 20

ACTION Consent Items 1-3, 5-7, 9, 11-15, 17, 18, 20: Marsh/Dunbar
unanimous

ACTION Item 4: O'Bryant/Hawn; unan. Ridenour absent

ACTION Item 8: O'Bryant/Jackman; unan. Hawn absent

ACTION Item 10: Jackman/Keating; unan.

ACTION Item 16: Jackman/Keating; unan.

ACTION Item 19: Jackman/Keating; unan. 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 special City Council meetings of December 11, and December 23, 2003.
   (Motion approving recommended.)
   Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Marsh/Dunbar; unan.) approved the minutes of December 11 and December 23, 2003.

CONSENT

2. Consider accepting with regret the resignation of Richard Vanden Bosch from the Airport Advisory Committee, effective January 6, 2004.
   - Resolution accepting with regret the resignation of Richard Vanden Bosch from the Airport Advisory Committee, effective January 6, 2004 recommended.

   City Manager; Esther Puckett, 577-5463, epuckett@modesgov.com

ACTION: **Reso No 2004-001** (Marsh/Dunbar; unan.) accepting with regret the resignation of Richard Vanden Bosch from the Airport Advisory Committee, effective January 6, 2004

CONSENT

3. Consider accepting with regret the resignation of Chella Gonsalves from the Culture Commission, effective January 6, 2004.
   - Resolution accepting with regret the resignation of Chella Gonsalves from the Culture Commission, effective January 6, 2004 recommended.

   City Manager; Esther Puckett, 577-5463, epuckett@modesgov.com

ACTION: **Reso No 2004-002** (Marsh/Dunbar; unan) accepting with regret the resignation of Chella Gonsalves from the Culture Commission, effective January 6, 2004

Mayor Ridenour absent due to conflict of interest

4. Consider amending the lease agreement with Greyhound Bus Lines to extend the lease for space at the Transportation Center through January 9, 2009, and revise payment provisions.

- Resolution amending the lease agreement with Greyhound Bus Lines to extend the lease for space at the Transportation Center through January 9, 2009, and revise payment provisions recommended.

Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: **Reso No 2004-003** (O'Bryant/Hawn; unan. Ridenour absent) amending the lease agreement with Greyhound Bus Lines to extend the lease for space at the Transportation Center through January 9, 2009, and revise payment provisions

CONSENT

5. Consider amending the lease agreement with Stanislaus County to extend the lease for use of bus bays at the Transportation Center through January 9, 2009.
   - Resolution amending the lease agreement with Stanislaus County to extend the lease for use of bus bays at the Transportation C enter through January 9, 2009 recommended.

   Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: **Reso No 2004-004** (Marsh/Dunbar; unan) amending the lease agreement with Stanislaus County to extend the lease for use of bus bays at the Transportation Center through January 9, 2009

CONSENT

6. Consider a second contract amendment with Thompson-Hysell Engineers in the amount of $10,200 for additional work not included in the ori ginal agreement, and for reimbursable expenses, all to provide engineering design services for the Pelandale Intersection Improvements and the Prescott/Snyder Traffic Signal projects, and authorizing the City Manager to execute the necessary documents.
   - Resolution approving a second contract amendment with Thompson-Hysell Engineers in the amount of $10,200 for additional work not included in the original agreement, and for reimbursable expenses, all to provide engineering design services for the Pelandale Intersection Improvements and the Prescott/Snyder Traffic Signal projects, and authorizing the City Manager to execute the necessary documents recommended.

   Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-005** (Marsh/Dunbar; unan) approving a second contract amendment with Thompson-Hysell Engineers in the amount of $10,200 for additional work not included in the original agreement, and for reimbursable expenses, all to provide engineering design services for the Pelandale

Intersection Improvements and the Prescott/Snyder Traffic Signal projects, and authorizing the City Manager to execute the necessary documents.

CONSENT

7. Consider awarding the bid and approving a $164,855 contract with Allright Diversified Services Inc. for the project titled "ADA Upgrades for King-Kennedy Memorial Center," and authorizing the City Manager to execute the necessary documents.
    - Resolution awarding the bid and approving a $164,855 contract with Allright Diversified Services Inc. for the project titled "ADA Upgrades for King-Kennedy Memorial Center," and authorizing the City Manager to execute the necessary documents recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-006** (Marsh/Dunbar; unan) awarding the bid and approving a $164,855 contract with Allright Diversified Services Inc. for the project titled "ADA Upgrades for King-Kennedy Memorial Center," and authorizing the City Manager to execute the necessary documents.

Councilmember Hawn absent due to conflict of interest

8. Consider awarding the bid and approving a $208,760 contract with Pacific Liners Inc. for the project titled "2004 Sewer Main and Brick Manhole Rehabilitation" and authorizing the City Manager to execute the necessary documents.
    - Resolution awarding the bid and approving a $208,760 contract with Pacific Liners Inc. for the project titled "2004 Sewer Main and Brick Manhole Rehabilitation" and authorizing the City Manager to execute the necessary documents recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-007** (O'Bryant/Jackman; unan. Hawn absent) awarding the bid and approving a $208,760 contract with Pacific Liners Inc. for the project titled "2004 Sewer Main and Brick Manhole Rehabilitation" and authorizing the City Manager to execute the necessary documents

CONSENT

9. Consider awarding the bid and approving a $660,445 contract with The McDonald Glenn Company for the project titled "Interior Improvements at the Wastewater Collection Maintenance Building", and authorizing the City Manager to execute the necessary documents.
    - Resolution awarding the bid and approving a $660,445 contract with The McDonald Glenn Company for the project titled "Interior Improvements

at the Wastewater Collection Maintenance Building", and authorizing the City Manager to execute the necessary documents recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-008** (Marsh/Dunbar; unan) awarding the bid and approving a $660,445 contract with The McDonald Glenn Company for the project titled "Interior Improvements at the Wastewater Collection Maintenance Building", and authorizing the City Manager to execute the necessary documents.

Removed from Consent

10. Consider awarding the bid and approving a $280,000 contract with Calwater Drilling Company Inc. for the project titled "Water Well Development", authorizing the City Manager to execute the necessary documents, and authorizing the extension of the contract for two additional one-year periods.
    - Resolution awarding the bid and approving a $280,000 contract with Calwater Drilling Company Inc. for the project titled "Water Well Development", authorizing the City Manager to execute the necessary documents, and authorizing the extension of the contract for two additional one-year periods recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-009** (Jackman/Keating; unan) awarding the bid and approving a $280,000 contract with Calwater Drilling Company Inc. for the project titled "Water Well Development", authorizing the City Manager to execute the necessary documents, and authorizing the extension of the contract for two additional one-year periods.

CONSENT

11. Consider a Transportation Security Administration Law Enforcement Personnel Reimbursement Agreement and authorize the City Manager to execute the necessary documents. Anticipated revenues have been accounted for in the Police Department's revenue projections for FY 2003-04.
    - Resolution approving a Transportation Security Administration Law Enforcement Personnel Reimbursement Agreement and authorizing the City Manager to execute the necessary documents recommended.

Engineering & Transportation; Van Switzer, 577-5318, vswitzer@modestogov.com

ACTION: **Reso No 2004-010** (Marsh/Dunbar; unan) approving a Transportation Security Administration Law Enforcement Personnel Reimbursement Agreement and authorizing the City Manager to execute the necessary documents.

CONSENT

12. Consider Amendment #1 to an FAA Grant Agreement for construction of the Electrical Vault/Emergency Generator Project at the Modesto City-County Airport to assure that all components of the project are eligible for Federal reimbursement, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving Amendment #1 to an FAA Grant Agreement for construction of the Electrical Vault/Emergency Generator Project at the Modesto City-County Airport to assure that all components of the project are eligible for Federal reimbursement, and authorizing the City Manager to execute the necessary documents recommended.

    Engineering & Transportation; Van Switzer, 577-5318, vswitzer@modestogov.com

ACTION: **Reso No 2004-011** (Marsh/Dunbar; unan) approving Amendment #1 to an FAA Grant Agreement for construction of the Electrical Vault/Emergency Generator Project at the Modesto City-County Airport to assure that all components of the project are eligible for Federal reimbursement, and authorizing the City Manager to execute the necessary documents.

CONSENT

13. Consider amending the Capital Improvement Program (CIP) budget to estimate reallocation of $645,383 for Fiscal Year 2003/04 CIP, making adjustments to one project and creating two new projects.
    - Resolution amending the Capital Improvement Program (CIP) budget to estimate reallocation of $645,383 for Fiscal Year 2003/04 CIP, making adjustments to one project and creating two new projects recommended.

    Engineering & Transportation; Firoz Vohra, 577-5408, fvohra@modestogov.com

ACTION: **Reso No 2004-012** (Marsh/Dunbar; unan) amending the Capital Improvement Program (CIP) budget to estimate reallocation of $645,383 for Fiscal Year 2003/04 CIP, making adjustments to one project and creating two new projects

CONSENT

14. Consider awarding bid and contract for an anticipated annual cost of $80,000.00 for hot-patch work to Cornish Paving Inc. for an initial one-year period, with two one-year contract extension options.
    - Resolution awarding bid and contract for an anticipated annual cost of $80,000.00 for hot-patch work to Cornish Paving Inc. for an initial one-year period, with two one-year contract extension options recommended.

    Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: **Reso No 2004-013** (Marsh/Dunbar; unan) awarding bid and contract for an anticipated annual cost of $80,000.00 for hot-patch work to Cornish Paving Inc. for an initial one-year period, with two one-year contract extension options

CONSENT

15. Consider authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of heating, ventilation, and air conditioning (HVAC) service and repairs at the Modesto Centre Plaza for a three-year period with two one-year extension options.
    - Resolution authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of heating, ventilation, and air conditioning (HVAC) service and repairs at the Modesto Centre Plaza for a three-year period with two one-year extension options recommended.

    Finance; Ken Masasso 577-5420, kmasasso@modestogov.com

ACTION: **Reso No 2004-014** (Marsh/Dunbar; unan) authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of heating, ventilation, and air conditioning (HVAC) service and repairs at the Modesto Centre Plaza for a three-year period with two one-year extension options.

Removed from Consent

16. Consider authorizing the City Manager to execute an agreement with Larry Walker Associates in the amount of $174,298 to develop pollution prevention plans in accordance with California Water Code and as required by the City's National Pollution Elimination Discharge System (NPDES) permit.
    - Resolution authorizing the City Manager to execute an agreement with Larry Walker Associates in the amount of $174,298 to develop pollution prevention plans in accordance with California Water Code and as required by the City's National Pollution Elimination Discharge System (NPDES) permit recommended.

    Operations & Maintenance; John Rivera, 577-6381, jrivera@modestogov.com

ACTION: **Reso No 2004-015** (Jackman/Keating; unan) authorizing the City Manager to execute an agreement with Larry Walker Associates in the amount of $174,298 to develop pollution prevention plans in accordance with California Water Code and as required by the City's National Pollution Elimination Discharge System (NPDES) permit.

CONSENT

17. Consider allocating $69,079 HOME Community Housing Development Organization (CHDO) operating funds to Habitat for Humanity, Stani slaus, and authorize the City Manager to execute the necessary documents.
    - Resolution allocating $69,079 HOME Community Housing Development Organization (CHDO) operating funds to Habitat for Humanity, Stanislaus, and authorize the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Reso No 2004-016 (Marsh/Dunbar; unan) allocating $69,079 HOME Community Housing Development Organization (CHDO) operating fund s to Habitat for Humanity, Stanislaus, and authorize the City Manager to execute the necessary documents

CONSENT

18. Consider submittal of a grant application for $2,867,000 in Urban Park Act of 2001 Program funding for development of portions of Phase 2 and 3 of the Virginia Avenue Corridor Trail Project, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving submittal of a grant application for $2,867,000 in Urban Park Act of 2001 Program funding under the California C lean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for development of portions of Phase 2 and 3 of the Virginia Avenue Corridor Trail Project, and authorizing the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Debbie Carlson-Gould, 571-5582, dgould@modestogov.com

ACTION: Reso No 2004-017 (Marsh/Dunbar; unan) approving submittal of a grant application for $2,867,000 in Urban Park Act of 2001 Program funding under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for development of portions of Phase 2 and 3 of the Virginia Avenue Corridor Trail Project, and authorizing the City Manager to execute the necessary documents

Hawn absent due to conflict of interest

19. Consider pledging land and buildings, specifically Marshall Park, César Chavez Park and the buildings and improvements at said parks as collateral as a part of the application submitted to the Department of Housing & Urban Development (HUD) for a $4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center.
    - Resolution pledging land and buildings, specifically Marshall Park, César Chavez Park and the buildings and improvements at said parks as

collateral as a part of the application submitted to the Department of Housing & Urban Development (HUD) for a $4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Reso No 2004-018** (Jackman/Keating; unan. Hawn absent) pledging land and buildings, specifically Marshall Park, César Chavez Park and the buildings and improvements at said parks as collateral as a part of the application submitted to the Department of Housing & Urban Development (HUD) for a $4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center

CONSENT

20. Consider an application be submitted to obtain the surplus property located at 1230 12th Street, previously used by the Social Security Administration, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving an application be submitted to obtain the surplus property located at 1230 12th Street, previously used by the Social Security Administration and authorizing the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Reso No 2004-019** (Marsh/Dunbar; unan) approving an application be submitted to obtain the surplus property located at 1230 12th Street, previously used by the Social Security Administration and authorizing the City Manager to execute the necessary documents

COUNCIL COMMENTS & REPORTS

21. At the request of Councilmember Keating, consider directing the City Attorney to prepare an ordinance amending the Municipal Code to provide that the Mayor's appointments to special and standing committees no longer requires confirmation by the City Council.

ACTION: Keating/O'Bryant; unan. Directed the City Attorney to draft an ordinance to provide that the Mayor's appointments to special and standing committees no longer require confirmation by the City Council.

22. At the request of Councilmember Keating, consider finding that a Shelter Crisis exists within the City of Modesto, declaring a Shelter Emergency as authoriz ed in the California Government Code, and authorizing the City Manager or designee to take actions necessary to mitigate the effects of the shelter crisis including entering into an agreement for the maintenance of a building to serve as a temporary homeless shelter.
    - Resolution finding that a Shelter Crisis exists within the City of Modesto, declaring a Shelter Emergency as authorized in the California Government Code, and authorizing the City Manager or designee to take actions necessary to mitigate the effects of the shelter crisis, including entering into an agreement for the maintenance of a building to serve as a temporary homeless shelter recommended.

ACTION: **Reso No 2004-020** (Jackman/Dunbar;unan.) finding that a Shelter Crisis exists within the City of Modesto, declaring a Shelter Emergency as authorized in the California Government Code, and authorizing the City Manager or designee to take actions necessary to mitigate the effects of the shelter crisis, including entering into an agreement for the m aintenance of a building to serve as a temporary homeless shelter.

UNFINISHED BUSINESS

23. Consider final adoption of:

At introduction of the following ordinance, the vote was: Marsh/Frohman, majority; Jackman & Sabatino, no; O'Bryant, absent

a) Ordinance No. 3338-C.S. – an ordinance amending Section 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to Use of Park and Recreation Areas and Facilities – General Regulations Governing Use of Parks.

ACTION: By Motion (Keating/O'Bryant; maj. Jackman no) approved the final adoption of Ordinance 3338-C.S. – an ordinance amending Section 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to Use of Park and Recreation Areas and Facilities – General Regulations Governing Use of Parks.

At introduction of the following ordinance, the vote was: Jackman/Hawn, unan; O'Bryant, absent

b) Ordinance No. 3339-C.S. – an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village).

ACTION: By Motion (Jackman/Keating; unan. Dunbar absent) approved the final adoption of Ordinance 3339-C.S. – an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village).

24. Consider approving the allocation of $39,000 in Community Development Block Grant (CDBG) funding to The Salvation Army, and $30,000 in CDBG funding to Community Housing and Shelter Services for the operation and provision of winter shelter for the homeless, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving the allocation of $39,000 in Community Development Block Grant (CDBG) funding to The Salvation Army, and $30,000 in CDBG funding to Community Housing and Shelter Services for the operation and provision of winter shelter for the homeless, and authorizing the City Manager to execute the necessary documents.

    Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, svelarde@modestogov.com

ACTION: **Reso No 2004-021** (Jackman/O'Bryant; unan.) approving the allocation of $39,000 in Community Development Block Grant (CDBG) funding to The Salvation Army, and $30,000 in CDBG funding to Community Housing and Shelter Services for the operation and provision of winter shelter for the homeless, and authorizing the City Manager to execute the necessary documents.

HEARINGS

25. Hearing to consider:
    1) Adopting the Mitigated Negative Declaration/Findings of No Significant Impact for the Virginia Corridor;
    2) Approving the Virginia Avenue Corridor Specific Plan;
    3) Approving a Second Amendment to the Agreement with Callander Associates Landscape Architecture Inc., increasing the contract amount from $376,640 to $480,335, and adding a contingency of $5,000 to provide additional services related to the preparation of construction documents for Phase 1 of the Virginia Avenue Corridor bike trail project, and authorizing the City Manager to execute the necessary documents;
    4) Amending the fiscal year 2003-04 Capital Improvement budget to estimate $73,000 in revenue from the State Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002, and appropriate the funding as necessary.
        - Resolution adopting the Mitigated Negative Declaration/Findings of No Significant Impact for the Virginia Corridor recommended.

- Resolution approving the Virginia Avenue Corridor Specific Plan recommended.
- Resolution approving a Second Amendment to the Agreement with Callander Associates Landscape Architecture Inc., increasing the contract amount from $376,640 to $480,335, and adding a contingency of $5,000 to provide additional services related to the preparation of construction documents for Phase 1 of the Virginia Avenue Corridor bike trail project, and authorizing the City Manager to execute the necessary documents recommended.
- Resolution amending the fiscal year 2003-04 Capital Improvement budget to estimate $73,000 in revenue from the State Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002, and appropriate the funding as necessary recommended.

Parks, Recreation & Neighborhoods; Robert Ford, 577-5437, bford@modestogov.com

ACTION: **Reso No 2004-022** (Dunbar/Hawn; unan.) adopting the Mitigated Negative Declaration/Findings of No Significant Impact for the Virginia Corridor

ACTION: **Reso No 2004-023** (Dunbar/Hawn; unan) approving the Virginia Avenue Corridor Specific Plan

ACTION: **Reso No 2004-024** (Dunbar/Hawn; unan) approving a Second Amendment to the Agreement with Callander Associates Landscape Architecture Inc., increasing the contract amount from $376,640 to $480,335, and adding a contingency of $5,000 to provide additional services related to the preparation of construction documents for Phase 1 of the Virginia Avenue Corridor bike trail project, and authorizing the City Manager to execute the necessary documents

ACTION: **Reso No 2004-025** (Dunbar/Hawn; unan) amending the fiscal year 2003-04 Capital Improvement budget to estimate $73,000 in revenue from the State Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002, and appropriate the funding as necessary.

NEW BUSINESS

26. Consider appointing a new Vice Mayor for calendar year 2004.
    - Resolution appointing a new Vice Mayor for calendar year 2004 recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: **Reso No 2004-026** (Ridenour/Marsh; unan.) appointing Janice Keating Vice Mayor for calendar year 2004.

27. Consider introduction of an ordinance amending Section 8-3.206 of Article 2, Chapter 3 of Title 8 of the Modesto Municipal Code relating to Central Purchasing-Preference to Local Merchants.
    - Motion introducing an ordinance amending Section 8-3.206 of Article 2, Chapter 3 of Title 8 of the Modesto Municipal Code relating to Central Purchasing-Preference to Local Merchants recommended.

    Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: By motion (Marsh/Jackman; unan.)Ordinance No. 3340-C.S. introduced amending Section 8-3.206 of Article 2, Chapter 3 of Title 8 of the Modesto Municipal Code relating to Central Purchasing-Preference to Local Merchants using a 2% preference.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:16 p.m.

All closed sessions heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9 (a) of the Government Code)

Name of case: Modesto City Employees Association (MCEA) v. City of Modesto before the Public Employment Relations Board (PERB)

MINUTES

ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2008

5:30 p.m., Monday, January 12, 2004

Roll Call: **Present:** **Brad Hawn, Denny Jackman, Janice Keating, Garrad Marsh**

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

1) Community & Economic Development Department Monthly Development Activity Report
   a. Workforce Development Program
   b. Kiernan Business Park
   c. Kaiser Medical Center
   d. General Plan Housing Element Update
   e. Comprehensive General Plan Update
   f. Roselle-Claribel Specific Plan
   g. St. Stanislaus Church
   h. The Promenade Shopping Center
   i. CFF Exemption for Demolished Buildings and Transfer of Credits
   j. Building Inspection Statistics
   k. Kansas-Woodland Business Park (FMC)
   l. 9th Street Bridge Property Acquisition for New Bridge Project
   m. Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
   n. Downtown Housing Project
   o. Downtown Office Project – Valley Tower LLC
   p. Business Prospects
   q. Safeway at McHenry/Pelandale
   r. Sylvan Vet Clinic at Sylvan/Roselle

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

2) Consider Staff Recommendation to Approve Agreement with Carollo Engineers to Develop the Wastewater Master Plan

ACTION: The Committee approved staff's recommendation.

3) Status Report Regarding Turlock Irrigation District's Proposed Regional Surface Water Supply Project

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

4) Consider Staff Recommendation to Authorize Pelandale Avenue Right-of-Way Reimbursements and Amendment of Capital Improvement Budget to Appropriate Funds

ACTION: The Committee approved staff's recommendation.

5) Consider Staff Recommendation to Approve and Accept the Land Application Site Acquisition Supplemental Environmental Impact Report (SEIR)

ACTION: The Committee approved staff's recommendation.

6) Verbal Presentation and Discussion of Alternatives to Curb Cuts – Requested by Councilmember Jackman

ACTION: This item was continued until the next Committee meeting.

7) Discussion and Guidance Regarding Requested Modifications to the Safer Intersections, Inc., Program

ACTION: The Committee approved staff's recommendations for all issues with the exception of the reflective sign request. The Committee recommended the full Council discuss the reflective sign issue at the Council meeting of January 27, 2004 when an amendment to the franchise ordinance is scheduled to be considered.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:30 p.m.

MINUTES

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, January 13, 2004, 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: Michael Thurman, Big Valley Grace

City Clerk's Announcements: Item 2a removed from the agenda.
Item 14 moved to the first hearing.

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of "choosemodesto.com" by Linda Boston and Micahlynn Rivera of the Community & Economic Development Department.

ACTION: No action taken.

MISCELLANEOUS
Appointments

2. Consider re-appointments to the following Boards, Commission and Committees:
   a. Re-appointing Daniel Hopkins to the Board of Zoning Adjustment.
      - Resolution re-appointing Daniel Hopkins to the Board of Zoning Adjustment, with a term expiration of January 1, 2008 recommended.

ACTION: Removed from the agenda

   b. Re-appointing Kent Faulkner to the Culture Commission.

- Resolution re-appointing Kent Faulkner to the Culture Commission, with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-027** (Jackman/Keating; unan.) re-appointing Kent Faulkner to the Culture Commission, with a term expiratio n of January 1, 2008

c. Re-appointing Toni Hector and Tammy Vanden Bosch to the Disabled Access Appeals Board.
   - Resolution re-appointing Toni Hector and Tammy Vanden Bosch to the Disabled Access Appeals Board, with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-028** (Jackman/Keating; unan) re-appointing Toni Hector and Tammy Vanden Bosch to the Disabled Access Appeals Board, with a term expiration of January 1, 2008

d. Re-appointing Norma Reed and Keeley Stackhouse to the Downtown Improvement District.
   - Resolution re-appointing Norma Reed and Keeley Stackhouse to the Downtown Improvement District, with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-029** (Jackman/Keating; unan) re-appointing Norma Reed and Keeley Stackhouse to the Downtown Improvement District, with a term expiration of January 1, 2008

e. Re-appointing Charles Beamer, Joann Gee, and Galena Gilstrap to the Equal Opportunity/Disability Commission.
   - Resolution re-appointing Charles Beamer, Joann Gee, and Galena Gilstrap to the Equal Opportunity/Disability Commission, with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-030** (Jackman/Keating; unan) re-appointing Charles Beamer, Joann Gee, and Galena Gilstrap to the Equal Opportunit y/Disability Commission, with a term expiration of January 1, 2008

f. Re-appointing Arnie Blank to the Golf Courses Advisory Committee.
   - Resolution re-appointing Arnie Blank to the Golf Courses Advisory Committee, with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-031** (Jackman/Keating; unan) re-appointing Arnie Blank to the Golf Courses Advisory Committee, with a term expiration of January 1, 2008.

g. Re-appointing Chris Harrigfeld to the Housing Rehabilitation Loan Committee.
   - Resolution re-appointing Chris Harrigfeld to the Housing Rehabilitation Loan Committee, with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-032** (Jackman/Keating; unan) re-appointing Chris Harrigfeld to the Housing Rehabilitation Loan Co mmittee, with a term expiration of January 1, 2008

h. Re-appointing Robert Gausman to the Local Cable Programming Committee.
   - Resolution re-appointing Robert Gausman to the Local Cable Programming Committee, with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-033** (Jackman/Keating; unan) re-appointing Robert Gausman to the Local Cable Programming Committee, with a term expiration of January 1, 2008

i. Re-appointing Alita Roberts to the Planning Commission.
   - Resolution re-appointing Alita Roberts to the Planning Commission, with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-034** (Jackman/Keating; unan) re-appointing Alita Roberts to the Planning Commission, with a term expiration of January 1, 2008.

3. Consider the following appointments to Standing Committees, made by Mayor Ridenour:

   a. Safety & Communities Committee – Councilmember O'Bryant, Chair; Brad Hawn, Vice Chair, Bob Dunbar
   b. Economic Development Committee – Vice Mayor Keating, Chair; Councilmember Jackman, Vice Chair, Garrad Marsh
   c. Finance Committee – Councilmember Hawn, Chair; Councilmember Jackman, Vice Chair; Bob Dunbar
   d. Audit Committee – Mayor Ridenour, Chair; Vice Mayor Keating, Vice Chair; Councilmember O'Bryant

- Resolution appointing Councilmember O'Bryant, Chair; Brad Hawn, Vice Chair, Bob Dunbar to the Safety & Communities Committee; Vice Mayor Keating, Chair; Councilmember Jackman, Vice Chair, Garrad Marsh to the Economic Development Committee; Councilmember Hawn, Chair; Councilmember Jackman, Vice Chair; Bob Dunbar to the Finance Committee; Mayor Ridenour, Chair; Vice Mayor Keating, Vice Chair; Councilmember O'Bryant to the Audit Committee, recommended.

ACTION: **Reso No 2004-035** (Marsh/Keating; unan.) appointing Councilmember O'Bryant, Chair; Brad Hawn, Vice Chair, Bob Dunbar to the Safety & Communities Committee; Vice Mayor Keating, Chair; Councilmember Jackman, Vice Chair, Garrad Marsh to the Economic Development Committee; Councilmember Hawn, Chair; Councilmember Jackman, Vice Chair; Bob Dunbar to the Finance Committee; Mayor Ridenour, Chair; Vice Mayor Keating, Vice Chair; Councilmember O'Bryant to the Audit Committee

ORAL COMMUNICATIONS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 11

ACTION Consent Items 4-11: Keating/Hawn; 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 January 6, 2004.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Keating/Hawn; unan.) approved the minutes of the regular City Council meeting of January 6, 2004.

CONSENT

5. Consider an agreement with the law firm of Sidley, Austin, Brown & Wood, LLP, for legal services related to the formation of Community Facilities Districts and issuance of bonds to provide financing for public infrastructure, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving an agreement with the law firm of Sidley, Austin, Brown & Wood, LLP, for legal services related to the formation of Community Facilities Districts and issuance of bonds to provide financing for public infrastructure, and authorizing the City Manager to execute the necessary documents recommended.

    City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: **Reso No 2004-036** (Keating/Hawn; unan.) approving an agreement with the law firm of Sidley, Austin, Brown & Wood, LLP, for legal services related to the formation of Community Facilities Districts and issuance of bonds to provide financing for public infrastructure, and authorizing the City Manager to execute the necessary documents

CONSENT

6. Consider an agreement with the law firm of Strading, Yocca, Carlson & Rauth, a Professional Corporation, for legal services related to the formation of Community Facilities Districts and issuance o f bonds to provide financing for public infrastructure, and authorizing the City Manager to execute necessary documents.
    - Resolution approving an agreement with the law firm of Strading, Yocca, Carlson & Rauth, a Professional Corporation, for legal services related to the formation of Community Facilities Districts and issuance of bonds to provide financing for public infrastructure, and authorizing the City Manager to execute necessary documents recommended.

    City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: **Reso No 2004-037** (Keating/Hawn; unan) approving an agreement with the law firm of Strading, Yocca, Carlson & Rauth, a Professional Corporation, for legal services related to the formation of Community Facilities Districts and issuance of bonds to provide financing for public infrastructure, and authorizing the City Manager to execute necessary documents

CONSENT

7. Consider final adoption of Ordinance No. 3340-C.S. – an ordinance amending Section 8-3.206 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code Relating to Central Purchasing – Preference to Local Merchants.
    - Motion approving final adoption of Ordinance No. 3340-C.S. – an ordinance amending Section 8-3.206 of Article 2 of Chapter 3 of Title 8 of

the Modesto Municipal Code Relating to Central Purchasing – Preference to Local Merchants recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Keating/Hawn; unan) approved **final adoption of Ordinance No. 3340-C.S.** – an ordinance amending Section 8-3.206 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code Relating to Central Purchasing – Preference to Local Merchants

CONSENT

8. Consider introduction of an ordinance amending the Municipal Code to provide that the Mayor's appointments to special and standing committees no longer require confirmation by the City Council.
    - Motion introducing an ordinance amending the Modesto Municipal Code to provide that the Mayor's appointments to special and standing committees of the Council no longer require confirmation by the City Council

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Keating/Hawn; unan) **introduced Ordinance No. 3341 C.S.** amending the Modesto Municipal Code to provide that the Mayor's appointments to special and standing committees of the Council no longer require confirmation by the City Council.

CONSENT

9. Consider approval of the Final Map of the Bridgewood Townhouse subdivision and authorizing the City Manager to sign necessary documents. Owner – Granite Bay Holdings, a Limited Liability Corporation.
    - Resolution approving the Final Map of the Bridgewood Townhouse 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.

Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: **Reso No 2004-038** (Keating/Hawn; unan) approving the Final Map of the Bridgewood Townhouse 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.

CONSENT

10. Consider rescinding a Cooperative Agreement with Caltrans for the construction of a new traffic signal at the intersection of Yosemite Boulevard (State Route 132) and Morton Boulevard; Consider amending the Fiscal Year 2003 Capital Improvement Program and Operating Budget associated with this project; and

Consider supporting a right-in, right-out configuration in lieu of a signalized intersection improvement.

- Resolution rescinding a Cooperative Agreement with Caltrans for the construction of a new traffic signal at the intersection of Yosemite Boulevard (State Route 132) and Morton Boulevard recommended.
- Resolution rescinding the Fiscal Year 2003 Capital Improvement Program and Operating Budget amendments needed to support the installation and operation of a traffic signal at Yosemite Boulevard and Morton Boulevard recommended.
- Resolution supporting a Caltrans project to install a right-in, right-out configuration in lieu of a signalized intersection improvement at Yosemite Blvd. and Morton Blvd. recommended.

Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: **Reso No 2004-039** (Keating/Hawn; unan) rescinding a Cooperative Agreement with Caltrans for the construction of a new traffic signal at the intersection of Yosemite Boulevard (State Route 132) and Morton Boulevard

ACTION: **Reso No 2004-040** (Keating/Hawn; unan) rescinding the Fiscal Year 2003 Capital Improvement Program and Operating Budget amendments needed to support the installation and operation of a traffic signal at Yosemite Boulevard and Morton Boulevard

ACTION: **Reso No 2004-041** (Keating/Hawn; unan) supporting a Caltrans project to install a right-in, right-out configuration in lieu of a signalized intersection improvement at Yosemite Blvd. and Morton Blvd.

CONSENT

11. Consider an agreement with Foresight Consulting, in the amount of $99,950 for the Water and Wastewater User Fee and Infrastructure Fee Study, and authorizing the City Manager to execute the necessary documents. Funds are budgeted

- Resolution approving an agreement with Foresight Consulting, in the amount of $99,950 for the Water and Wastewater User Fee and Infrastructure Fee Study, and authorizing the City Manager to execute the necessary documents recommended.

Finance; Gregory Baird, 577-5369, gbaird@modestogov.com

ACTION: **Reso No 2004-042** (Keating/Hawn; unan) approving an agreement with Foresight Consulting, in the amount of $99,950 for the Water and Wastewater User Fee and Infrastructure Fee Study, and authorizing the City Manager to execute the necessary documents

COUNCIL COMMENTS & REPORTS

None.

HEARINGS

The following hearing was continued from December 11, 2003.

12. Hearing to consider the appeal filed by Ben Allustiarte, Century 21 M&M Associates, of a Board of Zoning Adjustment denial pertaining to the re-use of an existing free-standing, freeway-oriented sign at 2024 W. Orangeburg Avenue.
    - Resolution denying the appeal recommended.

    Community & Economic Development; Bob Cannell, 571-5539, bcannell@modestogov.com

ACTION: **Reso No 2004-043** (Dunbar/Hawn;unan.) denying the appeal pertaining to the re-use of an existing free-standing, freeway-oriented sign at 2024 W. Orangeburg Avenue.

13. Hearing to consider the application of Warner Soelling to rezone Planned Development Zone P-D(454), located on the southwest corner of Briggsmore Avenue and Oakdale Road to a new Planned Development Zone to allow for the development of an office complex, a restaurant, and a Financial/retail building.
    - Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.
    - Introduction of an ordinance approving rezoning from P-D(454) to P-D(564) recommended.
    - Resolution approving a Development Plan for P-D(564) recommended.

    Community & Economic Development; Josh Bridegroom, 571-5808, jbridegroom@modestogov.com

ACTION: **Reso No 2004-044** (Jackman/Keating; unan.) finding the requested rezoning within the scope of the General Plan Master EIR.

ACTION: By Motion (Jackman/Keating; unan.) **introduced Ordinance No. 3342-C.S**. approving rezoning from P-D(454) to P-D(564).

ACTION: **Reso No 2004-045** (Jackman/Keating; unan.) approving a Development Plan for P-D(564)

Item 14 heard before Items 12 & 13.

14. Hearing to consider the issuance of tax-exempt bonds for the purpose of refinancing the construction and equipping of health facilities known as Memorial Hospitals Association.
    - Resolution approving the tax-exempt bond financing to be issued by the California Statewide Communities Development Authority to benefit Sutter Health and certain affiliates recommended.

    Finance; Peggy Hetzler, 577-5369, phetzler@modestogov.com

ACTION: **Reso No 2004-046** (Marsh/Keating; unan.) approving the tax-exempt bond financing to be issued by the California Statewide Communities Development Authority to benefit Sutter Health and certain affiliates.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:55 p.m.

MINUTES

City of Modesto

Finance Committee/
Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, January 26, 2004, at 5:30 p.m.

Roll Call – Present: Chair Hawn
Committee Members Dunbar and Jackman

Also Present: Marsh

Items to be discussed:

1) Surplus Property

ACTION: By Motion (Jackman/Hawn, unan.) the Committee approved Staff's recommendation.

2) Monthly Adjustment Report – January 2004

ACTION: By Motion (Jackman/Hawn, unan.) the Committee approved Staff's recommendation.

3) List of Underwriters for City Bond Financings

ACTION: By Motion (Jackman/Hawn, unan.) the Committee approved Staff's recommendation.

4) Garbage Impact Fees

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

5) Business Analysis RFP Results

ACTION: By Motion (Jackman/Hawn, unan.) the Committee approved Staff's recommendation.

6) Purchase of Four ¾ Ton Trucks

ACTION: By Motion (Jackman/Hawn; unan.) the Committee approved Staff's recommendation.

7) Oral Presentation by Sewer Rate Advisory Group (SRAG)

ACTION: This item was tabled.

8) DID Parking Validation

ACTION: By Motion (Dunbar/Hawn; majority; Jackman, no) the Committee approved Staff's recommendation.

9) Settlement Agreement with Whispering Woods

ACTION: By Motion (Jackman/Dunbar; unan.) the Committee approve d Staff's recommendation.

10) League of California Cities Statewide Ballot Initiative to Require Voter Approval Before State Government May "Take" Local Tax Funds

ACTION: By Motion (Jackman/Dunbar; unan) the Committee approved Staff's recommendation.

11) State Budget Impact: Vehicle License Fees (VLF) Update

ACTION: The Committee agreed with Staff's recommendation.

12) 2004-05 Annual Budget Process

ACTION: By Motion (Hawn/Jackman; unan.) the Committee requested Finance committee meetings be scheduled on a bimonthly basis with the Regular Finance Committee meetings held on the 4th Monday with the additional Special Finance Committee meetings held on the 3rd Monday for budget workshop items only.

ACTION: By Motion (Dunbar/Jackman; unan.) the Committee accep ted staff's recommendation regarding the Budget Approach.

ORAL COMMUNICATIONS

None.

ADJOURN

This meeting was 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 27, 2004, 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 Ross Briles, Sherwood Bible Churc h

City Clerk's Announcements: Item 4 removed from Consent
Item 15 removed from Consent

Declaration of Conflicts of Interest: Hawn absent on Item 19

MISCELLANEOUS
Appointments

1. Consider appointing Joe Gardella as a Planning Commission representative to the Board of Zoning Adjustment for the calendar year of 2004.
   - Resolution appointing Joe Gardella as a Planning Commission representative to the Board of Zoning Adjustment for the calendar year of 2004 recommended.

   City Manager; Esther Puckett, 577-5101, epuckett@modestogov.com

ACTION: **Reso No 2004-047** (Jackman/Hawn; unan.) appointing Joe Gardella as a Planning Commission representative to the Board of Zoning Adjustment for the calendar year of 2004.

ORAL COMMUNICATIONS

- John Rose introduced himself as the President of the Tax Payer's Association.

- A citizen complained to the Council regarding an individual harassing him at his residence.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 15
Items 4 & 15 removed

ACTION Consent Items 2, 3, 5-14: Jackman/Dunbar; unan

ACTION Item 4: Marsh/Keating; unan.

ACTION Item 15: Keating/Jackman; 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 January 13, 2004.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By motion (Jackman/Dunbar; unan.) approved the minutes of January 13, 2003.

CONSENT
3. Consider the final adoption of the following two ordinances:

a) Ordinance No. 3341-C.S. – an ordinance amending Sections 2-1.17 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the Appointment of Special Committees and Standing Committees of the Modesto City Council

ACTION: By Motion (Jackman/Dunbar; unan) approved **final adoption of Ordinance No. 3341-C.S.** – an ordinance amending Sections 2-1.17 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the Appointment of Special Committees and Standing Committees of the Modesto City Council

b) Ordinance No. 3342-C.S. – an ordinance amending Section 22-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(454), to Planned Development Zone, P-D(564), property located on the

southwest corner of Briggsmore Avenue and Oakdale Road. (Soelling)

ACTION: By Motion (Jackman/Dunbar; unan) approved **final adoption of Ordinance No. 3342-C.S.** – an ordinance amending Section 22-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(454), to Planned Development Zone, P-D(564), property located on the southwest corner of Briggsmore Avenue and Oakdale Road. (Soelling)

Removed from Consent

4. Consider supporting the League of California Cities statewide ballot initiative to require voter approval before state government may "take" local tax funds.
    - Resolution supporting the League of California Cities statewide ballot initiative to require voter approval before state government may "take" local tax funds recommended.

    City Manager; Beverly Hatcher, 577-5220, bhatcher@modestogov.com

ACTION: **Reso No 2004-048** (Marsh/Keating; unan) supporting the League of California Cities statewide ballot initiative to require voter approval before state government may "take" local tax funds.

CONSENT

5. Consider retroactively adjusting the annual appropriations limit for Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder).
    - Resolution approving the retroactive adjustment of the annual appropriations limit for Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) recommended.

    City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: **Reso No 2004-049** (Jackman/Dunbar; unan) approving the retroactive adjustment of the annual appropriations limit for Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder).

CONSENT

6. Consider a $998,200 agreement with Carollo Engineers for professional engineering services to develop the Wastewater Master Plan, and authorizing the City Manager to execute the necessary documents; and Consider amending the FY03-04 Capital Improvement Budget to re-appropriate funds to cover the cost of the agreement.
    - Resolution approving an agreement with Carollo Engineers in the amount of $998,200 for professional engineering services to develop the Wastewater Master Plan, and authorizing the City Manager to execute the necessary documents recommended.

- Resolution amending the FY03-04 Capital Improvement Budget to re-appropriate funds to cover the cost of the $998,200 agreement with Carollo Engineers recommended

Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: **Reso No 2004-050** (Jackman/Dunbar; unan) approving an agreement with Carollo Engineers in the amount of $ 998,200 for professional engineering services to develop the Wastewater Master Plan, and authorizing the City Manager to execute the necessary documents

ACTION: **Reso No 2004-051** (Jackman/Dunbar; unan) amending the FY03-04 Capital Improvement Budget to re-appropriate funds to cover the cost of the $998,200 agreement with Carollo Engineers.

CONSENT

7. Consider authorizing staff to proceed with a Request for Proposals for the Preliminary Design of the Phase Two Downstream Improvements of the Modesto Regional Water Treatment Plant, and approving the proposed consultant selection evaluation criteria.
   - Resolution authorizing staff to proceed with a Request for Proposals for the Preliminary Design of the Phase Two Downstream Improvements of the Modesto Regional Water Treatment Plant, and approving the proposed consultant selection evaluation criteria recommended.

   Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: **Reso No 2004-052** (Jackman/Dunbar; unan) authorizing staff to proceed with a Request for Proposals for the Preliminary Design of the Phase Two Downstream Improvements of the Modesto Regional Water Treatment Plant, and approving the proposed consultant selection evaluation criteria.

CONSENT

8. Consider a status report regarding the City of Modesto's ongoing discussions with the Turlock Irrigation District (TID) regarding the City's potential participation in TID's proposed Regional Surface Water Supply Project..
   - Motion acknowledging receipt of report recommended.

   Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan) acknowledged receipt of report.

CONSENT

9. Consider accepting the improvements for the Banyon Estates 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: Greg Avery Inc., a California Corporation.
    - Resolution accepting the improvements for the Banyon Estates 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 recommended.

    Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: **Reso No 2004-053** (Jackman/Dunbar; unan) accepting the improvements for the Banyon Estates 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.

CONSENT

10. Consider the summary abandonment of a 10' sanitary sewer easement located behind 319 6th Street on APN #103-009-006.
    - Resolution summarily vacating and abandoning a 10' sanitary sewer easement located behind 319 6th Street on APN #103-009-006 recommended.

    Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: **Reso No 2004-054** (Jackman/Dunbar; unan) summarily vacating and abandoning a 10' sanitary sewer easement located behind 319 6th Street on APN #103-009-006

CONSENT

11. Consider authorizing staff to reimburse property owners or their successors for the outstanding amounts due for right-of-way dedicated for Pelandale Avenue; Consider amending the Fiscal Year 2003-2004 Capital Improvement Budget to appropriate $125,000 from Streets CFF reserves to fund the reimbursements.
    - Resolution authorizing staff to reimburse property owners or their successors for the outstanding amounts due for right-of-way dedicated for Pelandale Avenue recommended.
    - Resolution amending the Fiscal Year 2003-2004 Capital Improvement Budget to appropriate $125,000 from Streets CFF reserves to fund the reimbursements recommended.

    Engineering & Transportation; Rich Ulm, 577-5215, rulm@modestogov.com

ACTION: **Reso No 2004-055** (Jackman/Dunbar; unan) authorizing staff to reimburse property owners or their successors for the outstanding amounts due for right-of-way dedicated for Pelandale Avenue.

ACTION: **Reso No 2004-056** (Jackman/Dunbar; unan) amending the Fiscal Year 2003-2004 Capital Improvement Budget to appropriate $125,000 from Streets CFF reserves to fund the reimbursements.

CONSENT

12. Consider acknowledging receipt of Monthly Investment Report.
    - Motion acknowledging receipt of Monthly Investment Report recommended.

    Finance; Peggy Hetzler, 577-5369, phetzler@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.) acknowledging receipt of Monthly Investment Report.

CONSENT

13. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for concrete boxes and covers, and cast iron covers and frames for a total anticipated cost of $75,000.
    - Resolution authorizing the Purchasing Supervisor to issue a Request for Bids for concrete boxes and covers, and cast iron covers and frames for a total anticipated cost of $75,000 recommended.

    Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: **Reso No 2004-057** (Jackman/Dunbar; unan) authorizing the Purchasing Supervisor to issue a Re quest for Bids for concrete boxes and covers, and cast iron covers and frames for a total anticipated cost of $75,000.

CONSENT

14. Consider accepting a Citizen Corps/Community Emergency Response Team (CERT) grant in the amount of $16,147, and authorizing the City Manager to execute a contract with the Governor's Office on Service and Volunteerism; Consider amending the budget to reflect $16,147 in revenue.
    - Resolution accepting a Citizen Corps/Community Emergency Response Team (CERT) grant in the amount of $16,147, and authorizing the City Manager to execute a contract with the Governor's Office on Service and Volunteerism recommended.
    - Resolution amending the budget to reflect $16,147 in revenue recommended.

    Fire; David Grant, 572-9596, dgrant@modestofire.com

ACTION: **Reso No 2004-058** (Jackman/Dunbar; unan) accepting a Citizen Corps/Community Emergency Response Team (CERT) grant in the amount of $16,147, and authorizing the City Manager to execute a contract wi th the Governor's Office on Service and Volunteerism

ACTION: **Reso No 2004-059** (Jackman/Dunbar; unan) amending the budget to reflect $16,147 in revenue.

Removed from Consent

15. Consider declaring as surplus 45 mattresses scheduled for replacement the w eek of January 26, 2004, and authorizing the donation of said mattresses to the Coalition of Homelessness and Poverty of Stanislaus County, to be used at the Emergency Shelter at 320 9th Street.
    - Resolution declaring as surplus 45 mattresses scheduled for r eplacement the week of January 26, 2004, and authorizing the donation of said mattresses to the Coalition of Homelessness and Poverty of Stanislaus County, to be used at the Emergency Shelter at 320 9 th Street recommended.

    Fire; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: **Reso No 2004-060** (Keating/Jackman; unan.) declaring as surplus 45 mattresses scheduled for replacement the week of January 26, 2004, and authorizing the donation of said mattre sses to the Coalition of Homelessness and Poverty of Stanislaus County, to be used at the Emergency Shelter at 320 9th Street.

COUNCIL COMMENTS & REPORTS

None

HEARINGS

16. Hearing to consider City's participation in the development of Groundwater Management Plans and authorizing the initial expenditure of currently budgeted funds for the development of the plans for both of the two groundwater sub -basins underlying the City of Modesto for an estimated total of $100,000; and Consider authorizing staff to apply for various groundwater basin management grants and authorizing the City Manager to execute necessary application documents.
    - Resolution approving the City's participation in the development of Groundwater Management Plans and authorizing the initial expenditure of currently budgeted funds for the development of the plans for both of the

two groundwater sub-basins underlying the City of Modesto for an estimated total of $100,000 recommended.

- Resolution authorizing staff to apply for various groundwater basin management grants and authorizing the City Manager to execute necessary application documents recommended.

Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: **Reso No 2004-061** (Jackman/Dunbar; unan.) approving the City's participation in the development of Groundwater Management Plans and authorizing the initial expenditure of currently budgeted funds for the development of the plans for both of the two groundwater sub-basins underlying the City of Modesto for an estimated total of $100,000

ACTION: **Reso No 2004-062** (Jackman/Dunbar; unan.) authorizing staff to apply for various groundwater basin management grants and authorizing the City Manager to execute necessary application documents.

17. Hearing to consider the revision of Ordinance No. 3237-C.S., as amended by Ordinance No. 3317-C.S. entitled "An Ordinance Granting an Exclusive Two-Year Advertising Sign Franchise to Safer Intersections, Inc. for the Right, Privilege and Permission to Operate a Battery Back-up System Equipment Donation Franchise and Occupy the Public Right-of-Way at Designated Locations Along the Streets in the City of Modesto for Advertising Signs", allowing larger signs and requiring franchise to furnish replacement artwork/laminate.

    - Motion introducing an ordinance revising Ordinance No. 3237-C.S., as amended by Ordinance No. 3317-C.S. entitled "An Ordinance Granting an Exclusive Two-Year Advertising Sign Franchise to Safer Intersections, Inc. for the Right, Privilege and Permission to Operate a Battery Back-up System Equipment Donation Franchise and Occupy the Public Right-of-Way at Designated Locations Along the Streets in the City of Modesto for Advertising Signs", allowing larger signs and requiring franchise to furnish replacement artwork/laminate recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: By Motion (O'Bryant/Jackman; unan) **introducing Ordinance No. 3343-C.S.—**an ordinance revising Ordinance No. 3237-C.S., as amended by Ordinance No. 3317-C.S. entitled "An Ordinance Granting an Exclusive Two-Year Advertising Sign Franchise to Safer Intersections, Inc. for the Right, Privilege and Permission to Operate a Battery Back-up System Equipment Donation Franchise and Occupy the Public Right-of-Way at Designated Locations Along the Streets in the City of Modesto for Advertising Signs", allowing larger signs and requiring franchise to furnish replacement artwork/laminate and also allowing the portion of the sign that states "Watch for Pedestrians" to be reflective material.

NEW BUSINESS

18. Consider authorizing the City Manager to enter into a settlement agreement with Whispering Woods Homeowners Association (formerly Prescott Estates Homeowners Association).
    - Resolution authorizing the City Manager to enter into a settlement agreement with Whispering Woods Homeowners Association (formerly Prescott Estates Homeowners Association) recommended.

    City Manager; Jack Crist, 577-5221, jcrist@modestogov.com

ACTION: **Reso No 2004-063** (Jackman/Hawn; unan.) authorizing the City Manager to enter into a settlement agreement with Whispering Woods Homeowners Association (formerly Prescott Estates Homeowners Association).

Councilmember Hawn absent due to Conflict of Interest

19. Consider accepting the plans and drawings for Fire Station #11, and Consider authorizing solicitation of a Request for Bids for construction of Fire Station #11.
    - Resolution accepting the plans and drawings for Fire Station #11 recommended.
    - Resolution authorizing solicitation of a Request for Bids for construction of Fire Station #11 recommended.

    Fire; David Grant, 572-9596, dgrant@modestofire.com

ACTION: **Reso No 2004-064** (O'Bryant/Keating; unan. Hawn absent) accepting the plans and drawings for Fire Station #11.

ACTION: **Reso No 2004-065** (Obryant/Keating; unan. Hawn absent) authorizing solicitation of a Request for Bids for construction of Fire Station #11.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:29 p.m. to the following Closed Session:

CLOSED SESSION

This item was heard prior to the City Council meeting.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Modesto City Employees Association (MCEA) v. City of Modesto before the Public Employment Relations Board (PERB)

No reportable action was taken on this item.

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

Agent Negotiators: Jack R. Crist, City Manager
Donna Hansen, Deputy City Manager
Robin Renwick, Personnel Director

Employee Organization: Un-represented Executive Management Employees

This item was heard prior to the City Council meeting.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9(a) of the Government Code)

One case: City of Modesto v. Current Owner of Prescott Estates in an administrative proceeding before the Board of Building Permit Appeals

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street, Second Floor, Room 2005

Monday, February 2, 2004 at 5:30 PM

Roll Call: Present: Will O'Bryant, Brad Hawn

Absent: Bob Dunbar

Principal Staff Contact: Donna Hansen, Deputy City Manager, 571-5809
Email: dhansen@modestogov.com

NEW BUSINESS

Information Items: (For information only—they will not be formally discussed unless the Committee, staff, or the public chooses to do so. No Committee action is required.)

4) Overview of the City's Emergency Operations Center

ACTION: This item was for information only. No Action taken.

5) Update on Parks Patrol

ACTION: This item was for information only. No Action taken.

6) Police Department Accreditation

ACTION: This item was for information only. No Action taken.

7) High Intensity Drug Trafficking Area (HIDTA) Overview

ACTION: This item was for information only. No Action taken.

8) Update on the City's New Homeless Shelter

ACTION: This item was for information only. No Action taken.

9) Modesto Crime Statistics

ACTION: This item was for information only. No Action taken.

10) Police Department Personnel Allocation and Staffing Plan Report

ACTION: This item was for information only. No Action taken.

Consent Items – Approval: (Presentations by staff only when requested—Committee recommendation required.) none

Items Where Staff Expects Discussion, Guidance and/or Recommendation:
(Detailed briefing by staff—Committee and public comments likely, Committee action may be required.)

11) Dissolution of the Criminal Jus tice Training Center Joint Powers Agreement

ACTION: The Committee approved Staff's recommendation.

12) Presentation of the Public Safety Ad Hoc Committee Report by Councilmember O'Bryant

ACTION: The Committee and staff reviewed the recommended changes to the report. After changes are made, the Committee agreed to forward the report to the City Council.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was 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, February 3, 2004, 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: Michael Douglas, President, Advancing Vibrant Communities

City Clerk's Announcements - All speakers under Oral Communications limited to 3 minutes

Declaration of Conflicts of Interest

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of proclamation to Joe and Michelle Williams declaring February 2004 Reconciliation Month.

ACTION: Proclamation presented by Mayor Ridenour

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 9

ACTION Consent Items 2- 9: Jackman/Dunbar; 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 January 27, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.) approved the minutes of January 27, 2004.

CONSENT
3. Consider the final adoption of Ordinance No. 3343-C.S.—an ordinance revising Ordinance No. 3237-C.S., as amended by Ordinance No. 3317-C.S. entitled "An Ordinance Granting an Exclusive Two-Year Advertising Sign Franchise to Safer Intersections, Inc. for the Right, Privilege and Permission to Operate a Battery Back-up System Equipment Donation Franchise and Occupy the Public Right-of-Way at Designated Locations Along the Streets in the City of Modesto for Advertising Signs", allowing larger signs and requiring franchise to furnish replacement artwork/laminate and also allowing the portion of the sign that states "Watch for Pedestrians" to be reflective material.
   - Motion approving final adoption recommended.

City Attorney; Mike Milich; 577-5284; mmilich@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.) approved **final adoption of Ordinance No. 3343-C.S.**

CONSENT
4. Approve the Appointments of Greg Coleman and Theresa Hickerson and the reappointment of Ernie Foote and Neal Khatri to the Public Events Commission.
   - Resolution accepting the appointment of Greg Coleman and Theresa Hickerson to the Public Events Advisory Committee recommended.
   - Resolution reappointing Ernie Foote and Neal Khatri to the Public Events Advisory Committee recommended.

Council; Kathy Espinoza; 577-5230; kespinoza@modestogov.com

ACTION: **Reso No 2004-066** (Jackman/Dunbar; unan.) accepting the appointment of Greg Coleman and Theresa Hickerson to the Public Events Advisory Committee.

ACTION: **Reso No 2004-067** (Jackman/Dunbar; unan.) reappointing Ernie Foote and Neal Khatri to the Public Events Advisory Committee.

CONSENT

5. Consider accepting the resignation of Louis Levin from the Planning Commission.
   - Resolution accepting the resignation of Louis Levin from the Planning Commission recommended.

   City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: **Reso No 2004-068** (Jackman/Dunbar; unan.) accepting the resignation of Louis Levin from the Planning Commission.

CONSENT

6. Consider the Monthly Investment Report – December 2003.
   - Motion acknowledging receipt of Monthly Investment Report recommended.

   Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.) acknowledged receipt of Monthly Investment Report.

CONSENT

7. Consider approving a contract for Investment Advisory Services with Public Financial Management, Inc. (PFM) Public Finance Management – Investment Services.
   - Resolution approving a contract for Investment Advisory Services between the City of Modesto and PFM and authorizing the City Manager to execute the agreement recommended.

   Finance; Peggy Hetzler; 577-5369; phetzler@modestogov.com

ACTION: **Reso No 2004-069** (Jackman/Dunbar; unan.) approving a contract for Investment Advisory Services between the City of Modesto and PFM and authorizing the City Manager to execute the agreement.

CONSENT

8. Consider approving Financial Advisory Services Agreement between the City of Modesto and the firm of Public Financial Management, Inc.(PFM) for financial advisory services related to the formation of Community Facilities Districts and issuance of bonds to provide financing for public infrastructure, and other projects as requested by the City on an as needed basis and authorizing the City Manager to execute the agreement.
   - Resolution approving Financial Advisory Services Agreement between the City of Modesto and Public Financial Management, Inc. and authorizing the City Manager to execute the agreement recommended.

   Finance; Peggy Hetzler; 577-5369; phetzler@modestogov.com

ACTION: **Reso No 2004-070** (Jackman/Dunbar; unan.) approving Financial Advisory Services Agreement between the City of Modesto and Public Financial Management, Inc. and authorizing the City Manager to execute the agreement

CONSENT

9. Consider approving a list of Underwriters for the City of Modesto's bond financings.
   - Motion acknowledging receipt and accepting staff's recommended list of Underwriters for the City of Modesto's bond financings recommended.

   Finance; Gregory M. Baird, 577-5458, gbaird@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.) acknowledged receipt and accepted staff's recommended list of Underwriters for the City of Modesto's bond financings.

COUNCIL COMMENTS & REPORTS

- Councilmember Jackman wished his mother a happy 90th birthday.

- Councilmember Marsh announced his attendance to the opening of the new office of El Concilio, which offers services to the Latino Community. He also attended the opening of the Head Start Parent Center at Capistrano School and expressed his appreciation to the center.

NEW BUSINESS

10. 2004/05 Budget Process Overview
    - Motion acknowledging receipt and accepting the goals, general approach and timeline for the 2004-2005 annual budget process recommended.

    Finance; Peggy Hetzler; 577-5369; phetzler@modestogov.com

ACTION: By Motion (Hawn/Jackman/ unan.) acknowledged receipt and accepted the goals, general approach and timeline for the 2004-2005 annual budget process.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:10 p.m.

CLOSED SESSION

The following closed session was not heard.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Modesto City Employees Association (MCEA) v. City of Modesto before the Public Employment Relations Board (PERB)

The following closed session was heard prior to the meeting.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: City of Modesto; and City of Modesto Sewer District No. 1 vs. The Dow Chemical Company; E.I. Dupont De Nemours And Company; et al.
San Francisco Superior Court Case No. 999643

MINUTES

ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, February 9, 2004

Roll Call: Present: Keating, Jackman, Marsh

Also Present: O'Bryant

ORAL COMMUNICATIONS

Items for the Committee/Council workshop are:

INFORMATION ITEMS: (FOR INFORMATION ONLY—ITEMS MAY BE DISCUSSED. NO COMMITTEE ACTION IS REQUIRED.)

8) Roselle Neighborhood (Village 3) Presentation – Dave Romano

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

9) Community & Economic Development Department Monthly Development Activity Report

a. Workforce Development Program
b. Kiernan Business Park
c. Kaiser Medical Center
d. General Plan Housing Element Update
e. Comprehensive General Plan Update
f. Roselle-Claribel Specific Plan
g. St. Stanislaus Church
h. The Promenade Shopping Center
i. CFF Exemption for Demolished Buildings and Transfer of Credits
j. Building Inspection Statistics
k. Kansas-Woodland Business Park (FMC)
l. Downtown Housing Project
m. Downtown Office Project – Valley Tower LLC
n. Various Business Attraction Projects
o. www.choosemodesto.com
p. Marketing Modesto
q. Opportunity Map
r. Update to the RDA Master Plan and EIR

s. Redevelopment Workshop on April 29, 2004
t. Sylvan Vet Clinic at Sylvan/Roselle

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

10) Status Report on Kiernan Business Park East Implementation Plan

ACTION: This item was for informat ion only. No action taken.

11) Status Report on North Gateway Master Plan

ACTION: The Committee unanimously recommended that the City continue focusing on the Kiernan Specific Plan area (south of Kiernan Ave) and coordinate with the County planning efforts for regional impacts such as traffic.

12) Oral Report on Americans with Disabilities Act (ADA) Standards in New Areas

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

CONSENT ITEMS – APPROVAL: (PRESENTATIONS BY STAFF ONLY WHEN REQUESTED—COMMITTEE RECOMMENDATION REQUIRED.)

13) Status Report on Modesto Irrigation District Tree Pruning

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

14) Consider Staff Recommendation to Approve Use of Federal Demonstration Funds for Grade Restoration Project

ACTION: The Committee approved staff's recommendation.

15) Consider Staff Recommendation to Approve Phase III Construction and Maintenance Agreement with Union Pacific Railroad for Construction of Tuolumne Boulevard Extension

ACTION: The Committee approved staff's recommendation.

16) Consider Staff Recommendation to Approve Funding for a Study by PG&E for Relocation of Underground Natural Gas Facilities to Widen Claratina Avenue

ACTION: The Committee approved staff's recommendation.

17) Consider Staff Recommendation to Request Caltrans Install Median Landscaping on Highway 132 (Yosemite Boulevard), and to Negotiate with Stanislaus County to Jointly Fund Installation and Maintenance of Median Landscaping

ACTION: The Committee approved staff's recommendation.

18) Consider Request to Allow Staff to Enter into Negotiations for Right-of-Way Acquisition for the Sanitary Sewer Lift Station Upgrade at Rose/Celeste Project

ACTION: The Committee approved staff's recommendation.

19) Consider Staff Recommendation to Approve Lighted Crosswalks at Sunrise and Coolidge Avenues, Orangeburg and Martin Avenues, Floyd Avenue and Vicki Drive, and Rumble Road and Wales Way with Office of Traffic Safety (OTS) Grant Funds

ACTION: The Committee approved staff's recommendation.

CONTINUED--ITEMS WHERE STAFF EXPECTS DISCUSSION, GUIDANCE AND/OR RECOMMENDATION: (DETAILED BRIEFING BY STAFF—COMMITTEE AND PUBLIC COMMENTS LIKELY, COMMITTEE ACTION MAY BE REQUIRED.)

20) Consider Recommendation to Not Endorse Request for a n All-Way Stop at Lucern Avenue and El Vecino Avenue Intersection

ACTION: The Committee approved staff's recommendation.

21) Consider Recommendation to Not Endorse Request for an All-Way Stop at Rumble Road and Bay Lane Intersection

ACTION: The Committee approved staff's recommendation and staff agreed to work with the school.

22) Discussion of Roundabout Policy and Project Notification – Floyd/Roselle

ACTION: It was the Committee's consensus to include in the Roundabout Policy notification to residents and developers within a 1000-foot radius of a retrofitted roundabout. Roundabout approved in Specific Plans, maps or other public processes do not require the notification.

23) Review Applications to Boards, Commissions & Committees, and Approve Recommended Appointments of Golf Club Representatives to the Golf Courses Advisory Committee

ACTION: The Committee unanimously recommended for City Council consideration the following appointments:

Citizens Advisory Committee on Recycling – William Glick

Citizens Redevelopment Advisory Commission - James E. Christiansen

Community Qualities Forum – NE – Richard L. Mendoza

Culture Commission – Valori A. Lee

Disabled Access Appeals Board – Philip S. Anselmo Jr.

Equal Opportunities/Disability Commission – Rodolfo Cosio Gonzales

Golf Course Advisory Committee –
Clara Azevedo – representing Muni Niners Golf Club
Ryne Conder – representing Creekside Golf Club

Human Relations Commission – David K. Hanneke and Sareth "Peter" Pen.

The committee requested that interviews be set for the following Board, Committee or Commission:

Airport Advisory Committee (1 vacancy)
Board of Zoning Adjustment (2 vacancies)
Local Cable Programming Committee (5 vacancies)
Planning Commission (2 vacancies)

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:30 p.m.

MINUTES

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, February 10, 2004, 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 Marty Villa, Youth For Christ

City Clerk's Announcements: Items 5 and 7 removed from Consent

Declaration of Conflicts of Interest None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation to Council by Adrian Moore of the Reason Foundation.

ACTION: Adrian Moore presented concerns with the San Joaquin Valley air quality. Information only. No action taken.

2. Presentation by Chris Murphy on behalf of the Citizens Anti-Litter Committee.

ACTION: Presentation made by Chris Murphy.

MISCELLANEOUS
Legislation
Appointments
Other

3. Approve the appointment of City Council Representatives to serve on various City, County and Community Boards, Commissions and Committees.
   - Resolution appointing Jim Ridenour to the Workforce Alliance recommended.
   - Resolution appointing Denny Jackman to the Citizens Advisory Committee on Recycling recommended.
   - Resolution appointing Janice Keating to the Housing Rehabilitation Loan Committee recommended.
   - Resolution appointing Jim Ridenour and Will O'Bryant to the Citizens Housing and Community Development Committee recommended.
   - Resolution appointing Bob Dunbar to the Cities-County Committee recommended.
   - Resolution appointing Jim Ridenour, Janice Keating, Will O'Bryant, Jack Crist and Mike Milich to the City County Liaison Committee recommended.
   - Resolution appointing Will O'Bryant and Brad Hawn to the Economic Development Action Committee recommended.
   - Resolution appointing Will O'Bryant as a member and Jim Ridenour as an alternate to the 911 Emergency Dispatch JPA Committee recommended.
   - Resolution appointing Denny Jackman as a member and Will O'Bryant and Jocelyn Reed as alternates to the Stanislaus County Local Task Force on Solid Waste Management recommended.
   - Resolution appointing Denny Jackman to the Inter-Regional Partnership Board recommended.
   - Resolution appointing Denny Jackman to the LCC-CVD Executive Board recommended.
   - Resolution appointing Jim Ridenour, Janice Keating, Brad Hawn and Denny Jackman to the MID Domestic Water Policy Board recommended.
   - Resolution appointing Jim Ridenour, Denny Jackman and Janice Keating as members and Bob Dunbar as an alternate to StanCOG recommended.
   - Resolution appointing Janice Keating to the Stanislaus County Water Coordination Advisory recommended.
   - Resolution appointing Brad Hawn and Garrad Marsh to the Tenth Street Place JPA recommended.
   - Resolution appointing Denny Jackman and Jim Ridenour to the Tuolumne River Regional Park Commission recommended.
   - Resolution appointing Janice Keating and Brad Hawn as members and Garrad Marsh as an alternate to the Waste to Energy JPA recommended.

   Council; Kathy Espinoza; 577-5230; kespinoza@modestogov.com

ACTION: Reso No 2004-071 (Jackman/Keating; unan.)appointing Jim Ridenour to the Workforce Alliance

ACTION: Reso No 2004-072 (Jackman/Keating; unan.)appointing Denny Jackman to the Citizens Advisory

ACTION: Reso No 2004-073 (Jackman/Keating; unan.)appointing Janice Keating to the Housing Rehabilitation Loan Committee

ACTION: Reso No 2004-074 (Jackman/Keating; unan.)appointing Jim Ridenour and Will O'Bryant to the Citizens Housing and Community Development Committee

ACTION: Reso No 2004-075 (Jackman/Keating; unan.) appointing Bob Dunbar to the Cities - County Committee

ACTION: Reso No 2004-076 (Jackman/Keating; unan.)appointing Jim Ridenour, Janice Keating, Will O'Bryant, Jack Crist and Mike Milich to the C ity County Liaison Committee

ACTION: Reso No 2004-077 (Jackman/Keating; unan.)appointing Will O'Bryant and Brad Hawn to the Economic Development Action Committee

ACTION: Reso No 2004-078 (Jackman/Keating; unan.)appointing Will O'Bryant as a member and Jim Ridenour as an alternate to the 911 Emergency Dispatch JPA Committee

ACTION: Reso No 2004-079 (Jackman/Keating; unan.)appointing Denny Jackman as a member and Will O'Bryant and Jocelyn Reed as alternates to the Stanislaus County Local Task Force on Solid Waste Management

ACTION: Reso No 2004-080 (Jackman/Keating; unan.)appointing Denny Jackman to the Inter - Regional Partnership Board

ACTION: Reso No 2004-081 (Jackman/Keating; unan.)appointing Denny Jackman to the LCC - CVD Executive Board

ACTION: Reso No 2004-082 (Jackman/Keating; unan.)appointing Jim Ridenour, Janice Keating, Brad Hawn and Denny Jackman to the MID Domestic Water Policy Board

ACTION: Reso No 2004-083 (Jackman/Keating; unan.)appointing Jim Ridenour, Denny Jackman and Janice Keating as members and Bob Dunbar as an alternate to StanCOG

ACTION: Reso No 2004-084 (Jackman/Keating; unan.)appointing Janice Keating to the Stanislaus County Water Coordination Advisory

ACTION: Reso No 2004-085 (Jackman/Keating; unan.)appointing Brad Hawn and Garrad Marsh to the Tenth Street Place JPA

ACTION: Reso No 2004-086 (Jackman/Keating; unan.)appointing Denny Jackman and Jim Ridenour to the Tuolumne River Regional Park Commission

ACTION: Reso No 2004-087 (Jackman/Keating; unan.) appointing Janice Keating and Brad Hawn as members and Garrad Marsh as an alternate to the Waste to Energy JPA

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 7

ACTION Consent Items 4 & 6,: Jackman/Hawn; unan.

ACTION Item 5: Jackman/O'Bryant; unan.

ACTION Item 7: Hawn/Dunbar; 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 February 3, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan.) approved the minutes of February 3, 2004.

REMOVED FROM CONSENT

5. Consider a resolution authorizing the award of bid and contract for the furnishing of Mobile and Portable 2-Way Radio and Communication Equipment Service and Repair with Delta Wireless, Stockton, CA, for an estimated annual cost of $32,695.00, for a three (3) year contract, with two (2) one-year extension options, and authorizing the City Manager to execute the contract.
    - Resolution authorizing the award of bid and contract for the furnishing of Mobile and Portable 2-Way Radio and Communication Equipment Service and Repair with Delta Wireless, Stockton, CA, for an estimated annual cost of $32,695.00, for a three (3) year contract, with two (2) one-year extension options, and authorizing the City Manager to execute the contract recommended.

Finance; Purchasing; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Reso No 2004-088 (Jackman/O'Bryant; unan.) authorizing the award of bid and contract for the furnishing of Mobile and Portable 2-Way Radio and Communication

Equipment Service and Repair with Delta Wireless, Stockton, CA, for an estimated annual cost of $32,695.00, for a three (3) year contract, with two (2) one -year extension options, and authorizing the City Manager to execute the contract

CONSENT

6. Consider approving Monthly Budget Adjustments—January 2004.
   - Resolution approving FY04 budget adjustments for January 2004 recommended.

   Finance; Peggy Hetzler; 577-5369; phetzler@modestogov.com

ACTION: Reso No 2004-089 (Jackman/Hawn; unan.) approving FY04 budget adjustments for January 2004

REMOVED FROM CONSENT

7. Consider approving an amendment to the Class Range Table for Executive Managemen t to increase the salary range for Police Chief and Fire Chief. Estimated FY04 costs of $3,700.
   - Resolution amending the Class Range Table for Executive Management to increase the salary range for Police Chief and Fire Chief by 5%, from Range 1425 to Range 1427, effective February 10, 2004 recommended.

   Personnel; Robin Renwick; 577-5402; rrenwick@modestogov.com

ACTION: Reso No 2004-090 (Hawn/Dunbar; unan.) amending the Class Range Table for Executive Management to increase the salary range for Police Chief and Fire Chief by 5%, from Range 1425 to Range 1427, effective February 10, 2004

COUNCIL COMMENTS & REPORTS

- Councilmember Jackman noted the number of water wells out of service due to contamination, which will result in a shortage of water and a decrease in water pressure.
- Councilmember Keating wished Megan Keating a happy 10th birthday. She also announced the Lions Club fundraiser for Orville Wright Park on February 14.

UNFINISHED BUSINESS

8. Housing Element Status Report.
   - Motion acknowledging receipt of report recommended.

   Community & Economic Development; Miguel Galvez; 577-5267; mgalvez@modestogov.com

ACTION: By Motion (O'Bryant/Jackman; unan.) acknowledging receipt of report.

NEW BUSINESS

9. Consider accepting the City of Modesto Code of Ethics.
   - Motion accepting the City of Modesto Code of Ethics recommended.

   City Manager; Jack Crist, 577-5224, jcrist@modestogov.com

ACTION: **By Motion (**O'Bryant/Hawn; unan.**)** accepted the City of Modesto Code of Ethics.

10. Consider motion accepting the Community Qualities Forum Annual Report for 2003.
    - Motion accepting the Community Qualities Forum Annual Report for 2003 recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349 ceubank@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan.) accepting the Community Qualities Forum Annual Report for 2003

11. Consider adoption of a resolution approving the timeline for the development of the Annual Action Plan, including the allocation of funds for public services, and estimated Request for Proposal (RFP) amounts for Public Service Grants for 2004-2005.
    - Resolution approving the timeline recommended.

    Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, svelarde@modestogov.com

ACTION: **Reso No 2004-091** (Dunbar/O'Bryant; unan.) approving the timeline for the development of the Annual Action Plan, including the allocation of funds for public services, and estimated Request for Proposal (RFP) amounts for Public Service Grants for 2004-2005

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:05 p.m.

CLOSED SESSION

All closed sessions heard prior to the meeting.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Modesto City Employees Association (MCEA) v. City of Modesto before the Public Employment Relations Board (PERB)

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

Property: Disposition of City surplus property located on the south side of Sharon Ave, west 0f Fine Ave as part of the Freedom Park Project.

APN: 085-0721 (portion) – 4.22 Acres ±

Negotiating Parties: Steve Long, Acquisition Consultant for the City of Modesto

Ron Liebs – negotiating for Sylvan Union School District

Under Negotiation: Price and terms of sale for property rights to be disposed.

MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, February 23, 2004, at 5:30 p.m.

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

Also Present: Marsh, Ridenour

Workshop items include:

13) Staff Recommendations Regarding Fees and Use Policies for Facilities and Services Managed by Parks Recreation and Neighborhoods

ACTION: The Finance Committee approved Staff's recommendations.

14) Monthly Budget Adjustment Report for February 2004

ACTION: The Finance Committee approved Staff's recommendation and referred the item to full Council for consideration.

15) Purchase of Sixteen (16) 2004 Model, CHP Class "E" Patrol Sedans

ACTION: The Finance Committee approved Staff's recommendation and referred the item to full Council for consideration.

16) Purchase of Fifteen (15) Used Vehicles fro m Auction

ACTION: The Finance Committee approved Staff's recommendations.

17) SB 744 (Dunn) HCD Housing Accountability Committee

ACTION: The Finance Committee approved Staff's recommendations.

18) Continuation of Water Rate Discussion from 2/17/04 FC Meeti ng

ACTION: The Finance Committee directed staff to prepare a 3 and 5 year plan to provide adequate increases in the water fund, and forward to Council on March 9, 2004. The Committee also directed staff to meet with various community groups on the propo sed water rate increase plan.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 7:30 p.m.

MINUTES

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, February 24, 2004, 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 Chuck Adams, Carpenter's House

City Clerk's Announcements*: Items 4, 10, 15 & 19 Removed from Consent, Item 27 moved to April 6, 2004*

Declaration of Conflicts of Interest: *Hawn, Item 15*

MISCELLANEOUS
Appointments

1. Consider approving recommendations to appoint members to the following Boards/Committees/Commissions:

   a. Citizens Advisory Committee on Recycling – William Glick
   - Resolution appointing William Glick to the Citizens Advisory Committee on Recycling, with a term expiration of January 1, 2008 recommended.

ACTION: Reso No 2004-092 (Jackman/Keating; unan.) apppointing William Glick to the Citizens Advisory Committee on Recycling, with a term expiration of January 1, 2008

   b. Community Qualities Forum – Richard L. Mendoza (Northeast) and Jayna M. Hamel
   - Resolution appointing Richard L. Mendoza (Northeast) and Jayna M. Hamel to the Community Qualities Forum, with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-093** (Jackman/Keating; unan.) appointing Richard L. Mendoza (Northeast) and Jayna M. Hamel to the Community Qualities Forum, with a term expiration of January 1, 2008.

c. Culture Commission – Valori A. Lee

- Resolution appointing Valori A. Lee to the Culture Commission, with a term expiration of January 1, 2006 recommended.

ACTION: **Reso No 2004-094** (Jackman/Keating; unan.) appointing Valori A. Lee to the Culture Commission, with a term expiration of January 1, 2006.

d. Disabled Access Appeals Board – Philip S. Anselmo Jr.

- Resolution appointing Philip S. Anselmo Jr. to the Disabled Access Appeals Board, with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-095** (Jackman/Keating; unan.) appointing Philip S. Anselmo Jr. to the Disabled Access Appeals Board, with a term expiration of January 1, 2008.

e. Golf Courses Advisory Committee – Clara Azevedo, representing Muni Niners Golf Club, and Ryne Conder, representing Creekside Golf Club

- Resolution appointing Clara Azevedo, representing Muni Niners Golf Club, and Ryne Conder, representing Creekside Golf Club to the Golf Courses Advisory Committee, each with a term expiration of January 1, 2008 recommended.

ACTION: **Reso No 2004-096** (Jackman/Keating; unan.) appointing Clara Azevedo, representing Muni Niners Golf Club, and Ryne Conder, representing Creekside Golf Club to the Golf Courses Advisory Committee, each with a term expiration of January 1, 2008.

f. Human Relations Commission – David K. Kanneke and Sareth Pen

- Resolution appointing David K. Kanneke and Sareth Pen to the Human Relations Commission, each with a term expiration of January 1, 2008 recommended.

City Manager; Esther Puckett, 571-5101; epuckett@modestogov.com

ACTION: **Reso No 2004-097** (Jackman/Keating; unan.) appointing David K. Kanneke and Sareth Pen to the Human Relations Commission, each with a term expiration of January 1, 2008.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 26

ACTION Items 2, 3, 5- 9, 12- 14, 16, -18, 20- 26: Jackman/O'Bryant; unan

ACTION Item 4: Dunbar/Jackman; unan.

ACTION Item 10: Dunbar/Ridenour; unan.

ACTION Item 11: Jackman/Hawn; unan

ACTION Item 15: Dunbar/Jackman; unan. Hawn, absent

ACTION Item 19: Dunbar/Keating; 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 February 10, 2004.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan.) approved the minutes of February 10, 2004.

CONSENT
3. Consider authorizing the Community Facilities District Administrator to execute a professional services agreement with O'Dell Engineering Inc. for $190,700 to design the Floyd Avenue road improvements between Oakdale Road and Roselle Avenue.
    - Resolution authorizing the Community Facilities District Administrator to execute a professional services agreement with O'Dell Engineering Inc. for $190,700 to design the Floyd Avenue road improvements between Oakdale Road and Roselle Avenue recommended.

City Manager; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Reso No 2004-098 (Jackman/O'Bryant; unan.) authorizing the Community Facilities District Administrator to execute a professional services agreement with O'Dell Engineering Inc. for $190,700 to design the Floyd Avenue road improvements between Oakdale Road and Roselle Avenue.

Removed from Consent

4. Consider authorizing the Community Facilities District Administrator to execute a professional services agreement with Stantec Consulting Inc for $197,139 for engineering design services for the Carver-Bangs/Pelandale-Snyder CFD Storm Drainage Improvements, East Basin and West Basin Pump Stations to MID Lateral No. 6.
    - Resolution authorizing the Community Facilities District Administrator to execute a professional services agreement with Stantec Consulting Inc for $197,139 for engineering design services for the Carver-Bangs/Pelandale-Snyder CFD Storm Drainage Improvements, East Basin and West Basin Pump Stations to MID Lateral No. 6 recommended.

    City Manager; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: **Reso No 2004-099** (Dunbar/Jackman; unan.) authorizing the Community Facilities District Administrator to execute a professional services agreement with Stantec Consulting Inc for $197,139 for engineering design services for the Carver-Bangs/Pelandale-Snyder CFD Storm Drainage Improvements, East Basin and West Basin Pump Stations to MID Lateral No. 6.

5. Consider accepting with regret the resignation of Fred Herman from the Community Qualities Forum, effective February 24, 2004.
    - Resolution accepting with regret the resignation of Fred Herman from the Community Qualities Forum, effective February 24, 2004 recommended.

    City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com

ACTION: **Reso No 2004-100** (Jackman/O'Bryant; unan.) accepting with regret the resignation of Fred Herman from the Community Qualities Forum, effective February 24, 2004

CONSENT

6. Consider adoption of reasonable available 2004 Transportation Control Measures as required by the federal government to improve air quality in the San Joaquin Valley.
    - Resolution adopting reasonable available 2004 Transportation Control Measures as required by the federal government to improve air quality in the San Joaquin Valley recommended.

    Engineering & Transportation; Terry Easley, 577-5295, teasley@modestogov.com

ACTION: **Reso No 2004-101** (Jackman/O'Bryant; unan.) adopting reasonable available 2004 Transportation Control Measures as required by the federal government to improve air quality in the San Joaquin Valley.

CONSENT

7. Consider approving the Final Map of the Pelandale Professional Park subdivision, accepting the public improvements, and authorizing t he City Manager to sign an agreement with the subdividers. Owners: Pelandale Professional Park LLC, a California Limited Liability Company.

- Resolution approving the Final Map of the Pelandale Professional Park subdivision, accepting the public 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 recommended.

Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: Reso No 2004-102 (Jackman/O'Bryant; unan.) approving the Final Map of the Pelandale Professional Park subdivision, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdivider s as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

8. Consider approval of Final Map of the Mira Loma subdivision and authorizing the City Manager to sign an agreement with the subdividers . Owner: Ridge Sutter, a married man as his sole and separate property.
    - Resolution approving the Final Map of the Mira Loma subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 40-4.604(c) of the Municipal Code recommended.

Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: Reso No 2004-103 (Jackman/O'Bryant; unan.) approving the Final Map of the Mira Loma subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 40-4.604(c) of the Municipal Code

CONSENT

9. Consider affirming the City's sponsorship of "Earth Day in the Park Festival, 2004" at Graceada Park and allowing the sale of merchandise in the park during the event.
    - Resolution affirming the City's sponsorship of "Earth Day in the Park Festival, 2004" at Graceada Park and allowing the sale of merchandise in the park during the event recommended.

Engineering & Transportation; Beverly McCullough, 577-5495, bdmccullough@modestogov.com

ACTION: Reso No 2004-104 (Jackman/O'Bryant; unan.) affirming the City's sponsorship of "Earth Day in the Park Festival, 2004" at Graceada Park and allowing the sale of merchandise in the park during the event.

Removed from Consent

10. Consider increasing the Engineering & Transportation Director's authority level to issue change orders on the "Kansas-Needham Overhead" project from 8% to 10% of the original contract price with Agee Construction Corporation; and Consider authorizing preparation of a Project Closeout Financial letter for the final project cost prior to Council final acceptance, and authorizing its submittal to the State Department of Transportation to acquire cost overrun reimbursement for the Kansas-Needham Overhead project.
    - Resolution increasing the Engineering & Transportation Director's authority level to issue change orders on the "Kansas-Needham Overhead" project from 8% to

10% of the original contract price with Agee Construction Corporation recommended.

- Resolution authorizing preparation of a Project Closeout Financial letter for the final project cost prior to Council final acceptance, and authorizing its submittal to the State Department of Transportation to acquire cost overrun reimbursement for the Kansas-Needham Overhead project recommended.

Engineering & Transportation; Kris Ohlson, 577-5452, kohlson@modestogov.com

ACTION: Reso No 2004-105 (Dunbar/Ridenour; unan.) increasing the Engineering & Transportation Director's authority level to issue change orders on the "Kansas - Needham Overhead" project from 8% to 10% of the original contract price with Agee Construction Corporation

ACTION: Reso No 2004-106 (Dunbar/Ridenour; unan.) authorizing preparation of a Project Closeout Financial letter for the final project cost prior to Council final acceptance, and authorizing its submittal to the State Department of Transportation to acquire cost overrun reimbursement for the Kansas-Needham Overhead project

Removed from Consent

11. Consider approving completion of negotiations for a Phase III Construction & Maintenance (C&M) agreement with the Union Pacific Railroad (UPRR) for the construction of the Tuolumne Boulevard Extension.

    - Resolution approving completion of negotiations for a Phase III Construction & Maintenance (C&M) agreement with the Union Pacific Railroad (UPRR) for the construction of the Tuolumne Boulevard Extension recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Reso No 2004-107 (Jackman/Hawn; unan.) approving completion of negotiations for a Phase III Construction & Maintenance (C&M) agreement with the Union Pacific Railroad (UPRR) for the construction of the Tuolumne Boulevard Extension

CONSENT

12. Consider amending the FY 2003-2004 Capital Improvement Budget to reduce the Traffic Signals Modifications CIP appropriation by $80,640 and return those funds to the fund balance; and appropriate $240,840 to a new CIP project for Street Widening Improvements along Hatch Road at its intersection with Dallas Street.

    - Resolution amending the FY 2003-2004 Capital Improvement Budget to reduce the Traffic Signals Modifications CIP appropriation by $80,640 and return those funds to the fund balance; and appropriate $240,840 to a new CIP project for Street Widening Improvements along Hatch Road at its intersection with Dallas Street recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Reso No 2004-108 (Jackman/O'Bryant; unan.) amending the FY 2003-2004 Capital Improvement Budget to reduce the Traffic Signals Modifications CIP appropriation by

$80,640 and return those funds to the fund balance; and appropriate $240,840 to a new CIP project for Street Widening Improvements along Hatch Road at its intersection with Dallas Street.

CONSENT

13. Consider utilizing the remaining $1.9 million of the Federal Demonstration budget for removal of railroad tracks and performing street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway; and Consider amending the Fiscal Year 2003-2004 CIP to facilitate this allocation.
    - Resolution utilizing the remaining $1.9 million of the Federal Demonstration budget for removal of railroad tracks and performing street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway recommended.
    - Resolution amending the Fiscal Year 2003-2004 Capital Improvement Program to fund the removal of railroad tracks and performing street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-109** (Jackman/O'Bryant; unan.) utilizing the remaining $1.9 million of the Federal Demonstration budget for removal of railroad tracks and performing street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway

ACTION: **Reso No 2004-110** (Jackman/O'Bryant; unan.) amending the Fiscal Year 2003-2004 Capital Improvement Program to fund the removal of railroad tracks and performing street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway

CONSENT

14. Consider awarding the bid and approving a $232,900 contract with TCB Industrial, Inc., for the project titled "Centre Plaza Elevator Extension" and authorizing the City Manager to execute the agreement.
    - Resolution awarding the bid and approving a $232,900 contract with TCB Industrial, Inc., for the project titled "Centre Plaza Elevator Extension" and authorizing the City Manager to execute the agreement recommended.

    Engineering & Transportation; Dean Phillips; 577-5260; dphillips@modestogov.com

ACTION: **Reso No 2004-111** (Jackman/O'Bryant; unan.) awarding the bid and approving a $232,900 contract with TCB Industrial, Inc., for the project titled "Centre Plaza Elevator Extension" and authorizing the City Manager to execute the agreement.

Hawn absent due to conflict of interest

15. Consider approving an amendment to an engineering services agreement with Mead & Hunt, Inc. in the amount of $12,400 to provide additional engineering services for the Electrical Vault Building/Emergency Generator Project at the Modesto City-County Airport, and authorizing the City Manager or his designee to execute the amendment on behalf of the City.
    - Resolution approving an amendment to an engineering services agreement with Mead & Hunt, Inc. in the amount of $12,400 to provide additional engineering services for the Electrical Vault Building/Emergency Generator Project at the Modesto City-County Airport, and authorizing the City Manager or his designee to execute the amendment on behalf of the City.

    Engineering & Transportation, Van Switzer, 577-5318, vswitzer@modestogov.com

ACTION: **Reso No 2004-112** (Dunbar/Jackman; unan, Hawn, absent.) approving an amendment to an engineering services agreement with Mead & Hunt, Inc. in the amount of $12,400 to provide additional engineering services for the Electrical Vault Building/Emergency Generator Project at the Modesto City-County Airport, and authorizing the City Manager or his designee to execute the amendment on behalf of the City.

CONSENT

16. Consider approving the installation of Lighted Crosswalks at the following locations: Sunrise & Coolidge Avenues, Orangeburg & Martin Avenues, Floyd Avenue & Vicki Drive, and Rumble Road & Wales Way. Funding from the Office of Traffic Safety (OTS) grant covers 50% of these installations with the remaining funds budgeted.
    - Resolution approving the installation of Lighted Crosswalks at the following locations: Sunrise & Coolidge Avenues, Orangeburg & Martin Avenues, Floyd Avenue & Vicki Drive, and Rumble Road & Wales Way recommended.

    Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: **Reso No 2004-113** (Jackman/O'Bryant; unan.) approving the installation of Lighted Crosswalks at the following locations: Sunrise & Coolidge Avenues, Orangeburg & Martin Avenues, Floyd Avenue & Vicki Drive, and Rumble Road & Wales Way.

CONSENT

17. Consider approving an amendment to the Roundabout Policy to include 1,000-foot vicinity for public notification in retrofit situations and rescinding Resolution 2002-432.
    - Resolution approving an amendment to the Roundabout Policy to include 1,000-foot vicinity for public notification in retrofit situations and rescinding Resolution 2002-432 recommended.

    Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: **Reso No 2004-114** (Jackman/O'Bryant; unan.) approving an amendment to the Roundabout Policy to include 1,000-foot vicinity for public notification in retrofit situations and rescinding Resolution 2002-432.

CONSENT

18. Consider acknowledging receipt of the Monthly Investment Report for January 2004.
    - Motion acknowledging receipt of Monthly Investment Report – January 2004 recommended.

    Finance; Peggy Hetzler, 577-5369, phetzler@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan.) acknowledging receipt of Monthly Investment Report – January 2004.

Removed from Consent

19. Consider authorizing the Purchasing Supervisor to formally solicit bids for the purchase of nine granular activated carbon units for the Operations & Maintenance Department, Water Division, for an estimated unit cost of $75,000; total estimated cost, $675,000.
    - Resolution authorizing the Purchasing Supervisor to formally solicit bids for the purchase of nine granular activated carbon units for the Operations & Maintenance Department, Water Division, for an estimated unit cost of $75,000; total estimated cost, $675,000 recommended.

    Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Reso No 2004-115** (Dunbar/Keating; unan.) authorizing the Purchasing Supervisor to formally solicit bids for the purchase of nine granular activated carbon units for the Operations & Maintenance Department, Water Division, for an estimated unit cost of $75,000; total estimated cost, $675,000.

CONSENT

20. Consider authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for four three-quarter-ton pickups for a total anticipated cost of $120,000.
    - Resolution authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for four three-quarter-ton pickups for a total anticipated cost of $120,000 recommended.

    Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: **Reso No 2004-116** (Jackman/O'Bryant; unan.) authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for four three-quarter-ton pickups for a total anticipated cost of $120,000.

CONSENT

21. Consider rejecting all proposals for spoils removal services and authorize re-issuing Request for Proposals (RFP) to spoils removal services for a total anticipated cost of $75,000, and rescinding Resolution 2003-536.
    - Resolution rejecting all proposals for spoils removal services and authorize re-issuing Request for Proposals (RFP) to spoils removal services for a total anticipated cost of $75,000, and rescinding Resolution 2003-536 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso No 2004-117 (Jackman/O'Bryant; unan.) rejecting all proposals for spoils removal services and authorize re-issuing Request for Proposals (RFP) to spoils removal services for a total anticipated cost of $75,000, and rescinding Resolution 2003-526.

CONSENT

22. Consider awarding the bid and contract to the following vendors: S&C Ford Inc. for five utility trucks for approximately $136,049.49, and a purchase order to American Chevrolet for one utility truck for approximately $46,161.59.
    - Resolution awarding the bid and contract to the following vendors: S&C Ford Inc. for five utility trucks for approximately $136,049.49, and a purchase order to American Chevrolet for one utility truck for approximately $46,161.59 recommended.

    Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso No 2004-118 (Jackman/O'Bryant; unan.) awarding the bid and contract to the following vendors: S&C Ford Inc. for five utility trucks for approximately $136,049.49, and a purchase order to American Chevrolet for one utility truck for approximately $46,161.59.

CONSENT

23. Consider declaring as surplus from February 1, 2004 through January 31, 2005 the following items: lost, stolen, unclaimed and/or seized property from the Police Department, 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. Public auction will be conducted by The Auction House, (formerly known as Roger Ernst & Associates) at 824 W. Kiernan Avenue in accordance with auctioneering agreement dated August 14, 2001.
    - Resolution declaring as surplus from February 1, 2004 through January 31, 2005 the following items: lost, stolen, unclaimed and/or seized property from the Police Department, 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 with the public auction being conducted by The Auction House recommended.

    Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso No 2004-119 (Jackman/O'Bryant; unan.) declaring as surplus from February 1, 2004 through January 31, 2005 the following items: lost, stolen, unclaimed and/or seized property from the Police Department, 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 with the public auction being conducted by The Auction House

CONSENT

24. Consider authorizing the Purchasing Supervisor to issue a Request for Bids (RFB) for 16 2004 Model CHP Class E patrol sedans for a total estimated cost of $417,000.
    - Resolution authorizing the Purchasing Supervisor to issue a Request for Bids (RFB) for 16 2004 Model CHP Class E patrol sedans for a total estimated cost of $417,000 recommended.

    Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: **Reso No 2004-120** (Jackman/O'Bryant; unan.) authorizing the Purchasing Supervisor to issue a Request for Bids (RFB) for 16 2004 Model CHP Class E patrol sedans for a total estimated cost of $417,000.

CONSENT

25. Consider approving an agreement with the State of California - California Conservation Corps (CCC) to provide matching in-kind funds in an amount not to exceed $15,000 for a riparian area restoration project in Dry Creek Regional Park and authorizing the City Manager to execute the necessary documents. The proposed project area is located next to Dry Creek along the Peggy Mensinger Bicycle Path.
    - Resolution approving an agreement with the State of California - California Conservation Corps (CCC) to provide matching in-kind funds in an amount not to exceed $15,000 for a riparian area restoration project in Dry Creek Regional Park and authorizing the City Manager to execute the necessary documents recommended.

    Operations & Maintenance; Duane Frederick, 342-2275, dfrederick@modestogov.com

ACTION: **Reso No 2004-121** (Jackman/O'Bryant; unan.) approving an agreement with the State of California - California Conservation Corps (CCC) to provide matching in-kind funds in an amount not to exceed $15,000 for a riparian area restoration project in Dry Creek Regional Park and authorizing the City Manager to execute the necessary documents.

CONSENT

26. Consider submission of an application to obtain the surplus property located on 1230 12th Street, (GSA No. 9-G-CA-1610), previously used by the Social Security Administration, authorizing the City Manager to execute the necessary documents, and rescinding Resolution 2004-019.
    - Resolution approving submission of an application to obtain the surplus property located on 1230 12th Street, (GSA No. 9-G-CA-1610), previously used by the Social Security Administration, authorizing the City Manager to execute the necessary documents, and rescinding Resolution 2004-019 recommended.

    Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Reso No 2004-122** (Jackman/O'Bryant; unan.) approving submission of an application to obtain the surplus property located on 1230 12th Street, (GSA No. 9-G-CA-1610),

previously used by the Social Security Administration, authorizing the City Manager to execute the necessary documents, and rescinding Resolution 2004-019.

COUNCIL COMMENTS & REPORTS

None

HEARINGS

It has been requested this item be continued to April 6, 2004

27. Hearing to consider the application of Modesto City Schools to prezone approximately 1.9 acres located on the north side of Glenn Avenue and west of Gutherie Street to Low-Density Residential (R-1) to allow expansion of Bret Harte Elementary School.
    - Resolution finding that the prezoning to Low-Density Residential (R-1) is within the scope of the Master EIR of the General Plan as determined by the Initial Study, Environmental Assessment No. EA/C&ED 2003-89.
    - Introduction of an ordinance approving the prezoning of approximately 1.9 acres located on the North side of Glenn Avenue and West of Gutherie Stre et to Low-Density Residential (R-1) recommended.
    - Resolution approving the amendment to Section 8-4-9 of the Zoning Map to prezone approximately 1.9 acres to Low-Density Residential (R-1) zone.

    Community & Economic Development; Miguel Galvez, 577-5276, mgalvez@modestogov.com

ACTION: Motion by Jackman/Hawn; unan. to continue hearing to the April 6, 2004 meeting.

NEW BUSINESS

28. Consider the Stanislaus County Librarian Yearly Library update and request for Council support on Measure P.
    - Resolution acknowledging receipt of library update report and supporting Measure P for renewal of the Library 1/8-cent sales tax recommended.

    City Manager; Beverly Hatcher, 577-5220, bhatcher@modestogov.com

ACTION: Reso No 2004-123 (Marsh/O'Bryant; unan.) acknowledging receipt of library update report and supporting Measure P for renewal of the Library 1/8-cent sales tax

29. Consider accepting the Annual Strategic Plan Progress Report for 2003 of the 2001-2004 Strategic Plan and Vision.
    - Resolution accepting the Annual Strategic Plan Progress Report for 2003 of the 2001-2004 Strategic Plan and Vision recommended.

City Manager; Beverly Hatcher, 577-5220, bhatcher@modestogov.com

ACTION: **Reso No 2004-124** (Jackman/Keating; unan.) accepting the Annual Strategic Plan Progress Report for 2003 of the 2001-2004 Strategic Plan and Vision.

- Consider termination of the Criminal Justice Training Agency Joint Powers Agreement; accepting the financial review report of the County Auditor/Controller in lieu of a formal audit; requesting the County Auditor/Controller to make the recommended corrections to the JPA budget and accounts; and authorizing the City Manager to execute the termination agreement.
  - Resolution approving the termination of the Criminal Justice Training Agency Joint Powers Agreement accepting the financial review report of the County Auditor/Controller in lieu of a formal audit ; requesting the County Auditor/Controller to make the recommended corrections to the JPA budget and accounts; and authorizing the City Manager to execute the termination agreement recommended.

Finance; Greg Baird, 577-5458, gbaird@modestogov.com

ACTION: **Reso No 2004-125** (Dunbar/Jackman; unan.) approving the termination of the Criminal Justice Training Agency Joint Powers Agreement accepting the financial review report of the County Auditor/Controller in lie u of a formal audit; requesting the County Auditor/Controller to make the recommended corrections to the JPA budget and accounts; and authorizing the City Manager to execute the termination agreement.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:40 p.m. to the following Closed Sessions:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of case: Comcast of California XII, a Delaware Corporation v. City of Modesto, California, City Council, et al.
United States District Court, Eastern District of California, Case No. CIV-F-03-5898 OWW DLB

This item heard prior to the meeting.

****

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS

Title: City Manager

Title: City Attorney

Title: City Clerk

No reportable action.

****

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

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organizations:	Modesto Police Officers Association

No reportable action.

****

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case

No reportable action.

The Closed Sessions adjourned at 8:30 PM.

MINUTES

CITY COUNCIL WORKSHOP
Regional Fire Training Center, 1220 Fire Science Lane, Modesto, California

Saturday, February 28, 2004, 8:00 a.m.

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

ORAL COMMUNICATIONS

None.

Items for the Council workshop are:

ACTION: Council and Staff discussed the following items. No action was taken.

1) Summary of Council Expectations
2) City Council Interactions - Council to Council, Council to Public, Council to Media, Expectations in Event Coverage
3) City Council and Key Department Director Interactions
4) Discussion of Key Issues, Prioritizing Goals/Issues
   - i. Budget policy
   - ii. General Plan
   - iii. Economic Development
   - iv. Core Services
   - v. Other Agency Relationships
   - vi. Public Safety
   - vii. Customer Service
   - viii. Downtown Issues

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 3:05 p.m.

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street, Second Floor, Room 2005
Monday, March 1, 2004 at 5:30 PM

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

Also Present: Councilmembers Marsh

Principal Staff Contact: Donna Hansen, Deputy City Manager, 571-5809
Email: dhansen@modestogov.com

Items for the Council workshop are:

13) Fire Department Staffing Levels

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

14) Police Activities League Boxing Center Update

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

15) Modesto's Alcoholic Beverage Control Grant Program

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

16) Master Plan & Design Development Report for the Neighborhood Center at Marshall Park Project

ACTION: The S&C Committee approved staff's recommendation.

17) Contract with EDAW, Inc. to complete the update of (1) RDA Master Plan and (2) EIR for the RDA Project Area. Included in this contract is a Proposed Safety Campus Concept Plan for the Downtown area

ACTION: The S&C Committee approved staff's recommendation.

18) Public Access Overview

ACTION: The S&C Committee approved staff's recommendation.

19) Franchise Agreements for the Provision of Towing

ACTION: The S&C Committee approved staff's recommendation.

20) Report Regarding Public Safety Hiring – Tobacco Use Policy

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

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:30 p.m.

MINUTES

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, March 2, 2004, 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: Wade Estes, First Baptist Church

City Clerk's Announcements: Item 9 removed from Consent

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation on plans for the Ribbon Cutting for Orville Wright Neighborhood Park.

ACTION: Presentation given by Jim Niskanen, Parks, Recreation & Neighborhoods Director. Comments were received from the Modesto Lions Club. No action taken.

ORAL COMMUNICATIONS
Three minute time limit per speaker

- Richard Edgecomb expressed a concern with bicycles and motorized wheel chairs operating at night with no reflectors or lights.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 8

ACTION Items 2-8: Jackman/Keating; unan.

ACTION Item 9: Jackman/Keating; 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 February 24, 2004.
   (Motion approving recommended.)
   Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) approving the minutes of February 24, 2004.

CONSENT

3. Consider accepting with regret the resignation of Robert Trache from the Citizens Housing & Community Development Committee.
   - Resolution accepting with regret the resignation of Robert Trache from the Citizens Housing & Community Development Committee recommended.

   City Manager; Esther Puckett, 577-5101, epuckett@modestogov.com

ACTION: Reso No 2004-126 (Jackman/Keating; unan.) accepting with regret the resignation of Robert Trache from the Citizens Housing & Community Development Committee.

CONSENT

4. Consider declaring the City of Modesto's intent to establish Community Facilities District No. 2004-1 (Village One #2) 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 $75 million within the proposed CFD; and Consider authorizing the City Manager to execute an Advanced Funding Agreement with B&G Development LLC.
   - Resolution declaring the City of Modesto's intent to establish Community Facilities District No. 2004-1 (Village One #2) 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 $75 million within the proposed CFD recommended.
   - Resolution authorizing the City Manager to execute an Advanced Funding Agreement with B&G Development LLC recommended.

   City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Reso No 2004-127 (Jackman/Keating; unan.) declaring the City of Modesto's intent to establish Community Facilities District No. 2004-1 (Village One #2) and to authorize the levy of a special tax within said CFD

ACTION: Reso No 2004-128 (Jackman/Keating; unan.) declaring the City of Modesto's intent to incur bonded indebtedness in the amount not to exceed $75 million within the proposed CFD

ACTION: Reso No 2004-129 (Jackman/Keating; unan) authorizing the City Manager to execute an Advanced Funding Agreement with B&G Development LLC.

CONSENT

5. Consider amending the FY97 Capital Improvement Budget to transfer $125,000 in funds for the project titled "Elm Street Buildings"; and Consider awarding the bid and approving the contract with TCB Industrial Inc. for the project titled "Elm Street Buildings" and authorizing the City Manager to execute the necessary documents.
    - Resolution amending the FY97 Capital Improvement Budget to transfer $125,000 in funds for the project titled "Elm Street Buildings" recommended.
    - Resolution awarding the bid and approving the contract with TCB Industrial Inc. for the project titled "Elm Street Buildings" and authorizing the City Manager to execute the necessary documents recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Reso No 2004-130 (Jackman/Keating; unan) amending the FY97 Capital Improvement Budget to transfer $125,000 in funds for the project titled "Elm Street Buildings"

ACTION: Reso No 2004-131 (Jackman/Keating; unan) awarding the bid and approving the contract with TCB Industrial Inc. for the project titled "Elm Street Buildings" and authorizing the City Manager to execute the necessary documents

CONSENT

6. Consider authorizing the purchase of a John Deere 304H Wheel Loader from Nortrax West for an estimated cost of $75,002. Funds are budgeted.
    - Resolution authorizing the purchase of a John Deere 304H Wheel Loader from Nortrax West for an estimated cost of $75,002 recommended.

    Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso No 2004-132 (Jackman/Keating; unan.) authorizing the purchase of a John Deere 304H Wheel Loader from Nortrax West for an estimated cost of $75,002

CONSENT

7. Consider authorizing the issuance of a Request for Bids for Personal Protective Equipment for the Fire Department for an estimated cost of $150,000.
    - Resolution authorizing the issuance of a Request for Bids for Personal Protective Equipment for the Fire Department for an estimated cost of $150,000 recommended.

    Fire; Chief Miguel, 572-9670, jmiguel@modestogov.com

ACTION: Reso No 2004-133 (Jackman/Keating; unan) authorizing the issuance of a Request for Bids for Personal Protective Equipment for the Fire Department for an estimated cost of $150,000

CONSENT

8. Consider declaring surplus one 1978 International Type III apparatus from the Fire Department and authorizing the sale of said unit through Roger Ernst and Associates, Auctioneers. Estimated value is $2,000.
    - Resolution declaring surplus one 1978 International Type III apparatus from the Fire Department and authorizing the sale of said uni t through Roger Ernst and Associates, Auctioneers. Estimated value is $2,000 recommended.

    Fire; Chief Miguel, 572-9670, jmiguel@modestogov.com

ACTION: Reso No 2004-134 (Jackman/Keating; unan) declaring surplus one 1978 International Type III apparatus from the Fire Department and authorizing the sale of said unit through Roger Ernst and Associates, Auctioneers.

Removed from Consent

9. Consider accepting $698,798 from the State of California Department of Tr ansportation Bicycle Transportation Account Program for Phase I construction of the Virginia Corridor and authorizing the City Manager to execute the necessary documents; and Consider amending the Fiscal Year 2003-04 Capital Improvement Program to reflect the $698,798 in revenue.
    - Resolution accepting $698,798 from the State of California Department of Transportation Bicycle Transportation Account Program for Phase I construction of the Virginia Corridor and authorizing the City Manager to execute the necess ary documents recommended.
    - Resolution amending the Fiscal Year 2003-04 Capital Improvement Program to reflect the $698,798 in revenue recommended.

    Parks, Recreation & Neighborhoods; Doug Critchfield, 577-5353, dcritchfield@modestogov.com

ACTION: Reso No 2004-135 (Jackman/Keating; unan.) accepting $698,798 from the State of California Department of Transportation Bicycle Transportation Account Program for Phase I construction of the Virginia Corridor and authorizing the City Manager to execute the necessary documents.

ACTION: Reso No 2004-136 (Jackman/Keating; unan.) amending the Fiscal Year 2003-04 Capital Improvement Program to reflect the $698,798 in revenue

COUNCIL COMMENTS & REPORTS

None

WRITTEN COMMUNICATIONS

10. Consider letter received from Melanie Lara regarding the expansion of the Weinerschnitzel located on the corner of McHenry Avenue and Grant Street.

ACTION: Melanie Lara did not appear at the Council meeting. No action taken.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 5:53 p.m.

CLOSED SESSION

The Closed Session was heard prior to the meeting.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

ACTION: The City Attorney reported that the City Council authorized the City Attorney to enter Mena vs. Muehler 332 F. 3rd 1255 (9th Circuit 2003) to participate in this case as an amicus curiae.

MINUTES

SPECIAL ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

1010 Tenth Street, Sixth Floor, Room 6201

4:00 p.m., Wednesday, March 3, 2004

Roll Call – Present: Vice Mayor Keating, Councilmember Jackman, Councilmember Marsh

ORAL COMMUNICATIONS

None

Items for the Committee/Council workshop are:

1) Applicant Interviews for Boards, Commissions and Committees

ACTION: The Committee interviewed the following:

Christopher Heaton	Ernie Foote	Floyd Harris
Dave Thomas	James Leonard	Mark Looker
Bruce Frohman	Ellie Temple Baumer	Joan Sparks
Don Langman.		

Based upon the February 25 and March 3 interviews, the Committee unanimously recommended that the City Council consider the following appointments:

AIRPORT ADVISORY COMMITTEE
James E. Leonard (public at large), term expiring 1/1/07

PLANNING COMMISSION
David Cogdill Jr. for term ending January 1, 2006
Kristin Olsen for term ending January 1, 2008

BOARD OF ZONING ADJUSTMENT
Ted Brandvold for term ending January 1, 2006
Michael Navarro for term ending January 1, 2008

LOCAL CABLE PROGRAMMING COMMITTEE
Ernie Foote for term ending January 1, 2005

Dave Thomas for term ending January 1, 2005
Floyd Harris for term ending January 1, 2006
Ellie Temple Baumer for term ending January 1, 2007
Mark Looker for term ending January 1, 2008.

Also, the Committee recommended that Mark Looker be asked to serve as Chair of the Local Cable Programming Committee during the committee's reorganization.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:05 p.m.

MINUTES

ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

1010 Tenth Street, Second Floor, Room 2005

5:30 p.m., Monday, March 8, 2004

Roll Call –Present: Keating, Jackman, Marsh

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

24) Verbal Report on Banner and A-Frame Signs – Information Only

ACTION: The Economic Development Committee took no action. This item was for information only.

25) Community & Economic Development Department Monthly Development Activity Report

a. Workforce Development Program
b. Kiernan Business Park Implementation Plan
c. Kaiser Medical Center
d. General Plan Housing Element Update
e. Comprehensive General Plan Update
f. Roselle-Claribel Specific Plan
g. St. Stanislaus Church
h. The Promenade Shopping Center
i. Valley Tower LLC – 10th & H Streets
j. CFF Exemption for Demolished Building and Transfer of Credits
k. Building Inspection Statistics
l. Kansas-Woodland Business Park (FMC)
m. Downtown Housing Project
n. Various Business Attraction Projects
o. www.choosemodesto.com
p. Marketing Modesto
q. Opportunity Map
r. Update to the RDA Master Plan and EIR
s. Redevelopment Workshop on April 29, 2004
t. Sylvan Vet Clinic at Sylvan/Roselle

ACTION: The Economic Development Committee took no action. This item was for information only.

26) Informational Update on Use of Temporary Containers

ACTION: The Economic Development Committee took no action. This item was for information only.

27) Informational Update on Redevelopment Housing Set-Aside Funding for Affordable Housing Development in Modesto

ACTION: The Economic Development Committee took no action. This item was for information only.

28) Verbal Report on General Plan Update and Environmental Impact Triggers for Large Developments

ACTION: Deputy City Manager George Britton that the Economic Development Committee Meeting in April was Scheduled for April 7th.

29) Consider Staff Recommendation to Approve Short Range Transit Improvements for Modesto Area Express (MAX)

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

30) Consider Staff Recommendation to Approve Agreement for Professional Services for Preliminary Design of the Modesto Regional Water Treatment Plant Phase Two Downstream Improvements

ACTION: The Economic Development Committee approved Staff's recommendation including design services for the North tank and the associated plumbing, and approved future Requests for Proposals and Request for Quotes.

31) Consider Staff Recommendation to Install an All-Way Stop on Jefferson Street at Vine Street

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

32) Consider Staff Recommendation to Update Speed Limit Ordinance to Include Jefferson between Paradise and Maze, Sierra Street between G and 7th Streets, and to Remove from Ordinance Sharon Avenue between Fine Avenue and Claus Road

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

33) Consider Staff Recommendation to Update Truck Routes to Include Pelandale Avenue between Salida Boulevard and McHenry Avenue, Tully Road between Pelandale Avenue and Standiford Avenue, Sylvan Avenue between Oakdale Road and Claus Road, and Claus Road between Sylvan Avenue and Briggsmore Avenue

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

34) Consider Staff Recommendation to Amend Capital Improvement Program for Bowen Roundabout and Landscaping

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

35) Discussion of Central Valley Regional Water Quality Control Board's Proposed Total Maximum Daily Load (TDML) for Salinity and Boron in the Lower San Joaquin River and Impacts on the City of Modesto

ACTION: The Economic Development Committee accepted the Staff report.

36) Discussion of Staff Recommendation to Approve Contract to Complete Update of RDA Master Plan and Environmental Impact Report for the RDA Project Area

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

37) Discussion of Stanislaus County Request to Grant an Exception to Measure M Implementation Policy for the Robertson Road Neighborhood

ACTION: On a vote of 2 ayes (Keating, Jackman) and 1 nay (Marsh**),** the Economic Development Committee asked that staff meet with County representatives to address the funding of necessary urban improvements and to determine the feasibility and funding for adequate flood protection. Also, the Economic Development Committee on the divided vote requested that this item be continued to the May 2004 committee meeting.

38) Consider Staff Recommendation to Install Angle Parking on Sierra Drive between F and 4 th Streets and Shifting Center Line

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

39) Review Applications for Boards, Commissions & Committees

ACTION: The Economic Development Committee unanimously recommended that the City Council consider the appointment of:

i. James Davis to the Airport Advisory Committee, and
ii. Charles Chituras to the Citizens Housing and Community Development Committee.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was 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, March 9, 2004, 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: Xavier Bell, Youth For Chris t--Juvenile Hall

City Clerk's Announcements: Item 7 and Item 9 removed from the Agenda

Declaration of Conflicts of Interest None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a proclamation declaring March 7-13, 2004 as Girl Scout Week.

ACTION: Mayor Ridenour presented the proclamation.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 5

ACTION Consent Items 2, 3, 4, 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
2. Consider approval of the minutes of the regular City Council meeting of March 2, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.) approved the minutes of March 2, 2004.

CONSENT
3. Consider awarding the bid and approving a $627,555.26 contract with Geo rge Reed Inc. for the project titled "2002-2003 Pavement Maintenance Program – Scenic Drive Overlay from Rose Avenue to Sonoma Avenue", and authorizing the City Manager to execute the agreement.
   - Resolution awarding the bid and approving a $627,555.26 contract with George Reed Inc. for the project titled "2002-2003 Pavement Maintenance Program – Scenic Drive Overlay from Rose Avenue to Sonoma Avenue", and authorizing the City Manager to execute the agreement recommended.

   Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-137** (Jackman/Dunbar; unan.) awarding the bid and approving a $627,555.26 contract with George Reed Inc. for the project titled "2002 -2003 Pavement Maintenance Program – Scenic Drive Overlay from Rose Avenue to Sonoma Avenue", and authorizing the City Manager to execute the agreement.

CONSENT
4. Consider the Monthly Budget Adjustment Report.
   - Resolution approving FY04 budget adjustments for February 2004 recommended.

   Finance; Peggy Hetzler; 577-5369; phetzler@modestogov.com

ACTION: **Reso No 2004-138** (Jackman/Dunbar; unan.) approving FY04 budget adjustments for February 2004.

CONSENT
5. Consider authorizing the Purchasing Supervisor to purchase 15 used sedan vehicles at wholesale auction for an estimated $262,500.
   - Resolution authorizing the Purchasing Supervisor to purchase 15 used sedan vehicles at wholesale auction for an estimated $262,500 re commended.

   Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: **Reso No 2004-139** (Jackman/Dunbar; unan.) authorizing the Purchasing Supervisor to purchase 15 used sedan vehicles at wholesale auction for an estimated $262,500.

COUNCIL COMMENTS & REPORTS

- Mayor Ridenour reported on his trip to Washington D.C.

WRITTEN COMMUNICATIONS

6. Letter received from Tom Maher regarding lost revenue for City, County and State agencies.

ACTION: No action taken.

HEARINGS

Removed from the agenda.

7. Hearing to consider certifying the Land Application Site Acquisition Supplemental Environmental Impact Report (SEIR) to the 1997 Wastewater Master Plan Master Environmental Impact Report, adopting a Statement of Findings and adopting a Mitigation Monitoring Program.
    - Resolution certifying the Land Application Site Acquisition Supplemental Environmental Impact Report (SEIR) to the 1997 Wastewater Master Plan Master Environmental Impact Report, adopting a Statement of Findings and adopting a Mitigation Monitoring Program recommended.

    Operations & Maintenance; Robert Howard, 577-6224, rhoward@modestogov.com

ACTION: No action taken. Removed from the agenda.

8. Hearing to consider a General Plan Amendment by the City of Modesto proposing an Amendment to the Modesto Urban Area General Plan to Update the Housing Element and to certify that this Project is within the Scope of the City Modesto General Plan Master EIR.
    - Resolution approving an amendment to the Modesto Urban Area General Plan to update the Housing Element recommended.
    - Resolution finding the requested General Plan Amendment is within the scope of the General Plan Master EIR (State Clearinghousing No. 199908041).

    Community & Economic Development; Miguel Galvez, 571-5539, mgalvez@modestogov.com

ACTION: By motion (Jackman/Dunbar; unan.) continued hearing to April 27, 2004.

NEW BUSINESS

Removed from the agenda.

9. Consider the installation of a roundabout at the intersection of Prescott Road and Bangs Avenue. The proposed roundabout complies with the Roundabout Policy.

- Resolution approving the installation of a roundabout at the intersection of Prescott Road and Bangs Avenue recommended

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: This item was removed from the agenda.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 6:45 p.m.

CLOSED SESSION

All closed sessions heard prior to the meeting.

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS:

Title: City Manager

Title: City Attorney

Title: City Clerk

****

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9(a) of the Government Code)

Names of case: City of Modesto; and City of Modesto Sewer District No. 1 vs. The Dow Chemical Company; E.I. Dupont De Nemours and Company; et al.
San Francisco Superior Court Case No. 999643

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MINUTES

City of Modesto

Audit Committee Meeting/
Special City Council Workshop Meeting

Tenth Street Place, 2nd Floor, Room 2005
1010 10th Street
Modesto, California

Friday, March 12, 2004 9:30 AM

Roll Call: **Present: Jim Ridenour Chair**
Janice Keating, Vice Chair
Will O'Bryant

ORAL COMMUNICATIONS

None

Committee/Council workshop items are :

INFORMATION ITEMS: (FOR INFORMATION ONLY—ITEMS MAY BE DISCUSSED. NO COMMITTEE ACTION IS REQUIRED.)

1) Management Representation Letter for City of Modesto – Information Only

ACTION: The Audit Committee took no action on this item. This item was for information only.

2) Workers' Compensation Claims Audit – Information Only

ACTION: The Audit Committee recommended this audit be forwarded to full Council as an informational item.

CONSENT ITEMS – APPROVAL: (PRESENTATIONS BY STAFF ONLY WHEN REQUESTED—COMMITTEE RECOMMENDATION REQUIRED.) - none

3) Request to Approve Payment of $29,040 for Extra Audit Work Performed by Maze & Associates

ACTION: The Audit Committee approved staff's recommendation.

4) Request to Authorize Additional Engagements by Maze & A ssociates for:

- Bingo Operator Financial Procedures – Police Department
- Capital Facilities Fees Financial Procedures – CFF Administration

- Information Technology Security/Disaster Recovery Review – Clerk/Auditor
- Gann Limit Calculations Project – Finance Department

ACTION: The Audit Committee approved staff's recommendation to bring these engagements to the full Council for consideration.

ITEMS WHERE STAFF EXPECTS DISCUSSION, GUIDANCE AND/OR RECOMMENDATION: (DETAILED BRIEFING BY STAFF—COMMITTEE AND PUBLIC COMMENTS LIKELY, COMMITTEE ACTION MAY BE REQUIRED.)

5) Report on Annual Financial Audits by Maze & Associates

ACTION: The Audit Committee approved staff's recommendation to forward the reports to the full Council

6) Report on Investigation into Cash Missing from City Deposits.

ACTION: The Audit Committee accepted staff's recommendation to forward this report to full Council after the police investigation has been completed.

7) Report on Investigative Services Division Cash Fund Audit and Cash Fund Procedure

ACTION: The Audit Committee approved staff's recommendation to forward to full Council.

8) Request to Evaluate Citizen Advisory Groups

ACTION: The Audit Committee directed staff to be more proactive in recruiting individuals for the Citizen Advisory Committee by using all advertising sources available, such as Internet, newspaper and other outreach sources such as Access Modesto and in addition, update each pamphlet pertaining to each committee.

The Audit Committee also directed staff to seek input from each committee in creating the information and mission for each committee.

9) Quarterly Report Regarding Travel and Credit Card Summary Information for Deputy and Assistant Department Directors

ACTION: The Audit Committee requested all staff evaluations of the conference attended be included in the quarterly report to the Audit Committee. The Committee directed staff to add one question to the evaluation form—Was this conference worth attending and would you recommend staff attend again?

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 10:45 a.m.

MODESTO CITY COUNCIL

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MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

Basement Training Room of Tenth Street Place
MONDAY, MARCH 15, 2004 at 4:00 p.m.

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

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

- Presentation of Public Safety Ad Hoc Committee Study

ACTION: The Committee reviewed the Public Safety Ad Hoc Committee Report.

- General Government Department Budgets
  - Fire Department
  - Police Department

ACTION: The Fire Department budget was reviewed by the Fire Chief and the Committee. The Police Department budget was reviewed b y the Police Chief, Assistant Chief, Captains and the Committee. Revenues were reviewed with the Committee by the two Chiefs.

No action taken.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourne d at 7 p.m.

MODESTO CITY COUNCIL

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MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

Room 2005 of Tenth Street Place
Tuesday, March 16, 2004 at 4:00 p.m.

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

Also Present: Marsh, Mayor Ridenour

- General Government Department Budgets continued:
  - Personnel/Risk Management
  - City Manager's Office
  - City Council
  - City Clerk/Auditor
  - City Attorney
  - Community & Economic Development
    - Redevelopment Agency
  - Finance

ACTION: The Personnel Director presented the Personnel/Risk Management Budget.
The City Manager presented the City Manager's Office Budget.
The City Manager presented the City Council Budget.
The City Clerk presented the City Clerk/Auditor's Office Budget
The City Attorney presented the City Attorney's Office Budget
The Community and Economic Development Director presented the Community and Economic Development Department Budget.
The Finance Director presented the Finance Department Budget

The Finance Committee took no action. All items were for information only.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:15 p.m.

MODESTO CITY COUNCIL

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MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

Wednesday, March 17, 2004 at 4:00 PM
Room 2005 of Tenth Street Place

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

Also Present: Councilmember Marsh, Mayor Ridenour

WEDNESDAY, MARCH 17, 2004 @ Room 2005 of Tenth Street Place

- General Government Department Budget continued:
  - Information & Technology
  - Parks, Recreation & Neighborhoods
  - Operations & Maintenance
  - Engineering & Transportation

ACTION: The Information and Technology Director presented the Information and Technology Department Budget.
The Parks, Recreation and Neighborhood Director presented the Parks, Recreation and Neighborhood Department Budget.
The Operations and Maintenance Acting Director presented the Operations and Maintenance Budget.
The Engineering and Transportation Acting Director presented the Engineering and Transportation Department Budget.

The Finance Committee took no action.

The Finance Director reviewed the budget balance scenarios.

The Finance Committee discussed possible options for balancing the budget.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:35 p.m.

MODESTO CITY COUNCIL

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MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place, 1010 10th Street, Modesto, California

Monday, March 22, 2004, at 5:30 p.m.

Roll Call – Present: Committee Members Hawn, Jackman

Absent: Committee Member Dunbar

Also Present: Councilmember Marsh

Workshop items include:

19) Create and Amend Job Classifications

ACTION: By motion (Jackman/Marsh; unan.) the Finance Committee approved staff's recommendation.

20) Uniform & Laundry Services

ACTION: By motion (Jackman/Marsh; unan.) the Finance Committee approved staff's recommendation.

21) Monthly Budget Adjustments – March 2004

ACTION: By motion (Jackman/Marsh; unan.) the Finance Committee approved staff' s recommendation.

22) Programmed Maintenance Tree Pruning Cycle

ACTION: The Finance Committee directed staff to add this item to a decision package in the budget process and to study the possibility of outsourcing this function.

23) City of Modesto Membership in the Modesto Chamber of Commerce

ACTION: The Finance Committee took no action on this item.

24) State Theater Request for Endorsement of State Theater's Loan Request to the Stanislaus County Development Bank

ACTION: The Finance Committee recommended this item be forwarded to full Council to be heard at the March 23rd Council meeting.

25) Update to the Redevelopment (RDA) Master Plan and Environmental Impact Report (EIR)

ACTION: The Finance Committee approved staff's recommendations.

8) Water Rate Discussion

ACTION: The Finance Committee took no action on this item.

9) City of Modesto General Fund FY 04/05 Shortfall

ACTION: The Finance Committee directed staff to reduce baseline budget by 11.5% excluding Police and Fire and maintaining an 8% reserve. Staff was directed to display the necessary cuts to reach 11.5% reduction and to prioritize departmental decision packages.

It was the Finance Committee's recommendation to forward this item to the full Council and to inform the public.

10) Unfunded Insurance & Retiree Insurance Liabilities

ACTION: The Finance Committee took no action on this item.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 7:30 p.m.

MINUTES

Audit Committee Meeting/
Special City Council Workshop Meeting
Tenth Street Place, Conference Room 3001
1010 10th Street
Modesto, California

Monday, March 22, 2004, 6:30 PM

Roll Call:

Present: Committee members: Janice Keating, Vice Chair
Will O'Bryant
Councilmembers: none

Absent: Jim Ridenour, Chair

NEW BUSINESS

1. Discussed and approved sending to Council the report for the Police Department Evidence and Property Room audit.

2. Discussed and approved sending to Council the report for the follow-up audit of Nirvana Drug and Alcohol Treatment Program.

ORAL COMMUNICATIONS

Internal Auditor Gary Nienhuis reported on the status of legislation to extend to city auditors the confidentiality protections and records requirements already in place for state auditors. A formal proposal to support the legislation is being prepared by staff for a future meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:10 PM.

MODESTO CITY COUNCIL

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MINUTES

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, March 23, 2004, 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: Pastor Cliff Traub, Bethel Church

City Clerk's Announcements: Item 21 removed from the agenda.

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Beverly McCullough awarding checks to Somerset Middle School and Johansen High School for recycling programs on campus.

ACTION: Presentation made by Beverly McCullough.

2. Presentation of a Proclamation proclaiming April 1, 2004 as Modesto's Arbor Day.

ACTION: Presentation made by Bill Dufresne, Operations & Maintenance Department and Mayor Ridenour.

3. Acknowledgement of the Tree City USA Award to the City of Modesto.

ACTION: Presentation made by Bill Dufresne, Operations & Maintenance and Darla Mills, Department of Forestry and Fire Protection.

4. Consider accepting the Airport Advisory Committee's 2003 Annual Report for the Modesto City-County Airport.
   - Motion accepting the Airport Advisory Committee's 2003 Annual Report for the Modesto City-County Airport recommended.
   Engineering & Transportation; Van Switzer, 577-5318, vswitzer@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.; Dunbar, absent) accepted the Airport Advisory Committee's 2003 Annual Report.

MISCELLANEOUS

Appointments

5. Consider appointing members to the following Boards, Committees or Commissions:

   a. Airport Advisory Committee – the appointment of James E Leonard, with a term expiration of January 1, 2007 and James Davis, with a term expiration of January 1, 2008.
      - Resolution appointing James E Leonard, with a term expiration of January 1, 2007 and James Davis, with a term expiration of January 1, 2008 to the Airport Advisory Committee recommended.

ACTION: **Reso No 2004-140** (Hawn/Marsh; unan. Dunbar absent) appointing James E Leonard, with a term expiration of January 1, 2007 and James Davis, with a term expiration of January 1, 2008 to the Airport Advisory Committee.

   b. Board of Zoning Adjustment – the appointment of Ted Brandvold, with a term expiration of January 1, 2006, and Michael Navarro, with a term expiration of January 1, 2008.
      - Resolution appointing Ted Brandvold, with a term expiration of January 1, 2006, and Michael Navarro, with a term expiration of January 1, 2008 to the Board of Zoning Adjustment recommended.

ACTION: **Reso No 2004-141** (Hawn/Marsh; unan. Dunbar absent) appointing Ted Brandvold, with a term expiration of January 1, 2006, and Michael Navarro, with a term expiration of January 1, 2008 to the Board of Zoning Adjustment.

c. Citizens Housing & Community Development Committee – the appointment of Charles Chituras with a term expiration of January 1, 2005.
    - Resolution appointing Charles Chituras with a term expiration of January 1, 2005 to the Citizens Housing & Community Development Committee recommended.

ACTION: **Reso No 2004-142** (Hawn/Marsh; unan. Dunbar absent) appointing Charles Chituras with a term expiration of January 1, 2005 to the Citizens Housing & Community Development Committee.

d. Local Cable Programming Committee – the appointment of Ernie Foote and Dave Thomas, with terms expiring January 1, 2005; Floyd Harris, with a term expiration of January 1, 2006; Ellie Temple Baumer, with a term expiration of January 1, 2007; and Mark Looker, with a term expiration of January 1, 2008.
    - Resolution appointing Ernie Foote and Dave Thomas, with terms expiring January 1, 2005; Floyd Harris, with a term expiration of January 1, 2006; Ellie Temple Baumer, with a term expiration of January 1, 2007; and Mark Looker, with a term expiration of January 1, 2008 to the Local Cable Programming Committee recommended.

ACTION: **Reso No 2004-143** (Hawn/Marsh; unan. Dunbar absent) appointing Ernie Foote and Dave Thomas, with terms expiring January 1, 2005; Floyd Harris, with a term expiration of January 1, 2006; Ellie Temple Baumer, with a term expiration of January 1, 2007; and Mark Looker, with a term expiration of January 1, 2008 to the Local Cable Programming Committee.

e. Planning Commission – the appointment of David Cogdill, Jr., with a term expiration of January 1, 2006, and Kristin Olsen, with a term expiration of January 1 2008.
    - Resolution appointing David Cogdill, Jr., with a term expiration of January 1, 2006, and Kristin Olsen, with a term expiration of January 1 2008 to the Planning Commission recommended.

ACTION: **Reso No 2004-144** (Hawn/Marsh; unan. Dunbar absent) appointing David Cogdill, Jr., with a term expiration of January 1, 2006, and Kristin Olsen, with a term expiration of January 1 2008 to the Planning Commission.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 20
Item 21 removed from agenda.

ACTION Consent Items 6- 20: 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

6. Consider approval of the minutes of the regular City Council meeting of March 9, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan. Dunbar absent) approved the minutes of March 9, 2004.

CONSENT

7. Consider an amendment to the Master Property Tax Sharing agreement to make approximately 1.9 acres belonging to the Modesto City School District (Bret Harte Elementary School) subject to the terms of the Master Property Tax Sharing agreement between the City of Modesto and Stanislaus County.
    - Resolution amending the Master Property Tax Sharing agreement to make approximately 1.9 acres belonging to the Modesto City School District (Bret Harte Elementary School) subject to the terms of the Master Property Tax Sharing agreement between the City of Modesto and Stanislaus County recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Reso No 2004-145 (Jackman/Hawn; unan. Dunbar absent) amending the Master Property Tax Sharing agreement to make app roximately 1.9 acres belonging to the Modesto City School District (Bret Harte Elementary School) subject to the terms of the Master Property Tax Sharing agreement between the City of Modesto and Stanislaus County.

CONSENT

8. Consider annexation of additional territory to the City of Modesto Community Facility District No. 2004-1 (Village One #2) (Annexation #1).

- Resolution of Intention to annex territory to City of Modesto Community Facility District No. 2004-1 (Village One #2) (Annexation #1) recommended.

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Reso No 2004-146 (Jackman/Hawn; unan. Dunbar absent) a Resolution of Intention to annex territory to City of Modesto Community Facility District No. 2004-1 (Village One #2) (Annexation #1)

CONSENT

9. Consider ordering the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision Nos. 1 through 6.

- Resolution directing the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision Nos. 1 through 6 recommended.

Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: Reso No 2004-147 (Jackman/Hawn; unan. Dunbar absent) directing the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision Nos. 1 through 6.

CONSENT

10. Consider directing the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision Nos. 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivisions Units 1 and 2.

- Resolution directing the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek M eadows subdivision Nos 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivisions Units 1 and 2 recommended.

Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: Reso No 2004-148 (Jackman/Hawn; unan. Dunbar absent) directing the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision Nos 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivisions Units 1 and 2.

CONSENT

11. Consider approval of Final Map of the Loretelli Manor subdivision accepting the public improvements, authorizing the City Manager to sign an agreement with the subdividers, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

- Resolution approving the Final Map of the Loretelli Manor subdivision accepting the public improvements, authorizing the City Manager to sign an agreement with the

subdividers as required by Section 4-4.604(c) of the Municipal Code, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.
Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: **Reso No 2004-149** (Jackman/Hawn; unan. Dunbar absent) approving the Final Map of the Loretelli Manor subdivision accepting the public improvements, authorizing the City Manager to sign an agreement with the subdividers as required by Section 4 - 4.604(c) of the Municipal Code, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

12. Consider accepting the work by James Michael Johnson General Engineering Inc., dba On Grade Contracting, for the "Carpenter Road Waterline" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $509,138.35 per the contract; and Consider increasing the Engineering & Transportation Director's authority to issue change orders on the "Carpenter Road Waterline" project from 10% to 11.2% of the original contract price.

- Resolution accepting the work by James Michael Johnson General Engineering Inc., dba On Grade Contracting, for the "Carpenter Road Waterline" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $509,138.35 per the contract recommended.
- Resolution increasing the Engineering & Transportation Director's authority to issue change orders on the "Carpenter Road Waterline" project from 10% to 11.2% of the original contract price recommended.

Engineering & Transportation; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Reso No 2004-150** (Jackman/Hawn; unan. Dunbar absent) accepting the work by James Michael Johnson General Engineering Inc., dba On Grade Contracting, for the "Carpenter Road Waterline" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $509,138.35 per the contract

ACTION: **Reso No 2004-151** (Jackman/Hawn; unan. Dunbar absent) increasing the Engineering & Transportation Director's authority to issue change orders on the "Carpenter Road Waterline" project from 10% to 11.2% of the original contract price.

CONSENT

13. Consider a $63,807 amendment to the DMJM+Harris consultant contract for construction management services associated with the Kansas-Needham Overhead project, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving a $63,807 amendment to the DMJM+ Harris consultant contract for construction management services associated with the Kansas - Needham Overhead project, and authorizing the City Manager to execute the necessary documents recommended.

    Engineering & Transportation; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Reso No 2004-152** (Jackman/Hawn; unan. Dunbar absent) approving a $63,807 amendment to the DMJM+Harris consultant contract for construction management services associated with the Kansas-Needham Overhead project, and authorizing the City Manager to execute the necessary documents.

CONSENT

14. Consider accepting the work by Granite Construction Company for the "Village One West Basin Road Improvements" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $867,207.45 per the contract.
    - Resolution accepting the work by Granite Construction Company for the "Village One West Basin Road Improvements" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $867,207.45 per the contract recommended.

    Engineering & Transportation; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Reso No 2004-153** (Jackman/Hawn; unan. Dunbar absent) accepting the work by Granite Construction Company for the "Village One West Basin Road Improvements" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $867,207.45 per the contract.

CONSENT

15. Consider awarding the bid and approving a $62,481.25 contract with Fence Systems Inc., dba The Yard, for the project titled "Briggsmore Sound Wall – West of Tully", and authorizing the City Manager to execute the necessary documents.
    - Resolution awarding the bid and approving a $62,481.25 contract with Fence Systems Inc., dba The Yard, for the project titled "Briggsmore Sound Wall – West of Tully", and authorizing the City Manager to execute the necessary documents recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-154** (Jackman/Hawn; unan. Dunbar absent) awarding the bid and approving a $62,481.25 contract with Fence Systems Inc., dba The Yard, for the project titled "Briggsmore Sound Wall – West of Tully", and authorizing the City Manager to execute the necessary documents.

CONSENT

16. Consider accepting the Bowen Traffic Calming project as complete and amending the FY 2003-2004 Capital Improvement Program to fully fund the project.
    - Resolution accepting the Bowen Traffic Calming project as complete and amending the FY 2003-2004 Capital Improvement Program to fully fund the project recommended.

    Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: **Reso No 2004-155** (Jackman/Hawn; unan. Dunbar absent) accepting the Bowen Traffic Calming project as complete and amending the FY 2003-2004 Capital Improvement Program to fully fund the project.

CONSENT

17. Consider awarding the bid and approving the contract in the amount of $270,193 for the "Installation of Two Traffic Signals at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive" project with Tim Paxin's Pacific Excavation Inc., and Consider amending the Capital Improvement Program budget to fully fund the project.
    - Resolution awarding the bid and approving the contract in the amount of $270,193 for the "Installation of Two Traffic Signals at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive" project with Tim Paxin's Pacific Excavation Inc. recommended.
    - Resolution a finding that the project within the scope of the project covered by a Master Environmental Impact Report (MEIR), SCH No. 1999082041
    - Resolution amending the Capital Improvement Program budget to fully fund the project recommended.

    Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: **Reso No 2004-156** (Jackman/Hawn; unan. Dunbar absent) awarding the bid and approving the contract in the amount of $270,193 for the "Installation of Two Traffic Signals at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive" project with Tim Paxin's Pacific Excavation Inc.

ACTION: **Reso No 2004-157** (Jackman/Hawn; unan. Dunbar absent) finding that the project within the scope of the project covered by a Master Environmental Impact Report (MEIR), SCH No. 1999082041

ACTION: **Reso No 2004-158** (Jackman/Hawn; unan. Dunbar absent) amending the Capital Improvement Program budget to fully fund the project.

CONSENT

18. Consider amending Municipal Code Section 3-2.1401.1 (Radar) to include Jefferson, between Paradise Road and Maze Boulevard, Sierra Drive between G Street and 7th Street, and to remove Sharon Avenue between Fine Avenue and Claus Road from the radar-enforceable speed limit list. Funds are budgeted.

- Introduction of an ordinance amending Municipal Code Section 3-2.1401.1 (Radar) to include Jefferson, between Paradise Road and Maze Boulevard, Sierra Drive between G Street and 7th Street, and to remove Sharon Avenue between Fine Avenue and Claus Road recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan. Dunbar absent**) introduced Ordinance No. 3344-C.S.** amending Municipal Code Section 3-2.1401.1 (Radar) to include Jefferson, between Paradise Road and Maze Boulevard, Sierra Drive between G Street and 7th Street, and to remove Sharon Avenue between Fine Avenue and Claus Road.

CONSENT

19. Consider approving the March 12, 2004 installation of an all-way stop on Jefferson Street and Vine Street. Funds are budgeted.
    - Resolution approving the March 12, 2004 installation of an all-way stop on Jefferson Street and Vine Street recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: **Reso No 2004-159** (Jackman/Hawn; unan. Dunbar absent) approving the March 12, 2004 installation of an all-way stop on Jefferson Street and Vine Street.

CONSENT

20. Consider the Monthly Investment Report.
    - Motion acknowledging receipt of Monthly Investment Report – February 2004 recommended.

Finance; Peggy Hetzler, 577-5369, phetzler@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan. Dunbar absent) acknowledging receipt of Monthly Investment Report – February 2004.

REMOVED FROM THE AGENDA

21. Consider awarding the bid and approving a $1,692,4 95 contract with Magnum Enterprises Inc. for the construction of Fire Station No. 11, and authorizing the City Manager to execute the necessary documents.
    - Resolution awarding the bid and approving a $1,692,495 contract with Magnum Enterprises Inc. for the project titled "Fire Station No. 11", and authorizing the City Manager to execute the necessary documents recommended.
    - Resolution adjusting the budget to appropriate $238,495 from the General Fund recommended.
    - Resolution transferring $49,865 to fully fund the project recommended.

Fire; David Grant, 572-9596, dgrant@modestofire.com

ACTION: Item 21 was removed from the agenda.

CONSENT

22. Consider approving installation of angle parking on the north side of Sierra Drive between F and 4th Streets, and shifting of the existing centerline of Sierra Drive ten feet to the south to accommodate the angle parking.
    - Resolution approving installation of angle parking on the north side of Sierra Drive between F and 4th Streets, and shifting of the existing centerline of Sierra Drive ten feet to the south to accommodate the angle parking recommended.

    Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, bford@modestogov.com

ACTION: **Reso No 2004-160** (Jackman/Hawn; unan. Dunbar absent) approving installation of angle parking on the north side of Sierra Drive between F and 4th Streets, and shifting of the existing centerline of Sierra Drive ten feet to the south to accommodate the angle parking.

COUNCIL COMMENTS & REPORTS

- Mayor Ridenour announced that Councilmember Keating was awarded Women of the Year in the 25th Assembly District and presented her with a certificate.

- City Manager Crist reported on the League of California Cities quarterly dinner meeting in Merced.

WRITTEN COMMUNICATIONS

23. Consider a letter from Horizon Consulting Services, Dennis Wilson, regarding Carpenter Road Self-Storage Project.

ACTION: Motion failed (Jackman/O'Bryant; Hawn, Keating, Marsh, Ridenour no) to approve the self-storage project.

HEARINGS

24. Hearing to consider a Mitigated Negative Declaration regarding the Neighborhood Center at Marshall Park Master Plan and Design Development Report.
    - Resolution adopting the Mitigated Negative Declaration recommended.
    - Resolution approving the Master Plan and Design Development Report for the Neighborhood Center at Marshall Park recommended.
    - Resolution approving an amendment to the agreement with WLC Architects to increase the amount of the agreement from $197,500 to $243,840 to provide for additional construction management and engineering, and authorizing the City Manager to execute the necessary documents recommended.

    Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, bford@modestogov.com

ACTION: **Reso No 2004-161** (Hawn/Jackman; unan. Dunbar absent) adopting the Mitigated Negative Declaration

ACTION: **Reso No 2004-162** (Hawn/Jackman; unan. Dunbar absent) approving the Master Plan and Design Developme nt Report for the Neighborhood Center at Marshall Park

ACTION: **Reso No 2004-163** (Hawn/Jackman; unan. Dunbar absent) approving an amendment to the agreement with WLC Architects to increase the amount of the agreement from $197,500 to $243,840 to provide for additional construction management and engineering, and authorizing the City Manager to execute the necessary documents

Recess 7:25
Reconvene 7:30

25. Hearing to consider approving a request from the Housing Authority of the County of Stanislaus for HOME funds in the amount of $400,000 for the development of the Miller Pointe project and to consider approving a request from Stanislaus County Affordable Housing Corporation (STANCO) for HOME funds in the amount of $624,831 for the development of the 3333 Carver Road project, and authorizing the City Manager to execute the necessary documents; and Consider an agreement with STANCO for Community Housing Development Organization set aside funds in the amount of $260,270; and Consider amending the FY 2003-2004 budget to re-allocate $260,270 in un-obligated FY 2002-2003 CHDO set-aside funds.
    - Resolution approving a request from the Housing Authority of the County of Stanislaus for HOME funds in the amount of $400,000 for the development of the Miller Pointe project and to consider approving a request from Stanislaus County Affordable Housing Corporation (STANCO) for HOME funds in the amount of $624,831 for the development of the 3333 Carver Road project, and authorizing the City Manager to execute the necessary documents recommended.
    - Resolution approving an agreement with STANCO for Community Housing Development Organization set aside funds in the amount of $260,270 recommended.
    - Resolution amending the FY 2003-2004 budget to re-allocate $260,270 in un-obligated FY 2002-2003 CHDO set-aside funds recommended.

    Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: **Reso No 2004-164** (Marsh/Jackman; unan. Dunbar absent) approving a re quest from the Housing Authority of the County of Stanislaus for HOME funds in the amount of $400,000 for the development of the Miller Pointe project and to consider approving a request from Stanislaus County Affordable Housing Corporation (STANCO) for HOME funds in the amount of $624,831 for the development of the 3333 Carver Road project, and authorizing the City Manager to execute the necessary documents.

ACTION: **Reso No 2004-165** (Marsh/Jackman; unan. Dunbar absent) approving an agreement with STANCO for Community Housing Development Organization set aside funds in the amount of $260,270.

ACTION: **Reso No 2004-166** (Marsh/Jackman; unan. Dunbar absent) amending the FY 2003 - 2004 budget to re-allocate $260,270 in un-obligated FY 2002-2003 CHDO set-aside funds.

26. Hearing to consider approving the policies and procedures and 5-year fee schedule for the Parks, Recreation and Neighborhoods department's facilities and services, and rescinding Resolution No. 98-237.
    - Resolution approving the policies and procedures and 5-year fee schedule for the Parks, Recreation and Neighborhoods department's facilities and services, and rescinding Resolution No. 98-237 recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: **Reso No 2004-167** (Jackman/Keating; unan. Dunbar absent) approving the policies and procedures and 5-year fee schedule for the Parks, Recreation and Neighborhoods department's facilities and services, and rescinding Resolution No. 98-237.

NEW BUSINESS

27. Consider the Downtown Improvement District Board's proposal for a Pilot Parking Validation Program for the 11th Street and 10th Street Place parking garages.
    - Resolution approving Downtown Improvement District Board's proposal for a Pilot Parking Validation Program for the 11th Street and 10th Street Place parking garages recommended.

    Operation & Maintenance; Peter Cowles, 577-5213, pcowles@modestogov.com

ACTION: **Reso No 2004-168** (Marsh/Hawn; unan. Dunbar absent) approving Downtown Improvement District Board's proposal for a Pilot Parking Validation Program for the 11th Street and 10th Street Place parking garages.

28. Consider the State Theatre Board request for City endorsement of the State Theatre's loan request to the Stanislaus County Economic Development Bank.
    - Resolution supporting the State Theatre Board request for City endorsement of the State Theatre's loan request to the Stanislaus County Economic Development Bank recommended.

    City Manager; Jack Crist, 577-5224, jcrist@modestogov.com

ACTION: **Reso No 2004-169** (Jackman/O'Bryant; unan. Dunbar absent) supporting the State Theatre Board request for City endorsement of the State Theatre's loan request to the Stanislaus County Economic Development Bank.

29. Consider directing staff to proceed with preparation of documents necessary to initiate a process to increase water rates by 35% for fiscal year 04-05; 30% for fiscal year 05-06; 30% for fiscal year 06-07.

- Motion acknowledging staff report recommended.

Finance; Gregory Baird, 577-5458, gbaird@modestogov.com

ACTION: By Motion (Hawn/Jackman; unan. Dunbar absent) acknowledged receipt of report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:20 p.m.

Closed session heard prior to the meeting.

CLOSED SESSION

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

Property:	Disposition of City surplus property located on the south side of Sharon Avenue, west of Fine Avenue as part of the Freedom Park Project. APN: 085-0721 (portion) – 4.22 Acres ±
Negotiating parties:	Steve Long, Acquisition Consultant for the City of Modesto Ron Liebs – negotiating for Sylvan Union School District
Under negotiation:	Price and terms of sale for property rights to be disposed

MODESTO CITY COUNCIL

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MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street, Second Floor, Room 2005

Monday, April 5, 2004 at 5:30 PM

Roll Call – Present: Committee Members Hawn, O'Bryant

Absent: Committee Member Dunbar

Also Present: Councilmembers Jackman, Marsh

Items for the Council workshop are:

21) Create a Job Classification for Police Facilities Coordinator

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

22) Police Department Planned Closure of the Southeast Area Office

ACTION: The Safety and Communities Committee took no action. This item was for information only.

23) Police Department Internal Affairs/Complaints Report for 2003

ACTION: The Safety and Communities Committee took no action. This item was for information only.

24) Overview of the Police Department's Crisis Response Unit

ACTION: The Safety and Communities Committee took no action. This item was for information only.

25) Consider Supporting Staff Recommendations that City Council Authorize Staff to Negotiate Parking Fees for Non-baseball Events at John Thurman Field at a Rate From $3.00 to $5.00 Per Car

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

26) Request to Authorize City Manager to Make a Grant Application for FEMA Grant 2004

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

27) Automated Red Light Photo Enforcement Program

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

28) Consider Staff Recommendations Regarding Implementation of the Parks, Recreation and Neighborhoods Department Fund Development Plan

ACTION: The Safety and Communities Committee approved Staff's recommendation to move forward.

29) Verbal Update from Police Department on Drug Enforcement

ACTION: The Safety and Communities Committee took no action. This item was for information only.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was 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, April 6, 2004, 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: Allen Peters, Destiny Christian Center

City Clerk's Announcements: *Item 17 moved to follow Item 42.*
Items 23 & 26 removed from Consent.

Declaration of Conflicts of Interest *Councilmember Hawn, Item 27*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from the Modesto A's to announce the opening of the season on April 12, 2004.

ACTION: Presentation made by the Modesto A's.

2. Presentation of a proclamation for Youth Temperance Education Week.

ACTION: Mayor Ridenour presented the proclamation.

3. Presentation regarding the Modesto Relays.

ACTION: Proclamation presented by Mayor Ridenour. A presentation was given by Cecil Russell of Savemart regarding the Relays.

4. Presentation by Beverly McCullough and Proclamation by Mayor Ridenour on the 15th Annual Earth Day in the Park Festival, April 17, 2004.

ACTION: Presentation made by Bev McCullough and proclamation presented by Mayor Ridenour.

MISCELLANEOUS

Appointments

5. Consider appointing Noralynn Doyle Goold to the Community Qualities Forum.
   - Resolution appointing Noralynn Doyle Goold to the Community Qualities Forum with an expiration date of January 1, 2008 recommended.

   City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com

ACTION: **Res. No. 2004-170** (Jackman/Keating; unan.) appointing Noralynn Doyle Goold to the Community Qualities Forum.

ORAL COMMUNICATIONS

- Stanford commented on the flea market in Ceres and expressed his appreciation of the law enforcement protection of the event. He acknowledged the contributions of the Latino community.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION Consent Items 6-10, 12-16, 18-22, 24, 25, 28-33 Jackman/O'Bryant; unan
ACTION Item 11: O'Bryant/Dunbar; majority; Keating, no
ACTION Item 17: Marsh/Hawn; unan.
ACTION Item 23: Hawn/Keating; unan
ACTION Item 26: Marsh/Hawn; unan
ACTION Item 27: Jackman/Dunbar; unan.; Hawn absent due to conflict

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 March 23, 2004.
   - Motion approving recommended.

   Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan.) approved the minutes of the regular City Council meeting of March 23, 2004.

CONSENT

7. Consider final adoption of Ordinance 3344-C.S. – an Ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.
    - Motion approving final adoption of Ordinance 3344-C.S. – an Ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits recommended.

    City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan.) **approved final adoption of Ordinance 3344-C.S.** – an Ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

CONSENT

8. Consider accepting the Internal Audit report on Police Department Evidence and Property Facility.
    - Motion acknowledging receipt of report recommended.

    City Clerk & Auditor; Gary Nienhuis, 571-5544, ghienhuis@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan.) acknowledged receipt of report.

CONSENT

9. Consider accepting the Internal Audit report on Nirvana Drug and Alcohol Treatment Center.
    - Motion acknowledging receipt of report recommended.

    City Clerk & Auditor; Gary Nienhuis, 571-5544, ghienhuis@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan) acknowledged receipt of report.

CONSENT

10. Consider accepting the Internal Audit report on the Police Department Investigative Services Division's cash fund and cash fund procedure.
    - Motion acknowledging receipt of report recommended.

    City Clerk & Auditor; Gary Nienhuis, 571-5544, ghienhuis@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan) acknowledged receipt of report.

REMOVED FROM CONSENT

11. Consider a contract with Maze & Associates to perform financial-related work, at a cost not to exceed $78,200, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving a contract with Maze & Associates to perform financial-related work, at a cost not to exceed $78,200, and authorizing the City Manager to execute the necessary documents recommended.

    City Clerk & Auditor; Gary Nienhuis, 571-5544, ghienhuis@modestogov.com

ACTION: **Res. No. 2004-171 (**O'Bryant/Dunbar; majority; Keating, no) approving a contract with Maze & Associates to perform financial-related work, at a cost not to exceed $78,200, and authorizing the City Manager to execute the necessary documents

CONSENT

12. Consider adopting amendments to the City's Policies and Procedures for formation and administration of Mello-Roos Community Facilities Districts (CFDs).
    - Resolution adopting amendments to the City's Policies and Procedures for formation and administration of Mello-Roos Community Facilities Districts (CFDs) recommended.

    City Manager; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: **Res. No. 2004-172** (Jackman/O'Bryant; unan) adopting amendments to the City's Policies and Procedures for formation and administration of Mello-Roos Community Facilities Districts (CFDs).

CONSENT

13. Consider altering the existing rate and method of apportionment of the special tax in City of Modesto Community Facilities District No. 2004-1 (Fairview Village).
    - Resolution of consideration to alter the existing rate and method of apportionment of the special tax in City of Modesto Community Facilities District No . 2004-1 (Fairview Village) recommended.

    City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: **Res. No. 2004-173** (Jackman/O'Bryant; unan) to alter the existing rate and method of apportionment of the special tax in City of Modesto Community Facilities District No. 2004-1 (Fairview Village).

CONSENT

14. Consider a report from the City Manager regarding actions taken pursuant to Shelter Emergency Resolution 2004-020.
    - Motion acknowledging receipt of report recommended.

    City Manager; Jack Crist, 577-5224, jcrist@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan) acknowledged receipt of report.

CONSENT

15. Property acquisition from Sheldon Grover (APN: 005-3707 – portion), Matthew and Anne Long (APN: 005-3708 – portion) and Robert and Lynna Campana (APN: 005-3709 – portion) to the City of Modesto for property along Rumble Road for the Rumble Road Widening Project. Acquisition Price: APN: 005-3707 – $14,900; APN: 005-3708 - $10,000; APN: 005-3709 - $12,700.
    - Resolution approving three agreements for the property acquisition for Rumble Road Widening Project and authorizing the City Manager to execute the agreements and all related property documents as Grantee on behalf of the City of Modesto between the City of Modesto and Sheldon Grover, Matthew and Anne Long, and Robert and Lynna Campana for the property acquisitions recommended.
    - Resolution authorizing the City Manager to execute Acceptance Forms for the property acquisitions recommended.

    Community & Economic Development; Linda Boston, 571-5179; lboston@modestogov.com

ACTION: **Res. No. 2004-174** (Jackman/O'Bryant; unan) approving three agreements for the property acquisition for Rumble Road Widening Project and authorizing the City Manager to execute the agreements and all related property documents as Grantee on behalf of the City of Modesto between the City of Modesto and Sheldon Grover, Matthew and Anne Long, and Robert and Lynna Campana for the property acquisitions.

Res. No. 2004-175 (Jackman/O'Bryant; unan) authorizing the City Manager to execute Acceptance Forms for the property acquisitions.

CONSENT

16. Sale of a portion of a one parcel of excess land along Sharon Avenue (Freedom Park) in the City of Modesto and authorizing staff to take all appropriate actions to complete the sale of said parcel to Sylvan Union School District. APN 009-0803; Sales Price, $929,000.
    - Resolution authorizing the City Manager to take all appropriate actions to complete the sale of said parcel portion located along Sharon Avenue (Freedom Park) and authorizing the City Manager to execute all required documents related to said property sale recommended.

    Community & Economic Development; Linda Boston, 571-5179; lboston@modestogov.com

ACTION: **Res. No. 2004-176** (Jackman/O'Bryant; unan) authorizing the City Manager to take all appropriate actions to complete the sale of said parcel portion located along Sharon Avenue (Freedom Park) and authorizing the City Manager to execute all required documents related to said property sale.

REMOVED FROM CONSENT AND MOVED TO FOLLOW ITEM 42

17. Consider approving the award of a $449,000 contract to West Yost & Associates for professional services related to developing a Preliminary Design for the Modesto Regional Water Treatment Plant Phase Two Expansion – Downstream Improvements, and authorizing the City Manager to execute the necessary documents.

- Resolution approving the award of a $449,000 contract to West Yost & Associates for professional services related to developing a Preliminary Design for the Modesto Regional Water Treatment Plant Phase Two Expansion – Downstream Improvements, and authorizing the City Manager to execute the necessary documents recommended.

Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: **Res. No. 2004-176A** (Marsh/Hawn; unan.) approving the award of a $449,000 contract to West Yost & Associates for professional services related to developing a Preliminary Design for the Modesto Regional Water Treatment Plant Phase Two Expansion – Downstream Improvements, and authorizing the City Manager to execute the necessary documents.

CONSENT

18. Consider Accepting the Improvements for the Fernwood Phase One 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 Central Valley, Inc., a California Corporation).

- Resolution accepting the improvements for the Fernwood Phase One Subdivision and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

Engineering & Transportation; Robert Granberg; 577-5259, rgranberg@modestogov.com

ACTION: **Res. No. 2004-177** (Jackman/O'Bryant; unan) accepting the improve ments for the Fernwood Phase One Subdivision and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

19. Consider accepting as complete the work of On Grade Contracting for the "Installation of a Right-Turn Lane from Downey Avenue onto McHenry Avenue" project, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $93,325.69. Total project cost is $164,700.07.

- Resolution accepting as complete the work of On Grade Contracting for the "Installation of a Right-Turn Lane from Downey Avenue onto McHenry Avenue" project, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $93,325.69 recommended.

Engineering & Transportation; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Res. No. 2004-178** (Jackman/O'Bryant; unan) accepting as complete the work of On Grade Contracting for the "I nstallation of a Right-Turn Lane from Downey Avenue onto McHenry Avenue" project, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $93,325.69.

CONSENT

20. Consider an agreement consenting to Common Use with Modesto Irrigation District (MID) at Rumble Road and Conant Avenue, and authorizing the City Manager to execute the agreement.
    - Resolution approving an agreement consenting to Common Use with Modesto Irrigation District (MID) at Rumble Road and Conant Avenue, and authorizing the City Manager to execute the agreement recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Res. No. 2004-179** (Jackman/O'Bryant; unan) approving an agreement consenting to Common Use with Modesto Irrigation District (MID) at Rumble Road and Conant Avenue, and authorizing the City Manager to execute the agreement.

CONSENT

21. Consider amending the FY03-04 Capital Improvement Budget to appropriate $20,000 the Storm Drain Reserves for the project titled "9th Street Storm Drainage; and Consider approving a $29,505 amendment to the $430,509 Boyle Engineering consultant contract for the design of the 9th Street Storm Drain, and authorizing the City Manager to execute the necessary documents, increasing the total estimated cost of the services to $460,014.
    - Resolution amending the FY03-04 Capital Improvement Budget to appropriate $20,000 the Storm Drain Reserves for the project titled "9th Street Storm Drainage recommended.
    - Resolution approving a $29,505 amendment to the $430,509 Boyle Engineering consultant contract for the design of the 9th Street Storm Drain, and authorizing the City Manager to execute the necessary documents, increasing the total estimated cost of the services to $460,014 recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Res. No. 2004-180** (Jackman/O'Bryant; unan) amending the FY03-04 Capital Improvement Budget to appropriate $20,000 the Storm Drain Reserves for the project titled "9th Street Storm Drainage.

Res. No. 2004-181 (Jackman/O'Bryant; unan) approving a $29,505 amendment to the $430,509 Boyle Engineering consultant contract for the design of the 9th Street Storm Drain, and authorizing the City Manager to execute the necessary documents, increasing the total estimated cost of the services to $460,014.

CONSENT

22. Consider authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of bulk fuel red dyed #2 diesel, for a three - year agreement for an estimated annual cost of $44,721.

- Resolution authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of bulk fuel red dyed #2 diesel, for a three - year agreement for an estimated annual cost of $44,721 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Res. No. 2004-182** (Jackman/O'Bryant; unan) authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of bulk fuel red dyed #2 diesel, for a three - year agreement for an estimated annual cost of $44,721.

REMOVED FROM CONSENT

23. Consider acknowledging receipt and ratification of the budget policy guidance provided by the Finance Committee at its March 22, 2004 meeting.

- Motion acknowledging receipt and ratification of the budget policy guidance provided by the Finance Committee at its March 22, 2004 meeting recommended.

Finance; Peggy Hetzler, 577-5371, phetzler@modestogov.com

ACTION: By Motion (Hawn/Keating; unan.) acknowledged receipt and ratification of the budget policy guidance provided by the Finance Committee at its March 22 , 2004 meeting.

CONSENT

24. Consider the Monthly Budget Adjustment Report.

- Resolution approving FY04 budget adjustments for March 2004 recommended.

Finance; Peggy Hetzler; 577-5369; phetzler@modestogov.com

ACTION: **Res. No. 2004-183** (Jackman/O'Bryant; unan) approving FY04 budget adjustments for March 2004.

CONSENT

25. Consider a resolution authorizing the award of bid and contract for one new, high production rotary mower from H.V. Carter Co. Inc. for an estimated total cost of $76,811.78.

- Resolution authorizing the award of bid and contract for one new, high production rotary mower from H. V. Carter Co. Inc. for an estimated total cost of $76,811.78 recommended

Finance; Tom Reddie, 577-5406; treddie@modestogov.com

ACTION: **Res. No. 2004-184** (Jackman/O'Bryant; unan) authorizing the award of bid and contract for one new, high production rotary mower from H. V. Carter Co. Inc. for an estimated total cost of $76,811.78.

REMOVED FROM CONSENT

26. Consider authorizing awarding of bid and contract for 12 new current/model year vehicles to the following vendors: American Chevrolet for eight new current year/model vehicles in the approximate amount of $145,240, and to Maita Chevrolet for four new current year/model vehicles in the approximate amount of $63,120. The total approximate purchase amount for the 12 new current year model vehicles is $208,360.

- Resolution authorizing awarding of bid and contract to the following vendors: American Chevrolet for eight new current year/model vehicles in the approximate amount of $145,240, and to Maita Chevrolet for four new current year model vehicles in the approximate amount of $63,120. The total approximate purchase amount for the twelve new current year/model vehicles is $208,360 recommended.

Finance; Tom Reddie, 577-5406; treddie@modestogov.com

ACTION: **Res. No. 2004-185** (Marsh/Hawn; unan.) authorizing awarding of bid and contract to the following vendors: American Chevrolet for eight new current year/model vehicles in the approximate amount of $145,240, and to Maita Chevrolet for four new current year model vehicles in the approximate amount of $63,120.

HAWN ABSENT DUE TO CONFLICT OF INTEREST

27. Consider awarding the bid and approving a $1,692,495 contract with Magnum Enterprises Inc. for the construction of Fire Station No. 11, and authorizing the City Manager to execute the necessary documents.

- Resolution awarding the bid and approving a $1,692,495 contract with Magnum Enterprises Inc. for the project titled "Fire Station No. 11", and authorizing the City Manager to execute the necessary documents recommended.
- Resolution approving a loan of $238,495 from CIP account 1300-0180-N412 to CIP account 1320-0180-M174 for the project titled "Fire Station No. 11" and establish payback from future Fire Capital Facilities Fees amortized over the next five years recommended.
- Resolution adjusting the budget to appropriate $49,865 Fund 1410 (CFF Streets) to the Fire Station No. 11 account recommended.

Fire; David Grant, 572-9596, dgrant@modestofire.com

ACTION: **Res. No. 2004-186** (Jackman/Dunbar; unan. Hawn absent due to conflict) awarding the bid and approving a $1,692,495 contract with Magnum Enterprises Inc. for the project titled "Fire Station No. 11", and authorizing the City Manager to execute the necessary documents.

Res. No. 2004-187 (Jackman/Dunbar; unan. Hawn absent due to conflict) approving a loan of $238,495 from CIP account 1300-0180-N412 to CIP account 1320-0180-M174 for the project titled "Fire Station No. 11" and establish payback from future Fire Capital Facilities Fees amortized over the next five years.

Res. No. 2004-188 (Jackman/Dunbar; unan. Hawn absent due to conflict) adjusting the budget to appropriate $49,865 Fund 1410 (CFF Streets) to the Fire Station No. 11 account.

CONSENT

28. Consider authorizing the City Manager to apply for the National Assistance to Firefighter 's grant and to execute the necessary grant application documents.
    - Resolution authorizing the City Manager to apply for the National Assistance to Firefighter's grant and to execute the necessary grant application documents recommended.

    Fire; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: **Res. No. 2004-189** (Jackman/O'Bryant; unan) authorizing the City Manager to apply for the National Assistance to Firefighter's grant and to execute the necessary gra nt application documents.

CONSENT

29. Consider an amendment to the Operating Policies and Procedures for AccessModesto Community Television; and Consider a one-year agreement with Quality Video for the continued cablecast of its daily program entitle "Ce ntral Valley Reports" which airs on AccessModesto's Public Channel.
    - Resolution approving an amendment to the Operating Policies and Procedures for AccessModesto Community Television recommended.
    - Resolution approving a one-year agreement with Quality Video for the continued cablecast of its daily program entitled "Central Valley Reports" which airs on AccessModesto's Public Channel recommended.

    Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: **Res. No. 2004-190** (Jackman/O'Bryant; unan) approving an amendment to the Operating Policies and Procedures for AccessModesto Community Television.

Res. No. 2004-191 (Jackman/O'Bryant; unan) approving a one-year agreement with Quality Video for the continued cablecast of its daily program entitled "Central Valley Reports" which airs on AccessModesto's Public Channel.

CONSENT

30. Consider accepting $300,000 in grant funding from the State of California Department of Housing and Community Development, CalHome Program Mortgage Assistance, and authorizing the City Manager or his designee to execute the grant agreement; and consider amending the Fiscal Year 2004-2004 operating budget to estimate $300,000 in new revenue and appropriate $300,000 to 0410-320-3280-0497, the CalHome Mortgage Assistance Program for first-time homebuyers.
    - Resolution accepting $300,000 in grant funding from the State of California Department of Housing and Community Development, CalHome Program

Mortgage Assistance, and authorizing the City Manager or his designee to execute the grant agreement recommended.

- Resolution amending the Fiscal Year 2004-2004 operating budget to estimate $300,000 in new revenue and appropriate $300,000 to 0410-320-3280-0497, the CalHome Mortgage Assistance Program for first-time homebuyers recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310; caverell@modestogov.com

ACTION: **Res. No. 2004-192** (Jackman/O'Bryant; unan) accepting $300,000 in grant funding from the State of California Department of Housing and Community Development, CalHome Program Mortgage Assistance, and authorizing the City Manager or his designee to execute the grant agreement.

Res. No. 2004-193 (Jackman/O'Bryant; unan) amending the Fiscal Year 2004-2004 operating budget to estimate $300,000 in new revenue and appropriate $300,000 to 0410-320-3280-0497, the CalHome Mortgage Assistance Program for first-time homebuyers.

CONSENT

1. Consider allocation of $10,000 of Community Housing Development Organization (CHDO) set-aside funds from the HOME Investment Partnership Program to Habitat for Humanity, and authorize the City Manager to execute the necessary documents.
    - Resolution approving allocation of $10,000 of Community Housing Development Organization (CHDO) set-aside funds from the HOME Investment Partnership Program to Habitat for Humanity, and authorize the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Res. No. 2004-194** (Jackman/O'Bryant; unan) approving allocation of $10,000 of Community Housing Development Organization (CHDO) set-aside funds from the HOME Investment Partnership Program to Habitat for Humanity, and authorize the City Manager to execute the necessary documents.

CONSENT

2. Consider amending the Position Classification Plan to create the classification of Community Services Supervisor and revise the classification of Customer Services Supervisor and amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes.
    - Resolution amending the Position Classification Plan to create the classification of Community Services Supervisor and revise the classification of Customer Services Supervisor recommended.
    - Resolution amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes recommended.

Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: **Res. No. 2004-195** (Jackman/O'Bryant; unan) amending the Position Classification Plan to create the classification of Community Services Supervisor and revise the classification of Customer Services Supervisor.

Res. No. 2004-196 (Jackman/O'Bryant; unan) amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes.

CONSENT

33. Consider a consultant services agreement with the Yosemite Community College District for a Modesto Police Lieutenant to serve as Director of the Ray Simon Regional Criminal Justice Training Center; and Consider amending the current budget.
    - Resolution approving a consultant services agreement with the Yosemite Community College District for a Modesto Police Lieutenant to serve as Director of the Ray Simon Regional Criminal Justice Training Center recommended.
    - Resolution amending the 2004/2004 Budget, estimating revenues and expending funds for a Modesto Police Lieutenant to serve as Director of the Ray Simon Regional Criminal Justice Training Center recommended.

    Police; David Cooperider, 572-9678, cooperiderd@modestopd.com

ACTION: **Res. No. 2004-197** (Jackman/O'Bryant; unan) approving a consultant services agreement with the Yosemite Community College District for a Modesto Police Lieutenant to serve as Director of the Ray Simon Regional Criminal Justice Training Center.

Res. No. 2004-198 (Jackman/O'Bryant; unan) amending the 2004/2004 Budget, estimating revenues and expending funds for a Modesto Police Lieutenant to serve as Director of the Ray Simon Regional Criminal Justice Training Center.

COUNCIL COMMENTS & REPORTS

- Councilmember Hawn read a statement regarding his company's involvement with City of Modesto projects and his intent to remove his firm from any project with the City to avoid future conflicts.

- Mayor Ridenour reported on the City/County Liaison Committee meeting held last week.

WRITTEN COMMUNICATIONS

3. Letter from Fred Sandow regarding waiver of Capital Facilities Fees for the Parent Resource Center Inc. installation of modular classroom-type structure located at 811 5th Street, Modesto.

ACTION: By Motion (O'Bryant/Hawn; unan.) deferred this item and the CFF policy to the Economic Development Committee.

Recess 7:30
Reconvene 7:45

HEARINGS

35. Hearing to consider the establishment of Community Facilities District No. 2004-1 (Village One #2), authorize the levy of special taxes therein and establishing an annual appropriations limit; **C**onsider determining it necessary to incur bonded indebtedness with City of Modesto Community Facilities District No. 2004-1 (Village One #2); **C**onsider calling a special election for the City of Modesto Community Facilities District No. 2004-1 (Village One #2); **C**onsider declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2004-1 (Village One #2); and **C**onsider introduction of an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2004-1 (Village One #2).

- Resolution establishing Community Facilities District No. 2004-1 (Village One #2), authorize the levy of special taxes therein and establishing an annual appropriations limit recommended.
- Resolution determining it necessary to incur bonded indebtedness with City of Modesto Community Facilities District No. 2004-1 (Village One #2) recommended.
- Resolution calling a special election for the City of Modesto Community Facilities District No. 2004-1 (Village One #2) recommended.
- Resolution declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2004-1 (Village One #2) recommended.
- Motion introducing an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2004-1 (Village One #2) recommended.

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: **Res. No. 2004-199** (Jackman/O'Bryant; unan.) establishing Community Facilities District No. 2004-1 (Village One #2), authorize the levy of special taxes therein and establishing an annual appropriations limit.

Res. No. 2004-200 (Jackman/O'Bryant; unan) determining it necessary to incur bonded indebtedness with City of Modesto Community Facilities District No. 2004-1 (Village One #2) and calling a special election for the City of Modesto Community Facilities District No. 2004-1 (Village One #2).

Res. No. 2004-201 (Jackman/O'Bryant; unan) declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

By Motion (Jackman/O'Bryant; unan) **introduced Ordinance No. 3345-C.S.** -an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2004-1 (Village One #2).

Resolution Number 2004-202 was not used.

This item was continued from February 24, 2004
Councilmember Hawn absent due to conflict of interest

36. Hearing to consider the application of Modesto City Schools to prezone approximately 1.9 acres located on the north side of Glenn Avenue and west of Gutherie Street to Low - Density Residential (R-1) to allow expansion of Bret Harte Elementary School.
    - Resolution finding that the prezoning to Low-Density Residential (R-1) is within the scope of the Master EIR of the General Plan as determined by the Initial Study, Environmental Assessment No. EA/C&ED 2004-89 recommended.
    - Introduction of an ordinance approving the prezoning of approximately 1.9 acres located on the North side of Glenn Avenue and West of Gutherie Street to Low-Density Residential (R-1) recommended.
    - Resolution approving the amendment to Section 8-4-9 of the Zoning Map to prezone approximately 1.9 acres to Low-Density Residential (R-1) zone recommended.

    Community & Economic Development; Miguel Galvez, 577-5276, mgalvez@modestogov.com

ACTION: **Res. No. 2004-203** (Dunbar/Jackman; unan.Hawn absent due to conflict) finding that the prezoning to Low-Density Residential (R-1) is within the scope of the Master EIR of the General Plan as determined by the Initial Study, Environmental Assessment No. EA/C&ED 2004-89; approving the amendment to Section 8-4-9 of the Zoning Map to prezone approximately 1.9 acres to Low-Density Residential (R-1) zone; and annexing said property to the City of Modesto, Modesto Sewer District No. 1 and detaching from the Industrial Fire Protection District.

By Motion (Dunbar/Jackman; unan.Hawn absent due to conflict) **introduced Ordinance No. 3346-C.S.** - an ordinance approving the prezoning of approximately 1.9 acres located on the North side of Glenn Avenue and West of Gutherie Street to Low-Density Residential (R-1).

Res. No. 2004-204 (Dunbar/Jackman; unan.Hawn absent due to conflict) approving the filing of an application to Stanislaus Local Agency Formation Commission to annex approximately 1.9 acres located on the North side of Glenn Avenue and West of Gutherie Street

37. Hearing to consider the application of Valley Associated Urology Medical Group for rezone from SP-O (Specific Plan Overlay Zone) to P-D (Planned Development Zone) to allow a 55,000-square-foot medical office complex and associated off-street parking, property located at the northeast corner of Coffee Road and Mable Avenue .

- An ordinance rezoning the project site from Specific Plan Overlay, SP-O, to Planned Development Zone, P-D(565) recommended.
- A resolution approving a development plan for P-D(565) recommended.
- A resolution finding the proposed rezoning within the scope of the previously certified North Beyer Park Specific Plan Mitigated Negative Declaration recommended.

Community & Economic Development; Brad Wall; 577-5282, bwall@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) **introduced Ordinance No. 3347-C.S.** - An ordinance rezoning the project site from Specific Plan Overlay, SP-O, to Planned Development Zone, P-D(565)

Res. No. 2004-205 (Jackman/Keating; unan) approving a development plan for P-D(565).

Res. No. 2004-206 (Jackman/Keating; unan) finding the proposed rezoning within the scope of the previously certified North Beyer Park Specific Plan Mitigated Negative Declaration.

38. Consider removing the crosswalk located approximately 770 feet east of Bodem Street and the bus stop it serves and reroute Modesto Area Express (MAX) Route 24 to serve the Stanislaus County Health Services Agency. Total estimated cost: One-time cost of $70,000 (removal of crosswalk and relocating bus stop) Ongoing: $30,000 (annual cost of supplemental bus service)

- Resolution directing staff to:
  1) Remove the mid-block crosswalk on Scenic Drive approximately 770 feet east of Bodem Street
  2) Remove the bus stop on the north side of Scenic Drive immediately west of the crosswalk
  3) Establish a new bus stop and construct a bus turnout on the north side of Scenic Drive immediately west of Bodem Street
  4) Revise Modesto Area Express (MAX) Route 24 to provide service from the bus stop adjacent to the Health Services Agency on the south side of Scenic Drive to the Transportation Center.
  5) Remove the existing bus stop on the north side of Scenic Drive immediately west of Melrose Street.
  6) Authorize the use of three hours per day of supplemental bus service to transport students from the Elliot Education Center direct to the downtown Transportation Center.
  7) Make the changes operational in January 2005.

Engineering & Transportation; Fred Cavanah, Transit Manager, 577-5295, fcavanah@modestogov.com

ACTION: **Res. No. 2004-207** (Jackman/Marsh; unan.) directing staff to

1. Remove the mid-block crosswalk on Scenic Drive approximately 770 feet east of Bodem Street
2. Remove the bus stop on the north side of Scenic Drive immediately west of the crosswalk

3. Establish a new bus stop and construct a bus turnout on the north side of Scenic Drive immediately west of Bodem Street
4. Revise Modesto Area Express (MAX) Route 24 to provide service from the bus stop adjacent to the Health Services Agency on the south side of Scenic Drive to the Transportation Center.
5. Remove the existing bus stop on the north side of Scenic Drive immediately west of Melrose Street.
6. Authorize the use of three hours per day of supplemental bus service to transport students from the Elliot Education Center direct to the downtown Transportation Center.
7. Make the changes operational in January 2005

NEW BUSINESS

39. Update regarding the City's Workers' Compensation Claims Audit, performed by the State of California Department of Industrial Relations.
    - Motion to accept staff report on the City's Workers' Compensation Claims Audit, performed by the State of California Department of Industrial Relations recommended.

    Personnel; Ben Bankard, 577-5446; bbankard@modestogov.com

ACTION: **By Motion** (Hawn/Dunbar; unan.) acknowledged receipt of report on the City's Workers' Compensation Claims Audit, performed by the State of California Department of Industrial Relations.

40. Consider approving short-range improvements to the Modesto Area Express (MAX) public transit system including new service to be implemented January 2005, and appropriating $324,000 to the upcoming FY04/05 operating budget to cover six months of operation of the new service.
    - Resolution approving in concept new Modesto Area Express (MAX) routes to begin operating in January 2005 that would connect downtown Modesto with the Vintage Faire Mall and South Modesto and approving additional short-range improvements to the MAX system as follows: Expand service to Village One and Enochs High School in 2006; Extend service farther into Salida, including service to Gregori High School, in 2007; and Extend service to potential northeast Modesto shopping area when appropriate recommended.
    - Resolution committing $324,000 to the upcoming FY2004/05 Operating Budget to cover six months of operation of the new bus service recommended.

    Engineering & Transportation; Fred Cavanah, Transit Manager, 577-5295, fcavanah@modestogov.com

ACTION: **Res. No. 2004-208** (Jackman/Keating; unan.) approving in concept new Modesto Area Express (MAX) routes to begin operating in January 2005 that would connect downtown Modesto with the Vintage Faire Mall and South Modesto and approving additional short-range improvements to the MAX system as follows: Expand service to Village One and Enochs High School in 2006; Extend service farther into Salida,

including service to Gregori High School, in 2007; and Extend service to potential northeast Modesto shopping area when appropriate.

Res. No. 2004-209 (Jackman/Keating; unan.) committing $324,000 to the upcoming FY2004/05 Operating Budget to cover six months of operation of the new bus service.

41. Consider the establishment of a single water zone, with rates allocated based on overall water system needs, and standardizing metered rates and methodologies, and standardization of lot sizes associated with flat-rate billings.
    - Motion directing staff to begin the work of: establishing a single water zone, with rates allocated based on overall water system needs, and standardizing metered rates and methodologies, and standardization of lot s izes associated with flat-rate billings recommended.

Operations & Maintenance; Jana Coons, 342-2281, jcoons@modestogov.com

ACTION: **By Motion** (Hawn/Jackman; unan.) directed staff to begin the work of: establis hing a single water zone, with rates allocated based on overall water system needs, and standardizing metered rates and methodologies, and standardization of lot sizes associated with flat-rate billings.

42. Consider a $100,000 professional services agreement with Harris & Associates for to assist City staff in conducting a Proposition 218 property owner ballot vote for the increase of water rates, and authorizing the City Manager to execute the necessary documents, and authorizing appropriation of funds from the Water Fund Reserves to the Budget and Financial Analysis operating account.
    - Resolution awarding a $100,000 professional services agreement with Harris & Associates for to assist City staff in conducting a Proposition 218 property owner ballot vote for the increase of water rates, and authorizing the City Manager to execute the necessary documents, and authorizing appropriation of funds from the Water Fund Reserves to the Budget and Financial Analysis operating account recommended.

Finance; Greg Baird, 577-5458, gbaird@modestogov.com

ACTION: **Res. No. 2004-210** (Dunbar/Marsh; unan.) awarding a $100,000 professional services agreement with Harris & Associates for to assist City staff in conducting a Proposi tion 218 property owner ballot vote for the increase of water rates, and authorizing the City Manager to execute the necessary documents, and authorizing appropriation of funds from the Water Fund Reserves to the Budget and Financial Analysis operating account.

43. Consider approving the allocation of Community Development Block Grant (CDBG) funds of $308,100 for public services and $109,443 for services for the homeless, and Emergency Shelter Grant (ESG) funds of $61,831 for FY 2004 -2005, and authorizing the City Manager or his designee to sign and execute the agreements to implement the approved programs; and consider authorizing staff to release a Request for Proposal (RFP) in May 2004, for a Winter Shelter for the remaining $43,884 of ESG funds.

- Resolution approving the allocation of Community Development Block Grant (CDBG) funds of $308,100 for public services and $109,443 for services for the homeless, and Emergency Shelter Grant (ESG) funds of $61,831 for FY 2004 -2005, and authorizing the City Manager or his designee to sign and execute the agreements to implement the approved programs recommended.
- Resolution authorizing staff to release a Request for Proposal (RFP) in May 2004, for a Winter Shelter for the remaining $43,884 of ESG funds recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310; caverell@modestogov.com

ACTION: **Res. No. 2004-211** (Jackman/O'Bryant; unan.) approving the allocation of Community Development Block Grant (CDBG) funds of $308,100 for public services and $109,443 for services for the homeless, and Emergency Shelter Grant (ESG) funds of $61,831 for FY 2004-2005, and authorizing the City Manager or his designee to sign and execute the agreements to implement the approved programs.

Res. No. 2004-212 (Jackman/O'Bryant; unan.) authorizing staff to release a Request for Proposal (RFP) in May 2004, for a Winter Shelter for the remaining $43,884 of ESG funds.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 9:30 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:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organizations:	Modesto Police Officers Association Modesto Police Management Association

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CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Modesto City Employees Association (MCEA) v. City of Modesto
before the Public Employment Relations Board (PERB)

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

Property:	Purchase, sale or lease of property located on Rumble Road for Rumble Road Widening Project as follows: Sheldon Grover – APN: 005-3707 (portion) Matthew and Anne Long – APN: 005-3708 (portion) Robert and Lynna Campana – APN: 005-3709 (portion)
Negotiating Parties:	Ms. Jaime Guillen, Associated Right of Way Services, as Property Agent on behalf of the City of Modesto Sheldon Grover, Matthew and Anne Long, and Robert and Lynna Campana, Owners
Under Negotiation:	Price and terms of payment for property to be acquired.

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

Agency Negotiators:	Jack Crist, City Manager Robin Renwick, Personnel Director Jim Miguel, Fire Chief
Employee Organization:	Modesto City Fire Fighters Association

MODESTO CITY COUNCIL

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REVISED MINUTES

SPECIAL ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

1010 Tenth Street, Second Floor, Room 2005

5:30 p.m., Wednesday, April 7, 2004

Meeting Convened at 5:35 p.m.

Roll Call:	Present:	Janice Keating, Chair
		Garrad Marsh
	Absent:	Denny Jackman

NEW BUSINESS

INFORMATION ITEMS: (FOR INFORMATION ONLY—ITEMS MAY BE DISCUSSED. NO COMMITTEE ACTION IS REQUIRED.)

1) Oral Report on Mid-County Transportation Project Study Report

ACTION: City of Modesto, StanCOG and consultant staff provided an overview of the Mid County Transportation Final Project Study Report. No action taken.

2) Community & Economic Development Department Monthly Development Activity Report

b. Workforce Development Program
c. Kiernan Business Park Implementation Plan
d. Kaiser Medical Center
e. General Plan Housing Element Update
f. Comprehensive General Plan Update
g. Roselle-Claribel Specific Plan
h. St. Stanislaus Church

i. The Promenade Shopping Center
j. Fairview Specific Plan Update
k. Valle Tower – 10th & H Streets
l. CFF Exemption for Demolished Building and Transfer of Credits
m. Kansas-Woodland Business Park (FMC)
n. Downtown Housing Project
o. Downtown Office Project – Valley Tower LLC
p. Various Business Attraction Projects
q. www.choosemodesto.com
r. Marketing Modesto
s. Opportunity Map
t. Update to the RDA Master Plan and EIR
u. Redevelopment Workshop on April 29, 2004
v. Sylvan Vet Clinic at Sylvan/Roselle

ACTION: None

CONSENT ITEMS – APPROVAL: (PRESENTATIONS BY STAFF ONLY WHEN REQUESTED—COMMITTEE RECOMMENDATION REQUIRED.)

3) Consider Recommendation to Proceed with Grant Application to the Federal Aviation Administration for Completion of Airport Master Plan 2002

ACTION: Approved unanimously

4) Consider Recommendation to Proceed with Grant Application to the Department of Transportation for Small Community Air Service Development Program

ACTION: Approved unanimously

5) Consider Recommendation to Approve Annual Adjustment to Airport Rates and Fees

ACTION: Approved unanimously

6) Consider Reappointment of Member to the Citizens Redevelopment Advisory Committee

ACTION: Unanimously recommended to the City Council the appointment of Toni Varni with a term to expire January 1, 2007.

ITEMS WHERE STAFF EXPECTS DISCUSSION, GUIDANCE AND/OR RECOMMENDATION: (DETAILED BRIEFING BY STAFF—COMMITTEE AND PUBLIC COMMENTS LIKELY, COMMITTEE ACTION MAY BE REQUIRED.)

7) Discussion of Development Task Force

ACTION: Committee discussed the structure and role of the development process improvement Task Force recommended by Chair Keating. The Central California Building Industry Association and the Modesto Chamber of Commerce recommended Task Force membership. Additional participants will be suggested. Task Force will work independently and with staff. Occas ional updates will be brought to the Economic Development Committee. No formal action taken.

MATTERS TO LATE FOR THE AGENDA

ADJOURNMENT

This meeting was adjourned at 6:35 p.m.

MODESTO CITY COUNCIL

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MINUTES

Audit Committee Meeting/Special City Council Workshop Meeting
Tenth Street Place, Conference Room 3001
1010 10th Street
Modesto, California

Tuesday, April 20, 2004 10:00 AM

Roll Call:

Present: Committee members: Jim Ridenour, Chair
Janice Keating, Vice Chair
Will O'Bryant
Councilmembers: none
Absent: none

NEW BUSINESS

1. Approved recommendation to send to Council a resolution to support State Legislature proposal AB 2318, which provides additional confidentiality protections to city auditors.

2. Approved recommendation to send to Council the Fiscal Year End financial statement audit reports by Maze & Associates.

3. Discussion with Maze & Associates on Statement of Auditing Standards 99 procedures relating to fraud in financial statements, as they pertain to the audit for Fiscal Year End 2004.

ORAL COMMUNICATIONS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:50 AM.

MINUTES

City of Modesto

Finance Committee/
Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, April 26, 2004, at 5:30 p.m.

Roll Call – Present: Committee Members Dunbar, Jackman

Absent: Committee Member Hawn

Also Present: Councilmember Marsh, Mayor Ridenour

Workshop items:

1) Equal Opportunity Status Report FY 02-03

ACTION: The Finance Committee approved Staff's recommendation to forward this item to full Council for consideration.

2) Monthly Budget Adjustment Report

ACTION: The Finance Committee approved Staff's recommendation to forward this item to full Council for consideration.

3) Update of Budget Process/Overview of General Fund Department Reductions

ACTION: The Finance Committee took no action at this time. This item will be discussed at the May 5, 2004 Finance Committee meeting.

4) Amendment to Agreement for Consultant Services between the City of Modesto and Decision Point Analytics, Inc.

ACTION: The Finance Committee approved Staff's recommendation to forward this item to full Council for consideration.

5) Investment Policy Revisions

ACTION: The Finance Committee approved Staff's recommendation to forward this item to full Council for consideration.

6) Water Rate Update PowerPoint Presentation

ACTION: The Finance Committee took no action. This item was for information only.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was 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, April 27, 2004, 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: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements – Council will recess at 5:50 p.m. to attend groundbreaking ceremonies at Gallo Arts Center and reconvene at 7:00 p.m.
Item 11 removed from Consent
Item 24 removed from the Agenda

Declaration of Conflicts of Interest

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of proclamation declaring May 2 - 8, 2004 as Arson Awareness Week.

ACTION: Proclamation presented by Mayor Ridenour.

2. Introduction by the Personnel Director of the new Risk Manager, Mary Akin, and the new Worker's Compensation Claim Examiner, Annette Ulibarri.

ACTION: Introductions made by the Personnel Director.

MISCELLANEOUS
Legislation

3. Consider declaring opposition to SB 744 (Dunn) HCD State Housing Accountability Committee.
   - Resolution opposing SB 744 (Dunn) HCD State Housing Accountability Committee recommended.

City Manager; Beverly Hatcher, Management Analyst, 577-5220 bhatcher@modestogov.com

ACTION: Reso No 2004-213 (Jackman/Marsh; unan; Hawn absent) opposing SB 744 (Dunn) HCD State Housing Accountability Committee.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 26

ACTION Consent Items 4-10, 12- 23, 25, 26: Jackman/O'Bryant; Hawn absent

ACTION Item 11: Jackman/Dunbar; unan. Hawn absent

ACTION Item 24: 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

4. Consider approval of the minutes of the regular City Council meeting of April 6, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan. Hawn absent) approved the minutes of April 6, 2004.

CONSENT

5. Final adoption of:

   a. Ordinance 3345-C.S. – an ordinance of the City Council of the City of Modesto authorizing the levy of special taxes within City of Modesto Community Facilities District No. 2004-1 (Village One #2).
      - Motion approving final adoption of Ordinance 3345-C.S. – an ordinance of the City Council of the City of Modesto authorizing the levy of special taxes within City of Modesto Community Facilities District No. 2004-1 (Village One #2) recommended.

ACTION: By Motion (Jackman/O'Bryant; unan. Hawn absent) approved **final adoption of Ordinance 3345-C.S.** – an ordinance of the City Council of the City of Modesto authorizing the levy of special taxes within City of Modesto Community Facilities District No. 2004-1 (Village One #2).

b. Ordinance 3346-C.S. – an ordinance amending Section 8-4-9 of the Zoning Map of the City of Modesto prezoning 1.854 acres of property located on the north side of Glenn Avenue and west of Gutherie Street to Low Density Residential zone, R-1. (Modesto City Schools).
   - Motion approving final adoption of Ordinance 3346-C.S. – an ordinance amending Section 8-4-9 of the Zoning Map of the City of Modesto prezoning 1.854 acres of property located on the north side of Glenn Avenue and west of Gutherie Street to Low Density Residential zone, R-1. (Modesto City Schools) recommended.

ACTION: By Motion (Jackman/O'Bryant; unan. Hawn absent) approved **final adoption of Ordinance 3346-C.S**. – an ordinance amending Section 8-4-9 of the Zoning Map of the City of Modesto prezoning 1.854 acres of property located on the north side of Glenn Avenue and west of Gutherie Street to Low Density Residential zone, R-1. (Modesto City Schools)

c. Ordinance 3347- C.S. – an ordinance amending Section 3-3-9 of the Zoning Map to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(565), property located at the northeast corner of Coffee Road and Mable Avenue. (Valley Associated Urology Medical Group).
   - Motion approving final adoption of Ordinance 3347- C.S. – an ordinance amending Section 3-3-9 of the Zoning Map to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(565), property located at the northeast corner of Coffee Road and Mable Avenue. (Valley Associated Urology Medical Group) recommended.

ACTION: By Motion (Jackman/O'Bryant; unan. Hawn absent) **approved final adoption of Ordinance 3347- C.S.** – an ordinance amending Section 3-3-9 of the Zoning Map to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(565), property located at the northeast corner of Coffee Road and Mable Avenue. (Valley Associated Urology Medical Group)

CONSENT

6. Consider approving an amendment to the contract for audit services with Maze and Associates at a cost not to exceed $29,040 for extra work not part of the original contract, and authorizing the City Manager to execute the amendment.
   - Resolution approving an amendment to the contract for audit services with Maze and Associates at a cost not to exceed $29,040 for extra work not part of

the original contract, and authorizing the City Manager to execute the amendment recommended.

City Clerk & Auditor; Gary Nienhuis, 571-5544, gnienhuis@modestogov.com

ACTION: **Reso No 2004-214** (Jackman/O'Bryant; unan. Hawn absent) approving an amendment to the contract for audit services with Maze and Associates at a cost not to exceed $29,040 for extra work not part of the original contract, and authorizing t he City Manager to execute the amendment.

CONSENT

7. Consider authorizing the Community Facilities District Administrator to execute a professional services agreement with GDR Engineering Inc. for $138,000 to design the Sylvan/Roselle roundabout, and improvements along the south side of Sylvan between Roselle and Millbrook.
    - Resolution authorizing the Community Facilities District Administrator to execute a professional services agreement with GDR Engineering Inc. for $138,000 to design the Sylvan/Roselle roundabout, and improvements along the south side of Sylvan between Roselle and Millbrook recommended

City Manager; Vickey Dion; 571-5542, vdion@modestogov.com

ACTION: **Reso No 2004-215** (Jackman/O'Bryant; unan. Hawn absent) authorizing the Community Facilities District Administrator to execute a professional services agreement with GDR Engineering Inc. for $138,000 to design the Sylvan/Roselle roundabout, and improvements along the south side of Sylvan between R oselle and Millbrook.

CONSENT

8. Consider restating 2004 Local Government Transportation Control Measures and adding Transportation Control Measure (TCM) ST 8.4, incentives for carpoolers, to the TCM's adopted by the City Council on February 24, 2004.
    - Resolution adding Transportation Control Measure (TCM) ST 8.4, incentives for carpoolers, to the TCM's adopted by the City Council on February 24, 2004 recommended.

Engineering & Transportation; Terry Easley, 577-5295; teasley@modestogov.com

ACTION: **Reso No 2004-216** (Jackman/O'Bryant; unan. Hawn absent) adding Transportation Control Measure (TCM) ST 8.4, incentives for carpoolers, to the TCM's adopted by the City Council on February 24, 2004.

CONSENT

9. Cons ider accepting the work by Richard A. Heaps Electrical Contractor, Inc., for the "Rewire 8 Traffic Signals" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $133,059.80 per the contract. Total project cost is $142,262.80.

- Resolution accepting the work by Richard A. Heaps Electrical Contractor, Inc., for the "Rewire 8 Traffic Signals" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $133,059.80 per the contract recommended.

Engineering & Transportation; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Reso No 2004-217 (Jackman/O'Bryant; unan. Hawn absent) accepting the work by Richard A. Heaps Electrical Contractor, Inc., for the "Rewire 8 Traffic Signals" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $133,059.80 per the contract.

CONSENT

10. Consider accepting the work by D. A. Wood Construction, Inc., for the "Various Boring and Jacking for Waterlines Under M&ET Railroad Tracks" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $325,020 per the contract. Total project cost is $337,020.

    - Resolution accepting the work by D. A. Wood Construction, Inc., for the "Various Boring and Jacking for Waterlines Under M&ET Railroad Tracks" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $325,020 per the contract recommended.

Engineering & Transportation; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Reso No 2004-218 (Jackman/O'Bryant; unan. Hawn absent) accepting the work by D. A. Wood Construction, Inc., for the "Various Boring and Jacking for Waterlines Under M&ET Railroad Tracks" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $325,020 per the contract.

Removed from Consent

11. Consider accepting the work by Western States Surfacing, Inc., for the "2003 Slurry and Cape Seals" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $2,244,433.34 per the contract. Total project cost is $2,296,846.15.

    - Resolution accepting the work by Western States Surfacing, Inc., for the "2003 Slurry and Cape Seals" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $2,244,433.34 per the contract recommended.

Engineering & Transportation; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Reso No 2004-219 (Jackman/Dunbar; unan. Hawn absent) accepting the work by Western States Surfacing, Inc., for the "2003 Slurry and Cape Seals" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $2,244,433.34 per the contract.

CONSENT

12. Consider an amendment to the agreement with Stantec Consulting, Inc., for additional engineering design services in the amount of $39,821, 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 $239,501.

    - Resolution approving amendment to the agreement with Stantec Consulting, Inc., for additional engineering design services in the amount of $39,821, 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 $239,501 recommended.

Engineering & Transportation; Dean Phillips, 577-5215, dphillips@modestogov.com

ACTION: Reso No 2004-220 (Jackman/O'Bryant; unan. Hawn absent) approving amendment to the agreement with Stantec Consulting, Inc., for additional engineering design services in the amount of $39,821, 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 $239,501.

CONSENT

13. Consider a Mitigated Negative Declaration (SCH #2003062058) for the Shackelford Area Sanitary Sewer Crossing at the Tuolumne River and a finding that the City Council has reviewed and considered and made findings regarding the CEQA Environmental Review document.

    - Resolution adopting a Mitigated Negative Declaration (SCH #2003062058) for the Shackelford Area Sanitary Sewer Crossing at the Tuolumne River and adopting a finding that the City Council has reviewed and considered and made findings regarding the CEQA Environmental Review document recommended.

Engineering & Transportation; Dean Phillips, 577-5215, dphillips@modestogov.com

ACTION: Reso No 2004-221 (Jackman/O'Bryant; unan. Hawn absent) adopting a Mitigated Negative Declaration (SCH #2003062058) for the Shackelford Area Sanitary Sewer Crossing at the Tuolumne River and adopting a finding that the City Council has reviewed and considered and made findings regarding the CEQA Environmental Review document.

CONSENT

14. Consider an application for a Small Community Air Service Grant in the amount of $565,200 to the Department of Transportation (DOT) for an airlines start-up incentive package, and authorizing the City Manager to execute the application on behalf of the City of Modesto.

- Resolution approving the submittal of an application for a Small Community Air Service Grant in the amount of $565,200 to the Department of Transportation (DOT) for an airlines start-up incentive package, and authorizing the City Manager to execute the application on behalf of the City of Modesto recommended.

Engineering & Transportation; Van Switzer, 577-5318, vswitzer@modestogov.com

ACTION: **Reso No 2004-222** (Jackman/O'Bryant; unan. Hawn absent) approving the submittal of an application for a Small Community Air Service Grant in the amount of $565,200 to the Department of Transportation (DOT) for an airlines start-up incentive package, and authorizing the City Manager to execute the application on behalf of the City of Modesto.

CONSENT

15. 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 22, 2004.

- 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 22, 2004 recommended.

Engineering & Transportation; Van Switzer, 577-5318, vswitzer@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan. Hawn absent) authorized the use of the Modesto City-County Airport by the Stanislaus County Sheriff's Aero Squadron for their annual Airport Appreciation Day on May 22, 2004.

CONSENT

16. Consider authorizing the use of the Modesto City-County Airport by Sky Trek Aviation to host the Central California World War II Memorial Dedication Ceremony to be held on May 29, 2004.

- Motion authorizing the use of the Modesto City-County Airport by Sky Trek Aviation to host the Central California World War II Memorial Dedication Ceremony to be held on May 29, 2004 recommended.

Engineering & Transportation; Van Switzer, 577-5318, vswitzer@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan. Hawn absent) authorized the use of the Modesto City-County Airport by Sky Trek Aviation to host the Central California World War II Memorial Dedication Ceremony to be held on May 29, 2004.

CONSENT

17. Consider approving a Grant Application to the Federal Aviation Administration in the amount of $500,000 to fund the environmental document preparation and approval process associated with completing the Airport Master Plan 2002, and authorizing the City Manager to execute the Application on behalf of the City of Modesto.

- Resolution approving a Grant Application to the Federal Aviation Administration in the amount of $500,000 to fund the environmental document preparation and approval process associated with completing the Airport Master Plan 2002, and authorizing the City Manager to execute the Application on behalf of the City of Modesto.

Engineering & Transportation; Van Switzer, 577-5318, vswitzer@modestogov.com

ACTION: Reso No 2004-223 (Jackman/O'Bryant; unan. Hawn absent) approving a Grant Application to the Federal Aviation Administration in the amount of $500,000 to fund the environmental document preparation and approval process associated with completing the Airport Master Plan 2002, and authorizing the City Manager to execute the Application on behalf of the City of Modesto.

CONSENT

18. Consider approving the refund of Mil Taxes to AllCare in the amount of $23,686.86 due to newly established apportionment guidelines per Resolution 2003-501, and authorizing the Finance Director, or her designee to process the refund.

- Resolution approving the refund of Mil Taxes to AllCare in the amount of $23,686.86 due to newly established Apportionment guidelines per Resolution 2003-501 and authorizing the Finance Director, or her designee, to process t he refund recommended.

Finance; Cheryl Detmar, 571-5174, cdetmar@modestogov.com

ACTION: Reso No 2004-224 (Jackman/O'Bryant; unan. Hawn absent) approving the refund of Mil Taxes to AllCare in the amount of $2 3,686.86 due to newly established Apportionment guidelines per Resolution 2003-501 and authorizing the Finance Director, or her designee, to process the refund.

CONSENT

19. Consider an amendment to the agreement with Decision Point Analytics Inc., and authorizing the City Manager to execute the necessary documents.

- Resolution approving an amendment to the agreement with Decision Point Analytics Inc. for professional services related to the annual budget process and authorizing the City Manager to execute the necessary documents recommended.

Finance; Peggy Hetzler, 577-5371, phetzler@modestogov.com

ACTION: Reso No 2004-225 (Jackman/O'Bryant; unan. Hawn absent) approving an amendment to the agreement with Decision Point Analytics Inc. for professional services related to

the annual budget process and authorizing the City Manager to execute the necessary documents.

CONSENT

20. Consider authorizing the purchase of a Caterpillar 420D Backhoe from Holt of Califor nia under the State of California, Department of General Services, and California Multiple Award Schedule (CMAS) contract for a total estimated cost of $70,029.19.
    - Resolution authorizing the purchase of a Caterpillar 420D Backhoe from Holt of California under the State of California, Department of General Services, and California Multiple Award Schedule (CMAS) contract for a total estimated cost of $70,029.19 recommended.

    Finance; Tom Reddie; 577-5406, treddie@modestogov.com

ACTION: **Reso No 2004-226** (Jackman/O'Bryant; unan. Hawn absent) authorizing the purchase of a Caterpillar 420D Backhoe from Holt of California under the State of California, Department of General Services, and California Multiple Award Schedule (CMAS) contract for a total estimated cost of $70,029.19.

CONSENT

21. Consider awarding bid and contract for purchase of seven new, current year/model ¾ ton trucks for an estimated total of $156,568 as follows: five ¾ -ton trucks from Heritage Ford for an estimated $104,481; and two ¾-ton trucks for an estimated $52,087 from American Chevrolet. Funds are budgeted.
    - Resolution authorizing the award of bid and contract for a total of seven new, current year/model ¾ ton trucks for an estimated total of $ 156,568 as follows: five ¾-ton trucks from Heritage Ford for an estimated $104,481; and two ¾ -ton trucks for an estimated $52,087 from American Chevrolet recommended.

    Finance; Tom Reddie; 577-5406, treddie@modestogov.com

ACTION: **Reso No 2004-227** (Jackman/O'Bryant; unan. Hawn absent) authorizing the award of bid and contract for a total of seven new, current year/model ¾ ton trucks for an estimated total of $156,568 as follows: five ¾ -ton trucks from Heritage Ford for an estimated $104,481; and two ¾-ton trucks for an estimated $52,087 from American Chevrolet.

CONSENT

22. Consider awarding the proposal and contract for spoils removal services to On Grade Contracting, for an initial one -year period, with the option of four additional, one -year contact extensions for an approximate annual amount of $240,000.
    - Resolution authorizing the award of proposal and contract for spoils removal services to On Grade Contracting for an initial one -year period, with the option of four additional, one -year contact extensions for an approximate annual amount of $240,000 recommended.

    Finance; Tom Reddie; 577-5406, treddie@modestogov.com

ACTION: **Reso No 2004-228** (Jackman/O'Bryant; unan. Hawn absent) authorizing the award of proposal and contract for spoils removal services to On Grade Contracting for an initial one-year period, with the option of four additional, one-year contact extensions for an approximate annual amount of $240,000.

CONSENT

23. Consider awarding of bid and contract to Heritage Ford for sixteen 2004 Ford Crown Victoria CHP Class E patrol sedans for a total estimated cost of $410,714.34.
    - Resolution authorizing the award of bid and contract to Heritage Ford for sixteen 2004 Ford Crown Victoria CHP Class E patrol sedans for a total estimated cost of $410,714.34 recommended.

    Finance; Tom Reddie; 577-5406, treddie@modestogov.com

ACTION: **Reso No 2004-229** (Jackman/O'Bryant; unan. Hawn absent) authorizing the award of bid and contract to Heritage Ford for sixteen 2004 Ford Crown Victoria CHP Class E patrol sedans for a total estimated cost of $410,714.34.

Removed from the agenda

24. Consider awarding of bid and contracts for concrete boxes and covers, cast iron covers and frames, and related accessories to the following vendors: Kenko Utility for approximate annual cost of $134,031; Groeniger for approximate annual cost of $532; and General Plumbing for approximate annual cost of $317, for a combined annual approximate cost of $134,880.
    - Resolution awarding of bid and contracts for concrete boxes and covers, cast iron covers and frames, and related accessories to the following vendors: Kenko Utility for approximate annual cost of $134,031; Groeniger for approximate annual cost of $532; and General Plumbing for approximate annual cost of $317, for a combined annual approximate cost of $134,880 recommended.

    Finance; Tom Reddie; 577-5406, treddie@modestogov.com

ACTION: Removed from the agenda.

CONSENT

25. Consider amending the Position Classification Plan to create the classification of Police Facilities Coordinator, and Consider amending the Class Range Table for Represented Management and Confidential Non-Sworn to add the salary range for Police Facilities Coordinator.
    - Resolution amending the Position Classification Plan to create the classification of Police Facilities Coordinator recommended.
    - Resolution amending the Class Range Table for Represented Management and Confidential Non Sworn Classes to add the salary range for Police Facilities Coordinator (Salary Range 424) at an approximate cost of $470 for the remainder of the fiscal year recommended.

    Personnel; Cherree Platt, 577-5439, cplatt@ci.modestogov.com

ACTION: Reso No 2004-230 (Jackman/O'Bryant; unan. Hawn absent) amending the Position Classification Plan to create the classification of Police Facilities Coordinator.

ACTION: Reso No 2004-231 (Jackman/O'Bryant; unan. Hawn absent) amending the Class Range Table for Represented Management and Confidential Non Sworn Classes to add the salary range for Police Facilities Coordinator (Salary Range 424) at an approximate cost of $470 for the remainder of the fiscal year.

CONSENT

26. Consider amending the Position Classification Plan to delete the following classifications: Arborist, Assistant to City Manager, Assistant to the Events Coordinator, Business Development Manager, Communications & Marketing Manager, Customer Services Specialist, Financial/Investment Officer, General Services Manager, Golf Services Manager, Housing & Neighborhoods Division Manager, Maintenance Aide, Meter Reader Crewleader, Police Records Manager, Police Training & Records Technician (confidential), Senior Personnel Clerk, Social Services Program Supervisor, and Youth Program Supervisor.
    - Resolution amending the Position Classification Plan to delete the following classifications: Arborist, Assistant to City Manager, Assistant to the Events Coordinator, Business Development Manager, Communications & Marketing Manager, Customer Services Specialist, Financial/Investment Officer, General Services Manager, Golf Services Manager, Housing & Neighborhoods Division Manager, Maintenance Aide, Meter Reader Crewleader, Police Records Manager, Police Training & Records Technician (confidential), Senior Personnel Clerk, Social Services Program Supervisor, and Youth Program Supervisor recommended.

    Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Reso No 2004-232 (Jackman/O'Bryant; unan. Hawn absent) amending the Position Classification Plan to delete the following classifications: Arborist, Assistant to City Manager, Assistant to the Events Coordinator, Business Development Manager, Communications & Marketing Manager, Customer Services Specialist, Financial/Investment Officer, General Services Manager, Golf Services Manager, Housing & Neighborhoods Division Manager, Maintenance Aide, Meter Reader Crewleader, Police Records Manager, Police Training & Records Technician (confidential), Senior Personnel Clerk, Social Services Program Supervisor, and Youth Program Supervisor.

COUNCIL COMMENTS & REPORTS

None

WRITTEN COMMUNICATIONS

27. Letter from Mary Harris regarding the Modesto Epilepsy Support Group.

ACTION: Ms. Harris was not present at the meeting. No discussion or action taken.

Council recessed to the Gallo Arts Center groundbreaking at 5:50 p.m.
Reconvene 7:00 p.m.
Councilmember O'Bryant absent for the remainder of the meeting

HEARINGS

Continued from the March 9, 2004 City Council Meeting.

28. Hearing to consider a General Plan Amendment by the City of Modesto proposing an amendment to the Modesto Urban Area General Plan to update the Housing Element and to certify that this project is within the scope of the City Modesto General Plan Master EIR .
    - Resolution approving an amendment to the Modesto Urban Area General Plan to update the Housing Element recommended.
    - Resolution certifying that the Initial Study Environmental Assessment No. 2003-54 for the proposed General Plan Amendment fore the Housing Element update is within the scope of the General Plan Master Environmental Impact Report (State Clearinghouse No. 199908041).

    Community & Economic Development; Miguel Galvez, 571-5539, mgalvez@modestogov.com

ACTION: Reso No 2004-233 (Jackman/Keating; unan. Hawn and O'Bryant absent approving an amendment to the Modesto Urban Area General Plan to update the Housing Element.

ACTION: Reso No 2004-234 (Jackman/Keating; unan. Hawn and O'Bryant) certifying that the Initial Study Environmental Assessment No. 2003-54 for the proposed General Plan Amendment fore the Ho using Element update is within the scope of the General Plan Master Environmental Impact Report (State Clearinghouse No. 199908041).

29. Hearing to consider the application of Modesto City Schools to vacate and abandon Bret Harte Place street right-of-way.
    - Resolution approving the requested Vacation and Abandonment of Bret Harte Place street right-of-way between Gutherie and Frazier Streets 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): Vacation and Abandonment of Bret Harte Place Street Right-Of-Way Between Gutherie Street and Frazier Street. (Owner: Modesto City Schools) recommended.

    Community & Economic Development; Miguel Galvez, 571-5539, mgalvez@modestogov.com

ACTION: Reso No 2004-235 (Dunbar/Keating; unan.; Hawn and O'Bryant absent) approving the requested Vacation and Abandonment of Bret Harte Place stre et right-of-way between Gutherie and Frazier Streets

ACTION: Reso No 2004-236 (Dunbar/Keating; unan. Hawn and O'Bryant absent) finding that the Following Project is Within The Scope of the Project Covered by the Modesto Urban Area General Plan Master Env ironmental Impact Report (Sch No. 1999082041): Vacation and Abandonment of Bret Harte Place Street Right -Of-Way Between Gutherie Street and Frazier Street. (Owner: Modesto City Schools).

30. Hearing to consider establishing fees for facilities at the Tuol umne River Regional Park and rescinding Resolution No. 2002-383.
    - Resolution establishing fees for facilities at the Tuolumne River Regional Park and rescinding Resolution No. 2002-383 recommended.

Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Reso No 2004-237 (Jackman/Dunbar; unan. Hawn and O'Bryant absent) establishing fees for facilities at the Tuolumne River Regional Park and rescinding Resolution No. 2002-383.

31. Hearing to consider restating usage policies, booking procedures and rental rates, and authorizing staff to negotiate the parking fees for non -baseball events at John Thurman Field at a rate from $3.00 to $5.00 per car, and rescinding Resolution No. 98-51.
    - Resolution restating usage policies, booking procedures and rental rates, and authorizing staff to negotiate the parking fees for non -baseball events at John Thurman Field at a rate from $3.00 to $5.00 per car, and rescinding Resolution No. 98-51 recommended.

Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Reso No 2004-238 (Jackman/Keating; unan. Hawn and O'Bryant absent) restating usage policies, booking procedures and rental rates, and authorizing staff to negotiate the parking fees for non-baseball events at John Thurman Field at a rate from $3.00 to $5.00 per car, and rescinding Resolution No. 98-51.

NEW BUSINESS

32. Consider a report on Fiscal Year-end 2003 financial audits by Maze and Associates.
    - Motion acknowledging receipt of final audit reports recommended.

City Clerk & Auditor; Gary Nienhuis, gnienhuis@modestogov.com

ACTION: By Motion (Jackman/Keating; unan. Hawn and O'Bryant absent) acknowledging receipt of final audit reports.

33. Consider rejecting all bids and authorizing re-bidding for the purchase and assembly of ten granular activated carbon (GAC) units.
    - Resolution approving the rejection of all bids and authorizing the re-bid for the purchase and assembly of ten granular activated carbon (GAC) units recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Reso No 2004-239 (Keating/Marsh; majority, Jackman, no; Hawn and O'Bryant absent) approving the rejection of all bids and authorizing the re-bid for the purchase and assembly of ten granular activated carbon (GAC) units.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:02 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: Purchase, sale or lease of property located at 2500 Sylvan as follows:

Josephine Cipponeri – APN: 077-046-079

Negotiating Parties: Steve Castellanous of Associated Right-of-Way Services, as Property Agent on behalf of the City of Modesto.

Josephine Cipponeri, Owner

Under Negotiation: Price and terms of payment for property to be acquired.

****

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case

****

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Manager

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street
Conference Room 2005, Second Floor
Modesto, California

Monday, May 3, 2004, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, O'Bryant

ORAL COMMUNICATIONS

Committee/Council workshop items are:

NEW BUSINESS

1) Police Crime Statistics through March 31, 2004

ACTION: The Safety and Communities Committee took no action on this item. The item was for information only. Councilmember O'Bryant requested a report on staffing levels o f patrol on each shift and staffing levels of all other assignments.

2) Overview of Property and Evidence Unit

ACTION: The Safety and Communities Committee took no action on this item. The item was for information only.

3) Mayor's Committee on Youth Services

ACTION: The Safety and Communities Committee approved the Mayor's recommendation.

4) Anti-Litter Ordinance

ACTION: The Safety and Communities Committee approved staff's recommendation.

5) Police Department Update on Club Suave

ACTION: The Safety and Communities Committee took no action. This item was for information only.

6) Fire Apparatus Maintenance Contract with Stanislaus Consolidated Fire Protection District

ACTION: The Safety and Communities Committee approved staff's recommendation.

7) Contracting Opportunities with Outside Fire Agencies (Verbal Report)

ACTION: This item was removed from the agenda, as it was a duplicate of Item 6.

8) Consider Supporting Staff Recommendations Regarding
   a. Agreements with Modesto' Five Rotary Clubs
   b. Renaming of a Portion of the Virginia Corridor
   c. Creation of a CIP for Installation and Infrastructure Along a Portion of Virginia Corridor

ACTION: The Safety and Communities Committee approved staff's recommendation.

9) Green Fee Rate Increases for City of Modesto Golf Courses

ACTION: The Safety and Communities Committee approved staff's recommendation.

10) Agreement with FM Golf to Provide Food Services at Creekside Golf Course

ACTION: The Safety and Communities Committee approved staff's recommendation.

11) Amend Municipal Code Regarding Neighborhood Preservation Unit's Enforcement Of Itinerant Vendors

ACTION: The Safety and Communities Committee directed staff to research the possibility of drafting an ordinance for enforcement measures of itinerant vendors.

12) Inflatable Entertainment Features in City Parks

ACTION: The Safety and Communities Committee approved staff's recommendation.

13) Landscape Enhancement on State Route 99 Within and Near the Briggsmore Expressway Interchange

ACTION: The Safety and Communities Committee approved staff's recommendation.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was 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, May 4, 2004, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Mark Kreiger, Modesto Covenant Church

City Clerk's Announcements

Declaration of Conflicts of Interest

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Chief Jim Miguel regarding Fill The Boot for Muscular Dystrophy scheduled for May 15, 2004.

ACTION: Presentation given by Jason Fritz, Modesto Fire Department and a Muscular Dystrophy representative.

2. Presentation of Proclamation to Stanislaus County Asthma Coalition proclaiming May 4, 2004 Asthma Awareness Day and May 2004 as Asthma Awareness Month. Chairperson Dr. Wallace Carroll to receive the proclamation.

ACTION: Proclamation presented by Mayor Ridenour.

3. Presentation of a Certificate of Recognition to the Modesto High School Leadership Class in honor of receiving the Outstanding Activities Program Award from the California Association of Student Leaders and California Association of Directors of Activities.

ACTION: Presentation made by Mayor Ridenour.

4. Presentation of Proclamation to the Stanislaus County Commission on Aging proclaiming May as "Senior Awareness Month".

ACTION: Proclamation presented by Mayor Ridenour.

5. Presentation by Mike Zagaris regarding the recent formation of a non-profit corporation dedicated to providing art in public places in the greater Modesto area, and the Council is being requested to designate a City Staff member to act as a liaison to this newly formed non-profit corporation.

ACTION: By motion (Keating/Hawn; unan.) Council designated Bob Quintella to act as staff liaison to this newly formed non-profit corporation.

MISCELLANEOUS

Legislation

6. Consider opposing Senate Bill 1866, legislation relating to Police vehicle pursuits.
   - Resolution opposing Senate Bill 1866, legislation relating to Police vehicle pursuits recommended.

   Police; Roy Wasden, 572-9503, wasdenr@modestopd.com

ACTION: Reso No 2004-240 (O'Bryant/Marsh; unan.) opposing Senate Bill 1866, legislation relating to Police vehicle pursuits.

ORAL COMMUNICATIONS

- Mary Harris spoke regarding the Modesto Epilepsy Support Group.
- Dean Phillips responded to Councilmember Keating regarding the roadwork being done on Scenic Drive.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 7 through 11

ACTION Consent Item 7, 8, 9, 10, 11: Jackman/Keating; unan.

CONSENT ITEMS

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

CONSENT

7. Consider approval of the minutes of the regular City Council meeting of April 27, 2004.
   - Motion approving minutes recommended.

   Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) approving the minutes of April 27, 2004.

CONSENT

8. Consider rejecting the bid of $218,039 from D.A. Wood Construction Inc., for the pro ject title "Pressure Manholes East of Morton Boulevard and 11 th Street", and authorizing staff to re-advertise the project at a future date.
    - Resolution rejecting the bid of $218,039 from D.A. Wood Construction Inc., for the project title "Pressure Manholes East of Morton Boulevard and 11 th Street", and authorizing staff to re-advertise the project at a future date recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-241** (Jackman/Keating; unan.) rejecting the bid of $218,039 from D.A. Wood Construction Inc., for the project title "Pressure Manholes East of Morton Boulevard and 11th Street", and authorizing staff to re-advertise the project at a future date.

CONSENT

9. Consider accepting the bid and awarding a $265,672.50 contract to Rodgers Construction & Engineering Co. Inc., for the project titled "Hatch Road Improvements at Dallas Street Intersection", and authorizing the City Manager to execute the necessary documents; Consider amending the FY 2003-2004 Capital Improvement budget to transfer $77,967 to fund the improvements; and Consider adopting an Initial Study for the Hatch Road Improvements at Dallas Street intersection in the City of Modest o, and adopting a finding that the City Council has reviewed, considered, and made findings regarding the CEQA Environmental Review document.
    - Resolution accepting the bid and awarding a $265,672.50 contract to Rodgers Construction & Engineering Co. Inc., for the project titled "Hatch Road Improvements at Dallas Street Intersection", and authorizing the City Manager to execute the necessary documents recommended.
    - Resolution amending the FY 2003-2004 Capital Improvement budget to transfer $77,967 to fund the improvements recommended.
    - Resolution adopting an Initial Study for the Hatch Road Improvements at Dallas Street intersection in the City of Modesto, and adopting a finding that the City Council has reviewed, considered, and made findings regarding the CEQA Environmental Review document recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-242** (Jackman/Keating; unan) accepting the bid and awarding a $265,672.50 contract to Rodgers Construction & Engineering Co. Inc., for the project titled "Hatch Road Improvements at Dallas Street Intersection", and authorizing the City Manager to execute the necessary documents

ACTION: **Reso No 2004-243** (Jackman/Keating; unan) amending the FY 2003-2004 Capital Improvement budget to transfer $77,967 to fund the improvements

ACTION: **Reso No 2004-244** (Jackman/Keating; unan) adopting an Initial Study for the Hatch Road Improvements at Dallas Street intersection in the City of Modesto, and adopting a finding that the City Council has reviewed, considered, and made findings regarding the CEQA Environmental Review document.

CONSENT

10. Consider the Monthly Budget Adjustment Report.
    - Resolution approving FY-2004 budget adjustments for April 2004 recommended.

    Finance; Peggy Hetzler; 577-5369; phetzler@modestogov.com

ACTION: **Reso No 2004-245** (Jackman/Keating; unan) approving FY-2004 budget adjustments for April 2004.

CONSENT

11. Consider the Monthly Investment Report – March 2004.
    - Motion acknowledging receipt and accepting the Month Investment Report for March 2004 recommended.

    Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: By Motion (Jackman/Keating; unan) acknowledging receipt and accepting the Month Investment Report for March 2004

COUNCIL COMMENTS & REPORTS

None

UNFINISHED BUSINESS

12. Consider directing staff to pursue a financing strategy wherein the Modesto Irrigation District would finance the Modesto Regional Water Treatment Plant Phase II Expansion and the City of Modesto would finance construction of the related Downstream Improvements, and authorizing the Mayor to forward that recommend ation to the joint City/Modesto Irrigation District Domestic Water Policy Committee.
    - Motion directing staff to pursue a financing strategy wherein the Modesto Irrigation District would finance the Modesto Regional Water Treatment Plant Phase II Expansion and the City of Modesto would finance construction of the related Downstream Improvements, and authorizing the Mayor to forward that recommendation to the joint City/Modesto Irrigation District Domestic Water Policy Committee recommended.

    Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: By Motion (Hawn/Jackman; unan.) directing staff to pursue a financing strategy designated as option 2 in the staff report, however staff has the l atitude to negotiate for the option 3 strategy provided the City would own the transmission facilities after the debt has been repaid, if that is the best deal (in terms of costs) for the rate payers.

HEARINGS

13. Hearing to consider the annexation of territory to Community Facilities District No. 2004-1 (Village One #2), and the levy of special taxes within the territory proposed to be annexed.
    - Resolution approving the annexation of territory to Community Facilities District No. 2004-1 (Village One #2), and the levy of special taxes within the territory proposed to be annexed recommended.

    City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: **Reso No 2004-246A** (Jackman/Marsh) 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 #1)

ACTION: **Reso No 2004-246** (Jackman/Marsh; unan.) approving the annexation of territory to Community Facilities District No. 2004-1 (Village One #2), and the levy of special taxes within the territory proposed to be annexed.

Recess 7:22
Reconvene 7:34

14. Hearing to consider an appeal by Eric Reimer and Greg Dias, on behalf of neighbors, of the March 25, 2004 Board of Zoning Adjustment determination that a Conditional Use Permit is not required for the continued use of the parking area behind "The Seasons", formerly the Elks Lodge at 945 McHenry Avenue.
    - Resolution denying the appeal of Eric Reimer and Greg Dias, regarding the March 25, 2004 Board of Zoning Adjustment and upholding the grating of appeal of Youra Tarverdi in determining that a Conditional Use Permit is not required for the continued use of the parking area behind "The Seasons", formerly t he Elks Lodge at 945 McHenry Avenue recommended.

Community & Economic Development; Bob Cannell, 577-5274, bcannell@modestogov.com

ACTION: Reso No 2004-247 (Dunbar/O'Bryant; unan.) denying the appeal of Eric Reimer and Greg Dias, regarding the March 25, 2004 Board of Zoning Adjustment and upholding the granting of appeal of Youra Tarverdi in determining that a Conditional Use Permit is not required for the continued use of the parking area behind "The Seasons" , formerly the Elks Lodge at 945 McHenry Avenue.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:12 p.m.

CLOSED SESSION

Closed session heard prior to the Council meeting.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case

MINUTES

City of Modesto

Finance Committee/
Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Wednesday, May 5, 2004, at 4:00 p.m.

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

Also Present: Marsh, Mayor Ridenour

Workshop items:

7) Discussion of Proposed General Fund Department Reductions and Options (Continued)

a. Overview of Budget Process to date/ Description of information contained in "General Fund Snapshop" binder.

ACTION: Peggy Hetzler, Finance Director presented the budget overview.

b. Discussion of General Fund Departmental Budget Re ductions/Policy Issues

- City Council
- City Manager
- Personnel
- City Attorney
- City Clerk
- Finance
- Information Technology
- Community & Economic Development
- Parks, Recreation & Neighborhoods
- Engineering & Transportation
- Operations & Maintenance
- Transfers

ACTION: Staff presented budget reductions for each department.

ACTION: No action was taken by the Finance Committee on the above Budget Items. Budget items were presented for information only.

c. Potential General Fund Revenue Sources

ACTION: Donna Hansen, Deputy City Manager, gave a report on revenue sources.

d. Discussion of Police and Fire Budget Requests

ACTION: The Police and Fire Chiefs made their department budget presentations.

2) Continuation of Water Rate Increase Policy Issue Discussion

ACTION: By Motion (Dunbar/Jackman), the Finance Committee recommended Council consider including an annual index in water rate increases.

ACTION: By Consensus, the Finance Committee recommended including the following recommendations in the Water Meters Plan:

- Meter churches and schools
- Move ahead to read all residential meters currently in the ground
- Phased approach to water metering
- Develop process for voluntary metering
- Meter water wasters according to existing ordinance

ACTION: By Motion (Jackman/Dunbar), the Finance Committee recommended that staff develop a water metering plan so that all services are metered by 2015.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was 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, May 11, 2004, 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: Michael Saldivar, LaLoma Grace Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming May 16-22, 2004 as National Public Works Week

ACTION: Presentation made by Peter Cowles, Acting Engineering & Transportation Director and Judith Ray, Acting Operations & Maintenance Director

2. Presentation of Proclamation proclaiming May 16-22, 2004 as Emergency Medical Services Week

ACTION: Presentation made by Mayor Ridenour to American Medical Response, Mountain Valley Medical and Jim Miguel, Fire Chief.

3. Presentation recognizing the 30th anniversary of the Community Development Block Grant (CDBG) program

ACTION: Presentation made by Julie Hannon, Deputy Director of Parks Recreation and Neighborhoods

4. Presentation of proclamation to the Stanislaus Chapter of Mental Health Consumers proclaiming May 2004 as Mental Health Month

ACTION: Proclamation presented by Mayor Ridenour.

MISCELLANEOUS
Legislation

5. Consider supporting AB 2318, proposed legislation to extend confidentiality protections to city auditors equal to those of state auditors.
   - Resolution supporting AB 2318, proposed legislation to extend confidentiality protections to city auditors equal to those of state auditors recommended.

   City Clerk & Auditor; Gary Nienhuis, 571-5544, gnienhuis@modestogov.com

ACTION: Reso No 2004-248 (Jackman/Keating; unan.) supporting AB 2318, proposed legislation to extend confidentiality protections to city auditors equal to those of state auditors.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 16

ACTION Consent Items 6-16: Jackman/O'Bryant; unan.

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 May 4, 2004. (Motion approving recommended.)
   Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan.) approved the minutes of May 4, 2004.

CONSENT

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

- Resolution of intention to annex territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation #2) recommended.

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Reso No 2004-249 (Jackman/O'Bryant; unan.), a resolution of intention to annex territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation #2).

CONSENT

8. Consider Amendment #2 to the agreement with Turnstone Consulting Corporation for additional work performed on the preparation of the Draft Environmental Impact Report for the Kaiser Medical Campus Project in the amount of $160,450. Total budget: $200,562

   - Resolution approving Amendment #2 to the agreement with Turnstone Consulting Corporation for additional work performed on the preparation of the Draft Environmental Impact Report for the Kaiser Medical Campus Project in the amount of $160,450 recommended.

Community & Economic Development, Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: Reso No 2004-250 (Jackman/O'Bryant; unan) approving Amendment #2 to the agreement with Turnstone Consulting Corporation for additional work performed on the preparation of the Draft Environmental Impact Report for the Kaiser Medical Campus Project in the amount of $160,450.

CONSENT

9. Consider the final map of the Udona Grove subdivision and authorizing the City Manager to sign an agreement with the subdividers. Owners: William Eugene Buchta and Charisse Renee Buchta, husband and wife as joint tenants and Inderjit S. Toor and Harinder S. Toor, individuals.

   - Resolution approving the final map of the Udona Grove 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 recommended.

Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: Reso No 2004-251 (Jackman/O'Bryant; unan) approving the final map of the Udona Grove 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.

CONSENT

10. Consider increasing the Engineering & Transportation Director's authority to issue change orders on the "Interior Improvements – Wastewater Collection Maintenance Building" project from 10% ($66,044.50) to 19% ($125,484.55) of the original contract price with the McDonald Glenn Company; and Consider amending the FY 2003-2004 Capital Improvement budget to fund the project.

- Resolution increasing the Engineering & Transportation Director's authority to issue change order on the "Interior Improvements – Wastewater Collection Maintenance Building" project from 10% ($66,044.50) to 23% ($151,902.35) of the original contract price with the McDonald Glenn Company recommended.
- Resolution amending the FY 2003-2004 Capital Improvement budget to fund the "Interior Improvements – Wastewater Collection Maintenance Building" project recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Reso No 2004-252 (Jackman/O'Bryant; unan) increasing the Engineering & Transportation Director's authority to issue change order on the "Interior Improvements – Wastewater Collection Maintenance Building" project from 10% ($66,044.50) to 23% ($151,902.35) of the original contract price with the McDonald Glenn Company

ACTION: Reso No 2004-253 (Jackman/O'Bryant; unan) amending the FY 2003-2004 Capital Improvement budget to fund the "Interior Improvements – Wastewater Collection Maintenance Building" project.

CONSENT

11. Consider awarding the bid and approving a $59,989.85 contract to Industrial Fence for the project titled "Thousand Oaks Lift Station Fence," and authorizing the City Manager to execute the necessary documents. Estimated total cost, including design, contract administration and contingencies, is $84.000. Funds are budgeted.
    - Resolution awarding the bid and approving a $59,989.85 contract to Industrial Fence for the project titled "Thousand Oaks Lift Station Fence," and authorizing the City Manager to execute the necessary documents recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Reso No 2004-254 (Jackman/O'Bryant; unan) awarding the bid and approving a $59,989.85 contract to Industrial Fence for the project titled "Thousand Oaks Lift Station Fence," and authorizing the City Manager to execute the necessary documents.

CONSENT

12. Consider awarding the bid and approving a $599,555 contract with Industrial Electrical for the project titled "Emergency Power Addition at Water Wells, 25, 43, 225, 282, 298, 299, 302 and 313", and authorizing the City Manager to execute the necessary documents. Total estimated cost of project is $725,000.
    - Resolution awarding the bid and approving a $599,555 contract with Industrial Electrical for the project titled "Emergency Power Addition at Water Wells, 25, 43, 225, 282, 298, 299, 302 and 313", and authorizing the C ity Manager to execute the necessary documents recommended.

    Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Reso No 2004-255** (Jackman/O'Bryant; unan) awarding the bid and approving a $599,555 contract with Industrial Electrical for the project titled "Emergency Power Addition at Water Wells, 25, 43, 225, 282, 298, 299, 302 and 313", and authorizing the City Manager to execute the necessary documents.

CONSENT

13. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of elevator preventative maintenance service and repair, citywide, for a three-year agreement, with two one-year extension options, for an estimated annual cost of $56,985.
    - Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of elevator preventative maintenance service and repair, citywide, for a three-year agreement, with two one-year extension options, for an estimated annual cost of $56,985 recommended.

    Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Reso No 2004-256** (Jackman/O'Bryant; unan) authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of elevator preventative maintenance service and repair, citywide, for a three-year agreement, with two one-year extension options, for an estimated annual cost of $56,985.

CONSENT

14. Consider authorizing the Purchasing Supervisor to issue a Request for Proposals (RFP) for uniforms and laundry services for an initial one-year contract period, with four one-year contract extension options for an approximate annual cost of $116,782.
    - Resolution authorizing the Purchasing Supervisor to issue a Request for Proposals (RFP) for uniforms and laundry services for an initial one-year contract period, with four one-year contract extension options for an approximate annual cost of $116,782 recommended.

    Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: **Reso No 2004-257** (Jackman/O'Bryant; unan) authorizing the Purchasing Supervisor to issue a Request for Proposals (RFP) for uniforms and laundry services for an initial one-year contract period, with four one-year contract extension options for an approximate annual cost of $116,782.

CONSENT

15. Consider authorizing the award of bid and contracts for concrete boxes and covers, cast iron covers and frames, and related accessories for a one-year period to the following vendors: Kenko Utility – estimated annual cost of $122,445; Groeniger – estimated annual cost of $548; General Plumbing – estimated cost of $320. The combined total approximate annual cost is $123,312, and funds are budgeted.
    - Resolution authorizing the award of bid and contracts for concrete boxes and covers, cast iron covers and frames, and related accessories for a one-year period to

the following vendors: Kenko Utility – estimated annual cost of $122,445; Groeniger – estimated annual cost of $548; General Plumbing – estimated cost of $320 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: **Reso No 2004-258** (Jackman/O'Bryant; unan) authorizing the award of bid and contracts for concrete boxes and covers, cast iron covers and frames, and related accessories for a one-year period to the following vendors: Kenko Utility – estimated annual cost of $122,445; Groeniger – estimated annual cost of $548; General Plumbing – estimated cost of $320.

CONSENT

16. Consider Fire Apparatus Maintenance Contract with Stanislaus Consolidated Fire Protection District.
    - Resolution approving Fire Apparatus Maintenance Contract with Stanislaus Consolidated Fire Protection District recommended.

    Fire; James Miguel, 572-9670, jmiguel@modestogov.com

ACTION: **Reso No 2004-259** (Jackman/O'Bryant; unan) approving Fire Apparatus Maintenance Contract with Stanislaus Consolidated Fire Protection District.

COUNCIL COMMENTS & REPORTS

None

WRITTEN COMMUNICATIONS

17. Consider a letter received from Kenneth Diehl and Jeffrey Diehl regarding waiver of the capital facilities fees for a tentative 14-unit low-income senior housing complex at 421 Lincoln Avenue.

ACTION: By motion Jackman/Keating; unan. referred to t he Capital Facilities Fees staff for review and to return to the City Council when the review is complete.

UNFINISHED BUSINESS

18. Consider providing direction to staff on water rate issues.
    - Motion providing direction to staff on water rate issues recommended.

    Engineering & Transportation; Peter Cowles, 577-5213, pcowles@modestogov.com

ACTION: By Motion (Hawn/Jackman; unan.) directed staff to move toward metering water for all residential customers, to develop a plan for metering of the city-owned systems

with implementation over a 10-15 year period and return to Council with the plan, to include a CPI increase in the current 218 process for Water for years six and beyond, and to begin the process to charge churches and schools at a metered rate with implementation by January 1, 2005.

HEARINGS

19. Hearing to consider calling a special election to amend the existing Rate and Method of Apportionment for City of Modesto Community Facilities District No. 2003-1 (Fairview Village); **C**onsider declaring the results of a special election to amend the existing Rate and Method of Apportionment for City of Modesto Community Facilities District No. 2003-1 (Fairview Village) and changing said Rate and Method; and **C**onsider introduction of an ordinance repealing Ordinance 3339-C.S. and authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village).

- Resolution of Consideration to alter the existing rate and method of apportionment of special tax for City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.
- Resolution declaring the results of a special election to amend the existing Rate and Method of Apportionment for City of Modesto Community Facilities District No. 2003-1 (Fairview Village) and changing said Rate and Method recommended.
- Motion introducing an ordinance repealing Ordinance 3339-C.S. and authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: **Reso No 2004-260** (Keating/Hawn; unan.), a Resolution of Consideration to alter the existing rate and method of apportionment of special tax for City of Modesto Community Facilities District No. 2003-1 (Fairview Village).

ACTION: **Reso No 2004-261** (Keating/Hawn; unan.) declaring the results of a special election to amend the existing Rate and Method of Apportionment for City of Modesto Community Facilities District No. 2003-1 (Fairview Village) and changing said Rate and Method

ACTION: By Motion (Keating/Hawn; unan.) **introduced Ordinance No. 3348-C.S.,** an ordinance repealing Ordinance 3339-C.S. and authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village)

20. Hearing to consider approving an increase of 2.1% for the Airport's general aviation rates and fees for aircraft storage hangars, large aircraft hangars, offices and aircraft tie-down spaces, effective July 1, 2004, and rescinding Resolution 2003-267.

- Resolution approving an increase of 2.1% for the Airport's general aviation rates and fees for aircraft storage hangars, large aircraft hangars, offices and aircraft tie-

down spaces, effective July 1, 2004, and rescinding Resolution 2003-267 recommended.

Engineering & Transportation; Van Switzer, 577-5318, vswitzer@modestogov.com

ACTION: **Reso No 2004-262** (Jackman/Keating; unan.) approving an increase of 2.1% for the Airport's general aviation rates and fees for aircraft storage hangars, large aircraft hangars, offices and aircraft tie-down spaces, effective July 1, 2004, and rescinding Resolution 2003-267.

21. Hearing to consider approving the draft 2004-2005 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 documents for submittal to the Department of Housing & Urban Department (HUD).

- Resolution approving the draft 2004-2005 HUD Annual Action Plan for the use of Community Development Block Grant (CDBG), HO ME Partnership Grant (HOME), and Emergency Shelter Grant (ESG) funds, and authorizing the City Manager or his designee to sign the required documents for submittal to the Department of Housing & Urban Department (HUD) recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Reso No 2004-263** (Jackman/Keating; unan.) approving the draft 2004-2005 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 documents for submittal to the Department of Housing & Urban Department (HUD).

22. Hearing to consider approving the proposed second amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for 2003 -2004, and authorizing the City Manager to execute related documents; and Consider amending the 2003-2004 operating budget to reflect approved changes to the HUD Annual Action Plan, to include adjustments to prior year's carryover revenues and appropriations.

- Resolution approving the proposed second amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for 2 003-2004, and authorizing the City Manager to execute related documents recommended.
- Resolution amending the 2003-2004 operating budget to reflect approved changes to the HUD Annual Action Plan, to include adjustments to prior year's carryover revenues and appropriations recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Reso No 2004-264** (O'Bryant/Keating; unan.) approving the proposed second amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for 2003-2004, and authorizing the City Manager to execute related documents

ACTION: **Reso No 2004-265** (O'Bryant/Keating; unan.) amending the 2003-2004 operating budget to reflect approved changes to the HUD Annual Action Plan, to include adjustments to prior year's carryover revenues and appropriations.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:10 p.m.

CLOSED SESSION

Removed from the agenda.

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

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organization: (MCMA)	Modesto Confidential and Management Association

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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:	*Preston Brandon v. City of Modesto, et al.* Superior Court Case No. 339797

This closed session item heard prior to the meeting.

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

Property:	Purchase, sale or lease of property located within the blocks bounded by "B", "D", Ninth and Eleventh Streets in the City of Modesto

Owner: Union Pacific Railroad Company – APN: 106-46-03

Negotiating parties: For City of Modesto: Rich Ulm Deputy Director Engineering & Transportation

Union Pacific Railroad, Owner

Under negotiation: Price and terms of payment for property to be acquired

MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

MONDAY, May 17, 2004 @ 1:00 p.m.
Chambers, Basement Level, Tenth Street Place

Roll Call: Finance Committee Members Present: Dunbar, Hawn, Jackman
Also Present: Marsh, O'Bryant, Ridenour

- Overview of Budget Process/Introduction of Policy Issues/Utilities\

ACTION: By Motion (Dunbar/Jackman; unan.) the Finance Committee discussed and recommended the following add backs:

1. $30,000 to the City Manager's Budget for the Modesto Relays
2. $44,000 to the Personnel Budget for Education
3. $46, 001 to the PR&N Budget for the CVB
4. $45,864 to the PR&N Budget for the Arts
5. $34,000 to the O&M Budget for Remnant Parks
6. $19,945 to the O&M Budget for Event Licensing
7. $38,104 to the I.T. Budget for PEG

- City Council

ACTION: The City Manager reviewed the City Council Budget.

- City Attorney

ACTION: The City Attorney reviewed the City Attorney's Budget.

- City Clerk

ACTION: The City Clerk review the City Clerk's Budget

- City Manager

ACTION: The City Manager reviewed the City Manager's Budget.

- Finance

ACTION: The Assistant Finance Director reviewed the Finance Department's Budget.

- Community and Economic Development

ACTION: The Community and Economic Development Director reviewed the Community and Economic Development Budget.

Recessed 2:55 PM
Reconvened 3:05 PM

- Personnel and Risk Management

ACTION: The Personnel Director reviewed the Personnel Department's Budget. The Finance Committee requested the Personnel Director to discuss the PERS rate restructuring issue with the three safety employee bargaining groups.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 3:45 p.m.

MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

TUESDAY, May 18, 2004 @ 9:00 a.m.
Chambers, Basement Level, Tenth Street Place

Roll Call: Finance Committee Members Present: Dunbar, Hawn, Jackman
Also Present: Keating, Marsh, O'Bryant, Ridenour

- CIP continuation budget/critical projects

ACTION: Deputy City Manager George Britton presented the Capital Improvement Projects Budget. By Motion (Dunbar/Jackman; unan) the Finance Committee recommended the following CIP projects be forwarded to full Council:

- Airport Improvements—report given by Van Switzer, Interim Airport Manager
- Traffic Circulation—report given by Dean Phillips, Senior Civil Engineer
- Parks—report given by Jim Niskanen, Parks, Recreation & Neighborhoods Director
- 2004/05 Bus Purchase—report given by Fred Cavanah, Transit Manager

Acting Engineering & Transportation Director, Peter Cowles, gave a report regarding the MID Phase Two Project: Downstream Improvements. By Motion (Jackman/Dunabar; unan.) the Finance Committee recommended approval of the CIP for water improvements.

Acting Engineering & Transportation Director, Peter Cowles, gave a report regarding the Operations &Maintenance Utilities.

Recessed 11:00 AM
Reconvened 11:10 AM

- Information Technology

ACTION: Joyce Engberg, Information Technology Director, presented the Information Technology budget.

- Operations & Maintenance (all funds)

ACTION: Judith Ray, Acting Operations & Maintenance Director, presented the Operations & Maintenance budget.

Action taken on items held over for additional discussion:

- Operations & Maintenance—Tennis Court Lighting $15,000

ACTION: It was the consensus of the Committee to eliminate this item but to consider accommodating tennis groups and to possibly limit the lighting to one or two courts.

ACTION: The Finance Committee requested Operations & Maintenance Staff to give a report on alternatives to restroom closures.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.
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ADJOURNMENT

This meeting was adjourned at 1:05 p.m.

MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

WEDNESDAY, May 19, 2004 @ 1:00 p.m.
Chambers, Basement Level, Tenth Street Place

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

Also Present: Councilmembers Keating, Marsh, O'Bryant, Mayor Ridenour (left at 3:00)

- Operations & Maintenance (all funds), continued

1. This item was not discussed.

- Engineering & Transportation (all funds)

1. The Engineering & Transportation budget was presented by Acting Engineering & Transportation Director, Peter Cowles.
2. The State of the Road report was given by Tom Douglas, Accountant, and Dean Phillips, Senior Civil Engineer.

- Parks, Recreation & Neighborhoods (all funds)

1. The Parks, Recreation & Neighborhoods budget was presented by the Director of Parks, Recreation & Neighborhoods, Jim Niskanen.

ACTION: The Finance Committee requested that Parks, Recreation & Neighborhood staff review alternatives to closing City Hall at the Mall, and to discuss possible options with the Mall Manager.

ACTION: By Motion (Dunbar/Jackman; unan.) the Finance Committee recommended to continue funding community events.

Recessed 3:20 PM
Reconvened: 3:35 PM

- Discussion of left over items: Personnel

1. A report on position vacancy was given by the Personnel Director, Robin Renwick.

ACTION: By Motion (Dunbar/Jackman; unan) the Finance Committee directed $3000 for the Non-management training allowance be added back to the budget.

- Discussion of left-over items: Operations & Maintenance

ACTION: By Motion (Dunbar/Jackman; unan) the Finance Committee directed $25,000 from the General Fund be added back to the budget for median landscaping at Standiford and Carpenter/Bluegum. Directed staff to continue pursuing optional funding.

- General Discussion Regarding Unspent Departmental Funds

1. A report regarding Historical "Unspent Budgets" was given by the Finance Director, Peggy Hetzler.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 4:45 p.m.

MINUTES

City of Modesto
Special Finance Committee/
Special City Council Workshop Meeting

THURSDAY, May 20, 2004 @ 9:00 a.m.
Chambers, Basement Level, Tenth Street Place

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

Also Present: Counciomembers: Keating, O'Bryant

Continue Budget Discussion on items previously heard:

- Operations & Maintenance

1. Acting O&M Director Judith Ray reviewed citywide restroom closure alternatives.

ACTION: It was the consensus of the Finance Committee to add back restroom closure.

- Community & Economic Development

1. C&ED Direct Brad Kilger reviewed the Strategic Planning Fund

ACTION: It was the consensus of the Finance Committee to return $50,000 to the General Fund that was previously allocated to the Strategic Planning Fund.

- Parks, Recreation & Neighborhoods

1. PR&N Director Jim Niskanen discussed alternatives to the closure of City Hall at the Mall

ACTION: The Finance Committee directed Parks, Recreation & Neighborhoods Staff to refine the budget to reflect actual costs of operating City Hall at the Mall.

Recessed 10:20 AM
Reconvened 10:30 AM

Discussion of new items:

- Police

1. Police Chief Roy Wasden presented the Police Department Budge t

ACTION: The Finance Committee requested the Police Department Staff to reduce the Police Department Budget by $230,000 without affecting personnel.

- Fire

1. Fire Chief Jim Miguel presented the Fire Department Budget

ACTION: It was the consensus of the F inance Committee to recommend Decision Package 2 to the City Council for the Fire Department, using Option #2 to fund Fire Station #11.

- Final Numbers

1. Assistant Finance Director Greg Baird reviewed the final numbers for the FY 2004/05 Budget.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 1:00 p.m.

MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

MONDAY, May 24, 2004 at 5:30 p.m.
Chambers, Basement Level, Tenth Street Place

Roll Call: Committee Members Present: Dunbar, Hawn, Jackman,
Also Present: Marsh, Mayor Ridenour

- Parks, Recreation & Neighborhoods
  - City Hall At The Mall—Discussion of proposed reduction of services and possible closure of City Hall at the Mall.

ACTION: It was the Consensus of the Finance Committee to recommend Option 3, which would reduce operating hours of City Hall at the Mall to 20 hours per week. The Committee directed staff to pursue options for self-funding, including possible convenience charge on all City utility payments made at City Hall at the Mall.

- Police Department
  - The Assistant Police Chief, Mike Harden gave a report of budget review and possible budget savings of $62,000.

ACTION: By Motion (Dunbar/Jackman) the Finance Committee recommended amending previous direction from Council regarding the Police Department being held harmless from cuts in this year's budget process to include the proposed non-staff related budget savings.

- Policy Issues

ACTION: It was the Consensus of the Finance Committee to recommend to the full City Council the concept of a 2% projected savings estimate in each department.

ACTION: It was the Consensus of the Finance Committee to forward all budget recommendations to the full City Council.

- Monthly Budget Adjustments—May 2004

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

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:35 p.m.

MINUTES

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, May 25, 2004, 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 - Pearson Elementary School Kindergarten will lead Pledge

Invocation: Peter Gartner, Layman, Orangeburg Avenue Baptist Church

City Clerk's Announcements: Items 14, 15, 16 Removed from Consent
Item 19 Removed from Agenda
Item 21 Continued to June 22nd
Item 23 Continued to June 8th
Item 27 Moved to Consent

Declaration of Conflicts of Interest—Marsh, Item 20

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of Karianne Marie Hogrefe, Jennifer Wirowek, and Room 2 Kindergarten classes from Pearson Elementary School as Outstanding Youth for 2003. America the Beautiful will be sung by the Kindergarten class.

ACTION: Mayor Ridenour made the presentations and the Pearson Elementary School Kindergarten class sang Let There be Peace on Earth.

2. Presentation of a national award received by the City of Modesto for the Traffic Signal Retiming Project as the "2003 Best Solution for Transportation - Mid-sized Jurisdiction Category" from Public Technology, Inc.

ACTION: Presentation made by Firoz Vohra, Assistant Engineering and Transportation Director and Councilmember Jackman.

ORAL COMMUNICATIONS

- Miguel Donoso requested an investigation into the use of CDBG funds.

- Larry Anderson invited the City Council to a candle light vigil on May 29 at 6:30 at the corner of Sisk and Standiford

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 16

ACTION Consent: Items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 27: Jackman/Hawn; unan.

ACTION Item 14: Hawn/Jackman; unan.

ACTION Item 15: Jackman/O'Bryant; unan.

ACTION Item 16: Dunbar/Hawn; unan.

ACTION Item 19: Removed from Agenda

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 May 11, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan.) approving the minutes of May 11, 2004.

CONSENT
4. Consider the City Engineer's annual report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivisions Nos. 1 through 6; and Consider a resolution of intention setting a public hearing on the levy of the proposed assessment to be held July 13, 2004.
    - Motion approving the City Engineer's annual report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivisions Nos. 1 through 6 recommended.
    - Consider a resolution of intention setting a public hearing on the levy of the proposed assessment to be held July 13, 2004 recommended.

Engineering & Transportation; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan.) approving the City Engineer's annual report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivisions Nos. 1 through

ACTION: **Reso No 2004-266** (Jackman/Hawn; unan.) a resolution of intention setting a public hearing on the levy of the proposed assessment to be held July 13, 2004.

CONSENT

5. Consider the City Engineer's annual report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivisions Nos. 7 through 10, Creekwood Meadows and Yosemite Meadows subdivision Units 1 & 2; and Consider a resolution of intention setting a public hearing on the levy of the proposed assessment to be held July 13, 2004.
    - Motion approving the City Engineer's annual report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivisions Nos. 7 through 10, Creekwood Meadows and Yosemite Meadows subdivision Units 1 & 2 recommended.
    - Consider a resolution of intention setting a public hearing on the levy of the proposed assessment to be held July 13, 2004 recommended.

    Engineering & Transportation; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan.) approving the City Engineer's annual report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivisions Nos. 7 through 10, Creekwood Meadows and Yosemite Meadows subdivision Units 1 & 2

ACTION: **Reso No 2004-267** (Jackman/Hawn; unan.) a resolution of intention setting a public hearing on the levy of the proposed assessment to be held July 13, 2004.

CONSENT

6. Consider Vacation and Abandonment of a Public Utility Easement located at 1460 East Orangeburg Avenue, APN 032-009-044.
    - Resolution summarily vacating and abandoning a 10-foot Public Utility Easement located at 1460 East Orangeburg Avenue recommended.

    Engineering & Transportation; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: **Reso No 2004-268** (Jackman/Hawn; unan.) summarily vacating and abandoning a 10-foot Public Utility Easement located at 1460 East Orangeburg Avenue.

CONSENT

7. Consider a one-year lease with Mr. Morris Ball for use of Suite A, Office Building #2 at the Modesto City/County Airport, and authorizing the City Manager to execute the necessary documents. Estimated annual revenue is $6,200.
    - Resolution approving a one-year lease with Mr. Morris Ball for use of Suite A, Office Building #2 at the Modesto City/County Airport, and authorizing the City Manager to execute the necessary documents recommended.

    Engineering & Transportation; Van Switzer, 577-5318, vswitzer@modestogov.com

ACTION: **Reso No 2004-269** (Jackman/Hawn; unan.) approving a one-year lease with Mr. Morris Ball for use of Suite A, Office Building #2 at the Modesto City/County Airport, and authorizing the City Manager to execute the necessary documents.

CONSENT

8. Consider setting a public hearing on June 8, 2004 for review of the Fiscal 2004 -2005 Annual Budget.
    - Motion setting a public hearing on June 8, 2004 for review of the Fiscal 2004 -2005 Annual Budget recommended.

    Finance; Gail Adams-Bailey, 577-5378, gadams@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan.) setting a public hearing on June 8, 2004 for review of the Fiscal 2004-2005 Annual Budget.

CONSENT

9. Consider revisions to the Investment Policy.
    - Resolution approving revisions to the Investment Policy recommended.

    Finance; Gregory Baird, 577-5458, gbaird@modestogov.com

ACTION: **Reso No 2004-270** (Jackman/Hawn; unan.) approving revisions to the Investment Policy

CONSENT

10. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of discing and flail mowing services on a Citywide bases, for a three -year agreement with two one -year extension options. Estimated annual cost is $24,073.
    - Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of discing and flail mowing services on a Citywide bases, for a three-year agreement with two one -year extension options. Estimated annual cost is $24,073 recommended.

    Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Reso No 2004-271** (Jackman/Hawn; unan.) authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of discing and flail mowing services on a Citywide bases, for a three-year agreement with two one-year extension options. Estimated annual cost is $24,073.

CONSENT

11. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of tank diving services, for the Operations & Maintenance department, Water division, for a three-year agreement, with two one-year extension options, for an estimated annual cost of $42,150.
    - Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of tank diving services, for the Operations & Maintenance department, Water division, for a three-year agreement, with two one-year extension options, for an estimated annual cost of $42,150 recommended.

    Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Reso No 2004-272** (Jackman/Hawn; unan.) authorizing the Purchasing Supervisor to formally solicit Request for Bids for the furnishing of tank diving services, for the Operations & Maintenance department, Water division, for a three-year agreement, with two one-year extension options, for an estimated annual cost of $42,150.

CONSENT

12. Consider an agreement with Gartner Consulting in the amount of $99,500, to conduct a Business Process Analysis and System Requirements Study regarding the City's information technology environment.
    - Resolution authorizing the City Manager to execute an agreement with Gartner Consulting in the amount of $99,500, to conduct a Business Requirements Study recommended.

    Information Technology; Robert Beckler, 571-5596, rbeckler@modestogov.com

ACTION: **Reso No 2004-273** (Jackman/Hawn; unan.) authorizing the City Manager to execute an agreement with Gartner Consulting in the amount of $99,500, to conduct a Business Requirements Study.

CONSENT

13. Consider amending an agreement with FM Golf to include provision of food services at Creekside Golf Course, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving an amendment to the agreement with FM Golf to include provision of food services at Creekside Golf Course, and authorizing the City Manager to execute the necessary documents recommended.

    Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: **Reso No 2004-274** (Jackman/Hawn; unan.) approving an amendment to the agreement with FM Golf to include provision of food services at Creekside Golf Course, and authorizing the City Manager to execute the necessary documents.

Removed from Consent

14. Consider a Cooperative Agreement No. 10-177 with the State of California, Department of Transportation, to provide for landscape enhancement within and near the Briggsmore Expressway Interchange, and authorizing the City Manager to execute the necessary documents; and Consider supporting the proposed evaluation criteria for the design of the landscape enhancements and authorizing staff to proceed with a Request for Proposals.
    - Resolution approving a Cooperative Agreement No. 10-177 with the State of California, Department of Transportation, to provide for landscape enhancement within and near the Briggsmore Expressway Interchange, and authorizing the City Manager to execute the necessary documents recommended.
    - Resolution supporting the proposed evaluation criteria for the design of the landscape enhancements and authorizing staff to proceed with a Request for Proposals recommended.

    Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: **Reso No 2004-275** (Hawn/Jackman; unan.) approving a Cooperative Agreement No. 10-177 with the State of California, Department of Transportation, to provide for landscape enhancement within and near the Briggsmore Expressway Interchange, and authorizing the City Manager to execute the necessary documents

ACTION: **Reso No 2004-276** (Hawn/Jackman; unan.) supporting the proposed evaluation criteria for the design of the landscape enhancements and authorizing staff to proceed with a Request for Proposals

Removed from Consent

15. Consider acceptance of a grant project in the amount of $101,392 from the State Office of Traffic Safety for the Seat Belt Usage Grant Project, authorizing the City Manager to execute the necessary documents, and rescinding Resolution 2003-535; and Consider amending the Fiscal Year 2003/2004 annual budget estimating revenue and appropriating funds, and rescinding Resolution 2003-536.
    - Resolution accepting a grant in the amount of $101,392 entitled "California Seat Belt Compliance Campaign" from the State office of Traffic Safety for the goal of increasing statewide seat belt use to 94%, and authorizing the City Manager to execute the necessary documents, and rescinding Resolution 2003-535 recommended.
    - Resolution amending the Fiscal Year 2003/2004 annual budget estimating revenue and appropriating funds, and rescinding Resolution 2003-536 recommended.

    Police; Dan Inderbitzen, 342-6142, inderbitzend@modestopd.com

ACTION: **Reso No 2004-277** (Jackman/O'Bryant; unan.) accepting a grant in the amount of $101,392 entitled "California Seat Belt Compliance Campaign" from the State office

of Traffic Safety for the goal of increasing statewide seat belt use to 94%, and authorizing the City Manager to execute the necessary documents, and rescinding Resolution 2003-535

ACTION: **Reso No 2004-278** (Jackman/O'Bryant; unan.) amending the Fiscal Year 2003/2004 annual budget estimating revenue and appropriating funds, and rescinding Resolution 2003-536

Removed from Consent

16. Consider accepting two grants in a total amount of $49,494 approving the Modesto Juvenile Impact Program.
    - Resolution accepting two grants in a total amount of $49,494 approving "Modesto Juvenile Impact Program" and authorizing the City Manager to execute the necessary documents recommended.
    - Resolution amending the Fiscal Year 2003/2004 budget realizing the grant revenues and expending the funds recommended.

    Police; David Funk, 572-9129, funkd@modestopd.com

ACTION: **Reso No 2004-279** (Dunbar/Hawn; unan.) accepting two grants in a total amount of $49,494 approving "Modesto Juvenile Impact Program" and authorizing the City Manager to execute the necessary documents

ACTION: **Reso No 2004-280** (Dunbar/Hawn; unan.) amending the Fiscal Year 2003/2004 budget realizing the grant revenues and expending the funds

COUNCIL COMMENTS & REPORTS

17. Report from Councilmember Hawn regarding his trip to China and Sister Cities International.

ACTION: Councilmember Hawn made a presentation regarding his trip to China and the effort to begin a Sister City in the Mengzi, China.

WRITTEN COMMUNICATIONS

18. Letter from Karla Grover regarding activity at the Economy Inn at 602 McHenry Avenue.

ACTION: Councilmember Keating read a statement from Ms. Grover regarding criminal activity at the above location, the meeting held with the Police Department and the progress towards improving the problems.

UNFINISHED BUSINESS

Removed from Agenda

19. Consider Cable franchise agreement and settlement.
    - Ordinance extending the Cable Franchise Agreement for an additional five years recommended.
    - Resolution authorizing the City Manager to execute the following agreem ents recommended:
        - An amendment to the Cable Television Franchise Renewal Agreement extending the terms of the agreement until July 4, 2016;
        - A revised Institutional Network (I-Net) Agreement providing for the construction and use of the I-Net, and providing for the completion of construction of the Institutional Network in approximately 10 months;
        - A Settlement Agreement relating to the action taken by Council June 24, 2003 and the litigation entitled Comcast v. City of Modesto.

    City Manager; Donna Hansen, 571-5809, dhansen@modestogov.com

ACTION: No action taken, this item was removed from the agenda.

HEARINGS

Marsh absent due to conflict of interest

20. Hearing to consider the application of John Lagos for a n amendment to Precise Plan Area No. 13 to allow 16 additional lots between Hillglen Avenue and Kodiak Drive east of Oakdale Road.
    - Introduction of an ordinance approving the Amendment to Precise Plan No. 13 recommended.
    - Resolution finding the Amendment to Precise Plan No. 13 within the scope of the Village One Specific Plan Program Environmental Impact Report recommended.

    Community & Economic Development; Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.; Marsh, absent) **introduced Ordinance No. 3349-** an ordinance approving the Amendment to Precise Plan No. 13.

ACTION: **Reso No 2004-281** (Jackman/Keating; unan., Marsh, absent) finding the Amendment to Precise Pla n No. 13 within the scope of the Village One Specific Plan Program Environmental Impact Report

Continued to June 22, 2004

21. Hearing to consider the application of Signature Theatres, to rezone from Highway Commercial, C-3, to Planned Development Zone, P-D(566), to allow expansion of an existing movie theater, property located at 3969 McHenry Avenue.
    - Introduction of an ordinance rezoning from C-3 to P-D(566) recommended.
    - Resolution approving a development plan for P-D(566) recommended.
    - Resolution finding the requested rezoning within the scope of the General Plan Master Environmental Impact Report recommended.

    Community & Economic Development; Brad Wall, 577-5282, bwall@modestogov.com

ACTION: By motion Jackman/Keating; unan. this item was not heard and was continued to June 22, 2004.

22. Hearing to consider an appeal of Nikki Crowl to a Planning Commission decision approving the final development plan of Shadow Creek Apartments, property located near the northeast corner of Floyd/Roselle Avenues.
    - Resolution denying the appeal recommended.

    Community & Economic Development; Brad Wall, 577-5282, bwall@modestogov.com

ACTION: **Reso No 2004-282** (O'Bryant/Dunbar; unan.) denying the appeal of Nikki Crowl to a Planning Commission decision approving the final development plan of Shadow Creek Apartments, property located near the northeast corner of Floyd/Roselle Avenues.

It has been requested that this hearing item be continued to June 8, 2004

23. Hearing to consider a three-year contract to Redflex Traffic Systems for the installation of red light photo enforcement equipment at ten City-designated intersections and authorizing execution of the necessary documents.
    - Resolution approving a three-year contract to Redflex Traffic Systems for the installation of red light photo enforcement equipment at ten City-designated intersections and authorizing execution of the necessary documents recommended.

    Police; Dan Inderbitzen, 572-9503, inderbitzend@modestopd.com

ACTION: By motion Jackman/Keating; unan. this item was not heard and was continued to June 8, 2004.

Recess 8:06
Reconvene 8:16

24. Hearing to consider (1)Increases to green fee rates and annual passes at Modesto Municipal, Dryden Park and Creekside Golf Courses, (2)Establishing new rates for the Annual Pass Program, (3)Establishing new rates for high school rounds, (4)Establishing new tournament fee schedule and policy, (5)Dedicating $1.00 per round at the end of each fiscal year to the Golf Fund Reserve for capital improvements, and (6)Introducing a 6 -hole rate at Muni Golf Course.
    - Resolution approving (1)Increases to green fee rates and annual passes at Modesto Municipal, Dryden Park and Creekside Golf Courses, (2)Establishing new rates for the Annual Pass Program, (3)Establishing new rates for high school rounds, (4)Establishing new tournament fee schedule and policy, (5)Dedicating $1.00 per round at the end of each fiscal year to the Golf Fund Reserve for capital improvements, and (6)Introducing a 6-hole rate at Muni Golf Course recommended.

    Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: **Reso No 2004-283** (O'Bryant/Keating; unan.) approving (1)Increases to green fee rates and annual passes at Modesto Municipal, Dryden Park and Creekside Golf Courses, (2)Establishing new rates for the Annual Pass Program, (3)Establishing new rates for high school rounds, (4)Establishing new tournament fee schedule and policy, (5)Dedicating $1.00 per round at the end of each fiscal year to the Golf Fund Reserve for capital improvements, and (6)Introducing a 6-hole rate at Muni Golf Course.

NEW BUSINESS

25. Consider decreasing Tip Fees at the Stanislaus Resource Recovery Facility from $28.00 per ton to $25.00 per ton, effective August 1, 2004.
    - Resolution decreasing Tip Fees at the Stanislaus Resource Recovery Facility from $28.00 per ton to $25.00 per ton, effective August 1, 2004 recommended.

Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: **Reso No 2004-284** (Jackman/Hawn; unan.) decreasing Tip Fees at the Stanislaus Resource Recovery Facility from $28.00 per ton to $25.00 per ton, effective August 1, 2004

26. Consider the Parks, Recreation & Neighborhoods Department Fund Development Program Report.
    - Resolution accepting the Parks, Recreation & Neighborhoods Department Fund Development Program report, and:
    1. Authorizing staff to negotiate an agreement with the Stanislaus Community Foundation;
    2. Directing staff to development a policy and marketing plan for Corporate Naming Right and to identify properties to include in t he naming rights inventory;
    3. Directing staff to develop a policy and marking plan for Corporation Program Sponsorships;
    4. Directing staff to develop a plan to sell or lease remnant parcels of City-owned open space;
    5. Directing staff to pursue Exclusive Vendor/O fficial Sponsor Contracts;
    6. Directing staff to develop a policy and marketing plan for Presentation Sponsors, and'
    7. Directing staff to develop a methodology to create private-public partnerships to secure Neighborhood Improvement Sponsors.

Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: **Reso No 2004-285** (Marsh/O'Bryant; unan.) accepting the Parks, Recreation & Neighborhoods Department Fund Development Program report, and:
    8. Authorizing staff to negotiate an agreement with the Stanislaus Community Foundation;
    9. Directing staff to development a policy and marketing plan for Corporate Naming Right and to identify properties to include in the naming rights inventory;

10. Directing staff to develop a policy and marking plan for Corporation Program Sponsorships;
11. Directing staff to develop a plan to sell or lease remnant parcels of City-owned open space;
12. Directing staff to pursue Exclusive Vendor/Official Sponsor Contracts;
13. Directing staff to develop a policy and marketing plan for Presentation Sponsors, and'
14. Directing staff to develop a methodology to create private-public partnerships to secure Neighborhood Improvement Sponsors.

Moved to Consent

27. Consider changes to the EHRP/DAAP and revisions to Chapter 12 of the Parks, Recreation & Neighborhoods Department, Recreation & Neighborhood Services Division Manual to reflect the changes, and **C**onsider changes to the Lead Based Paint Hazards and revision of Chapter 11 of the Parks, Recreation & Neighborhoods Department, Recreation & Neighborhood Services Division Manual to reflect the changes.
    - Resolution approving changes to Community Development Block Grant EHRP/DAAP programs, and revisions to Chapter 12 of the Parks, Recreation & Neighborhoods Department, Recreation & Neighborhood Services Division Manual to reflect the changes recommended.
    - Resolution approving changes to the Lead Based Paint Hazards and revision of Chapter 11 of the Parks, Recreation & Neighborhoods Department, Recreat ion & Neighborhood Services Division Manual to reflect the changes recommended.

    Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Reso No 2004-286** (Jackman/Hawn; unan.) approving changes to Community Development Block Grant EHRP/DAAP programs, and revisions to Chapter 12 of the Parks, Recreation & Neighborhoods Department, Recreation & Neighborhood Services Division Manual to reflect the changes

ACTION: **Reso No 2004-287** (Jackman/Hawn; unan.) approving changes to the Lead Based Paint Hazards and revision of Chapter 11 of the Parks, Recreation & Neighborhoods Department, Recreation & Neighborhood Services Division Manual to reflect the changes

28. Consider accepting the City of Modesto's Equal Opportunity Status Report for FY 2002-2003.
    - Motion accepting the City of Modesto's Equal Opportunity Status Report for FY 2002-2003 recommended.

    Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan.) accepting the City of Modesto's Equal Opportunity Status Report for FY 2002-2003.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:40 p.m:

CLOSED SESSION

This item was removed from the agenda.
CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organization:	Modesto Confidential and Management Association (MCMA)

This item heard prior to the City Council meeting.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *Preston Brandon v. City of Modesto, et al.*
Superior Court Case No. 339797

This item heard prior to the City 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

Facts and Circumstances: The Council will consider potential terms of an agreement with the Hilton Corporation to operate the Ninth Street Garage. There is currently a dispute with Hilton for an alleged breach of contract stemming from the use of the Ninth Street Garage by City and County employees.

MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

WEDNESDAY, May 26, 2004
1:00 p.m. in Chambers, Basement Level, Tenth Street Place

Roll Call:	Finance Committee Members Present:	Hawn, Jackman,
	Finance Committee Members Absent:	Dunbar
	Councilmembers Also Present:	Marsh

- Redevelopment Agency Budget
  - The Director of Community & Economic Development, Brad Kilger, and Business Analyst, Linda Boston, reviewed the Redevelopment Agency budget.

ACTION: By Motion (Jackman/Marsh) it was the consensus of the Finance Committee to recommend the RDA fund CIP account #K871 for $120,000 and Master Plan EIR for $285,365.

ACTION: It was the Consensus of the Finance Committee that the Redevelopment Agency should continue to receive TOT and sales tax from shops at Lincoln School but reduce the transfers from the General Fund by 50% and consider the transfers as loans.

ACTION: It was the Consensus of the Finance Committee that the transfers from the general fund to the Redevelopment Agency be considered loans.

ACTION: It was the Consensus of the Finance Committee to forward the Redevelopment Agency budget to the full Agency Board for approval.

- Continued Discussion—Personnel

1. The Assistant Personnel Director, Janice Stewart, gave a report on Vacant Positions and Allocation Changes in the city of Modesto.

ACTION: No action taken.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 3:10 p.m.

MINUTES

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, June 1, 2004, 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: Joel Richards from La Loma Grace Brethren.

City Clerk's Announcements:
Public Hearing Item 10 requested to be continued to June 8, 2004
Public Hearing Item 11 moved to follow the Consent Items

Declaration of Conflicts of Interest - Marsh – Item 8

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of proclamation to Soroptimist proclaiming June as Drive Safe Modesto Month. Peggy O'Donnell will receive the Proclamation.

ACTION: Mayor Ridenour presented the proclamation.

MISCELLANEOUS
Appointments

2. Consider appointment of Tammy L. Maisetti to the Downtown Improvement District Advisory Board, with a term expiration of January 1, 2008.
   - Resolution approving the appointment of Tammy L. Maisetti to the Downtown Improvement District Advisory Board, with a term expiration of January 1, 2008 recommended.

   City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: **Reso No 2004-288** (Keating/Dunbar; unan.; O'Bryant, absent) approving the appointment of Tammy L. Maisetti to the Downtown Improvement District Advisory Board, with a term expiration of January 1, 2008.

ORAL COMMUNICATIONS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 7

ACTION Consent Items 3, 4, 5, 6, 7: Jackman/Hawn; 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

3. Consider approval of the minutes of the regular City Council meeting of May 25, 2004. (Motion approving recommended.)
   Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan.; O'Bryant, absent) approved the minutes of May 25, 2004.

CONSENT

4. Consider final adoption of Ordinance 3348-C.S. - an ordinance repealing Ordinance 3339-C.S. and authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village).
   - Motion approving final adoption of Ordinance 3348-C.S. - an ordinance repealing Ordinance 3339-C.S. and authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.

   City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan.; O'Bryant, absent) approved **final adoption of Ordinance 3348-C.S. –**an ordinance repealing Ordinance 3339-C.S. and authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village)

CONSENT

5. Consider the Fiscal Year 2004/2005 claim for Local Transportation Funds (LTF) for $4,857,817 for transit purposes to the Stanislaus Council of Governments.
    - Resolution approving and authorizing the submittal of the Fiscal Year 2004-2005 Annual Transportation Claim for $4,857,817, for transit purposes only, to the Stanislaus Council of Governments recommended.

Finance; Tom Douglas, 571-5574, tdouglas@modestogov.com

ACTION: Reso No 2004-289 (Jackman/Hawn; unan.; O'Bryant, absent) approving and authorizing the submittal of the Fiscal Year 2004-2005 Annual Transportation Claim for $4,857,817, for transit purposes only, to the Stanislaus Council of Governments.

CONSENT

6. Consider the Monthly Budget Adjustment Report.
    - Resolution approving FY04 budget adjustments for May 2004 recommended.

Finance; Peggy Hetzler; 577-5369; phetzler@modestogov.com

ACTION: Reso No 2004-290 (Jackman/Hawn; unan.; O'Bryant, absent) approving FY04 budget adjustments for May 2004

CONSENT

7. Consider two subordination agreements, as follows: 1) for the HOME loan provided to Stanislaus County Affordable Housing Corporation (STANCO) in Fiscal Year 2001-2002, for the development and construction of the 3333 Carver Road project, approving an extension for completion of the construction by June 30, 2005, and authorizing the City Manager to execute the necessary documents; 2) for the HOME loan provided to the Housing Authority of the County of Stanislaus in Fiscal Year 2001-2002 for the development and construction of Miller Pointe, approving an extension for completion of the construction by June 30, 2005, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving a subordination agreement for the HOME loan provided to Stanislaus County Affordable Housing Corporation (STANCO) in Fiscal Year 2001-2002, for the development and construction of the 3333 Carver Road project, approving an extension for completion of the construction by June 30, 2005, and authorizing the City Manager to execute the necessary documents recommended.
    - Resolution approving a subordination agreement for the HOME loan provided to the Housing Authority of the County of Stanislaus in Fiscal Year 2001-2002 for the development and construction of Miller Pointe, approving an extension for completion of the construction by June 30, 2005, and authorizing the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Reso No 2004-291 (Jackman/Hawn; unan.; O'Bryant, absent) approving a subordination agreement for the HOME loan provided to Stanislaus County Affordable Housing Corporation (STANCO) in Fiscal Year 2001-2002, for the

development and construction of the 3333 Carver Road project, approving an extension for completion of the construction by June 30, 2005, and authorizing the City Manager to execute the necessary documents

ACTION: **Reso No 2004-292** (Jackman/Hawn; unan.; O'Bryant, absent) approving a subordination agreement for the HOME loan provided to the Housing Authority of the County of Stanislaus in Fiscal Year 2001-2002 for the development and construction of Miller Pointe, approving an extension for completion of the construction by June 30, 2005, and authorizing the City Manager to execute the necessary documents

COUNCIL COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

Councilmember Marsh was excused due to conflict of interest during the introduction of the following item.

8. Consider final adoption of Ordinance 3349-C.S. – an ordinance amending the Precise Plan for Area No. 13 of the Village One Specific Plan, to allow for the creation of 16 additional lots for property located east of Roselle Avenue between Hillglen Avenue and Kodiak Drive (Lagos).
    - Motion approving final adoption of Ordinance 3349-C.S. – an ordinance amending the Precise Plan for Area No. 13 of the Village One Specific Plan, to allow for the creation of 16 additional lots for property located east of Roselle Avenue between Hillglen Avenue and Kodiak Drive (Lagos).

    City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Dunbar/Keating; unan., O'Bryant & Marsh, absent) approved **final adoption of Ordinance 3349-C.S.** – an ordinance amending the Precise Plan for Area No. 13 of the Village One Specific Plan, to allow for the creation of 16 additional lots for property located east of Roselle Avenue between Hillglen Avenue and Kodiak Drive (Lagos).

9. Consider Cable franchise agreement and settlement.
    - Ordinance extending the Cable Franchise Agreement for an additional five years recommended.
    - Resolution authorizing the City Manager to execute the following agreements recommended:
        - An amendment to the Cable Television Franchise Renewal Agreement extending the terms of the agreement until July 4, 2016;

- A revised Institutional Network (I-Net) Agreement providing for the construction and use of the I-Net, and providing for the completion of construction of the Institutional Network in approximately 10 months;
- A Settlement Agreement relating to the action taken by Council June 24, 2003 and the litigation entitled Comcast v. City of Modesto.

City Manager; Donna Hansen, 571-5809, dhansen@modestogov.com

ACTION: By Motion (Dunbar/Hawn; unan.; O'Bryant, absent) **introduced Ordinance 3350-C.S.--** extending the Cable Franchise Agreement for an additional five years.

ACTION: Reso No 2004-293 (Dunbar/Hawn; unan.; O'Bryant, absent) authorizing the City Manager to execute the following agreements recommended:

- An amendment to the Cable Television Franchise Renewal Agreement extending the terms of the agreement until July 4, 2016;
- A revised Institutional Network (I-Net) Agreement providing for the construction and use of the I-Net, and providing for the completion of construction of the Institutional Network in approximately 10 months;
- A Settlement Agreement relating to the action taken by Council June 24, 2003 and the litigation entitled Comcast v. City of Modesto.

HEARINGS

10. Hearing to consider application for $3,382,935 in Federal Transit Administration (FTA) Funds to help offset the capital and operating costs of the City's public transit program.
    - Resolution approving an application for $3,382,935 in Federal Transit Administration (FTA) Funds to help offset the capital and operating costs of the City's public transit program recommended.

    Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: By motion (Jackman/Hawn; unan.; O'Bryant, absent) continued to June 8, 2004

Heard immediately following Item 7 of the Consent Agenda.

11. Hearing to consider Modesto Area Express (MAX) route and schedule changes.
    - Resolution approving two new Modesto Area Express (MAX) routes, and approving route and schedule changes for 11 of the 17 existing MAX routes to become effective January 2005 at a cost of approximately $184,000 in Local Transportation Fund (LTF) monies for Fiscal Year 2004/2005 recommended.

    Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Reso No 2004-294 (Jackman/Keating; unan.; O'Bryant, absent) approving two new Modesto Area Express (MAX) routes, and approving route and schedule changes for 11 of the 17 existing MAX routes to become effective January 2005 at a cost of approximately $184,000 in Local Transportation Fund (LTF) monies for Fiscal Year 2004/2005

NEW BUSINESS

12. Consider the option for a restructured CalPERS pension contribution rate for FY 04-05 for the City Safety Plan.
    - Motion authorizing the City Manager to implement Council's direction regarding a reduced CalPERS Safety contribution rate.

    Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.; O'Bryant, absent) approved staff's recommendation to not apply for the reduced contribution option.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:12 p.m. to the following closed sessions.

CLOSED SESSION

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

Agency negotiators: Jack Crist, City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Officers Association

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

Agency Negotiators: Jack Crist, City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto City Fire Fighters Association

There was no reportable action taken on the above Closed Session items.

ADJOURNMENT

This meeting adjourned at 8:00 pm.

MINUTES

ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

Tenth Street Place, 1010 Tenth Street, Second Floor, Room 2005
Modesto CA 95354

5:30 p.m., Monday, June 7, 2004

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

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

1) Master Plan Prioritization – Information Only

ACTION: The Economic Development Committee took no action on this item. This item was for information only.

2) Federal Transportation Improvement Program Update – Information Only

ACTION: The Economic Development Committee took no action on this item. This item was for information only.

3) Community & Economic Development Department Monthly Development Activity Report
   a. Workforce Development Program
   b. Kiernan Business Park Implementation Plan
   c. Development Review Task Force
   d. Kaiser Medical Center
   e. Comprehensive General Plan Update
   f. Roselle-Claribel Specific Plan
   g. St. Stanislaus Church
   h. The Promenade Shopping Center
   i. Fairview Specific Plan Update
   j. Sylvan Vet Clinic at Sylvan/Roselle
   k. De Valle Homes/Fairview Development Agreement Amendment
   l. Valley Tower – 10th & H Streets
   m. CFF Exemption for Demolished Building and Transfer of Credits
   n. Building Inspection Statistics
   o. Kansas-Woodland Business Park (FMC)
   p. Downtown Housing Project

q. Downtown Office Project – Valley Tower LLC
r. Various Business Attraction Projects
s. www.choosemodesto.com
t. Marketing Modesto
u. Opportunity Map
v. Update to the RDA Master Plan and EIR

ACTION: The Economic Development Committee took no act ion on this item. This item was for information only.

4) Consider Staff Recommendation to Support Senate Bill 1404 – Multifamily Improvement District

ACTION: The Economic Development Committee approved staff's recommendation.

5) Consider Staff Recommendat ion to Approve Agreement for Carpool Parking Spaces, and Authorize Staff to Negotiate Lease Agreements for Park and Ride Lots

ACTION: The Economic Development Committee approved staff's recommendation.

6) Consider Staff Recommendation to Approve Installa tion of Angle Parking on the East Side of 8th Street between L and Jefferson Streets

ACTION: The Economic Development Committee approved staff's recommendation.

7) Floyd Avenue Residents Petition re Widening to Four Lanes and Staff Oral Report

ACTION: The Economic Development Committee requested staff meet with the residents regarding the widening of Floyd and return to the Committee.

8) Consider Staff Recommendation to Change Floyd/Lincoln Oak Intersection Control from a Roundabout to a Traffic Signal

ACTION: The Economic Development Committee approved staff's recommendation.

9) Consider Staff Recommendation to Uphold Requirement of Capital Facilities Fees for the Parent Resource Center

ACTION: The Economic Development Committee referred this item to the Community Housing and Community Development Committee and approved staff's recommendation.

10) Consider Options for Pruned Refuse Collection Program

ACTION: The Economic Development Committee approved staff's recommendation with the deletion of #5 from the staff report.

11) Consider Staff Recommendation to Establish the City's Composting Facility as a Separate Enterprise Fund and to Establish Tip Fees

ACTION: The Economic Development Committee approved staff's recommendation.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:45 PM

MINUTES

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, June 8, 2004, 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: Doris Reis--Stanislaus County Prayer Breakfast--Volunteer

City Clerk's Announcements -Item 17 application amount amended to $2,503,541
Governor invitation to residents of Modesto to sign a condolence book to be presented to the Reagan Family and the Ronald Reagan Library

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of new Airport Manager, Michael Musca by Peter Cowles.

ACTION: Introduction made by Peter Cowles, Acting Engineering and Transportation Director

2. Presentation of proclamation to the U.S. Army designating June 14 as the United States Army 229th Birthday and the period from June 14-June 18, 2004 as United States Army Week.

ACTION: Proclamation presented by Mayor Ridenour.

3. Presentation of proclamation designating June 2004 as National Homeownership Month in the City of Modesto.

ACTION: Proclamation presented by Mayor Ridenour.

4. Presentation by The Graffiti Week Committee regarding the week's activities.

ACTION: Presentation made by Cheryl Detmar, Deputy Director of Finance.

ORAL COMMUNICATIONS
Three minute time limit per speaker

- Joan Ruttschow commented on the Kiwanis car show scheduled for June 19 and 20
- Miguel Donoso commented on a letter he received from the Attorney General regarding Desarrollo Latino-Americano, Inc.
- Mike Serpa commented on the fiscal year 2004/05 budget and the possible deficit in fi scal year 2005/06.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 13

ACTION Consent Items 5-13: Jackman/Keating; unan.

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 June 1, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) approved the minutes of June 1, 2004.

CONSENT

6. Final adoption of Ordinance 3350-C.S. – an ordinance granting Comcast of California XII, Inc. a 5-year extension of its nonexclusive franchise to construct, operate an d maintain a cable communications system within the City of Modesto subject to the terms and conditions set forth in the Amendment to Cable Television Franchise Renewal Agreement.
    - Motion approving final adoption of Ordinance 3350-C.S. – an ordinance granting Comcast of California XII, Inc. a 5-year extension of its nonexclusive franchise to construct, operate and maintain a cable communications system within the City of Modesto subject to the terms and conditions set forth in the Amendment to Cable Television Franchise Renewal Agreement recommended.

ACTION: By Motion (Jackman/Keating; unan.) approved the **final adoption of Ordinance 3350-C.S.** – an ordinance granting Comcast of California XII, Inc. a 5-year extension of its nonexclusive franchise to construc t, operate and maintain a cable communications system within the City of Modesto subject to the terms and conditions set forth in the Amendment to Cable Television Franchise Renewal Agreement

CONSENT

7. Consider the final map of the Esta Estates subdivis ion in the Village One Specific Plan Area, accepting the public improvements, authorizing the City Manager to sign an agreement with the subdividers, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.
    - Resolution approving the final map of the Esta Estates subdivision in the Village One Specific Plan Area, accepting the public improvements, authorizing the City Manager to sign an agreement with the subdividers as required by Section 404.604(c) of the Municipal Code, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

    Engineering & Transportation; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: **Reso No 2004-295** (Jackman/Keating; unan) approving the final map of the Esta Estates subdivision in the Village One Specific Plan Area, accepting the public improvements, authorizing the City Manager to sign an agreement with the subdividers as required by Section 404.604(c) of the Municipal Code, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

8. Consider accepting the improvements for the Papatone East subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to final a Notice of Completion and to release securities upon expiration of statutory periods. Owner: Meritage Homes of Northern California Inc., a California Corporation.
    - Resolution accepting the improvements for the Papatone East subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to final a Notice of Completion and to release securities upon expiration of statutory periods recommended.

    Engineering & Transportation; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: **Reso No 2004-296** (Jackman/Keating; unan) accepting the improvements for the Papatone East subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to final a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

9. Consider summary vacation of a 30-foot sewer, water and access easement located at 1000 Oates Court on APN 086-014-019.
    - Resolution approving a summary vacation of a 30-foot sewer, water and access easement located at 1000 Oates Court on APN 086-014-019 recommended.

    Engineering & Transportation; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: **Reso No 2004-297** (Jackman/Keating; unan) approving a summary vacation of a 30 - foot sewer, water and access easement located at 1000 Oates Court on APN 086 -014-019.

CONSENT

10. Consider accepting the work by D.A. Wood Construction Inc. for the "Village One Force Main" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $565,805.70 per the contract. Total proje ct cost is $678,941.92.
    - Resolution accepting the work by D.A. Wood Construction Inc. for the "Village One Force Main" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $565,805.70 per the contract recommended.

    Engineering & Transportation; Kris Ohlson, 577-5215, kohlson@modestogov.com

ACTION: **Reso No 2004-298** (Jackman/Keating; unan) accepting the work by D.A. Wood Construction Inc. for the "Village One Force Main" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $565,805.70 per the contract.

CONSENT

11. Consider the Monthly Investment Report. – April 2004
    Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: By Motion (Jackman/Keating; unan) approved Monthly Investment Report —April 2004

CONSENT

12. Consider authorizing the award of bid and contract for the purchase and assembly of ten granular activated carbon (GAC) units to Carbon Activated Corporation, for a total cost of $803,131.
    - Resolution authorizing the award of bid and contract for the purchase and assembly of ten granular activated carbo n (GAC) units to Carbon Activated Corporation, for a total cost of $803,131 recommended.

    Finance; Ken Masasso, 571-5164, kmasasso@modestogov.com

ACTION: **Reso No 2004-299** (Jackman/Keating; unan) authorizing the award of bid and contract for the purchase and assembly of ten granular activated carbon (GAC) units to Carbon Activated Corporation, for a total cost of $803,131.

CONSENT

13. Consider soliciting bids for communication equipment associated with the National Assistance to Firefighter's Grant Program. Estimated amount of grant is $256,000 with City's percentage being 30% or $77,000.
    - Resolution approving solicitation of bids for communication equipment associated with the National Assistance to Firefighte r's Grant Program for an estimated grant amount of $256,000 with City's percentage being 30% or $77,000 recommended.

    Fire; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: **Reso No 2004-300** (Jackman/Keating; unan) approving solicitation of bids for communication equipment associated with the National Assistance to Firefighter's Grant Program for an estimated grant amount of $256,000 with City's percentage being 30% or $77,000.

COUNCIL COMMENTS & REPOR TS

14. At the request of Councilmember O'Bryant, discussion of planning and implementation of water meters and water improvements.

ACTION: No action taken.

15. At the request of Councilmember O'Bryant, discussion of planning, policies and procedures for safety issues as they relate to the downtown area.

ACTION: Referred to the Safety and Communities Committee.

HEARINGS

The following item was continued from the May 25, 2004 Council meeting

16. Hearing to consider a three-year contract to Redflex Traffic Systems for the installation of red light photo enforcement equipment at ten City-designated intersections and authorizing execution of the necessary documents.
    - Resolution approving a three-year contract to Redflex Traffic Systems for the installation of red light photo enforcement equipment at ten City-designated intersections and authorizing execution of the necessary documents recommended.

    Police; Dan Inderbitzen, 342-6142, inderbitzend@modestopd.com

ACTION: **Reso No 2004-301** (Jackman/Hawn; unan.) approving a three-year contract to Redflex Traffic Systems for the installation of red light photo enforcement equipment at ten City-designated intersections and authorizing execution of the necessary documents.

Recess 7:44
Reconvene 7:55

The following item was continued from the June 1, 2004 Council meeting

17. Hearing to consider application for $2,503,541 in Federal Transit Administration (FTA) Funds to help offset the capital and operating costs of the City's public transit program.
    - Resolution approving an application for $2,503,541 in Federal Transit Administration (FTA) Funds to help offset the capital and operating costs of the City's public transit program recommended.

    Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: **Reso No 2004-302** (Jackman/Keating; unan.) approving an application for $2,503,541 in Federal Transit Administration (FTA) Funds to help offset the capital and operating costs of the City's public transit program.

18. Hearing to consider 2004 Public Health Goals Report, as required by the California Health and Safety Code, Title 22, Section 116470.
    - Resolution accepting the 2004 Public Health Goals Report, as required by the California Health and Safety Code, Title 22, Section 116470 recommended.

    Operations & Maintenance; Judith Ray, 342-4575, jray@modestogov.com

ACTION: **Reso No 2004-303** (O'Bryant/Keating; unan.) accepting the 2004 Public Health Goals Report, as required by the California Health and Safety Code, Title 22, Section 116470.

19. Hearing to consider the City's Fiscal Year 2004-2005 Proposed Operating Budget and Interim Capital Improvement Program budgets and return June 22, 2004 to consider adoption of the budgets.

- Motion acknowledging reports of the City's Fiscal Year 2004-2005 Proposed Operating and Capital Improvement Program annual budgets (on June 22, 2004 the Council will return to consider adoption of the budgets).

Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: By order of the Chair acknowledged reports of the City's Fiscal Year 2004-2005 Proposed Operating and Capital Improvement Program annual budgets.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:46 p.m. to the following Closed Sessions:

CLOSED SESSION

This item heard prior to the Council meeting.

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

Property:	Purchase, sale or lease of property located at 2500 Sylvan as follows:
	Josephine Cipponeri – APN: 077-046-079
Negotiating parties:	Steve Castellanous of Associated Right-of-Way Services, as Property Agent on behalf of the City of Modesto
	Josephine Cipponeri – Owner
Under negotiation:	Price and terms of payment for property to be acquired.

This item was heard after the meeting. No reportable action was taken.

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

Agency negotiators:	Jack Crist, City Manager Robin Renwick, Personnel Director
Employee Organization:	Modesto Police Officers Association

This item was heard after the meeting. No reportable action was taken.

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

Agency Negotiators: Jack Crist, City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto City Fire Fighters Association

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This item was heard after the meeting. No reportable action was taken.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9)a) of the Government Code)

Name of case: *Enrique Sanchez, et al. v. City of Modesto, et al.*
Superior Court Case No. 347903

The Closed Session adjourned at 10:00 PM.

MINUTES

City of Modesto

Special Finance Committee/
Special City Council Workshop Meeting

Wednesday, June 16, 2004 at 5:00 PM
Chambers, Basement Level, Tenth Street Place
1010 Tenth Street, Modesto, California

Roll Call: Present: Committee Members Dunbar, Hawn, Jackman
Also Present: Councilmembers Marsh, O'Bryant

NEW BUSINESS

1) Review Council and Committee direction, water utility requirements, and financing factors that will affect the upcoming water rate recomm endations

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

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:40 PM.

City of Modesto

SPECIAL AUDIT COMMITTEE / WORKSHOP

MINUTES

Monday, June 21, 2004

6:30 PM

Second Floor – Room 2008

Roll Call: Present: Jim Ridenour Chair
Janice Keating, Vice Chair
Will O'Bryant

NEW BUSINESS

INFORMATION ITEMS:

1) Report on Police Department Audit of Forfeiture Fund – Accepted for Information

CONSENT ITEMS – APPROVAL:

2) Consider Staff Recommendation to Accept Report on Audit of Used Oil Opportunity Grant

3) Consider Staff Recommendation to Accept Report on Three-Year Audit of the Stanislaus Resource Recovery Account (Waste-to-Energy Enterprise Fund) –

4) Consider Staff Recommendation to Approve Report on Investigation of Cash Missing from City of Modesto Bank Deposits

Motion to Accept Consent Items approved unanimously.

ITEMS WHERE STAFF EXPECTS DISCUSSION, GUIDANCE AND/OR RECOMMENDATION: (DETAILED BRIEFING BY STAFF—COMMITTEE AND PUBLIC COMMENTS LIKELY, COMMITTEE ACTION MAY BE REQUIRED.)

5) Consider Staff Recommendation on Audit of City of Modesto Process for Alcoholic Beverage Control (ABC) License Activity

Following discussion, motion to accept and forward to Council approved unanimously.

6) Report and Discussion of ABC Process for The Garage Bar Application

Following discussion, motion to accept report and forward to Council with recommendation to refund $1,100 to applicants, passed unanimously.

7) Update on Response to State Controller Regarding Modesto Redevelopment Agency Audit Reports Issues

Received for information, with City Manager to update Committee in next meeting on status of response to audit issues.

8) Consider Staff Recommendation to Approve Amendment to Contract for Audit Services with Maze and Associates for Additional Services

Following discussion, motion approved unanimously to accept report and to recommend approval of contract amendment to Council.

9) Review Travel and Credit Card Information for Mayor and Councilmembers, Charter Officers, Deputy City Managers, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for Q3 (January, February, March 2004)

Following discussion, motion approved unanimously to simplify this format of reporting, and to have departments only present the "trip report" outlining the basic benefits of trips for training and conferences, with an assessment of the value of the session to employee. Credit card statements will be presented annually for review.

ORAL COMMUNICATIONS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

Meeting adjourned 7:25 P.M.

MINUTES

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, June 22, 2004, 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: Ross Briles—Sherwood Bible Church

City Clerk's Announcements Item 7 removed from Consent
Item 29 removed from the agenda

Declaration of Conflicts of Interest – Item 10 – Hawn
Item 13 and 23 Claus Neighborhood Park – Marsh

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of Pam Marquez, Senior Civil Engineer in Capital Improvement Services - Construction Administration.

ACTION: Introduction made by Peter Cowles.

MISCELLANEOUS
Appointments

2. Consider appointing Sam Pierstorff as the Poet Laureate of the City of Modesto for a two-year term from July 1, 2004 to June 30, 2006.
   - Resolution appointing Sam Pierstorff as the Poet Laureate of the City of Modesto for a two-year term from July 1, 2004 to June 30, 2006 recommended.

   Parks, Recreation & Neighborhoods; Bob Quintella; 577-6444, bquintella@modestogov.com

ACTION: Resolution 2004-304 (Keating/Jackman; unan.) appointing Sam Pierstorff as the Poet Laureate of the City of Modesto for a two-year term from July 1, 2004 to June 30, 2006

3. Consider accepting with regret the resignation of Ed Lopes from the Equal Opportunity/Disability Commission.
   - Resolution accepting with regret the resignation of Ed Lopes from the Equal Opportunity/Disability Commission recommended.

   City Manager's Office; Esther Puckett; 571-5101, epuckett@modestogov.com

ACTION: Resolution 2004-305 (Jackmna/Hawn; unan.) accepting with regret the resignation of Ed Lopes from the Equal Opportunity/Disability Commission.

ORAL COMMUNICATIONS
Three minute time limit per speaker

- Robert Ferrace spoke regarding Desarallo Latino Americano.
- Jeremiah Williams invited the Council to a Celebration of Dads on June 26 at Marshall Park sponsored by the Weed and Seed Coalition.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 20

ACTION Consent 4- 6, 8, 9, 11, 12, 14- 20: Jackman/O'Bryant; unan.

ACTION Item 7: Jackman/Keating; unan.

ACTION Item 10: Keating/Jackman; unan. Hawn, absent due to Conflict of Interest

ACTION Item 13: Keating/Jackman; unan. Marsh, 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
4. Consider approval of the minutes of the regular City Council meeting of June 8, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan.) approved the minutes of June 8, 2004.

CONSENT
5. Consider amending the contract with Maze & Associates for performance of the City's annual financial audits. The amendment allows the firm t o be paid for an unanticipated additional federal program audit in the 2003 Single Audit; for audits of two additional Community Facilities Districts, and two additional federal programs as part of the Single Audit, for 2004 and 2005. Additional cost for 2003 is $5,155, for 2004 is $17,126, and for 2005 is $17,656. Contract provisions call for compensation adjustments for additional work. Approval authorizes the City Manager to execute the amendment.
   - Adopt a resolution approving an amendment to the contract for audit services with Maze and Associates at additional cost not to exceed $5,155 for 2003, $17,126 for 2004, and $17,656 for 2005, for additional services, and authorizing the City Manager to execute the amendment.

   City Clerk & Auditor; Gary Nienhuis; 571-5544; gnienhuis@modestogov.com

ACTION: Resolution 2004-306 (Jackman/O'Bryant; unan.) approving an amendment to the contract for audit services with Maze and Associates at additional cost not to exc eed $5,155 for 2003, $17,126 for 2004, and $17,656 for 2005, for additional services, and authorizing the City Manager to execute the amendment.

CONSENT
6. Consider adopting a resolution amending the City's Policies and Procedures for Formation, Annexation, and Administration of Community Facilities Districts Created Pursuant to the Provisions of the Mello Roos Community Facilities Act of 1982.
   - Resolution amending the City's Policies and Procedures for Formation, Annexation, and Administration of Communit y Facilities Districts Created Pursuant to the Provisions of the Mello Roos Community Facilities Act of 1982 recommended.

   City Manager—CFD; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2004-307 (Jackman/O'Bryant; unan) amending the City's Policies and Procedures for Formation, Annexation, and Administration of Community Facilities Districts Created Pursuant to the Provisions of the Mello Roos Community Facilities Act of 1982

Removed from Consent

7. Consider adopting a resolution approving the contract amendment for Micahlynn Rivera, Web Consultant for Community & Economic Development, in an amount not to exceed $50,000, and authorizing the City Manager to execute said amendment.
    - Resolution approving the contract amendment for Micahlynn Rivera, Web Consultant for Community & Economic Development, in an amount not to exceed $50,000, and authorizing the City Manager to execute said amendment recommended.

    Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2004-308 (Jackman/Keating; unan) approving the contract amendment for Micahlynn Rivera, Web Consultant for Community & Economic Development, in an amount not to exceed $50,000, and authorizing the City Manager to execute said amendment

CONSENT

8. Consider rejecting the sole bid of $944,176 from George Reed, Inc., for the project titled "Extend Corporate and Reconstruct Transient Aircraft Aprons ," and authorizing staff to re-advertise the project at a future date.
    - Resolution rejecting the sole bid of $944,176 from George Reed, Inc., for the project titled "Extend Corporate and Reconstruct Transient Aircraft Aprons ," and authorizing staff to re-advertise the project at a future date.

    Engineering & Transportation; Dean Phillips, 577-5215, dphillips@modestogov.com

ACTION: Resolution 2004-309 (Jackman/O'Bryant; unan.) rejecting the sole bid of $944,176 from George Reed, Inc., for the project titled " Extend Corporate and Reconstruct Transient Aircraft Aprons ," and authorizing staff to re-advertise the project at a future date.

CONSENT

9. Consider accepting the work by George Reed, Inc., for the "Runway 1 0L-28R Pavement Improvements and Runway Light Fixture Replacement" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $1,009,102.05 per the contract. Total project cost is $1,217 ,681.02.
    - Resolution accepting the work by George Reed, Inc., for the "Runway 10L -28R Pavement Improvements and Runway Light Fixture Replacement" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $1,009,102.05 per the contract recommended.

    Engineering & Transportation; Michael Musca, 577-5318, mmusca@modestogov.com

ACTION: Resolution 2004-310 (Jackman/O'Bryant; unan.) accepting the work by George Reed, Inc., for the "Runway 10L-28R Pavement Improvements and Runway Light Fixture Replacement" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $1,009,102.05 per the contract

Councilmember Hawn absent due to Conflict of Interest

10. Consider a resolution awarding the bid and approving a $246,900 contract with Collins Electrical Company, Inc., for the project titled "Centre Plaza Lighting Controls," and authorizing the City Manager to execute the contract. Total estimated cost of this project is $294,342.
    - A resolution awarding the bid and approving a $246,900 contract with Collins Electrical Company, Inc., for the project titled "Centre Plaza Lighting Controls," and authorizing the City Manager to execute the contract recommended.

    Engineering & Transportation; Dean Phillips, 577-5215, dphillips@modestogov.com

ACTION: Resolution 2004-311 (Jackman/Keating; unan. Hawn absent) awarding the bid and approving a $246,900 contract with Collins Electrical Company, Inc., for the project titled "Centre Plaza Lighting Controls," and authorizing the City Manager to execute the contract

CONSENT

11. Consider awarding the bid and approving a $107,651.00 contract with Kroeker, Inc., for the project titled "Demolition of Buildings on 8th Street" for the new bus maintenance facility, waiving a minor bid irregularity and authorizing the City Manager to execute the contract. Total estimated cost of this demolition project is $131,334.22.
    - A resolution awarding the bid and approving a $107,651.00 contract with Kroeker, Inc., for the project titled "Demolition of Buildings on 8th Street" for the new bus maintenance facility, waiving a minor bid irregularity and authorizing the City Manager to execute the contract recommended.

    Engineering & Transportation; Dean Phillips, 577-5215, dphillips@modestogov.com

ACTION: Resolution 2004-312 (Jackman/O'Bryant; unan) awarding the bid and approving a $107,651.00 contract with Kroeker, Inc., for the project titled "Demolition of Buildings on 8th Street" for the new bus maintenance facility, waiving a minor bid irregularity and authorizing the City Manager to execute the contract

CONSENT

12. Consider awarding the bid and approving a $249,130.00 contract with Clayborn Contracting Group, Inc., for the project titled, "Relocation of GAC Filters to Well 50," and authorizing the City Manager to execute the contract. Total estimated project cost is $298,956.00.
    - Resolution awarding the bid and approving a $249,130.00 contract with Clayborn Contracting Group, Inc., for the project titled, "Relocation of GAC Filters to Well 50," and authorizing the City Manager to execute the contract. Total estimated project cost is $298,956.00.
    - Resolution amending the FY 2003-2004 Capital Improvement budget to:
        1) Reduce project account number 6100-430-A03, Wellhead Treatment Zone 1, by $14,812 and return $14,812.00 to the Water Fund Reserves; and

2) Reappropriate $14,812 moved to the Water Fund Reserves to project account number 6100-480-Q211, Acquire Property/Install GAC at Well 50, thereby fully funding the project titled "Relocation of GAC Filters to Well 50."

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-313 (Jackman/O'Bryant; unan) awarding the bid and approving a $249,130.00 contract with Clayborn Contracting Group, Inc., for the project titled, "Relocation of GAC Filters to Well 50," and authorizing the City Manager to execute the contract

ACTION: Resolution 2004-314 (Jackman/O'Bryant; unan) amending the FY 2003-2004 Capital Improvement budget to:

1) Reduce project account number 6100-430-A03, Wellhead Treatment Zone 1, by $14,812 and return $14,812.00 to the Water Fund Reserves; and
2) Reappropriate $14,812 moved to the Water Fund Reserves to project account number 6100-480-Q211, Acquire Property/Install GAC at Well 50, thereby fully funding the project titled "Relocation of GAC Filters to Well 50."

Councilmember Marsh absent due to Conflict of Interest

13. Consider accepting the work by Clyde Wheeler Pipeline, Inc., for the "Hillglen Avenue Storm Drain" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $339,277.50 per the contract. Total project cost is $496.871.71.

- Resolution accepting the work by Clyde Wheeler Pipeline, Inc., for the "Hillglen Avenue Storm Drain" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $339,277.50 per the contract.

Engineering & Transportation; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2004-315 (Jackman/Keating; unan. Marsh absent) accepting the work by Clyde Wheeler Pipeline, Inc., for the "Hillglen Avenue Sto rm Drain" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $339,277.50 per the contract.

CONSENT

14. Consider (1) approving a one-year agreement, effective July 1, 2004, with the United Pentecostal Church of Modesto Revival Center to provide 75 general-public carpool parking spaces at a cost of $1,125 per quarter year, and (2) authorizing staff to negotiate lease agreements for park and ride lots to be used exclusively by patr ons of the Modesto Area Express (MAX) commuter express routes to the Pleasanton BART station and the Manteca ACE train station, to be paid for out of the countywide apportionment of Local Transportation Fund (LTF) funds

- Resolution approving a one-year agreement, effective July 1, 2004, with the United Pentecostal Church of Modesto Revival Center, 825 7th Street, to provide 75 general-public carpool parking spaces at a cost of $1,125 per quarter year to be paid for out of the countywide apportionment of Loca l Transportation Fund (LTF) funds.
- Resolution authorizing staff to negotiate lease agreements for park and ride lots to be used exclusively by patrons of the Modesto Area Express (MAX) commuter express routes to the Pleasanton BART station and the Manteca ACE train station, to be paid for out of the countywide apportionment of Local Transportation Fund (LTF) funds.

Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Resolution 2004-315A (Jackman/O'Bryant; unan.) approving a one-year agreement, effective July 1, 2004, with the United Pentecostal Church of Modesto Revival Center, 825 7th Street, to provide 75 general-public carpool parking spaces at a cost of $1,125 per quarter year to be paid for out of the countywide apportionment of Local Transportation Fund (LTF) funds.

ACTION: Resolution 2004-315B (Jackman/O'Bryant; unan) authorizing staff to negotiate lease agreements for park and ride lots to be used exclusively by patrons of the Modesto Area Express (MAX) commuter express routes to the Pleasanton BART station and the Manteca ACE train station, to be paid for out of the countywide apportionment of Local Transportation Fund (LTF) funds

CONSENT

15. Consider the Monthly Budget Adjustment Report.

- Resolution approving FY04 budget adjustments for June 2004 recommended.

Finance; Jack Crist, 577-5224, jcrist@modestogov.com

ACTION: Resolution 2004-316 (Jackman/O'Bryant; unan) approving FY04 budget adjustments for June 2004

CONSENT

16. Authorize the Risk Manager to bind excess workers' compensation insurance coverage in the amount of $244,127 as presented by the City's Broker of Record and authorizing the City Manger to execute the renewal agreement.
    - Resolution authorizing the Risk Manager to bind excess workers' compensation insurance coverage in the amount of $244,127 as presented by the City's Broker of Record and authorizing the City Manager to execute the renewal agreement.

    Personnel-Risk Management; Mary Akin, 577-5251, makin@modestogov.com

ACTION: Resolution 2004-317 (Jackman/O'Bryant; unan.) authorizing the Risk Manager to bind excess workers' compensation insurance coverage in the amount of $244,127 as presented by the City's Broker of Record and authorizing the City Manager to execute the renewal agreement

CONSENT

17. Consider authorizing the Risk Manager to bind Property and Boiler & Machinery insurance in the amount of $216,754 for City of Modesto owned and operated properties and authorizing the City Manager to execute the renewal agreement for the insurance.
    - A resolution authorizing the Risk Manager to bind Property and Boiler & Machinery insurance in the amount of $216,754 for City of Modesto owned and operated properties and authorizing the City Manager to execute the renewal agreement for the insurance recommended.

    Personnel-Risk Management; Mary Akin, 577-5251, makin@modestogov.com

ACTION: Resolution 2004-318 (Jackman/O'Bryant; unan.) authorizing the Risk Manager to bind Property and Boiler & Machinery insurance in the amount of $216,754 for City of Modesto owned and operated properties and authorizing the City Manager to execute the renewal agreement for the insurance.

CONSENT

18. Consider approving the request from the West Modesto King Kennedy Neighborhood Collaborative for a total of $175,000 in CDBG funds for a new "Collaborative Neighborhood Center Headquarters" at Mellis Park, and authorizing staff to negotiate a lease agreement.
    - Resolution approving the request from the West Modesto King Kennedy Neighborhood Collaborative for a total of $175,000 in CDBG funds for a new "Collaborative Neighborhood Center Headquarters" at Mellis Park, and authorizing staff to negotiate a lease agreement recommended.

    Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417; jhannon@modestogov.com

ACTION: Resolution 2004-319 (Jackman/O'Bryant; unan.) approving the request from the West Modesto King Kennedy Neighborhood Collaborative for a total of $175,000 in CDBG funds for a new "Collaborative Neighborhood Center Headquarters" at Mellis Park, and authorizing staff to negotiate a lease agreement .

CONSENT

19. Consider approving a third amendment to agreement with Modesto Sister Cities International to decrease funding by 10% and authorize the City Manager to execute the agreement.
    - Resolution approving a third amendment to agreement with Modesto Sister Cities International to decrease funding by 10% and authorize the City Manager to execute the agreement.

    Parks, Recreation & Neighborhoods; Debbie Conder; 577-5391; dconder@modestogov.com

ACTION: Resolution 2004-320 (Jackman/O'Bryant; unan) approving a third amendment to agreement with Modesto Sister Cities International to decrease funding by 10% and authorize the City Manager to execute the agreement.

CONSENT

20. Consider approving a three-year renewal agreement with Community Reinvestment Fund, Inc. for loan servicing of existing and future loans and authorizing the City Manager to execute the agreement.
    - Resolution approving a three-year renewal agreement with Community Reinvestment Fund, Inc. for loan servicing of existing and future loans and authorizing the City Manager to execute the agreement.

    Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417; jhannon@modestogov.com

ACTION: Resolution 2004-321 (Jackman/O'Bryant; unan) approving a three-year renewal agreement with Community Reinvestment Fund, Inc. for loan servicing of existing and future loans and authorizing the City Manager to execute the agreement

COUNCIL COMMENTS & REPORTS

None

WRITTEN COMMUNICATIONS

21. Letter from George Petrulakis regarding a request to process Claribel/Oakdale Neighborhood for placement on November 2, 2004 Election.

ACTION: By motion (O'Bryant/Hawn; majority Jackman and Dunbar no) directed staff to proceed with preparing necessary documents for a ballot measure and referred the matter to the Economic Development Committee meeting scheduled for July 12, 2004.

22. Letter from Dennis Wilson regarding a request for support for a County General Plan and Re-Zone request on Carpenter Road near Paradise.

ACTION: By motion (Dunbar/Keating; majority O'Bryant no.) this item was referred to the August Economic Development Committee.

UNFINISHED BUSINESS

23. Consider adopting the City's Fiscal Year 2004-2005 Operating Budget and Interim Capital Improvement Program budgets.
    - Adoption of an ordinance adopting the City's Fiscal Year 2004-2005 Operating Budget and Interim Capital Improvement Program Budgets.

Finance; Jack Crist, 577-5224, jcrist@modestogov.com

ACTION: By Motion (Hawn/Keating; unan.) **adopted Ordinance No. 3351-C.S**.—adopting the City's Fiscal Year 2004-2005 Operating Budget and Interim Capital Improvement Program Budgets.

Resolution 2004-322 Hawn/Keating; unan. establishing the calculation for the appropriation limit for the fiscal year 2004-2005 annual budget.

By motion Hawn/Jackman; unan. Marsh absent due to conflict of interest approved the funding for Claus Neighborhood Park.

HEARINGS

The following item was continued from the May 25, 2004 Council meeting

24. Hearing to consider the application of Signature Theatres, to rezone from Highway Commercial, C-3, to Planned Development Zone, P-D(566), to allow expansion of an existing movie theater, property located at 3969 McHenry Avenue.
    - Introduction of an ordinance rezoning from C-3 to P-D(566) recommended.
    - Resolution approving a development plan for P-D(566) recommended.
    - Resolution finding the requested rezoning within the scope of the General Plan Master Environmental Impact Report recommended.

Community & Economic Development; Brad Wall, 577-5282, bwall@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.) **introduced Ordinance No. 3352-C.S.** rezoning from C-3 to P-D(566)

ACTION: **Resolution 2004-323** (Jackman/Dunbar; unan.) approving a development plan for P-D(566) with the condition that at the time McHenry Avenue is widened, the developer shall physically modify the project site to provide a minimum eigh t-foot-net landscaped setback for all parking areas along McHenry Avenue

ACTION: Resolution 2004-324 (Jackman/Dunbar; unan.) finding the requested rezoning within the scope of the General Plan Master Environmental Impact Report

Recess 7:00
Reconvene 7:12

25. Hearing to consider the appeal of Anthony Langford to a decision by the Planning Commission approving the Vesting Tentative Subdivision Map of Papillon Park, property located along the west side of Ramsgate Drive at Harvest Road.
    - Resolution denying the appeal of Anthony Langford to a decision by the Planning Commission approving the Vesting Tentative Subdivision Map of Papillon Park, property located along the west side of Ramsgate Drive at Harvest Road recommended.

    Community & Economic Development; Brad Wall, 577-5282, bwall@modestogov.com

ACTION: Resolution 2004-325 (Jackman/Marsh; unan.) denying the appeal of Anthony Langford to a decision by the Planning Commission approving the Vesting Tentative Subdivision Map of Papillon Park, property located along the west side of Ramsgate Drive at Harvest Road.

26. Hearing to consider the adoption of resolutions (1) 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. 2) and (2) 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. 2)
    - Resolution canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1.

    City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2004-326 (Jackman/Hawn; 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. 2)

ACTION: Resolution 2004-327 (Jackman/Hawn; unan.) canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1.

27. Hearing to Consider the Application of Del Valle Capital Corporation for a Third Amendment to the Development Agreement for the Galas Brothers Vesting Tentative Subdivision Map to Allow Assignment of Rights, Entitlements, Duties, and Obligations to Third Party Developers.

- Motion introducing an ordinance approving the Third Amendment to the Development Agreement with Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas, and Del Valle Capital Corporation Inc., relating to allowing the assignment of rights, entitlements, duties, and obligations to third party developers recommended.

Community & Economic Development; George Osner, 577-5273, gosner@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) **introduced Ordinance No. 3353-C.S.** approving the Third Amendment to the Development Agreement with Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas, and Del Valle Capital Corporation Inc., relating to allowing the assignment of rights, entitlements, duties, and obligations to third party developers

NEW BUSINESS

28. Consider authorizing the District Administrator to execute an Acquisition and Shortfall Agreement with Del Valle Homes with a maximum reimbursement amount of $1,055,136.05; authorizing the District Administrator to execute an Acquisition and Shortfall Agreement with Del Valle Homes with a maximum reimbursement amount of $8,732,972.72; 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 District Administrator to execute an Acquisition and Shortfall Agreement with Del Valle Homes with a maximum reimbursement amount of $1,055,136.05;
- Resolution authorizing the District Administrator to execute an Acquisition and Shortfall Agreement with Del Valle Homes with a maximum reimbursement amount of $8,732,972.72;
- Resolution authorizing the sale and issuance of special tax bonds to a maximum amount of $25,000,000 on behalf of City of Modesto CFD No. 2003-1 (Fairview Village), approving documents relating thereto and authorizing and directing certain related actions.

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2004-328 (Hawn/Keating; unan.) authorizing the District Administrator to execute an Acquisition and Shortfall Agreement with Del Valle Homes with a maximum reimbursement amount of $1,055,136.05;

ACTION: Resolution 2004-329 (Hawn/Keating; unan.) authorizing the District Administrator to execute an Acquisition and Shortfall Agreement with Del Valle Homes with a maximum reimbursement amount of $8,732,972.72;

ACTION: Resolution 2004-330 (Hawn/Keating; unan.) authorizing the sale and issuance of special tax bonds to a maximum amount of $25,000,000 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 the agenda.

29. Consider severance benefits for laid off employees.
    - Resolution authorizing severance pay, health contributions and interview leave for employees subject to an authorized reduction in force, and providing for salary Y - rating for employees demoting in lieu of layoff.

Personnel; Robin Renwick, 577-5402, rrenwick@modestogo.vom

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:52 p.m. to the following Closed Sessions:

CLOSED SESSION

This item heard prior to the Council
CONFERENCE WITH LABOR NEGOTIATOR
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organization:	Modesto Confidential and Management Associations (MCMA)

The following two items were heard after the Council meeting.
CONFERENCE WITH LABOR NEGOTIATOR
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organization:	Modesto Police Officers Associations (MPOA)

No reportable action was taken.

CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organization:	Modesto City Fire Fighters Associations (MCFFA)

No reportable action was taken.

MINUTES

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, July 6, 2004, at 5:30 p.m.

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

Absent: Keating

Pledge of Allegiance to the Flag

Invocation: Pastor Allen Peters, Destiny Christian Center

City Clerk's Announcements Item 14 removed from Consent

Declaration of Conflicts of Interest - Item 13 - Hawn

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Dr. Bill Ruud, CSU Stanislaus Regional Impact Report.

ACTION: No action taken. Presentation made by Dr. Ruud.

2. Consider recognizing "July is Recreation and Parks Month".
   - Resolution recognizing "July is Recreation a nd Parks Month" recommended.

Parks, Recreation & Neighborhoods; James Niskanen, 577-5351, jniskanen@modestogov.com

ACTION: Resolution 2004-331 (Jackman/O'Bryant; unan. Keating absent) recognizing "July is Recreation and Parks Month"

ORAL COMMUNICATIONS
Three minute time limit per speaker

- Carolyn DePiero addressed the Council regarding the number of illegal fireworks displayed on the fourth of July and the priority of park placement.
- Councilmember O'Bryant and Jackman responded to Ms. DePiero.
- Steve Madison - BIA representative spoke to the Council regarding the Parade of Homes and the essay contests for the Sylvan Union School District. Mr. Madison provided the Council with a compilation of the essays.
- Ernest Hinshaw addressed the Council regarding his concern of the use of scooters.
- Dale Gene Williams spoke to the Council regarding the former Prescott Estates and the removal of City trees.

MISCELLANEOUS
Appointments

3. Consider adopting a resolution appointing Mayor Jim Ridenour to replace Councilmember Brad Hawn as a Commission member of the City-County Capital Improvements and Financing Agency, and appointing Vice Mayor Janice Keating as an alternate Commissioner.
    - Resolution approving the appointment of Mayor Jim Ridenour to replace Councilmember Brad Hawn as a Commission member of the City-County Capital Improvements and Financing Agency, and appointing Vice Mayor Janice Keating as an alternate Commissioner recommended.

    City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Resolution 2004-332 (Jackman/O'Bryant; unan. Keating absent) approving the appointment of Mayor Jim Ridenour to replace Councilmember Brad Hawn as a Commission member of the City-County Capital Improvements and Financing Agency, and appointing Vice Mayor Janice Keating as an alternate Commissioner

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4-12 and 13

ACTION Consent Items 4-12: Jackman/Dunbar; unan. Keating absent

ACTION 13: Dunbar/Jackman; unan.; Keating and Hawn absent

ACTION 14: Jackman/Dunbar; majority; O'Bryant, no; Keating, 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 June 22, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan. Keating absent) approved the minutes of June 22, 2004.

CONSENT
5. Consider installation of angle parking on the east side of 8th Street between L and Jefferson Streets, and rescinding Resolutions 2003-500 and 2004-160 in order to supplement some of the parking supply from downtown Modesto and the City's Corporation Yard. Leer Corporation will pay for a portion of angle parking on 8th Street between L and M Streets in the amount of $28,411, and the City will pay for the section between M and Jefferson Streets as funds become available for an estimated cost of $96,589.
   - Resolution approving installation of angle parking on the east side of 8th Street between L and Jefferson Streets, and rescinding Resolutions 2003 -500 and 2004-160 in order to supplement some of the parking supply from downtown Modesto and the City's Corporation Yard recommended.

Engineering & Transportation; Jeff Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2004-333 (Jackman/Dunbar; unan. Keating absent) approving installation of angle parking on the east side of 8th Street between L and Jefferson Streets, and rescinding Resolutions 2003-500 and 2004-160 in order to supplement some of the parking supply from downtown Modesto and the City's Corporation Yard.

CONSENT
6. Consider accepting the improvements for the Fernwood Phase 2 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: Fernwood Properties LLC, a California Limited Liability Company, by its Manager Member, Bennett Development Inc., a California Corporation.
   - Resolution accepting the improvements for the Fernwood Phase 2 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 recommended.

Engineering & Transportation; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: Resolution 2004-334 (Jackman/Dunbar; unan. Keating absent) accepting the improvements for the Fernwood Phase 2 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

CONSENT

7. Consider accepting the improvements for the Fernwood Phase 3 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: Fernwood Properties LLC, a California Limited Liability Company, by its Manager Member, Bennett Development Inc., a California Corporation.
    - Resolution accepting the improvements for the Fernwood Phase 3 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 recommended.

    Engineering & Transportation; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: Resolution 2004-335 (Jackman/Dunbar; unan. Keating absent) accepting the improvements for the Fernwood Phase 3 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

CONSENT

8. Consider accepting the improvements for the Village Highlands No. 7 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: Inland Village, a California General Partnership.
    - Resolution accepting the improvements for the Village Highlands No. 7 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 recommended.

    Engineering & Transportation; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: Resolution 2004-336 (Jackman/Dunbar; unan. Keating absent) accepting the improvements for the Village Highlands No. 7 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

CONSENT

9. Consider accepting the improvements for the Village Highlands No. 8 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: Inland Village, a California General Partnership.
    - Resolution accepting the improvements for the Village Highlands No. 8 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 recommended.

Engineering & Transportation; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: Resolution 2004-337 (Jackman/Dunbar; unan. Keating absent) accepting the improvements for the Village Highlands No. 8 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

CONSENT

10. Consider the Floyd/Lincoln Oak intersection control be changed from a roundabout to a traffic signal. Funds are budgeted.
    - Resolution approving the Floyd/Lincoln Oak intersection control be changed from a roundabout to a traffic signal recommended.

    Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Resolution 2004-338 (Jackman/Dunbar; unan. Keating absent) approving the Floyd/Lincoln Oak intersection control be changed from a roundabout to a traffic signal.

CONSENT

11. Consider the Monthly Investment Report.
    - Motion acknowledging receipt and accepting the Month Investment Report for May 2004 recommended

    Finance; Jack Crist, 577-5224, jcrist@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan. Keating absent) acknowledging receipt and accepting the Month Investment Report for May 2004.

CONSENT

12. Consider the Monthly Budget Adjustment Report – Community Facilities District Budgets, July 2004.
    - Resolution approving the Monthly Budget Adjustment Report – Community Facilities District Budgets, July 2004 recommended.

    Finance; Greg Baird, 577-5458, gbaird@modestogov.com

ACTION: Resolution 2004-339 (Jackman/Dunbar; unan. Keating absent) approving the Monthly Budget Adjustment Report – Community Facilities District Budgets, July 2004

CONSENT – Councilmember Hawn absent due to conflict of interest

13. Consider approving a Third Amendment to the Agreement with RRM Design Group, Inc. to include a City-initiated change in structural engineer of record for the design and

construction administration of the Maddux Youth Center at the additional not-to-exceed cost of $16,720, plus associated reimbursable expenses of not-to-exceed $1,000

- Resolution approving a Third Amendment to the Agreement with RRM Design Group, Inc. to include a City-initiated change in structural engineer of record for the design and construction administration of the Maddux Youth Center at the additional not-to-exceed cost of $16,720, plus associated reimbursable expenses of not-to-exceed $1,000, and authorizing the City Manager to execute the Third Amendment to the Agreement.

Parks, Recreation & Neighborhoods; Robert Ford; 577-5473, bford@modestogov.com

ACTION: Resolution 2004-340 (Dunbar/Jackman; unan. Keating and Hawn absent) approving a Third Amendment to the Agreement with RRM Design Group, Inc. to include a City-initiated change in structural engineer of record for the design and construction administration of the Maddux Youth Center at the additional not-to-exceed cost of $16,720, plus associated reimbursable expenses of not-to-exceed $1,000, and authorizing the City Manager to execute the Third Amendment to the Agreement.

Removed from Consent

14. Consider severance benefits for laid-off employees.

- Resolution authorizing severance pay, health contributions and interview leave for employees in the classified service subject to an authorized reduction in force recommended.

Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: Resolution 2004-341 (Jackman/Dunbar; majority; O'Bryant, no; Keating, absent) authorizing severance pay, health contributions and interview leave for employees in the classified service subject to an authorized reduction in force

COUNCIL COMMENTS & REPORTS

None

WRITTEN COMMUNICATIONS

15. Consider the letter from Sue Shaffer of Centex Homes requesting processing Roselle/Claribel Neighborhood for placement on the November 2, 2004 election ballot.

ACTION: By motion (Marsh/O'Bryant; majority; Jackman, no; Keating, absent) referred to the Economic Development Committee.

16. Consider the letter from Sandy Keathley on behalf of the "Roselle Avenue Group" regarding placement of their area on the November 2, 2004 election ba llot.

ACTION: By motion (Marsh/O'Bryant; majority; Jackman, no; Keating, absent) referred to the Economic Development Committee

NEW BUSINESS

17. Consider a contract with EDAW Inc. to complete the Safety Campus Concept Master Plan for the City of Modesto in conjunction with the Modesto Redevelopment Agency Update to the Master Plan and Environmental Impact Report. Total project cost is $482,619; City share is $77,254.
    - Resolution approving the contract with EDAW Inc. to complete the Safety Campus Concept Master Plan for the City of Modesto in conjunction with the Modesto Redevelopment Agency Update to the Master Plan and Environmental Impact Report, and authorize the City Manager to execute and administer said contract recommended.

Fire; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: **Resolution 2004-342** (Hawn/Marsh; unan.; Keating, absent) approving the contract with EDAW Inc. to complete the Safety Campus Concept Master Plan for the City of Modesto in conjunction with the Modesto Redevelopment Agency Update to the Master Plan and Environmental Impact Report, and authorize the City Manager to execute and administer said contract

18. Consider approving the proposed reorganization of the Parks, Recreation and Neighborhoods Department, Operations and Maintenance Department and the Engineering and Transportation Department and directing staff to prepare changes to the Modesto Municipal Code, which will reflect the reorganization changes approved by the City Council; Consider amending the Position Classification Plan to create the classification of Public Works Director; delete the classifications of Engineering and Transportation Director and Operations and Maintenance Director and amend the classification of Parks, Recreation and Neighborhoods Director; Consider amending the Class Range Table for Executive Management Classes to add the salary range for Public Works Director, delete the salary ranges for Engineering and Transportation Director and Opera tions and Maintenance Director, and amend the salary range for Parks, Recreation and Neighborhoods Director; and Consider establishing a 5% pay differential for the assignment of City Engineer to the unrepresented employee assigned to this responsibility.
    - Resolution approving the proposed reorganization of the Parks, Recreation and Neighborhoods Department, Operations and Maintenance Department, and the Engineering and Transportation Department, and directing staff to prepare changes to the Modesto Municipal Code, which will reflect the reorganization changes approved by the City Council recommended.
    - Resolution amending the Position Classification Plan to create the classification of Public Works Director, delete the classifications of Engineering and Transp ortation

Director and Operations and Maintenance Director, and amend the classification of Parks, Recreation and Neighborhoods Director recommended.

- Resolution amending the Class Range Table for Executive Management Classes to add the salary range for Public Works Director, delete the salary ranges for Engineering and Transportation Director and Operations and Maintenance Director and amend the salary range for Parks, Recreation and Neighborhoods Director recommended.
- Resolution establishing a 5% pay differential for the assignment of City Engineer to the unrepresented employee assigned to this responsibility recommended.

City Manager; George Britton; 577-5223; gbritton@modestogov.com
Engineering & Transportation; Peter Cowles, 577-5213, jcowles@modestogov.com

ACTION: Resolution 2004-343 (Jackman/Hawn; unan.; Keating, absent) approving the proposed reorganization of the Parks, Recreation and Neighborhoods Department, Operations and Maintenance Department, and the Engineering and Transportation Department, and directing staff to prepare changes to the Modesto Municipal Code, which will reflect the reorganization changes approved by the City Council

ACTION: Resolution 2004-344 (Jackman/Hawn; unan.; Keating, absent) amending the Position Classification Plan to create the classification of Public Works Director, delete the classifications of Engineering and Transportation Director and Operations and Maintenance Director, and amend the classification of Parks, Recreation and Neighborhoods Director

ACTION: Resolution 2004-345 (Jackman/Hawn; unan.; Keating, absent) amending the Class Range Table for Executive Management Classes to add the salary range for Public Works Director, delete the salary ranges for Engineering and Transportation Director and Operations and Maintenance Director and amend the salary range for Parks, Recreation and Neighborhoods Director

ACTION: Resolution 2004-346 (Jackman/Hawn; unan.; Keating, absent) establishing a 5% pay differential for the assignment of City Engineer to the unrepresented employee assigned to this responsibility

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:37 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: Jack Crist, City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Officer Association

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

Agency Negotiators: Jack Crist, City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Fire Fighters Association

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street
Conference Room 2005, Second Floor
Modesto, California

Wednesday, July 7, 2004, at 5:30 p.m.

Roll Call – Present: Committee Members Dunbar, Hawn, O'Bryant,
Also Present: Councilmember Jackman

ORAL COMMUNICATIONS

None

NEW BUSINESS

14) Fire Mobile Data Computer Project Update

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

15) CAD 911 Update

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

16) Verbal Update on Mini Motorcycle/Motorized Scooters

ACTION: It was the consensus of the Safety and Community Committee to give the City Council an update regarding Mini Motorcycle/Motorized Scooters at an August City Council Meeting.

17) Community Policing Update (DARE/School Police Officers and Area Commands)-Support and Operations Division

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

18) Grogan Community Park Design Development Report

ACTION: The Safety and Communities Committee approved Staff's recommendation to forward this item to the City Council for approval of the Design Development Report and Master Plan, and the certification of the Mitigated Negative Declaration for Mary E Grogan Community Park.

19) New Sister City in China

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

20) Advertising Contracts with Modesto Bee.

ACTION: This item was removed from the agenda.

21) Ordinance for Used Car Tent Sales

ACTION: The Safety and Communities Committee recommended limiting the total number of off-site automobile sales permits to four per year and forwarding the amendment to the Modesto Municipal Code to the full City Council.

22) Purchase of Industrial Fire District Engine

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

23) Approval to recruit One Fire Prevention Technician II

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

24) Fire Department Apparatus Purchase

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

25) YCCD FTE Agreement

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

26) Discussion on Policy Regarding Downtown – MPD, Roy Wasden, Dan Inderb itzen

ACTION: It was the consensus of the Safety and Communities Committee to schedule the next regular Safety and Communities Meeting on August 2, 2004 to be held in the Police Auditorium for the purpose of discussing a public safety policy for downtown.

27) Discussion of the Institutional Network (I-Net) Construction Project – Joyce Engberg

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

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:20 p.m.

MINUTES

Modesto City Council

ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, July 12, 2004

Roll Call – Present: Jackman, Keating, Marsh

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

12) Community & Economic Development Department Monthly Development Activity Report
- w. Workforce Development Program
- x. Kiernan Business Park Implementation Plan
- y. Development Review Task Force
- z. Kaiser Medical Center
- aa. Comprehensive General Plan Update
- bb. Roselle-Claribel Specific Plan
- cc. St. Stanislaus Church
- dd. The Promenade Shopping Center
- ee. Fairview Specific Plan Update
- ff. Sylvan Vet Clinic at Sylvan/Roselle
- gg. De Valle Homes/Fairview Development Agreement Amendment
- hh. North Beyer Specific Plan Amendment
- ii. Glenn Avenue Annexation
- jj. Planning Division Activity Report
- kk. Valley Tower – 10th & H Streets
- ll. CFF Exemption for Demolished Building and Transfer of Credits
- mm. Building Inspection Statistics
- nn. Kansas-Woodland Business Park (FMC)
- oo. Downtown Housing Project
- pp. Downtown Office Project – Valley Tower LLC
- qq. Various Business Attraction Projects
- rr. www.choosemodesto.com
- ss. Marketing Modesto
- tt. Opportunity Map
- uu. Update to the RDA Master Plan and EIR

ACTION: The Economic Development Committee took no action on thi s item. This item was for information only.

13) Verbal Notice to Committee of Two Resignations from the Planning Commission

ACTION: Deputy City Manager George Britton announced that applications would be coming before the full Council for consideration and that additional advertisements would be forthcoming in the Bee.

14) Consider Staff Recommendation to Amend Chapter 10 of Title 5 of the Modesto Municipal Code Relating to Stormwater Management and Discharge Control (Stormwater Ordinance)

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

15) Consider Staff Recommendation to Approve Parking Fee Increase for Evening Parking at 10th and 11th Street Parking Garages

ACTION: The Economic Development Committee approved Staff's recommendatio n giving the PR&N Director discretion on charging the $10 fee at all times.

16) Discussion of Roundabout Policy

ACTION: The Economic Development Committee took no action on this item. This item was for information only.

17) Discussion of Proposal to Place the Balance of the Roselle-Claribel Neighborhood on the November Ballot Under Measure M

ACTION: This item was removed from the agenda per applicant's request.

18) Consider Staff Recommendation to Participate in the Enterprise Zone Preliminary Application for the Proposed "Stanislaus County/Highway 99 Corridor Enterprise Zone"

ACTION: The Economic Development Committee approved Staff's recommendation to forward this item to the full City Council for consideration.

MATTERS TO LATE FOR THE AGENDA

None.

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, July 13, 2004, at 5:30 p.m.

Roll Call – Councilmembers Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

Absent: Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Pastor Chuck Adams, Carpenter's House

City Clerk's Announcements: Item 7 removed from Agenda
Item 8 was removed from Consent
Item 25 was continued to August 4, 2004
Item 30 was continued to August 4, 2004

Declaration of Conflicts of Interest: Hawn, Items 11, 19

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 23

ACTION Consent 1-6, 9, 10, 12-18, 20-23: **Jackman/Marsh; unan. Ridenour absent**

ACTION Consent 8: Jackman/Dunbar; unan. Ridenour absent

ACTION Consent 11: Jackman/O'Bryant; unan. Ridenour and Hawn absent

ACTION Consent 19: Jackman/O'Bryant; unan. Ridenour 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 July 6, 2004. (Motion approving recommended.)
   Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan. Ridenour absent) approved the minutes of the regular City Council meeting of July 6, 2004.

CONSENT

2. Consider final adoption of the following ordinances:

   a. Ordinance No. 3352 C.S. – an ordinance amending Section 8-3-9 of the Zoning Map to rezone from Highway Commercial Zone, C-3, to Planned Development Zone, P-D(566), property located at 3969 McHenry Avenue. (Signature Theatres)

   b. Ordinance No. 3353 C.S. – an ordinance approving the Third Amendment to the Development Agreement Between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc. relating to allowing the assignment of rights, entitlements, duties, and obligations to third party developers

   - Motion approving Ordinance No. 3352-C.S. and Ordinance No. 3353-C.S. recommended.

   City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan. Ridenour absent) approved **final adoption of Ordinance No. 3352 C.S.** – an ordinance amending Section 8-3-9 of the Zoning Map to rezone from Highway Commercial Zone, C-3, to Planned Development Zone, P-D(566), property located at 3969 McHenry Avenue. (Signature Theatres)

ACTION: By Motion (Jackman/Marsh; unan. Ridenour absent) approved **final adoption of Ordinance No. 3353 C.S.** – an ordinance approving the Third Amendment to the Development Agreement Between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc. relating to allowing the assignment of rights, entitlements, duties, and obligations to third party developers

CONSENT

3. Consider a Tax Sharing Agreement with the County of Stanislaus for the Kaiser Medical Center/Cornerstone Business Park Project.
    - Resolution approving a Tax Sharing Agreement with the County of Stanislaus for the Kaiser Medical Center/Cornerstone Business Park Project recommended.

    City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: **Resolution 2004-347** (Jackman/Marsh; unan. Ridenour absent) approving a Tax Sharing Agreement with the County of Stanislaus for the Kaiser Medical Center/Cornerstone Business Park Project.

CONSENT

4. Consider the Audit Report on City of Modesto process for ABC license activity.
    - Motion acknowledging receipt of Audit Report recommended.

    Clerk-Auditor; Gary Nienhuis, 571-5544, gnienhuis@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan. Ridenour absent) acknowledging receipt of Audit Report.

CONSENT

5. Consider reports on Investigation of Cash Missing from City of Modesto Bank Deposits.
    - Motion acknowledging receipt of Audit Report recommended.

    Clerk-Auditor; Gary Nienhuis, 571-5544, gnienhuis@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan. Ridenour absent) acknowledging receipt of Audit Report

CONSENT

6. Consider the Parent Resource Center's request for a Capital Facilities Fee waiver for planned modular expansion.
    - Resolution denying the Parent Resource Center's request for a Capital Facilities Fee waiver for planned modular expansion recommended.

    City Manager; Amy Gedney; 577-5211; agedney@modestogov.com

ACTION: Resolution 2004-348 (Jackman/Marsh; unan. Ridenour absent) denying the Parent Resource Center's request for a Capital Facilities Fee waiver for planned modular expansion.

Item 7 was removed from the Agenda

7. Consider accepting with regret the resignation of Andrew Mendlin from the Planning Commission.
    - Resolution accepting with regret the resignation of Andrew Mendlin from the Planning Commission effective July 13, 2004 recommended.

City Manager; Esther Puckett, 577-5101, epuckett@modestogov.com

ACTION: This item was removed from the Agenda.

This item was removed from Consent

8. Consider an agreement with Jones and Stokes for work on the Environmental Impact Report for The Promenade Lifestyle Center Project in an amount not to exceed $173,552 (Total Budget: $225,618)
    - Resolution approving an agreement for services with Jones and Stokes in an amount not to exceed $173,552 and authorizing the City Manager to execute the necessary documents recommended.

Community & Economic Development, Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: Resolution 2004-349 (Jackman/Dunbar; unan. Ridenour absent) approving an agreement for services with Jones and Stokes in an amount not to exceed $173,552 and authorizing the City Manager to execute the necessary documents.

CONSENT

9. Consider the City's joint participation with Stanislaus County, the City of Turlock, and the City of Ceres in a Preliminary Application for a California Enterprise Zone with the Housing & Community Development Department, and authorizing the Community & Economic Development Director to execute the Preliminary Application.
    - Resolution authorizing the City to jointly participate with Stanislaus County, the City of Turlock, and the City of Ceres in a Preliminary Application for a California Enterprise Zone with the Housing & Community Development Department, and authorizing the Community & Economic Development Director to execute the Preliminary Application recommended.

Community & Economic Development; Tim Ogden, 577-5324, togden@modestogov.com

ACTION: Resolution 2004-350 (Jackman/Marsh; unan. Ridenour absent) authorizing the City to jointly participate with Stanislaus County, the City of Turlock, and the City of Ceres in a Preliminary Application for a California Enterprise Zone with the Housing & Community Development Department, and authorizing the Community & Economic Development Director to execute the Preliminary Application

CONSENT

10. Consider the award of bid and contract for the furnishing of Bulk Fuel Red Dyed #2 Diesel, with W.H. Breshears, Inc., for a three-year agreement, at an estimated annual cost of $72,963.
    - Resolution authorizing the award of bid and contract for the furnishing of Bulk Fuel Red Dyed #2 Diesel, to W.H. Breshears, Inc., for a three-year agreement, at an estimated annual cost of $72,963 recommended.

    Finance; Ken Masasso, 571-5164; kmasasso@modestogov.com

ACTION: Resolution 2004-351 (Jackman/Marsh; unan. Ridenour absent) authorizing the award of bid and contract for the furnishing of Bulk Fuel Red Dyed #2 Diesel, to W.H. Breshears, Inc., for a three-year agreement, at an estimated annual cost of $72,963

Councilmember Hawn absent due to Conflict of Interest

11. Consider the award of bid and contract for the furnishing of heating, ventilation, and air conditioning (HVAC) service and repairs at the Modesto Centre Plaza, with American Chiller Service, Inc., for a three-year agreement, with two one-year extension options, for an estimated annual cost of $23,442.
    - Resolution authorizing the award of bid and contract for the furnishing of heating, ventilation, and air conditioning (HVAC) service and repairs at the Modesto Centre Plaza, to American Chiller Service, Inc., for a three-year agreement, with two one-year extension options, for an estimated annual cost of $23,442 recommended.

    Finance; Ken Masasso, 571-5164; kmasasso@modestogov.com

ACTION: Resolution 2004-352 (Jackman/O'Bryant; unan. Ridenour and Hawn absent) authorizing the award of bid and contract for the furnishing of heating, ventilation, and air conditioning (HVAC) service and repairs at the Modesto Centre Plaza, to American Chiller Service, Inc., for a three-year agreement, with two one-year extension options, for an estimated annual cost of $23,442.

CONSENT

12. Consider the purchase of a 1991 Pierce Type I engine from the Industrial Fire District for $1.00 and approving an amendment to an agreement for fire protection services with the Industrial Fire District.
    - Resolution approving the purchase of a 1991 Pierce Type I engine from the Industrial Fire District for $1.00 and approving an amendment to an agreement for fire protection services with the Industrial Fire District recommended.

    Fire Department; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: Resolution 2004-353 (Jackman/Marsh; unan. Ridenour absent) approving the purchase of a 1991 Pierce Type I engine from the Industrial Fire District for $1.00 and approving an amendment to an agreement for fire protection services with the Industrial Fire District.

CONSENT

13. Consider the purchase of one Pierce Quantum Fire Engine from Golden State Fire Apparatus for a total estimated cost of $311,906.67; and Consider accepting $48,150 as the trade-in value of one 1991 Pierce Arrow engine.
    - Resolution authorizing the purchase of one Pierce Quantum Fire Engine from Golden State Fire Apparatus for a total estimated cost of $311,906.67 recommended.
    - Resolution accepting $48,150 as the trade-in value of one 1991 Pierce Arrow engine recommended.

    Fire Department; Lori Martinez, 572-9660, lmartinez@modestogov.com

ACTION: Resolution 2004-354 (Jackman/Marsh; unan. Ridenour absent) authorizing the purchase of one Pierce Quantum Fire Engine from Golden State Fire Apparatus, Modesto, CA for a total estimated cost of $311,906.67 and authorizing the City Manager to accept $48,150.00 as the trade-in value of one 1991 Pierce Arrow engine, towards the purchase of said Pierce Quantum Fire Engine.

Resolution Number 2004-355 was not used

CONSENT

14. Consider authorizing the Chief Information Officer to issue a Request for Qualifications (RFQ) for an organization/group to continue management of the Public Education and Government (P-E&G) studio and programming on the Comcast Cable System.
    - Resolution authorizing the Chief Information Officer to issue a Request for Qualifications (RFQ) for an organization/group to continue management of the Public Education and Government (P-E&G) studio and programming on the Comcast Cable System recommended.

    Information Technology Joyce Engberg, 577-5229, jenberg@modestogov.com

ACTION: Resolution 2004-356 (Jackman/Marsh; unan. Ridenour absent) authorizing the Chief Information Officer to issue a Request for Qualifications (RFQ) for an organization/group to continue management of the Public Education and Government (P-E&G) studio and programming on the Comcast Cable System

CONSENT

15. Consider changes to the Tenant Based Rental Assistance (TBRA) program for the fiscal year 2004-2005.
    - Resolution approving changes to the Tenant Based Rental Assistance (TBRA) program for the fiscal year 2004-2005 recommended.

    Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2004-357 (Jackman/Marsh; unan. Ridenour absent) approving changes to the Tenant Based Rental Assistance (TBRA) program for the fiscal year 2004-2005.

CONSENT

16. Consider 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 necessary documents.
    - 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 necessary documents recommended.

    Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417; jhannon@modestogov.com

ACTION: Resolution 2004-358 (Jackman/Marsh; 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 necessary documents

CONSENT

17. Consider accepting the work by Collins Electrical Company, Inc. for the "Street Illuminations – 29 Intersections" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $166,788.50 per the contract. Total project cost is $203,439.99.
    - Resolution accepting the work by Collins Electrical Company, Inc. for the "Street Illuminations – 29 Intersections" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $166,788.50 per the contract recommended.

    Public Works; Pamela Marquez, 577-5423 pmarquez@modestogov.com

ACTION: Resolution 2004-359 (Jackman/Marsh; unan. Ridenour absent) accepting the work by Collins Electrical Company, Inc. for the "Street Illuminations – 29 Intersections" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $166,788.50 per the contract

CONSENT

18. Consider accepting the work by Fence Systems, Inc., dba The Yard for the "Briggsmore Sound Wall – West of Tully" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $61,790.50 per the contract. Total project cost is $80,261.47.
    - Resolution accepting the work by Fence Systems, Inc., dba The Yard for the "Briggsmore Sound Wall – West of Tully" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $61,790.50 per the contract recommended.

    Public Works; Pamela Marquez, 577-5423 pmarquez@modestogov.com

ACTION: Resolution 2004-360 (Jackman/Marsh; unan. Ridenour absent) accepting the work by Fence Systems, Inc., dba The Yard for the "Briggsmore Sound Wall – West of Tully" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $61,790.50 per the contract

Councilmember Hawn absent due to Conflict of Interest

19. Consider an agreement consenting to common use with Modesto Irrigation District (MID) at MID Lateral No. 6 at Well 50, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving an agreement consenting to common use with Modesto Irrigation District (MID) at MID Lateral No. 6 at Well 50, and authorizing the City Manager to execute the necessary documents recommended

    Public Works; Dean Phillips, 577-5260; dphillips@modestogov.com

ACTION: Resolution 2004-361 (Jackman/O'Bryant; unan. Ridenour and Hawn absent) approving an agreement consenting to common use with Modesto Irrigation District (MID) at MID Lateral No. 6 at Well 50, and authorizing the City Manager to execute the necessary documents

CONSENT

20. Consider Property Lease Agreement with the California State Lands Commission for construction, use and maintenance of sanitary sewer pipelines across the Tuolumne River at the Shackelford Crossing.
    - Resolution approving a property lease agreement with the California State Lands Commission for construction, use and maintenance of sanitary sewer pipelines across the Tuolumne River at the Shackelford Crossing recommended.

    Public Works; Dean Phillips, 577-5260; dphillips@modestogov.com

ACTION: Resolution 2004-362 (Jackman/Marsh; unan. Ridenour absent) approving a property lease agreement with the California State Lands Commission for construction, use and maintenance of sanitary sewer pipelines across the Tuolumne River at the Shackelford Crossing

CONSENT

21. Consider a ten-year Water Services Agreement with BasinWater, Inc. for services and lease of equipment related to the removal of nitrates at Well No. 100 within the City of Modesto water system for an estimated cost of $348,600 in FY 04-05, including $140,000 in one time start-up costs, and authorizing the City Manager to execute the necessary documents .
    - Resolution approving a ten-year Water Services Agreement with Basin Water, Inc. for services and lease of equipment related to the removal of nitrates at Well 100 and authorizing the City Manager to execute the necessary documents recommended.

    Public Works; Judith Ray; 342-4575; jray@modestogov.com

ACTION: Resolution 2004-363 (Jackman/Marsh; unan. Ridenour absent) approving a ten-year Water Services Agreement with Basin Water, Inc. for services and lease of equip ment related to the removal of nitrates at Well 100 and authorizing the City Manager to execute the necessary documents

CONSENT

22. Consider the report regarding the Three-Year Audit of the Stanislaus Resource Recovery Account (Waste-to-Energy Enterprise Fund).
    - Motion approving the 3-Year Audit of the Stanislaus Resource Recovery Account recommended.

    Public Works; Jocelyn Reed; 577-5492; jreed@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan. Ridenour absent) approving the 3-Year Audit of the Stanislaus Resource Recovery Account.

CONSENT

23. Consider adopting the Waste-to-Energy (WTE) budget for 2004/2005.
    - Resolution approving the 2004/2005 Waste-to Energy Project Budget recommended.

    Public Works; Jocelyn Reed; 577-5492; jreed@modestogov.com

ACTION: Resolution 2004-364 (Jackman/Marsh; unan. Ridenour absent) approving the 2004/2005 Waste-to Energy Project Budget.

COUNCIL COMMENTS & REPORTS

None

UNFINISHED BUSINESS

24. Report on Economic Development Committee Action - Proposal to Place the Balance of the Roselle-Claribel Comprehensive Planning District on the November Ballot under the Citizens Advisory Growth Management Act of 1995.
Community & Economic Development; George Osner; 577-5267, gosner@modestogov.com

ACTION: No action taken.

HEARINGS

Item 25 was continued to August 4, 2004.

25. Hearing to consider the appeal by Pratt Navarro Architecture to a d ecision by the Board of Zoning Adjustment denying a conditional use permit for an office complex on the East side of Dale Road, North of Veneman Avenue.
- Resolution denying the appeal and upholding the decision of the Board of Zoning Adjustment.

Community & Economic Development, Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: By motion (Marsh/Dunbar; unan. Ridenour absent) this item was continued to August 4, 2004.

26. Hearing to consider the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivisions #s 1 through 6.
- Resolution confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivisions #s 1 through 6 recommended.

Public Works; David Leamon; 342-4712, dleamon@modestogov.com

ACTION: Resolution 2004-365 (Jackman/O'Bryant; unan. Ridenour absent) confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivisions #s 1 through 6.

27. Hearing to consider the diagram and assessment, and levying the propo sed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivisions Nos. 7 through 10, Creekwood Meadows and Yosemite Meadows subdivisions Units 1 & 2.
- Resolution confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivisions Nos. 7 through 10, Creekwood Meadows and Yosemite Meadows subdivisions Units 1 & 2 recommended.

Public Works; David Leamon; 342-4712, dleamon@modestogov.com

ACTION: Resolution 2004-366 (Jackman/O'Bryant; unan. Ridenour absent) confirming the diagram and assessment, and levying the proposed assessment for Landscape

Maintenance District No. 2 for Dry Creek Meadows subdivisions Nos. 7 through 10, Creekwood Meadows and Yosemite Meadows subdivisions Units 1 & 2.

28. Hearing to consider setting Tip Fees at Modesto Composting for yard waste, pruned refuse, and biosolids, and establishing a separate Compost Enterprise Fund.
    - Resolution establishing the City's Composting Facility as a separate Enterprise Fund and establishing tip fees at the Compost Facility for facility users based on the cost allocation table contained in this report recommended.

    Public Works; Jocelyn Reed; 577-5492; jreed@modestogov.com

ACTION: Resolution 2004-367 (Jackman/Hawn; unan. Ridenour absent) establishing the City's Composting Facility as a separate Enterprise Fund and establishing tip fees at the Compost Facility for facility users based on the cost allocation table contained in this report

29. Hearing to consider authorizing negotiations with the City's licensed solid waste collection companies to provide pruned refuse and leaf pickup services.
    - Resolution authorizing staff to negotiate with the City's licensed solid waste collection companies to provide pruned refuse and leaf pickup services; and, directing staff to begin to meet and confer with MCEA and MCMA on the process and impacts of privatizing these services.

    Public Works; Jocelyn Reed; 577-5492; jreed@modestogov.com

ACTION: Resolution 2004-368 (Jackman/Hawn; unan. Ridenour absent) authorizing staff to negotiate with the City's licensed solid waste collection companies to provide pruned refuse and leaf pickup services; and, directing staff to begin to meet and confer with MCEA and MCMA on the process and impacts of privatizing these services.

It has been requested that this item be continued to August 4, 2004.

30. Hearing to consider adjustments to the maximum rates for solid waste collection services.
    - Resolution approving the maximum rate schedule for City solid waste collection services to become effective August 1, 2004.

    Public Works; Jocelyn Reed; 577-5492; jreed@modestogov.com

ACTION: By motion (Marsh/Dunbar; unan. Ridenour absent) to continue this item to August 4, 2004.

NEW BUSINESS

31. Consider calling a Special Election for a Citizens Advisory Growth Management Act of 1995 vote for the Robertson Road area and approving a Public Improvement Agreement for the installation of public improvements in the Robertson Road area by Stanislaus County.
    - Resolution calling for a special election to be consolidated with the state-wide general election on November 2, 2004, for the purpose of submitting to the voters an advisory measure relating to the extension of sewer service to the unincorporated area referred to as "Robertson Road Infill Area," and approving an Agreement between the City of Modesto and Stanislaus County providing that the County will do all things necessary to ensure that streets, street lighting, storm drainage, sidewalks, and curbs and gutters in the Robertson Road Area will be completed to City standards prior to annexation of the area to the City of Modesto recommended.
    - Resolution authorizing Councilmembers to file written arguments in favor of or in opposition to the advisory measure recommended.
    - Resolution directing the City Clerk to transmit a copy of the Robertson Road Infill Area advisory measure to the City Attorney for the purpose of preparing an impartial analysis recommended.

    City Attorney; Michael D. Milich; 577-5284, mmilich@modestogov.com

ACTION: Resolution 2004-369 (Marsh/Hawn; unan. Ridenour absent) calling for a special election to be consolidated with the state-wide general election on November 2, 2004, for the purpose of submitting to the voters an advisory measure relating to the extension of sewer service to the unincorporated area referred to as "Robertson Road Infill Area," and approving an Agreement between the City of Modesto and Stanislaus County providing that the County will do all things necessary to ensure that streets, street lighting, storm drainage, sidewalks, and curbs and gutters in the Robertson Road Area will be completed to City standards prior to annexation of the area to the City of Modesto

ACTION: Resolution 2004-370 (Marsh/Hawn; unan. Ridenour absent) authorizing Councilmembers to file written arguments in favor of or in opposition to the advisory measure

ACTION: Resolution 2004-371 (Marsh/Hawn; unan. Ridenour absent) directing the City Clerk to transmit a copy of the Robertson Road Infill Area advisory measure to the City Attorney for the purpose of preparing an impartial analysis

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 Council meeting.

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

Agency Negotiators:	Jack Crist, City Manager Robin Renwick, Personnel Director Janice Stewart
Employee Organization:	Modesto City Employees 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

MINUTES

City of Modesto

Finance Committee/Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place, 1010 10th Street, Modesto, California

Thursday, July 15, 2004, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman (arrived at 6:00PM)

Absent: None

Items to be discuss:

8) July Monthly Budget Adjustment Report

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

9) Public Financial Management First Quarter Investment Performance Report

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

10) Revision of Job Specifications

ACTION: The Finance Committee approved Staff's recommendation.

11) Create Job Classification for Employee Relations Specialist

ACTION: The Finance Committee approved Staff's recommendation.

12) Reorganization of IT Job Classifications and Salary Ranges

ACTION: The Finance Committee approved Staff's recommendation.

13) Addition of One Fire Inspector

ACTION: The Finance Committee approved Staff's recommendation.

14) Renewal of Modesto Bee Advertising Contracts

ACTION: The Finance Committee approved Staff's recommendation.

15) FY 04/05 Vehicle Purchases

ACTION: The Finance Committee approved Staff's recommendation.

16) Consider Recommendation to Approve Schedule of Maximum Rates for Solid Waste Collection Services

ACTION: The Finance Committee approved Staff's recommendation.

17) Status Report of Proposed Water Rate Increase

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

18) Discussion of Future Committee Reports – EBF Fund, Fleet Fund and Finance Systems

ACTION: The Chair requested the Committee members submit t opics for Committee discussion for the next year so Staff and the Committee can prioritize issues.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING

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

Friday, July 16, 2004, at 2:00 p.m.

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

1. Consider accepting the resignation of Joe Gardella from the Planning Commission.
   - Resolution accepting the resignation of Joe Gardella from the Planning Commission.

ACTION: Resolution 2004-372 (Dunbar/Hawn; unan.; Jackman, Marsh, Ridenour, absent) accepting the resignation of Joe Gardella from the Planning Commission.

2. Consider interviewing potential candidates for appointment to the Planning Commission.

ACTION: No action taken. This item was a discussion item only.

MISCELLANEOUS

Appointments

3. Consider appointment of a replacement of Planning Commissioner Joe Gardella who resigned on July 14, 2004.
   - Resolution approving the appointment of a new Commissioner to the Planning Commission.

ACTION: Resolution 2004-373 (Dunbar/Hawn; unan.; Jackman, Marsh, Ridenour, absent) to appoint John A. Sanders to the Planning Commission.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting adjourned at 2:35 p.m.

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

600 10th Street, Theatre Room 106
Modesto, California

Monday, August 2, 2004, at 5:30 p.m.

Roll Call – Present: Committee Members Hawn, O'Bryant
Absent: Committee Member Dunbar
Also Present: Councilmember Jackman

NEW BUSINESS

28) Status of Advanced Life Support Pilot Project Extension

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

29) Discussion of Downtown Issues with Downtown Stakeholders
- a. Downtown Police Operations
- b. Special Events
  - i. Parades
  - ii. Event Closures
  - iii. 10th Street Esplanade (Pedestrian Mall)
- c. Parking
- d. Businesses
  - i. Non-Entertainment
  - ii. Entertainment (ABC Licensed Establishments)
  - iii. Other

ACTION: No action taken. This item was for public discussion and input only.

ORAL COMMUNICATIONS

- Request from a citizen for a discussion at the next Safety & Community Committee meeting regarding fireworks.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto
SPECIAL CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday, August 4, 2004, at 5:30 p.m.

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

Absent: Keating

Pledge of Allegiance to the Flag

Invocation: Pastor Michael Douglas, Advancing Vibrant Communities

City Clerk's Announcements: Item 8 removed from Consent
Item 14 removed from the agenda
Item 15 Laboratory & Environmental Compliance Supervisor removed from the specifications
Item 29 removed from agenda

Declaration of Conflicts of Interest: Hawn, Item 30

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recitation of original poem by Poet Laureate Sam Pierstorff.

ACTION: Sam Pierstorff introduced by Grace Lieberman. Sam Pierstorff recited his poem.

ORAL COMMUNICATIONS
Three minute time limit per speaker

- Peter Gartner thanked the Council and staff for their participation and support for National Night Out.
- Carmen Sabatino expressed a need for separation of the Board of Supervisors and law enforcement and the cost of the attorney and auditor's office for the Scott Peterson case.
- Daniel Marsh commented on the process for the upcoming Kaiser public hearing.

- Mike Serpa expressed a concern with the cost shift for pruned refuse and encouraged the Council to look at costs involved with the sewer extension to the Robertson Road area.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 25

ACTION Consent Items 2-7, 9-13, 15 – 23, & 25: Hawn/Dunbar; unan. Keating absent

ACTION Consent Item 14: Removed from the agenda

ACTION Consent Item 8: Jackman/Dunbar; unan. Keating absent

ACTION Consent Item 24: Jackman/Hawn; 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 July 13, 2004 and special City Council meeting of July 16, 2004.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Hawn/Dunbar; unan. Keating absent) approved the minutes of July 13 and July 16, 2004.

CONSENT

3. Consider regulation of off-site automobile sales.
    - Motion introducing an ordinance amending the Modesto Municipal Code to require a temporary use permit for off-site automobile sales in limiting the use to CM, M-1, M-2 and B-P zones recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Hawn/Dunbar; unan. Keating absent) **introducing Ordinance No. 3354-C.S.** amending the Modesto Municipal Code to require a temporary use permit for off-site automobile sales in limiting the use to CM, M-1, M-2 and B-P zones

CONSENT

4. Consider accepting with regret the resignation of Andrew Mendlin from the Planning Commission.

- Resolution accepting with regret the resignation of Andrew Mendlin from the Planning Commission effective August 4, 2004 recommended.

City Manager; Esther Puckett, 577-5101, epuckett@modestogov.com

ACTION: Resolution 2004-374 (Hawn/Dunbar; unan. Keating absent) accepting with regret the resignation of Andrew Mendlin from the Planning Commission effective August 4, 2004.

CONSENT

5. Consider accepting with regret the resignation of Robert Lombardi from the Community Qualities Forum.
   - Resolution accepting with regret the resignation of Robert Lombardi from the Community Qualities Forum effective August 4, 2004 recommended.

   City Manager; Esther Puckett, 577-5101, epuckett@modestogov.com

ACTION: Resolution 2004-375 (Hawn/Dunbar; unan. Keating absent) accepting with regret the resignation of Robert Lombardi from the Community Qualities Forum effective August 4, 2004.

CONSENT

6. Consider Amendment No. 3 to the agreement with Turnstone Consulting Corporation for completion of the work on the final Environmental Impact Report for the Kaiser Medical Campus Project in the amount of $291,115.00.
   - Resolution approving Amendment No. 3 to the agreement with Turnstone Consulting Corporation for completion of the work on the final Environmental Impact Report for the Kaiser Medical Campus Project in the amount of $291,115.00 recommended.

   Community & Economic Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: Resolution 2004-376 (Hawn/Dunbar; unan. Keating absent) approving Amendment No. 3 to the agreement with Turnstone Consulting Corporation for completion of the work on the final Environmental Impact Report for the Kaiser Medical Campus Project in the amount of $291,115.00.

CONSENT

7. Consider purchase of vehicles for FY 2004-05.
   - Resolution approving solicitation of bids for vehicles and heavy equipment throughout FY 2004-05 through various competitive processes and in a cumulative amount not to exceed the budgeted amount of $2,859,500 recommended.
   - Resolution approving the purchase of 17 used vehicles at wholesale auction or through other competitive processes for an estimated total budgeted amount of $263,500 recommended.

   Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Resolution 2004-377 (Hawn/Dunbar; unan. Keating absent) approving solicitation of bids for vehicles and heavy equipment throughout FY 2004-05 through various competitive processes and in a cumulative amount not to exceed the budgeted amount of $2,859,500; and approving the purchase of 17 used vehicles at wholesale auction or through other competitive processes for an estimated total budgeted amount of $263,500

Removed from Consent

8. Consider two annual contracts with the Modesto Bee (McClatchy Newspaper Group) to coincide with the fiscal year calendar, consisting of one contract for a 500-column-inch "no commitment" advertising rate, and a second contract for "12X commitment" business-package advertising Plan D, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving two annual contracts with the Modesto Bee (McClatchy Newspaper Group) to coincide with the fiscal year calendar, consisting of one contract for a 500-column-inch "no commitment" advertising rate, and a second contract for "12X commitment" business-package advertising Plan D, and authorizing the City Manager to execute the necessary documents recommended.

    Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Resolution 2004-378 (Jackman/Dunbar; unan. Keating absent) approving two annual contracts with the Modesto Bee (McClatchy Newspaper Group) to coincide with the fiscal year calendar, consisting of one contract for a 500-column-inch "no commitment" advertising rate, and a second contract for "12X commitment" business-package advertising Plan D, and authorizing the City Manager to execute the necessary documents.

CONSENT

9. Consider the Monthly Budget Adjustment Report.
    - Resolution approving FY04 budget adjustments for July 2004 recommended.

    Finance; Jack Crist, 577-5369; jcrist@modestogov.com

ACTION: Resolution 2004-379 (Hawn/Dunbar; unan. Keating absent) approving FY04 budget adjustments for July 2004

CONSENT

10. Consider procedures for annual levy and collection of assessments.
    - Resolution ordering the levy and collection of assessments within Improvement District #29 – Street and Water System Improvements recommended.
    - Resolution ordering the levy and collection of assessments within Public Facilities District #6 – Street and Water System Improvements recommended.
    - Resolution ordering the levy and collection of charges for the purpose of the Reconstruction of Certain Alleys and Sidewalks recommended.

    Finance; Belinda Duerksen, 577-5376, bdueksen@modestogov.com

ACTION: Resolution 2004-380 (Hawn/Dunbar; unan. Keating absent) ordering the levy and collection of assessments within Improvement District #29 – Street and Water System Improvements

ACTION: Resolution 2004-381 (Hawn/Dunbar; unan. Keating absent) ordering the levy and collection of assessments within Public Facilities District #6 – Street and Water System Improvements

ACTION: Resolution 2004-382 (Hawn/Dunbar; unan. Keating absent) ordering the levy and collection of charges for the purpose of the Reconstruction of Certain Alleys and Sidewalks

CONSENT

11. Consider authorizing the Fire Chief to recruit and hire one Fire Prevention Technician II; and **C**onsider amending the Fiscal Year 2004/2005 Fire Prevention Bureau budget.
    - Resolution authorizing the Fire Chief to recruit and hire one Fire Prevention Technician II recommended.
    - Resolution amending the Fiscal Year 2004/2005 Fire Prevention Bureau budget recommended

    Fire; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: Resolution 2004-383 (Hawn/Dunbar; unan. Keating absent) authorizing the Fire Chief to recruit and hire one Fire Prevention Technician II

ACTION: Resolution 2004-384 (Hawn/Dunbar; unan. Keating absent) amending the Fiscal Year 2004/2005 Fire Prevention Bureau budget

CONSENT

12. Consider awarding bids for purchase of communication equipment under the National Assistance to Firefighter's Grant Program as follows: Communication Equipment (Group 1) to Delta Wireless for $8,072.52; Communication Equipment (Groups 2, 3, & 4) to SAT Radio Communications for $41,075.55; Communication Equipment (Group 5) to Northrup Gruman for $113,957.94; and Communication Equipment (Group 6) to Portable Computers for $28,967.63.
    - Resolution awarding the bid for purchase of Communication Equipment (Group 1) to Delta Wireless for $8,072.52 recommended.
    - Resolution awarding the bid for purchase of Communication Equipment (Groups 2, 3, & 4) to SAT Radio Communications for $41,075.55 recommended.
    - Resolution awarding the bid for purchase of Communication Equipment (Group 5) to Northrup Gruman for $113,957.94 recommended.
    - Resolution awarding the bid for purchase of Communication Equipment (Group 6) to Portable Computers for $28,967.63 recommended.

    Fire; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: Resolution 2004-385 (Hawn/Dunbar; unan. Keating absent) awarding the bid for purchase of Communication Equipment (Group 1) to Delta Wireless for $8,072.52

ACTION: Resolution 2004-386 (Hawn/Dunbar; unan. Keating absent) awarding the bid for purchase of Communication Equipment (Groups 2, 3, & 4) to SAT Radio Communications for $41,075.55

ACTION: Resolution 2004-387 (Hawn/Dunbar; unan. Keating absent) awarding the bid for purchase of Communication Equipment (Group 5) to Northrup Gruman for $113,957.94

ACTION: Resolution 2004-388 (Hawn/Dunbar; unan. Keating absent) awarding the bid for purchase of Communication Equipment (Group 6) to Portable Computers for $28,967.63

CONSENT

13. Consider the proposed reorganization of the Information Technology Department; **C**onsider amending the Position Classification Plan to create the classifications of Systems Technician I/II/III, Software Analyst I/II/III, Software Analyst IV, Systems Engineer I/II, Systems Engineer III; Information Technology Unit Manager and Deputy Chief Information Officer and deleting the classifications of Programmer Analyst I/II, Systems Analyst, Systems Engineer, Information Services Manager, Geographic Information Systems Analyst, Geographic Information Systems Coordinator, and Development and Operations Coordinator; **C**onsider amending the Class Range Table for Unrepresented Management and Confidential Non-Sworn-Classes to establish the salary range for Deputy Chief Information Officer; **C**onsider amending the Class Range Table for Represented Management and Confidential Non-Sworn -Classes to establish the salary ranges for the classifications of Systems Technician I/II/III, Software Analyst I/II/III, Software Analyst IV, Systems Engineer I/II, Systems Engineer III and Information Technology Unit Manager.

- Resolution approving the proposed reorganization of the Information Technology Department recommended.
- Resolution approving the amendment of the Position Classification Plan to create the classifications of Systems Technician I/II/III, Software Analyst I/II/III, Software Analyst IV, Systems Engineer I/II, Systems Engineer III; Information Technology Unit Manager and Deputy Chief Information Officer and deleting the classifications of Programmer Analyst I/II, Systems Analyst, Systems Engineer, Information Services Manager, Geographic Information Systems Analyst, Geographic Information Systems Coordinator, and Development and Operations Coordinator recommended.
- Resolution approving the amendment of the Class Range Table for Unrepresented Management and Confidential Non-Sworn-Classes to establish the salary range for Deputy Chief Information Officer recommended.
- Resolution approving the amendment of the Class Range Table for Represented Management and Confidential Non-Sworn -Classes to establish the salary ranges for the classifications of Systems Technician I/II/III, Software Analyst I/II/III,

Software Analyst IV, Systems Engineer I/II, Systems Engineer III and Information Technology Unit Manager recommended.

Information Technology; Robert Beckler, 571-5596, rbeckler@modestogov.com

ACTION: Resolution 2004-389 (Hawn/Dunbar; unan. Keating absent) approving the proposed reorganization of the Information Technology Department.

ACTION: Resolution 2004-390 (Hawn/Dunbar; unan. Keating absent) approving the amendment of the Position Classification Plan to create the classifications of Systems Technician I/II/III, Software Analyst I/II/III, Software Analyst IV, Systems Engineer I/II, Systems Engineer III; Information Technology Unit Manager and Deputy Chief Information Officer and deleting the classifications of Programmer Analyst I/II, Systems A nalyst, Systems Engineer, Information Services Manager, Geographic Information Systems Analyst, Geographic Information Systems Coordinator, and Development and Operations Coordinator.

ACTION: Resolution 2004-391 (Hawn/Dunbar; unan. Keating absent) approving the amendment of the Class Range Table for Unrepresented Management and Confidential Non-Sworn-Classes to establish the salary range for Deputy Chief Information Officer.

ACTION: Resolution 2004-392 (Hawn/Dunbar; unan. Keating absent) approving the a mendment of the Class Range Table for Represented Management and Confidential Non-Sworn-Classes to establish the salary ranges for the classifications of Systems Technician I/II/III, Software Analyst I/II/III, Software Analyst IV, Systems Engineer I/II, S ystems Engineer III and Information Technology Unit Manager.

REMOVED FROM THE AGENDA

14. Consider an amendment to the Agreement for Consultant Services between the City of Modesto and Gartner Consulting for professional services related to the selection of an upgrade/replacement system for Modesto Police and Fire Departments Record Management, Mobile Data Systems, and Automated Field Reporting systems, and authorizing the City Manager to execute the necessary documents.

- Resolution approving an amendment to the Agreement for Consultant Services between the City of Modesto and Gartner Consulting for professional services related to the selection of an upgrade/replacement system for Modesto Police and Fire Departments Record Management, Mobile Data Systems, a nd Automated Field Reporting systems, and authorizing the City Manager to execute the necessary documents recommended.

Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Removed from the agenda

Laboratory and Environmental Compliance Supervisor removed from Agenda Item 15.

15. Consider amending the Position Classification Plan to revise the job specifications for the following classifications: Assistant Planner/Associate Planner, Assistant Risk Manager,

Building Inspector I/II, Civil Engineering Technician I/II, Construction Inspector, Police Officer Trainee/Police Officer, Senior Building Inspector, Senior Construction Inspector, Supervising Construction Inspector, and Tree Tr immer; and to title change the classification of Laboratory and Environmental Compliance Supervisor to Environmental Laboratory Supervisor.

- Resolution approving the amendment of the Position Classification Plan to revise the job specifications for the following classifications: Assistant Planner/Associate Planner, Assistant Risk Manager, Building Inspector I/II, Civil Engineering Technician I/II, Construction Inspector, Police Officer Trainee/Police Officer, Senior Building Inspector, Senior Construction Inspector, Supervising Construction Inspector, and Tree Trimmer; and to title change the classification of Laboratory and Environmental Compliance Supervisor to Environmental Laboratory Supervisor recommended.

Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Resolution 2004-393 (Hawn/Dunbar; unan. Keating absent) approving the amendment of the Position Classification Plan to revise the job specifications for the following classifications: Assistant Planner/Associate Planner, Assistant Risk Manager, Building Inspector I/II, Civil Engineering Technician I/II, Construction Inspector, Police Officer Trainee/Police Officer, Senior Building Inspector, Senior Construction Inspector, Supervising Construc tion Inspector, and Tree Trimmer.

CONSENT

16. Consider amending the Position Classification Plan to create the classification of Employee Relations Specialist; **C**onsider amending the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to add the salary range for Employee Relations Specialist.

- Resolution approving the amendment of the Position Classification Plan to create the classification of Employee Relations Specialist recommended.
- Resolution approving the amendment of the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to add the salary range for Employee Relations Specialist (Salary Range 2439) at an approximate cost of $72,828 for the remainder of the fiscal year recommended.

Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Resolution 2004-394 (Hawn/Dunbar; unan. Keating absent) approving the amendment of the Position Classification Plan to create the classification of Emplo yee Relations Specialist

ACTION: Resolution 2004-395 (Hawn/Dunbar; unan. Keating absent) approving the amendment of the Class Range Table for Unrepresented Management and Confidential Non -Sworn Classes to add the salary range for Employee Relations Speci alist (Salary Range 2439) at an approximate cost of $72,828 for the remainder of the fiscal year

CONSENT

17. Consider Employee Health, Dental and Vision Plans for FY 2004/2005.
    - 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; and authorizing the Risk Manager to serve as the coordinator for the various plans and authorize the City Manager to execute the necessary documents recommended.

    Personnel; Mary Akin, 577-5251, makin@modestogov.com

ACTION: Resolution 2004-396 (Hawn/Dunbar; unan. Keating 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; and authorizing the Risk Manager to serve as the coordinator for the various plans and authorize the City Manager to execute the necessary documents.

CONSENT

18. Consider a third amendment to the Crime Prevention Act 2000 agreement extending the City's participation in the High-Risk Offender Supervision and Juvenile Court Warrant Enforcement program for fiscal year 2004/2005, and authorize the City Manager to execute necessary documents; and Consider amending the fiscal year 2004/2005 operating budget to appropriate $79,700 in revenue and expenses.
    - Resolution approving a third amendment to the Crime Prevention Act 2000 agreement extending the City's participation in the High-Risk Offender Supervision and Juvenile Court Warrant Enforcement program for fiscal year 2004/2005, and authorize the City Manager to execute necessary documents recommended.
    - Resolution amending the fiscal year 2004/2005 operating budget to appropriate $79,700 in revenue and expenses recommended.

    Police; Joe Aja, 572-9521, ajaj@modestopd.com

ACTION: Resolution 2004-397 (Hawn/Dunbar; unan. Keating absent) approving a third amendment to the Crime Prevention Act 2000 agreement extending the City's participation in the High-Risk Offender Supervision and Juvenile Court Warrant Enforcement program for fiscal year 2004/2005, and authorize the City Manager to execute necessary documents.

ACTION: Resolution 2004-398 (Hawn/Dunbar; unan. Keating absent) amending the fiscal year 2004/2005 operating budget to appropriate $79,700 in revenue and expenses.

CONSENT

19. Consider policing agreement for Westview Gardens housing project.
    - Resolution approving a new agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project and authorizing the City Manager to execute the necessary documents recommended.

    Police; Bill Lyons, 342-6143, lyonsw@modestopd.com

ACTION: Resolution 2004-399 (Hawn/Dunbar; unan. Keating absent) approving a new agreement with the Ho using Authority of Stanislaus County for special police services to the Westview Gardens housing project and authorizing the City Manager to execute the necessary documents.

CONSENT

20. Consider 2004 Local Law Enforcement Block Grant.
    - Resolution authorizing submittal of an application for the 2004 Local Law Enforcement Block Grant and authorizing the City Manager to execute the necessary documents recommended.

    Police; Roy Wasden, 572-9503, wasdenr@mopdestopd.com

ACTION: Resolution 2004-400 (Hawn/Dunbar; unan. Keating absent) authorizing submittal of an application for the 2004 Local Law Enforcement Block Grant and authorizing the City Manager to execute the necessary documents.

CONSENT

21. Consider rejecting the low bid of $51,600 from Collins Electrical Company Inc., for the project titled Scenic Drive Lighted Crosswalk", and authorizing staff to re-advertise the project at a future date.
    - Resolution rejecting the low bid of $51,600 from Collins Electrical Company Inc., for the project titled Scenic Drive Lighted Crosswalk", and authorizing staff to re-advertise the project at a future date recommended.

    Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2004-401 (Hawn/Dunbar; unan. Keating absent) rejecting the low bid of $51,600 from Collins Electrical Company Inc., for the project titled Scenic Drive Lighted Crosswalk", and authorizing staff to re-advertise the project at a future date.

CONSENT

22. Consider accepting the work by Elite Landscaping Inc. for the Orville Wright Park Phase II project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $781,028.28 per the contract. Total project cost is $1,032,261.04.
    - Resolution accepting the work by Elite Landscaping Inc. for the Orville Wright Park Phase II project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $781,028.28 per the contract recommended.

    Public Works; Pamela Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-402 (Hawn/Dunbar; unan. Keating absent) accepting the work by Elite Landscaping Inc. for the Orville Wright Park Phase II project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $781,028.28 per the contract

CONSENT

23. Consider accepting the bid and awarding a $1,721,466.50 contract with George Reed Inc. for the project titled "Virginia Corridor Crossings and Grade Restoration Project" and authorizing the City Manager to execute the contract. Total estimated construction cost is $2,022,723.14, which includes construction contingency and construction administration.
    - Resolution accepting the bid and awarding a $1,721,466.50 contract with George Reed Inc. for the project titled "Virginia Corridor Crossings and Grade Restoration Project" and authorizing the City Manager to execute the contract recommended.

    Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-403 (Hawn/Dunbar; unan. Keating absent) accepting the bid and awarding a $1,721,466.50 contract with George Reed Inc. for the project titled "Virginia Corridor Crossings and Grade Restoration Project" and authorizing the City Manager to execute the contract

Removed from Consent

24. Consider an amendment to the agreement with Parsons Brinckerhoff Quade and Douglas, Inc. for design services in the amount of $96,958.11 for additional work not included in the original agreement and for reimbursable expenses for the project titled Modesto Transit Bus Maintenance Facility, and authorizing the City Manger to execute the necessary documents.
    - Resolution approving an amendment to the agreement with Parsons Brinckerhoff Quade and Douglas, Inc. for design services in the amount of $96,958.11 for additional work not included in the original agreement and for reimbursable expenses for the project titled Modesto Transit Bus Maintenance Facility, and authorizing the City Manger to execute the necessary documents recommended.

    Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-404 (Jackman/Hawn; unan. Keating absent) approving an amendment to the agreement with Parsons Brinckerhoff Quade and Douglas, Inc. for design services in the amount of $96,958.11 for additional work not included in the original agreement and for reimbursable expenses for the project titled Modesto Transit Bus Maintenance Facility, and authorizing the City Manger to execute the necessary documents

CONSENT

25. Consider amending Chapter 10 of Title 5 of the Modesto Municipal Code relating to Stormwater Management and Discharge Control.
    - Motion introducing an ordinance amending Chapter 10 of Title 5 of the Modesto Municipal Code relating to Stormwater Management and Discharge Control recommended.

    Public Works; John Rivera, 577-6381, jrivera@modestogov.com

ACTION: By Motion (Hawn/Dunbar; unan. Keating absent) **introducing Ordinance No. 3355-C.S.** amending Chapter 10 of Title 5 of the Modesto Municipal Code relating to Stormwater Management and Discharge Control

COUNCIL COMMENTS & REPORTS

26. At the request of Councilmember O'Bryant, request for discussion and possible action with the council to have a feasibility study on transferring the water service responsibilities from the City of Modesto to MID and request of staff to perform study.

ACTION: By motion (Jackman/Hawn; majority Keating absent, Marsh no) referred to Finance Committee.

WRITTEN COMMUNICATIONS

27. Consider an e-mail request from Carmen Sabatino asking the Modesto City Council to "allow the citizens of Modesto to vote on whether or not they wish to change the Charter of the City of Modesto to allow for elections to be conducted by districts rather than the City at large."

ACTION: No action taken.

28. Consider a letter from Dave Petersen regarding "Violation of Sidewalk Encroachment – MMC Sec. 4-12.302".

ACTION: By order of the Chair referred to the Safety and Communities Committee on Wednesday, September 8.

Recess 7:05
Reconvene 7:15

HEARINGS

Item has been withdrawn

29. Hearing to consider proposal to place the balance of the Roselle Claribel Comprehensive Planning District on the November 2004 ballot for a Growth Management Advisory (Measure M) vote.

ACTION: Removed from the Agenda.

Councilmember Hawn absent due to conflict of interest.

Item continued from July 13, 2004 meeting

30. Hearing to consider the appeal by Pratt Navarro Architecture to a decision by the Board of Zoning Adjustment denying a Conditional Use Permit for an office complex on the East side of Dale Road, North of Veneman Avenue.
    - Resolution denying the appeal and upholding the decision of the Board of Zoning Adjustment recommended.

    Community & Economic Development, Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: Resolution 2004-405 (Jackman/Dunbar; majority Marsh no, Keating and Hawn, absent) denying the appeal and upholding the decision of the Board of Zoning Adjustment

Item continued from July 13, 2004 meeting

31. Hearing to consider adjustments to the maximum rates for solid waste collection services.
    - Resolution approving the maximum rate schedule for City solid waste collection services to become effective August 1, 2004.

    Public Works; Jocelyn Reed; 577-5492; jreed@modestogov.com

ACTION: Resolution 2004-406 (Dunbar/Jackman; unan.; Keating absent) approving the maximum rate schedule for City solid waste collect ion services to become effective August 1, 2004.

NEW BUSINESS

32. Consider designating a Voting Delegate and a Voting Alternate for the 2004 League of California Cities Conference Annual Business Meeting to be held September 19, 2004.
    - Motion designating a Voting Delegate and a Voting Alternate for the 2004 League of California Cities Conference Annual Business Meeting to be held September 19, 2004.

ACTION: By Motion (Dunbar/Marsh; unan. Keating absent) designating Councilmember Jackman as a Voting Dele gate for the 2004 League of California Cities Conference Annual Business Meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:25 p.m.

CLOSED SESSION

All closed sessions 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: *Enrique Sanchez, et al. v. City of Modesto, et al.*
Superior Court Case No. 347903

****

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

Property:	Sale of property for purposes of utility easement located on Scenic Drive as follows: APN: 034-015-001
Negotiating parties:	City of Modesto, Owner Scenic Road Properties, a California Limited Partnership, prospective purchaser
Under negotiation:	Price and terms of payment for property to be sold

MINUTES

City of Modesto

Special City Council Workshop Meeting

Regional Fire Training Center, 1220 Fire Science Lane, Modesto, California

Saturday, August 7, 2004, at 8:30 a.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman, Keating (left the meeting at 9:30 a.m.), Marsh, O'Bryant (left the meeting at 9:30 a.m.), Mayo r Ridenour

ORAL COMMUNICATIONS

None.

Items To Be Discussed:

1. Overview of Land Use Policy Framework
   a. What is the General Plan?
   b. Current General Plan Framework
   c. Master Environmental Impact Report Summary
   d. Urban Growth Review Summary
   e. Comprehensive Planning District Summary
2. Infrastructure Planning
   a. Stormwater
   b. Sewer
   c. Water
   d. Transportation
   e. Park Master Plan
3. Brief Presentation and Council discussion regarding Land Use Policy challenges and direction for the future
4. Challenges of the City's Existing Needs
   a. Capital/Operations Financing
   b. Transportation Funding
   c. Lighting and Landscape Districts
   d. Community Facilities District Maintenance Expansion
   e. 911 Communication Infrastructure
   f. City Technology Challenges

ACTION: Staff and the City Council held discussions on the above listed agenda items. It was the consensus of the Council that Public Safety items would be discussed at a future workshop. No action was taken.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:00 p.m.

MINUTES

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP
1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, August 9, 2004

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

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

19) Verbal Status Report on Special Agreement – Carpenter/Paradise (Beckwith)

ACTION: The Economic Development Committee requested that Staff work with the applicant on unresolved issues of the project prior to the September 13, 2004 E DC meeting and the September 28, 2004 City Council meeting.

20) Community & Economic Development Department Monthly Development Activity Report
- vv. Workforce Development Program
- ww. Kiernan Business Park Implementation Plan
- xx. Development Review Task Force
- yy. Kaiser Medical Center
- zz. Comprehensive General Plan Update
- aaa. Roselle-Claribel Specific Plan
- bbb. St. Stanislaus Church
- ccc. The Promenade Shopping Center
- ddd. Fairview Specific Plan Update
- eee. Sylvan Vet Clinic at Sylvan/Roselle
- fff. North Beyer Specific Plan Amendment
- ggg. Glenn Avenue Annexation
- hhh. Shelter Cove Church
- iii. Planning Division Activity Report
- jjj. Valley Tower – 10th & H Streets
- kkk. CFF Exemption for Demolished Building and Transfer of Credits
- lll. Building Inspection Statistics
- mmm. Kansas-Woodland Business Park (FMC)

nnn. Downtown Housing Project
ooo. Downtown Office Project – Valley Tower LLC
ppp. Various Business Attraction Projects
qqq. www.choosemodesto.com
rrr. Marketing Modesto
sss. Opportunity Map
ttt. Update to the RDA Master Plan and EIR
uuu. Enterprise Zone Preliminary Application

ACTION: No action taken.

21) Consider Staff Recommendation to Prepare Request for Proposals to Secure Firm for Advertising on Exteriors of MAX Buses

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

22) Reconsideration of Economic Development Committee Recommendation to Approve Parking Fee Increase for Evening Parking at 10th and 11th Street Parking Garages

ACTION: It was the consensus of the Economic Development Committee to recommend their orginal action of July 12, 2004 to the full City Council with a 6 month review by the committee.

Committee Member Keating left at 7:00 p.m..

23) Verbal Discussion of Claratina Expressway – Arterial Reclassification Requested by Dave Romano

ACTION: No action taken.

MATTERS TO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

1) Specific Plan Procedures
2) General Plan Update Work Program
3) Shackelford Study Area
4) Housing Element Implementation Work Program
5) Land Use Change for Northeast Roselle/Floyd
6) Policy Discussion Regarding Stormwater Drainage and Management
7) Comparison Review of Development Standards Between City and County
8) Collection of City Fees and Requirements for Development Standards within SOI
9) Kansas-Woodland Business Park
10) Prescott/Bangs Proposed Roundabout
11) Recycled Wastewater Feasibility Report
12) Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work
13) RFP for Landscape Maintenance of Parks
14) Request to Rezone Four Ranchettes in Village One

ACTION: No action taken. These items are for information only.

ADJOURNMENT

This meeting adjourned at 7:10 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street, Modesto, California

Tuesday, August 10, 2004, 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: Michael Saldivar, La Loma Grace Brethren

City Clerk's Announcements: Item 13 removed from Consent

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a proclamation commending several individuals for their life -saving actions during a "near drowning" at Modesto High School.

ACTION: Presentation given by Jim Niskanen, Parks, Recreation and Neighborhoods Director. Mayor Ridenour presented proclamations to the individuals being recognized.

2. Presentation of a Certificate of Recognition to Jeff Sinclair in honor of his unselfish commitment to his country and community.

ACTION: Presentation made by Jim Niskanen, Parks, Recreation and Neighborhoods Director. Mayor Ridenour presented the certificate to Jeff Sinclair.

MISCELLANEOUS
Appointment

3. Consider appointing David Cogdill Jr. as the Planning Commission representative to the Board of Zoning Adjustment.
    - Resolution appointing David Cogdill Jr. to the Board of Zoning Adjustment, with a term expiration of January 1, 2006 recommended.

City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com

ACTION: Resolution 2004-407 (Hawn/Jackman; unan.) appointing David Cogdill Jr. as the Planning Commission representative to the Board of Zoning Adjustment.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 18

ACTION Consent Items 4, - 12, 14-18: Jackman/Keating; unan.

ACTION Item 13: Jackman/Hawn; 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 special City Council meeting of August 4, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) approved the minutes of August 4, 2004.

CONSENT

5. Consider amending the Business License Tax Apportionment Guidelines.
   - Resolution amending Business License Tax Apportionment Guidelines pursuant to Section 6-1.436 of the Modesto Municipal Code recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Resolution 2004-408 (Jackman/Keating; unan.) amending Business License Tax Apportionment Guidelines pursuant to Section 6-1.436 of the Modesto Municipal Code

CONSENT

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

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2004-409 (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. 3.)

CONSENT

7. Consider the Monthly Investment Report.
   - Motion acknowledging receipt and accepting the Month Investment Report for June 2004 recommended

   Finance; Jack Crist, 577-5224, jcrist@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) acknowledged receipt and accepted the Monthly Investment Report for June 2004.

CONSENT

8. Consider authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of curb, gutter and sidewalk repair or replacement, for a three-year agreement with two one-year extension options, at an estimated cost of $170,000.
   - Resolution authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of curb, gutter and sidewalk repair or replacement, for a three-year agreement with two one-year extension options, at an estimated cost of $170,000 recommended.

   Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2004-410 (Jackman/Keating; unan.) authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of curb, gutter and sidewalk repair or replacement, for a three-year agreement with two one-year extension options, at an estimated cost of $170,000.

CONSENT

9. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for four lighted crosswalk units for a total estimated cost of $70,000.
   - Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for four lighted crosswalk units for a total estimated cost of $70,000 recommended.

   Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Resolution 2004-411 (Jackman/Keating; unan.) authorizing the Purchasing Supervisor to formally solicit Request for Bids for four lighted crosswalk units for a total estimated cost of $70,000.

CONSENT

10. Consider an agreement with the Mountain-Valley Emergency Medical Services Agency for the Advanced Life Support (ALS) Engine Pilot Program for six months and relocate the program to Fire Station #7. Cost is approximately $24,000 and is budge ted.
    - Resolution approving an agreement with the Valley-Valley Emergency Medical Services Agency for the Advanced Life Support (ALS) Engine Pilot Program for six months and relocate the program to Fire Station #7 recommended.

    Fire; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: Resolution 2004-412 (Jackman/Keating; unan.) approving an agreement with the Valley-Valley Emergency Medical Services Agency for the Advanced Life Support (ALS) Engine Pilot Program for six months and relocate the program to Fire Station #7.

CONSENT

11. Consider an agreement for consultant services with Gartner Consulting for services related to the selection of an upgrade/replacement system for Modesto Police and Fire Departments records management, mobile data systems, and automated field reporting systems, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving an agreement for consultant services with Gartner Consulting for services related to the selection of an upgrade/replacement system for Modesto Police and Fire Departments records management, mobile data systems, and automated field reporting systems, and authorizing the City Manager to execute the necessary documents recommended.

    Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Resolution 2004-413 (Jackman/Keating; unan.) approving an agreement for consultant services with Gartner Consulting for services related to the selection of an upgrade/replacement system for Modesto Police and Fire Departments records management, mobile data systems, and automated field reporting systems, and authorizing the City Manager to execute the necessary documents.

CONSENT

12. Consider a five-year agreement in the amount of $83,500 with Final Cut Media for the continued management of the Public Education and Government (PEG) studio located at 1100 H Street. Services include programming on the AccessModesto channels and broadcasting of municipal meetings.
    - Resolution approving a five-year agreement in the amount of $83,500 with Final Cut Media for the continued management of the Public Education and Government (PEG) studio located at 1100 H Street recommended.

    Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Resolution 2004-414 (Jackman/Keating; unan.) approving a five-year agreement in the amount of $83,500 with Final Cut Media for the continued management of the Public Education and Government (PEG) studio located at 1100 H Street.

Removed from Consent

13. Consider a two-year extension of the current Memorandum of Understanding with the Modesto City Fire Fighters Association to December 25, 2006, with related salary and benefit changes.
    - Resolution approving a two-year extension of the current Memorandum of Understanding with the Modesto City Fire Fighters Association to December 25, 2006, with related salary and benefit changes recommended.

    Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: Resolution 2004-415 (Jackman/Hawn; unan.) approving a two-year extension of the current Memorandum of Understanding with the Modesto City Fire Fighters Association to December 25, 2006, with related salary and benefit changes.

ACTION: Resolution 2004-415A (Jackman/Hawn; unan.) amending the Fiscal Year 2004-05 Operating Budget to transfer $79,000 from the General Fund Reserve to the Fire Department Health Cafeteria Plan Account to provide funding for the health benefits changes.

CONSENT

14. Consider termination of a contract for operation of the multipurpose facility at Somerset Middle School.
    - Resolution approving an agreement to terminate contract for operation of multipurpose facility at Somerset Middle School and authorizing the City Manager to execute the necessary documents recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Resolution 2004-416 (Jackman/Keating; unan.) approving an agreement to terminate contract for operation of multipurpose facility at Somerset Middle School and authorizing the City Manager to execute the necessary documents.

CONSENT

15. Consider appropriating $28,600 for the Neighborhood Capital Improvement Project (NCIP) proposals for Summer of 2004.
    - Resolution approving appropriating $28,600 for the Neighborhood Capital Improvement Project (NCIP) proposals for Summer of 2004 recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Resolution 2004-417 (Jackman/Keating; unan) approving appropriating $28,600 for the Neighborhood Capital Improvement Project (NCIP) proposals for Summer of 2004

CONSENT

16. Consider approval of the final map of Oakcrest subdivision in the Village One Specific Plan Area and authorizing the City Manager to execute the necessary documents.

- Resolution approving final map of Oakcrest subdivision in the Village One Specific Plan Area and authorizing the City Manager to execute the necessary documents as required by Section 404.604(c) of the Municipal Code recommended.

Public Works; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: Resolution 2004-418 (Jackman/Keating; unan) approving final map of Oakcrest subdivision in the Village One Specific Plan Area and authorizing the City Manager to execute the necessary documents as required by Section 404.604(c) of the Municipal Code

CONSENT

17. Consider awarding the bid and approving an $826,227.20 contract with George Reed Inc. for the project titled "Sisk Road Construction and Drainage Improvements" and authorizing the City Manager to execute the contract; and Consider amending the FY 02-03 Capital Improvement Project budget to fully fund the project. Total estimated cost of the project is $1,000,000.
    - Resolution awarding the bid and approving a $826,227.20 contract with George Reed Inc. for the project titled "Sisk Road Construction and Drainage Improvements" and authorizing the City Manager to execute the contract recommended.
    - Resolution amending the FY 02-03 Capital Improvement Project budget to fully fund the project recommended.

    Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-419 (Jackman/Keating; unan) awarding the bid and approving a $826,227.20 contract with George Reed Inc. for the project titled "Sisk Road Construction and Drainage Improvements" and authorizing the City Manager to execute the contract

ACTION: Resolution 2004-420 (Jackman/Keating; unan) amending the FY 02-03 Capital Improvement Project budget to fully fund the project

CONSENT

18. Consider awarding the bid and approving a $629,204.73 contract with Graham Contractors Inc. for the project titled "2004 Slurry and Cape Seals" and authorizing the City Manager to execute the necessary documents; and Consider amending the FY 03-04 Capital Improvement Project budget to fully fund the project. Total estimated cost of this project is $760,000.
    - Resolution awarding the bid and approving a $629,204.73 contract with Graham Contractors Inc. for the project titled "2004 Slurry and Cape Seals" and authorizing the City Manager to execute the necessary documents recommended.
    - Resolution amending the FY 03-04 Capital Improvement Project budget to fully fund the project recommended.

    Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-421 (Jackman/Keating; unan) awarding the bid and approving a $629,204.73 contract with Graham Contractors Inc. for the project titled "2004 Slurry and Cape Seals" and authorizing the City Manager to execute the necessary documents.

ACTION: Resolution 2004-422 (Jackman/Keating; unan) amending the FY 03-04 Capital Improvement Project budget to fully fund the project.

COUNCIL COMMENTS & REPORTS

19. At the request of Councilmember O'Bryant, consider authorizing the City Attorney to assist the Chair of the Public Safety Committee in reviewing allegations of possible elder abuse at mobile home parks in Modesto.

ACTION: By motion Jackman/Keating; unan. authorized the City Attorney to assist the Chair of the Safety and Communities Committee to review the above item.

WRITTEN COMMUNICATIONS

20. Consider letter from Paul Jennings regarding rent increases at Coralwood Mobile Home Park.

ACTION: No action taken.

HEARINGS

21. Hearing to consider amending the City Fiscal Year 2003/04 Federal Transit Administration (FTA) grant to include an additional $879,394 in federal transit funds to partially offset the capital costs of the City's public transit program.
    - Resolution approving amending the City Fiscal Year 2003/04 Federal Transit Administration (FTA) grant to include an additional $879,394 in federal transit funds to partially offset the capital costs of the City's public transit program recommended.

    Public Works; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Resolution 2004-423 (Jackman/Keating; unan.) approving amending the City Fiscal Year 2003/04 Federal Transit Administration (FTA) grant to inc lude an additional $879,394 in federal transit funds to partially offset the capital costs of the City's public transit program.

22. Hearing to consider the application of Kaiser Foundation Hospitals for the following entitlements to allow a 1,425,000-square-foot medical center to be located on 49 acres on the west side of Dale Road north of Bangs Avenue: a rezoning from Specific Plan Overlay Prezone to Planned Development Prezone, P-P-D(567); Amendments to the Kiernan Business Park Specific Plan; and a Development Agreement. Also to be considered is a Sphere of Influence amendment and annexation of the Kaiser Medical Center and the adjacent 39-acre Cornerstone Business Park, approval of a municipal service review for the Sphere of Influence amendment, and certification of a Final EIR for the project.
    - Resolution adopting certain findings concerning mitigation measures, adopting a mitigation monitoring and reporting program, making findings concerning alternatives, adopting a statement of overriding considerations, and certifying the Final Environmental Impact Report for the Kaiser Modesto Medical Center/Cornerstone Business Park project (State Clearinghouse # 2003072085) recommended.
    - Resolution approving Specific Plan Amendment No. 3 to the Kiernan Business Park Specific Plan to modify the land use and circulation diagrams and development standards for the Kaiser Medical Center site, to revise the planned street system in the future business park, and to incorporate design standards into the specific plan (Kaiser Foundation Hospitals) recommended.
    - Introduction of an ordinance amending Section 2-3-8 of the Zoning Map to rezone from Prezone Specific Plan Overlay Zone, P-SP-O, to Prezone Planned Development zone, P-P-D(567), and from Specific Plan Overlay zone, SP-O, to Planned Development zone, P-D(567), property located on the west side of Dale Road north of Bangs Avenue (Kaiser Foundation Hospitals) recommended.
    - Resolution approving a development plan for Planned Development Prezone, P-P-D(567) (Kaiser Foundation Hospitals) recommended.
    - Introduction of an ordinance approving the development agreement with Kaiser Foundation Hospitals for the development of Kaiser Modesto Medical Center/Cornerstone Business Park located in the Kiernan Business Park Specific Plan recommended

- Resolution approving the filing of a sphere of influence plan, master services element, and municipal service review to the Stanislaus Local Agency Formation Commission in conjunction with the application to amend Modesto's Sphere of Influence and annex approximately 88 acres of property located on the west side of Dale Road south of Kiernan Avenue to the City of Modesto recommended.
- Resolution of application to the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and annex approximately 88 acres of property located on the west side of Dale Road south of Kiernan Avenue to the City of Modesto and the Modesto Sewer District No. 1 and to detach said property from the Salida Fire Protection District (Owner Initiated – uninhabited) recommended.

Community & Economic Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: Resolution 2004-423A (Jackman/Dunbar; unan.) adopting certain findings concerning mitigation measures, adopting a mitigation monitoring and reporting program, making findings concerning alternatives, adopting a statement of overriding considerations, and certifying the Final Environmental Impact Report for the Kaiser Modesto Medical Center/Cornerstone Business Park project (State Clearinghouse # 2003072085)

ACTION: Resolution 2004-424 (Jackman/Dunbar; unan.) approving Specific Plan Amendment No. 3 to the Kiernan Business Park Specific Plan to modify the land use and circulation diagrams and development standards for the Kaiser Medical Center site, to revise the planned street system in the future business park, and to incorporate design standards into the specific plan (Kaiser Foundation Hospitals)

ACTION: By Motion (Jackman/Dunbar; unan) **introduced Ordinance No. 3356-C.S.** amending Section 2-3-8 of the Zoning Map to rezone from Prezone Specific Plan Overlay Zone, P-SP-O, to Prezone Planned Development zone, P-P-D(567), and from Specific Plan Overlay zone, SP-O, to Planned Development zone, P-D(567), property located on the west side of Dale Road north of Bangs Avenue (Kaiser Foundation Hospitals)

ACTION: Resolution 2004-425 (Jackman/Dunbar; unan.) approving a development plan for Planned Development Prezone, P-P-D(567) (Kaiser Foundation Hospitals)

ACTION: By Motion (Jackman/Dunbar; unan.) **introduced Ordinance No. 3357-C.S.** approving the development agreement with Kaiser Foundation Hospitals for the development of Kaiser Modesto Medical Center/Cornerstone Business Park located in the Kiernan Business Park Specific Plan

ACTION: Resolution 2004-426 (Jackman/Dunbar; unan) approving the filing of a sphere of influence plan, master services element, and municipal service review to the Stanislaus Local Agency Formation Commission in conjunction with the application to amend Modesto's Sphere of Influence and annex approximately 88 acres of property located on the west side of Dale Road south of Kiernan Avenue to the City of Modesto

ACTION: Resolution 2004-427 (Jackman/Dunbar; unan)a Resolution of application to the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and annex approximately 88 acres of property located on the west side of

Dale Road south of Kiernan Avenue to the City of Modesto and the Modesto Sewer District No. 1 and to detach said property from the Salida Fire Protection District (Owner Initiated – uninhabited)

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:15 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:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organization:	Modesto Confidential and Management Association (MCMA)

MINUTES

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

Wednesday, August 11, 2004, at 5:30 p.m.

Roll Call – Present: Hawn, Dunbar, Jackman (arrived at 6:30 p.m.)
Also Present: Marsh (arrived at 6:40 p.m.)

Items discussed:

19) August Monthly Budget Adjustment Report

ACTION: The Finance Committee approved adjustments and referred item to Council for approval.

20) State Lobbying Services Contract – Aaron Read & Assoc.

ACTION: The Finance Committee approved Staff's recommendation.

21) Adopt Job Specifications

ACTION: The Finance Committee approved Staff's recommendation.

22) Public Works Positions Reallocation FY 04-05

ACTION: The Finance Committee approved Staff's recommendation.

23) Request from the San Joaquin Partnership Task Force for a $10,000 contribution towards the efforts to retain Sharpe Army Depot as a functioning military facility.

ACTION: The Finance Committee recommended staff refer this matter to the Stanislaus County Alliance for review and comment.

24) Multi-Year CIP – Status Update and Proposed Calendar

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

25) 2004-2005 Legislative Platform

ACTION: The Finance Committee approved Staff's recommendation.

26) Downtown Improvement District – Review of Allocated Indirect Administrative Costs

ACTION: It was the consensus of the Finance Committee to direct Staff to discuss with the DID the amount charged for allocated indirect administrative costs.

27) Corporate Naming Rights and Corporate Sponsorships

ACTION: The Finance Committee approved Staff's recommendation.

28) Water Rates Update (Oral)

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

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting adjourned at 7:10 p.m.

MINUTES

City of Modesto
Special Finance Committee/Special City Council Workshop Meeting
Council Chambers
Tenth Street Place, 1010 10th Street, Modesto, California

Thursday, September 2, 2004, at 10:00 a.m.

Roll Call – Present: Committee Members Dunbar, Hawn, Jackman
Also Present: Councilmembers Keating, Marsh, O'Bryant, Mayor Ridenour

Item to be discussed:

29) Water Utility Cost of Service, Needs Analysis and Proposed Rate Adjustments

ACTION: It was the consensus of the Committee (Jackman/Dunbar) to accept the Staff report and forward the item to Full Council.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting adjourned at 1:10 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street, Modesto, California

Tuesday, September 7, 2004, 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: Michael Douglas, President of Advancing Vibrant Communities

City Clerk's Announcements
- Item 23—Section VII—Design Criteria "guidelines shall be considered" instead of "guidelines shall be followed"
- Item 24 removed from the agenda

Declaration of Conflicts of Interest:
- Item 17--Hawn

MISCELLANEOUS
Appointments

1. Consider the appointment of Mayor Jim Ridenour and Councilmember Garrad Marsh as City Council representatives on the Tenth Street Place J oint Powers Agency.
    - Resolution approving the appointment of Mayor Jim Ridenour and Councilmember Garrad Marsh as City Council representatives on the Tenth Street Place Joint Powers Agency recommended.

ACTION: Resolution 2004-428 (Jackman/Hawn; unan) approving the appointment of Mayor Jim Ridenour and Councilmember Garrad Marsh as City Council representatives on the Tenth Street Place Joint Powers Agency

Legislation

2. Consider declaring opposition to Proposition 66, an initiative on the November 2004 b allot relating to the Three Strikes Law.
    - Resolution opposing Proposition 66, an initiative on the November 2004 ballot relating to the Three Strikes Law recommended.

Police; Roy Wasden, 572-9503, wasdenr@modestopd.com

ACTION: Resolution 2004-429 (Keating/Marsh; unan.) opposing Proposition 66, an initiative on the November 2004 ballot relating to the Three Strikes Law.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 24

ACTION Consent Items 3-16, 18-23: Jackman/Marsh; unan.

ACTION Item 17: Dunbar/Jackman; unan. Hawn absent due to conflict of interest

ACTION Item 24: 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

3. Consider approval of the minutes of the regular City Council meeting of August 10, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan.) approved the minutes of August 10, 2004.

CONSENT

4. Consider final adoption of the following ordinances:

   a. Ordinance No. 3354-C.S. – an ordinance adding Chapter 17 entitled "Regulation of Off-Site Automobile Sales" to Title 4 of the Modesto Municipal Code

ACTION: By Motion (Jackman/Marsh; unan.) approving **the final adoption of Ordinance No. 3354-C.S**. – an ordinance adding Chapter 17 entitled "Regulation of Off-Site Automobile Sales" to Title 4 of the Modesto Municipal Code

   b. Ordinance No. 3355-C.S. – an ordinance amending Chapter 10 of Title 5 of the Modesto Municipal Code relating to Storm Water Management and Discharge Controls

ACTION: By Motion (Jackman/Marsh; unan.) approving **the final adoption of Ordinance No. 3355-C.S. --**an ordinance amending Chapter 10 of Title 5 of the Modesto Municipal Code relating to Storm Water Management and Discharge Controls

c. Ordinance No. 3356-C.S. – an ordinance amending Section 2-3-8 of the Zoning Map to rezone from Prezone Specific Plan Overlay zone, P-Sp-O, to Prezone Planned Development zone, SP-O, to Planned Development zone, P-D(567), property located on the west side of Dale Road north of Bangs Avenue (Kaiser Foundation Hospitals)

ACTION: By Motion (Jackman/Marsh; unan.) approving **the final adoption of Ordinance No. 3356-C.S**. – an ordinance amending Section 2-3-8 of the Zoning Map to rezone from Prezone Specific Plan Overlay zone, P-Sp-O, to Prezone Planned Development zone, SP-O, to Planned Development zone, P-D(567), property located on the west side of Dale Road north of Bangs Avenue (Kaiser Foundation Hospitals)

d. Ordinance No. 3357-C.S. – an ordinance approving the development agreement between the City of Modesto and Kaiser Foundation Hospitals for the development of Kaiser Modesto Medical Center/Cornerstone Business Park located in the Kiernan Business Park Specific Plan

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan.) approving **the final adoption of Ordinance No. 3357-C.S.** – an ordinance approving the development agreement between the City of Modesto and Kaiser Foundation Hospitals for the development of Kaiser Modesto Medical Center/Cornerstone Business Park located in the Kiernan Business Park Specific Plan

CONSENT

5. Consider accepting the vacancy left by the departure of Jason Gordo from the Citizen's Advisory Committee on Recycling, effective September 7, 2004.
   - Resolution accepting the vacancy left by the departure of Jason Gordo from the Citizen's Advisory Committee on Recycling, effective September 7, 2004 recommended.

   City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com

ACTION: Resolution 2004-430 (Jackman/Marsh; unan.) accepting the vacancy left by the departure of Jason Gordo from the Citizen's Advisory Committee on Recycling, effective September 7, 2004

CONSENT

6. Consider accepting with regret the resignation of Jayna Hamel from the Community Qualities Forum, effective September 7, 2004.
   - Resolution accepting with regret the resignation of Jayna Hamel from the Community Qualities Forum, effective September 7, 2004 recommended.

   City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com

ACTION: Resolution 2004-431 (Jackman/Marsh; unan.) accepting with regret the resignation of Jayna Hamel from the Community Qualities Forum, effective September 7, 2004

CONSENT

7. Consider accepting with regret the resignation of Charles R. Quinones from the Community Qualities Forum, effective September 7, 2004.
   - Resolution accepting with regret the resignation of Charles R. Quinones from the Community Qualities Forum, effective September 7, 2004 recommended.

   City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com

ACTION: Resolution 2004-432 (Jackman/Marsh; unan.) accepting with regret the resignation of Charles R. Quinones from the Community Qualities Forum, effective September 7, 2004

CONSENT

8. Consider an agreement with Aaron Read & Associates for lobbying efforts at the state level for an amount not to exceed $69,300 annually and authorizing the City Manager to execute the necessary documents.
   - Resolution approving an agreement with Aaron Read & Associates for lobbying efforts at the state level for an amount not to exceed $69,300 annually and authorizing the City Manager to execute the necessary documents recommended.

   City Manager; Brian Whitemyer, 571-5580, bwhitemyer@modestogov.com

ACTION: Resolution 2004-433 (Jackman/Marsh; unan.) approving an agreement with Aaron Read & Associates for lobbying efforts at the state level for an amount not to exceed $69,300 annually and authorizing the City Manager to execute the necessary documents

CONSENT

9. Consider the Monthly Budget Adjustment Report – August 2004.
   - Resolution approving FY05 budget adjustments for August 2004 recommended.

   Finance; Greg Baird, 577-5458, gbaird@modestogov.com

ACTION: Resolution 2004-434 (Jackman/Marsh; unan.) approving FY05 budget adjustments for August 2004.

CONSENT

10. Consider authorizing the purchase of granular activated carbon (GAC) from Carbon Activated Corporation for a term of one year, with two one-year extension options, for an estimated annual cost of $176,000.
    - Resolution authorizing the purchase of granular activated carbon (GAC) from Carbon Activated Corporation for a term of one year, with two one-year extension options, for an estimated annual cost of $176,000 recommended.

    Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2004-435 (Jackman/Marsh; unan.) authorizing the purchase of granular activated carbon (GAC) from Carbon Activated Corporation for a term of one year, with two one-year extension options, for an estimated annual cost of $176,000

CONSENT

11. Consider authorizing the Purchasing Supervisor to formally solicit a Request for Bids for hydrochloric acid for an initial one-year period, with four one-year contract extension options for a total estimated annual cost of $40,000.
    - Resolution authorizing the Purchasing Supervisor to formally solicit a Request for Bids for hydrochloric acid for an initial one-year period, with four one-year contract extension options for a total estimated annual cost of $40,000 recommended.

    Finance; Tom Reddie 577-5406, treddie@modestogov.com

ACTION: Resolution 2004-436 (Jackman/Marsh; unan.) authorizing the Purchasing Supervisor to formally solicit a Request for Bids for hydrochloric acid for an initial one-year period, with four one-year contract extension options for a total estimated annual cost of $40,000.

CONSENT

12. Consider an amendment to the first HOME agreement with the Housing Authority of the County of Stanislaus for the Miller Pointe Project, and authorizing the City Manager to execute the necessary documents; and Consider an amendment to the first HOME agreement with the Stanislaus County Affordable Housing (STANCO) for 3333 Carver Road Project, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving an amendment to the first HOME agreement with the Housing Authority of the County of Stanislaus for the Miller Pointe Project, and authorizing the City Manager to execute the necessary documents recommended.
    - Resolution approving an amendment to the first HOME agreement with the Stanislaus County Affordable Housing (STANCO) for 3333 Carver Road Project, and authorizing the City Manager to execute the necessary documents recommended.

    Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2004-437 (Jackman/Marsh; unan.) approving an amendment to the first HOME agreement with the Housing Authority of the County of Stanislaus for the

Miller Pointe Project, and authorizing the City Manager to execute the necessary documents

ACTION: Resolution 2004-438 (Jackman/Marsh; unan.) approving an amendment to the first HOME agreement with the Stanislaus County Affordable Housing (STANCO) for 3333 Carver Road Project, and authorizing the City Manager to execute the necessary documents

CONSENT

13. Consider accepting $36,276 in Federal Land & Water Conservation Fund funding from the State of California Resources agency for construction of a picnic shelter at Orville Wright Neighborhood Park, and authorizing the City Manager to execute the necessary documents.
    - Resolution accepting $36,276 in Federal Land & Water Conservation Fund funding from the State of California Resources agency for construction of a picnic shelter at Orville Wright Neighborhood Park, and authorizing the City Manager to execute the necessary documents recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Resolution 2004-439 (Jackman/Marsh; unan..) accepting $36,276 in Federal Land & Water Conservation Fund funding from the State of California Resources agency for construction of a picnic shelter at Orville Wright Neighborhood Park, and authorizing the City Manager to execute the necessary documents.

CONSENT

14. Consider a lease agreement with Metro PCS for a cellular tower site located on a portion of Creekside Golf Course, with three five-year options to extend the lease, and authorizing the City Manager to execute the necessary documents.
    - Resolution approving a lease agreement with Metro PCS for a cellular tower site located on a portion of Creekside Golf Course, with three five-year options to extend the lease, and authorizing the City Manager to execute the necessary documents recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Resolution 2004-440 (Jackman/Marsh; unan.) approving a lease agreement with Metro PCS for a cellular tower site located on a portion of Creekside Golf Course, with three five-year options to extend the lease, and authorizing the City Manager to execute the necessary documents

CONSENT

15. Consider authorizing staff to issue a Request for Proposals for a qualified company to develop a policy and marketing plan for Program Sponsorship and the development of Presentation Sponsors; and **C**onsider authorizing staff to negotiate a sole source agreement

with Pacific Media for development of a marketing plan for naming rights to the Modesto Centre Plaza.

- Resolution authorizing staff to issue a Request for Proposals for a qualified company to develop a policy and marketing plan for Program Sponsorship and the development of Presentation Sponsors recommended.
- Resolution authorizing staff to negotiate a sole source agreement with Pacific Media for development of a marketing plan for naming rights to the Modesto Centre Plaza recommended.

Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, bhatcher@modestogov.com

ACTION: Resolution 2004-441 (Jackman/Marsh; unan.) authorizing staff to issue a Request for Proposals for a qualified company to develop a policy and marketing plan for Program Sponsorship and the development of Presentation Sponsors

ACTION: Resolution 2004-442 (Jackman/Marsh; unan.) authorizing staff to negotiate a sole source agreement with Pacific Media for development of a marketing plan for naming rights to the Modesto Centre Plaza

CONSENT

16. Consider amending the Position Classification Plan amending the classification of Transportation Planner and Laboratory and Environmental Monitoring Supervisor; and Consider amending the Class Range Table for Management and Confidential Non-Sworn to change the salary range for Transportation Planner and change the title of Laboratory and Environmental Monitoring Supervisor to Environmental Laboratory Supervisor.

    - Resolution amending the Position Classification Plan amending the classification of Transportation Planner and Laboratory and Environmental Monitoring Supervisor recommended.
    - Resolution amending the Class Range Table for Management and Confidential Non-Sworn to change the salary range for Transportation Planner and change the title of Laboratory and Environmental Monitoring Supervisor to Environmental Laboratory Supervisor recommended.

    Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Resolution 2004-443 (Jackman/Marsh; unan.) amending the Position Classification Plan amending the classification of Transportation Planner and Laboratory and Environmental Monitoring Supervisor

ACTION: Resolution 2004-444 (Jackman/Marsh; unan.) amending the Class Range Table for Management and Confidential Non-Sworn to change the salary range for Transportation Planner and change the title of Laboratory and Environmental Monitoring Supervisor to Environmental Laboratory Supervisor

Councilmember Hawn absent due to conflict of interest

17. Consider increasing the Public Works Director's authority to issue change orders on the "Centre Plaza Elevator Extension" project from $25,000 to $41,000.

- Resolution approving the increase of the Public Works Director's authority to issue change orders on the "Centre Plaza Elevator Extension" project from $25,000 to $41,000 recommended.

Public Works; Pamela Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-445 (Dunbar/Jackman; unan.; Hawn, absent) approving the increase of the Public Works Director's authority to issue change orders on the "Centre Plaza Elevator Extension" project from $25,000 to $41,000.

CONSENT

18. Consider accepting the work of R.E. McCollum for the "Pump Station #65 at Tank #5" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $521,153.96 per the contract. Total project cost is $574,135.61.
    - Resolution accepting the work of R.E. McCollum for the "Pump Station #65 at Tank #5" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $521,153.96 per the contract recommended.

    Public Works; Pamela Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-446 (Jackman/Marsh; unan.) accepting the work of R.E. McCollum for the "Pump Station #65 at Tank #5" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $521,153.96 per the contract

CONSENT

19. Consider accepting the work of SB Cable, Joint Venture, for the "Expand ATMS Northwest" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $426,289.80 per the contract. Total project cost is $543,640.08.
    - Resolution accepting the work of SB Cable, Joint Venture, for the "Expand ATMS Northwest" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $426,289.80 per the contract recommended.

    Public Works; Pamela Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-447 (Jackman/Marsh; unan.) accepting the work of SB Cable, Joint Venture, for the "Expand ATMS Northwest" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $426,289.80 per the contract

CONSENT

20. Consider accepting the work by Agee Construction Corp. for the "Kansas-Needham Overhead" project as complete, authorizing the City Clerk to file a Notice of Completion,

and authorizing payment of amounts due totaling $9,568,163.97 per the contract. Total project cost is $17,116,212.40.

- Resolution accepting the work by Agee Construction Corp. for the "Kansas - Needham Overhead" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $9,568,163.97 per the contract recommended.

Public Works; Pamela Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-448 (Jackman/Marsh; unan.) accepting the work by Agee Construction Corp. for the "Kansas -Needham Overhead" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $9,568,163.97 per the contract.

CONSENT

21. Consider accepting the work by JF Pacific Liners Inc. for the "2004 Sewer Main and Brick Manhole Rehabilitation" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $191,766.35 per the contract. Total project cost is $239,381.52.

- Resolution accepting the work by JF Pacific Liners Inc. for the "2004 Sewer Main and Brick Manhole Rehabilitation" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $191,766.35 per the contract recommended.

Public Works; Pamela Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-449 (Jackman/Marsh; unan.) accepting the work by JF Pacific Liners Inc. for the "2004 Sewer Main and Brick Manhole Rehabilitation" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $191,766.35 per the contract.

CONSENT

22. Consider rejecting the sole bid for the project titled "Community Gateway" and authorizing staff to re-advertise the project at a future date.

- Resolution rejecting the sole bid for the project titled "Community Gateway" and authorizing staff to re-advertise the project at a future date recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-450 (Jackman/Marsh; unan.) rejecting the sole bid for the project titled "Community Gateway" and authorizing staff to re-advertise the project at a future date

CONSENT

23. Consider an amendment to the Roundabout Policy to include Federal Highway Administration and Caltrans design guidelines. This amendment will have no impact on the budget.

- Resolution approving an amendment to the Roundabout Policy to include Federal Highway Administration and Caltrans design guidelines recommended.

Public Works; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Resolution 2004-451 (Jackman/Marsh; unan.) approving an amendment to the Roundabout Policy to include Federal Highway Administration and Caltrans design guidelines.

Removed from the Agenda

24. Consider rejecting all bids for the project titled "Rumble Road Sidewalks" and authorizing staff to re-advertise the project at a future date.
    - Resolution rejecting all bids for the project titled "Rumble Road Sidewalks" and authorizing staff to re-advertise the project at a future date recommended.

    Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Removed from the agenda.

COUNCIL COMMENTS & REPORTS

None

WRITTEN COMMUNICATIONS

25. Letter from Carmen Sabatino regarding the location of a utility box on property on Scenic Drive near the Coffee Road intersection.

ACTION: No action taken.

HEARINGS

26. Hearing to consider increasing fees for evening parking at the 10th and 11th Street Garages, and allocating 75% of the evening gross revenues from the 11 th Street Garage to the Modesto Police Department toward police services required for evening activities.
    - Resolution increasing fees for evening parking at the 1 0th and 11th Street Garages, and allocating 75% of the evening gross revenues from the 11 th Street Garage to the Modesto Police Department toward police services required for evening activities, and rescinding Resolutions 2001-608 and 2003-105 recommended.

    Parks, Recreation & Neighborhoods; Jim Niskanen, 577-5351, jniskanen@modestogov.com

ACTION: By motion (Hawn/Marsh; unan.) sent item to the Finance Committee for further review at their November meeting a nd gave the Police Chief the authority to staff as

recommended for a period of 90 days. Item will return to the City Council after the November Finance Committee meeting.

Recess 7:25
Reconvene 7:35

NEW BUSINESS

27. Consider providing a $640,000 loan to Habitat for Humanity, Stanislaus, to purchase a 1.85-acre parcel for the development of the Hope Village Project, a 20-unit affordable housing project for low-income families.
    - Resolution approving a $640,000 loan to Habitat for Humanity, Stanislaus, to purchase a 1.85-acre parcel for the development of the Hope Village Project, a 20-unit affordable housing project for low-income families recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2004-452 (Ridenour/Jackman; unan.) approving a $640,000 loan to Habitat for Humanity, Stanislaus, to purchase a 1.85-acre parcel for the development of the Hope Village Project, a 20-unit affordable housing project for low-income families, striking a portion of the language in the indemnification section of the agreement.

28. Consider a loan agreement for a no-interest $400,000 loan with the Stanislaus Council of Governments for State Route 132 (SR132) wideni ng project and authorizing the City Manager to execute the necessary documents; and **C**onsider amending the budget for FY 2004-2005 to appropriate the funds to the necessary account.
    - Resolution approving a loan agreement for a no-interest $400,000 loan with the Stanislaus Council of Governments for State Route 132 (SR132) widening project and authorizing the City Manager to execute the necessary documents recommended.
    - Resolution amending the budget for FY 2004-2005 to appropriate the funds to the necessary account recommended.

City Manager; Brian Whitemyer, 571-5580, bwhitemyer@modestogov.com

ACTION: Resolution 2004-453 (Jackman/Hawn; unan.) approving a loan agreement for a no-interest $400,000 loan with the Stanislaus Council of Governments for State Route 132 (SR132) widening project and authorizing the City Manager to execute the necessary documents

ACTION: Resolution 2004-454 (Jackman/Hawn; unan.) amending the budget for FY 2004-2005 to appropriate the funds to the necessary account.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:40 p.m.

CLOSED SESSION

This Closed Session Item was 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: *City of Modesto v. Viacom Outdoor, Inc., et al.*
Stanislaus County Superior Court No. 329869

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: *The Committee Concerning Community Improvements, et al. v. City of Modesto, et al.*
United States District Court, Eastern District of California
Case No. CIV-F-04-6121 REC DLB

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place, Second Floor, Room 2005
Modesto, California

Wednesday, September 8, 2004, at 5:30 p.m.

Roll Call – Present: Committee Members Dunbar, Hawn

Absent: Committee Member O'Bryant

NEW BUSINESS

30) Status Report on Modesto Police Department Personnel Allocation

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

31) Status Report on False Alarm Reduction Progra m

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

32) Status Report on Modesto Crime Statistics

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

33) Status Report on Proposed Citizen Committees for Downtown Issues

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

34) Status Report on Motorized Scooters and Pocket Motorcycles Requirements and Enforcement

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

35) Consider Staff Recommendation to Accept Grant for M odesto's DUI and Safe Traffic Operations Program

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

36) Consider Staff Recommendation to Support Addition of One Police Officer at the Regional Academy Training Center

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

37) Discussion of Creation of an Ordinance Establishing an Emergency Communications System Access fee

ACTION: This item was referred to the Finance Committee.

38) Consider Recommendation to Approve Proposed 2004-05 Legislative Platform

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

39) Consider Supporting Culture Commission Recommendation to Rename Orville Wright Neighborhood Park as "George A. Rogers Neighborhood P ark"

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

40) Consider Staff Recommendation to Increase 3/4–Time Production Technician at Modesto Centre Plaza to Full-Time

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

41) Consider Letter from Dave Peterson Regarding Parking of Recreation Vehicles and Sidewalk Encroachment

ACTION: This item was deferred until the next Safety and Communities Committee Meeting.

42) Consider Recommendation to Authorize Staff to Proceed with Request for Qualifications for On-Call Landscape Architectural Services and Approve Proposed Evaluation Criteria

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

43) Consider Staff Recommendation to Award Contra ct for Landscape Enhancements on State Route 99 Near the Briggsmore Expressway Interchange

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

44) Consider Staff Recommendation to Support Preferred Option of Cost Recovery Solutions for Tennis Court Lighting

ACTION: This item was deferred until the next Safety and Communities Committee Meeting.

45) Consider Supporting Staff Recommendations Regarding Neighborhood Center at Marshall Park Revised Floor Plan, Construction Cost Estimate and Amended Agreement

ACTION: The Safety and Communities Committee approved Staff recommendations 1 & 2.

46) Status Report on Illegal Fireworks.

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

47) Consider Staff Recommendation to Surplus and Sell a 1977 Fire Engine to Yosemite Community College District for Use at the Regional Fire Training Center

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

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:05 p.m.

MINUTES

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP
1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, September 13, 2004

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

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

24) Listing of Vacancies for Boards, Commissions & Committees

ACTION: The Economic Development Committee requested to hold interviews with applicants at a special meeting if a substantial number of applications are received. The Committee requested a discussion at the next EDC meeting regarding appointing a BZA member, as an alternate to the Planning Commission.

25) Verbal Report Regarding Stormwater Drainage and Management

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

26) Community & Economic Development Department Monthly Development Activity Report

vvv. Workforce Development Program
www. Kiernan Business Park Implementation Plan
xxx. Development Review Task Force
yyy. Kaiser Medical Center
zzz. Comprehensive General Plan Update
aaaa. Roselle-Claribel Specific Plan
bbbb. St. Stanislaus Church
cccc. The Promenade Shopping Center
dddd. Fairview Specific Plan Update
eeee. Sylvan Vet Clinic at Sylvan/Roselle
ffff. North Beyer Specific Plan Amendment
gggg. Pelandale-McHenry Specific Plan
hhhh. Waterman-Luchessa Specific Plan
iiii. Glenn Avenue Annexation

jjjj. Shelter Cove Church
kkkk. Precise Plans Nos. 23 and 24
llll. Planning Division Activity Report
mmmm. Valley Tower – 10th & H Streets
nnnn. CFF Exemption for Demolished Building and Transfer of Credits
oooo. Building Inspection Statistics
pppp. Kansas-Woodland Business Park (FMC)
qqqq. Downtown Housing Project
rrrr. Downtown Office Project – Valley Tower LLC
ssss. Various Business Attraction Projects
tttt. www.choosemodesto.com
uuuu. Marketing Modesto
vvvv. Opportunity Map
wwww. Update to the RDA Master Plan and EIR
xxxx. Enterprise Zone Preliminary Application

ACTION: The Economic Development Committee requested a schedule for the Kansas Woodland Business Park.

27) Consider Recommendation to Revise Resolution 2001-124 to Provide for the Deferral and Exemption of Capital Facilities Fees

ACTION: The Economic Development Committee approved staff's recommendation.

28) Consider Staff Recommendation to Approve Final Draft of T-Hangar Use Policy

ACTION: The Economic Development Committee approved staff's recommendation.

29) Consider Proposed Specific Plan Procedures and Preparation Guide

ACTION: The Economic Development Committee approved staff's recommendation.

30) Consider Recommendation to Approve Proposed 2004-05 Legislative Platform

ACTION: By Consensus (Marsh/Jackman) the Economic Development Committee forwarded this item to full Council.

31) Consider Staff Recommendation to Redesignate Precise Plan Area 20 Ranchettes at Northeast Corner of Floyd/Roselle

ACTION: The Economic Development Committee indicated to the property owners that the best solution to their problem was to master plan their properties.

32) Consider Staff Recommendation for Special Agreement for a Proposed Development at Carpenter and Paradise in the Paradise/Carpenter Comprehensive Planning District

ACTION: It was the consensus of the Committee (Marsh/Jackman) to recommend the agreement to the City Council provided it contains a provision making the Measure A vote contingent on the City and the County reaching agreement no later than June 1, 2005, on the upgrading to City standards of infrastructure in the developed area to be annexed.

33) Consider Staff Recommendation Regarding Request for Qualifications and Request for Proposals for Landscape Maintenanc e Services

ACTION: It was the Consensus of the Committee (Marsh/Keating) to approve staff's recommendation.

34) Consider Staff Recommendation to Accept Report on Xclamation Fest 2004 and to Approve Exclamation Fest 2005

ACTION: The Economic Development Committee approved staff's recommendation.

35) Consider Staff Recommendation to Enter into a Cooperative Agreement with Modesto A's to Pursue Naming Rights for Thurman Field

ACTION: By consensus (Marsh/Jackman; Keating, no), the Economic Development Committee approved staff's recommendation.

MATTERS TO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

15) General Plan Update Work Program
16) Housing Element Implementation Work Program
17) Comparison Review of Development Standards Between City and County
18) Collection of City Fees and Requirements for Development Standards within SOI
19) Kansas-Woodland Business Park
20) Prescott/Bangs Proposed Roundabout
21) Speed Limit Ordinance Update
22) Shackelford Study Area
23) 132/99 Connectivity and Carpenter Road Interchange Issue
24) Recycled Wastewater Feasibility Report
25) Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work

ADJOURNMENT

This meeting adjourned at 8:40 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, September 14, 2004, 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

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Culture Commission to Colleen Stanley Bare, author, local historian, photographer and Modesto native, for her work with the Poets' Corner Committee.

ACTION: Introduction of Grace Lieberman made by Wayne Mathes. Ms Lieberman made the presentation to Colleen Stanley Bare.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 9

ACTION Consent Items 2- 9: 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 September 7, 2004.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan.) approved the minutes of September 7, 2004.

CONSENT

3. Consider a Community Facilities District real property acquisition agreement along Floyd Avenue between Oakdale Road and Roselle Avenue.
   - Resolution approving an agreement for $981,750 with Hashem Naraghi for right-of-way acquisition of property for construction of Floyd Avenue, and authorizing the District Administrator to execute the necessary documents recommended.
   - Resolution authorizing the District Administrator to execute acceptance forms for the property acquisition recommended.
   - Resolution finding that the project is consistent with the scope of the Village One Program EIR (Sch No. 90020181) as amended recommended.

   City Manager; Vickey Dion, 577-5211, vdion@modestogov.com

Resolution Number 2004-455 was not assigned.

ACTION: Resolution 2004-456 (Jackman/Hawn; unan.) approving an agreement for $981,750.00 between the City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Hashem Naraghi, Trustee of the Nora Naraghi separate property trust for Right of Way Acquisition of property for construction of Floyd Ave and authorizing the District Administrator to execute the agreement and all related property documents, and authorize the City Engineer to accept the dedications of Right-of-Way as Grantee on behalf of the City of Modesto

ACTION: Resolution 2004-457 (Jackman/Hawn; unan) finding that the project is consistent with the scope of the Village One Program EIR (Sch No. 90020181) as amended by the Supplemental EIR Acquisition of Right-of-Way for the Widening of Floyd Ave.

CONSENT

4. Consider annexation of additional territory to Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 4).
   - Resolution of Intention to annex territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 4) recommended.

   City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2004-458 (Jackman/Hawn; unan) a Resolution of Intention to annex territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 4)

CONSENT

5. Consider the Monthly Investment Report.
   - Resolution approving the Monthly Investment Report recommended.

   Finance; Jack Crist, 577-5224, jcrist@modestogov.com

ACTION: Motion (Jackman/Hawn; unan) approving the Monthly Investment Report

Resolution Number 2004-459 was not assigned.

CONSENT

6. Consider amending the budget to transfer necessary funds in the amount of $260,000 for the purchase of a windrow turner for use by the Public Works Department; and Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for one windrow turner for an estimated cost of $260,000.
   - Resolution amending the budget to transfer necessary funds for the purchase of a windrow turner for use by the Public Works Department recommended.
   - Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for one windrow turner for an estimated cost of $260,000 recommended.

   Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Resolution 2004-460 (Jackman/Hawn; unan) amending the budget to transfer necessary funds for the purchase of a windrow turner for use by the Public Works Department

ACTION: Resolution 2004-461 (Jackman/Hawn; unan) authorizing the Purchasing Supervisor to formally solicit Request for Bids for one windrow turner for an estimated cost of $260,000

CONSENT

7. Consider a position allocation change in the Transit Division of the Public Works Department, which would add one Transit Planning Technician I (working title), Range 115, to the Transit Division. This position will be partially funded by combining two part-time positions into one full-time position. Additional funding will be provided from the Transit Fund.
   - Resolution approving an allocation change in the Transit Division of the Public Works Department, which would add one Transit Planning Technician I (working title), Range 115 to the Transit Division recommended.
   - Resolution amending the budget.

   Public Works; Peter Cowles, 577-5213, pcowles@modestogov.com

ACTION: Resolution 2004-462 (Jackman/Hawn; unan) approving an allocation change in the Transit Division of the Public Works Department, which would add one Transit Planning Technician I (working title), Range 115 to the Transit Division

ACTION: Resolution 2004-463 (Jackman/Hawn; unan) amending the budget.

CONSENT

8. Consider the renewal of the Stanislaus County Recycling Market Development Zone (RMDZ), and rescinding Resolution 93-515.
   - Resolution approving the renewal of the Stanislaus County Recycling Market Development Zone (RMDZ), and rescinding Resolution 93-515 recommended.

   Public Works; Beverly McCullough, 577-5495, bdmccullough@modestogov.com

ACTION: Resolution 2004-464 (Jackman/Hawn; unan) approving the renewal of the Stanislaus County Recycling Market Development Zone (RMDZ), and rescinding Resolution 93-515.

CONSENT

9. Consider accepting the improvements for the Papatone West 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: Modesto Annex Developers, L.P., a California Limited Partnership, by Modesto Annex Investors, LLC, a California Limited Liability Company.
   - Resolution accepting the improvements for the Papatone West 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 recommended.

   Public Works; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: Resolution 2004-465 (Jackman/Hawn; unan) accepting the improvements for the Papatone West 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.

COUNCIL COMMENTS & REPORTS

10. At the request of Councilmember Jackman, consider adopting the farmland mitigation policy from the Kaiser Hospital project as City land use policy and initiate needed amendments.

ACTION: Referred to the Council's October workshop.

- Councilmember Jackman reported on activities at STANCOG that are underway to hire a professional to conduct a search for a new director, and current projects with associated funding.

HEARINGS

11. Hearing to consider calling a special election within the additional territory proposed to be annexed to Community Facilities District No. 2004-1 (Village One #2) (Annexation #3); and Consider 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 #3) 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; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2004-466 (Jackman/Keating; 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 #3)

ACTION: Resolution 2004-467 (Jackman/Keating; unan.) canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1.

12. Hearing to consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2003-2004, and authorize staff to forward the report to HUD for their review and approval.
    - Resolution approving the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2003-2004, and authorizing staff to forward the report to HUD for their review and approval recommended.

    Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2004-468 (Dunbar/Keating; unan.) approving the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2003-2004, and authorizing staff to forward the report to HUD for their review and approval.

13. Hearing to consider the Mitigated Negative Declaration for Mary E. Grogan Community Park; and Consider the Design Development Report and Master Plan included therein for Mary E. Grogan Community Park.
    - Resolution approving the Mitigated Negative Declaration for Mary E. Grogan Community Park recommended.

- Resolution approving the Design Development Report and Master Plan included therein for Mary E. Grogan Community Park recommended.

Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Resolution 2004-469 (Jackman/Dunbar; unan.) approving the Mitigated Negative Declaration for Mary E. Grogan Community Park

ACTION: Resolution 2004-470 (Jackman/Dunbar; unan.) approving the Design Development Report and Master Plan included therein for Mary E. Grogan Community Park

NEW BUSINESS

14. Consider the *Water Utility Cost of Service Rate Study* prepared by Foresight Consulting and the West Yost *Justification and Cost Allocation for Proposed Water System Improvements Study* and consider initiating a 218 Protest process to do the following based upon report recommendations:
    - Adjust rates according to the Foresight report's proposed Financial Plan with varying rate adjustments for Fiscal Year 04-05, (dependent upon customer class, lot size, current zone and current rate) and 20%, 15%, 5%, and 5% across-the-board rate adjustments in subsequent year (05-06 through 08-09) to support the Financial Plan, and
    - Adopt automatic Rate Adjustments beginning July 1, 209, which would provide for annual rate adjustments linked to changes in the Consumer Price Index, Urban Wage Earners and Clerical Workers Series for the San Francisco CMSA, as prepared by the California Department of Finance. The actual rates levied each year will not exceed the adjusted maximum rates in any given fiscal year without further notification of the property owners, and
    - Send out protest notices to property owners explaining the new r ate structure and proposed rate adjustments and allowing for a protest response, and
    - Set a public hearing for November 23, 2004 to consider the results of the protest response and to act on the proposed rate adjustments.

Public Works; Greg Baird, 577-5458, gbaird@modestogov.com

ACTION: Resolution 2004-471 (Hawn/Dunbar; majority; O'Bryant no) initiating a Proposition 218 Protest process to:

a. Adjust rates according to the Foresight report's proposed Financial P lan with varying rate adjustments for Fiscal Year 04-05 (dependent upon customer class, lot size, current zone and current rate) and 20%, 15%, 5% and 5% across-the-board rate adjustments in subsequent years (05-06 through 08-09) to support the Financial Plan, and

b. Adopt Automatic Rate Adjustments beginning July 1, 2009, which would provide for annual rate adjustments linked to changes in the Consumer Price Index, Urban Wage Earners and Clerical Workers Series for the San Francisco CMSA, as prepared by the California Department of Finance. The actual rates levied each year will not exceed the adjusted maximum rates in any given fiscal

year without further notification of the property owners. Council will review water rates every three years to determine if fu rther adjustments are warranted and the additional utility user's tax will be used to assist low income seniors, and

c. Send out protest notices to property owners explaining the new rate structure and proposed rate adjustments and allowing for a protest response, and
d. Set a public hearing for November 23, 2004 to consider the results of the protest response and to act on the proposed rate adjustments.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:15 p.m. to a special closed session

CLOSED SESSION

This item not heard.

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

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organizations:	Modesto Police Officers Association

This item 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: Seven cases

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: One current and one former City employee have allege d that the City unlawfully discriminated and/or retaliated against them.

MINUTES

City of Modesto

Audit Committee Meeting/Special City Council Workshop Meeting

Tenth Street Place, 2nd Floor, Room 2005, 1010 10th Street, Modesto, California

Monday, September 27, 2004, at 11:00 a.m.

Roll Call – Present: Committee Members Keating, Mayor Ridenour
Absent: Committee Member O'Bryant

ORAL COMMUNICATIONS

None.

Committee/Council workshop items were:

10) Review Travel and Credit Card Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for Q4 (April, May and June 2004)

ACTION: By motion (Keating/Ridenour) the Audit Committee acknowledged receipt of report.

11) Consider Staff Reports to Accept Maze & Associates Capital Facilities Procedure Report

ACTION: The Audit Committee approved to send the report to Council after all items listed in the Maze Report have been finalized.

12) Review and Discussion of Citizen Concerns Regarding Community Facilities District No. 1997-1 (North Beyer Park Specific Plan)

ACTION: Chairman Ridenour requested this item return to Staff for legal review of options for the district including a sunset option for the maintenance tax.

ACTION: Committee Member Keating requested the following questions be addressed and compared to the costs of contracting a consultant to oversee the CFD Administration:

1. What is the total salary costs for the CFD Administrative Officers?
2. What is the total benefits cost (health) for the CFD Administrative Officers?
3. What are the Management Benefits (including car allowance) being paid to the CFD Officers and the cost associated with those benefits?
4. What is the schedule—actual days worked and number of hours worked—of the CFD Administrative Officers?

13) Consider Staff Recommendation to Accept Status Report of 2003-04 Audit Plan and Proposed 2004-05 Audit Plan

ACTION: The Audit Committee approved Staff's recommendation and requested Staff obtain a list of qualified auditors, including price quotes, to conduct the CDBG/HOME Audit.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:20 p.m.

MINUTES

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

Monday, September 27, 2004, at 5:30 p.m.

Roll Call – Present: Committee Members Hawn, Jackman, Marsh

Absent: Committee Member Dunbar

Item to be discussed:

1) Request for Funding to Retain Sharpe Army Depot

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

2) Local Revenue Report – Unaudited Numbers

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

3) Monthly Budget Adjustments – September 2004

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

4) Modesto Sister Cities Annual Report

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

5) Job Specification Revisions
- Electrical Supervisor
- Administrative Services Technician

ACTION: The Committee unanimously approved that position classifications can be forwarded directly to the full Council in the future.

ACTION: The Committee approved Staff's recommendation.

6) Authorization for INET Equipment Purchases

ACTION: The Committee approved Staff's recommendation.

7) Request for Proposal for Residential Property Management

ACTION: The Committee approved Staff's recommendation.

8) Request for Proposal for Improving Landscape Maintenance Services

ACTION: The Committee approved Staff's recommendation.

9) Addition of One New Police Officer

ACTION: The Committee approved Staff's recommendation.

10) Foresight Consulting Contract Amendment

ACTION: The Committee approved Staff's recommendation.

11) MBIA Contract Amendment

ACTION: The Committee approved Staff's recommendation.

12) First Tee Green Fee Rate

ACTION: The Committee approved Staff's recommendation.

13) Independent Solutions Agreement Renewal

ACTION: The Committee approved Staff's recommendation.

14) Kramer Firm Inc. Agreement Renewal

ACTION: The Committee approved Staff's recommendation.

15) Purchase of Replacement and New Police Vehicles

ACTION: The Committee approved Staff's recommendation.

16) Limited-Term Sr. Civil Engineer for Kaiser Project

ACTION: The Committee approved Staff's recommendation.

17) Approval to release RFP for purchase/upgrade of CAD & Integrated Public Safety System

ACTION: The Committee approved Staff's recommendation.

18) Revise Various Job Specifications

ACTION: The Committee approved Staff's recommendation.

19) United Way After School and Related Program Study Donation

ACTION: The Committee approved Staff's recommendation.

20) Acceptance of FY 2003/04 EEO Plan Status Report

ACTION: The Committee approved Staff's recommendation.

21) Revenue Enhancement Alternatives

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

22) Discussion on Citywide Improvement Districts Infrastructure

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

23) Discussion on Finance Committee Calendar Planning for 2005

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

24) Discussion on $2 Million Department Savings

ACTION: This item was continued to the October Finance Committee Meeting.

25) Receive: (1) Response to State Controller letter with respect to Agency reporting requirements; (2) Review of loan balance from City to Agency

ACTION: The Committee approved Staff's recommendation.

26) Discussion of Creation of an Ordinance Establishing an Emergency Communications System Access Fee

ACTION: The Committee voted to accept Option 3 of the staff recommendation, to shelve the issue pending the outcome of current litigation.

27) Adoption of Five-Year Equal Opportunity Plan

ACTION: The Committee approved Staff's recommendation.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street, Modesto, California

Tuesday, September 28, 2004, at 5:30 p.m.

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

Absent: Dunbar

Pledge of Allegiance to the Flag

Invocation: Pastor Chuck Adams, Carpenter's House

City Clerk's Announcements: Item 17 and 24 removed from Consent

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation proclaiming September 27 through October 1, 2004 as Stanislaus County Cultural Awareness Week.

ACTION: By Council consensus proclaiming September 27 through October 1, 2004 as Stanislaus County Cultural Awareness Week.

2. Consider making an exception to Council Policy #6.005(1), and renaming Orville Wright Neighborhood Park as George A. Rogers Neighborhood Park.
   - Resolution making an exception to Council Policy #6.005(1), and renaming Orville Wright Neighborhood Park as George A. Rogers Neighborhood Park recommended.

   Parks, Recreation & Neighborhoods; Wayne Mathis, 652-6060, wmathis@modestogov.com

ACTION: **Resolution 2004-472** (Jackman/Hawn; unan. Dunbar absent) making an exception to Council Policy #6.005(1), and renaming Orville Wright Neighborhood Park as George A. Rogers Neighborhood Park

MISCELLANEOUS
Appointments

3. Consider appointing 11 Modesto area high school students to the City of Modesto Youth Commission. The two seniors will be appointed for a term of one year, each of the nine juniors will be appointed for a term of two years.
    - Resolution appointing 11 Modesto area high school students to the City of Modesto Youth Commission as follows:
        - Beyer High – Chance Kenney, Senior; Meghan Killian, Junior
        - Big Valley Grace – Katie Collins, Junior
        - Central Catholic – Suzann Galas, Junior
        - Davis High – John Abate, Junior
        - Downey High – Blair Krug, Junior
        - Johansen High – Cami Gonella, Junior
        - Modesto High – Christina Ramos, Junior
        - Modesto Christian – Kyle Silberbauer, Junior
        - Valley Business High School – Joshua DeLeon, Senior; Jenifer McGaffee, Junior

Parks, Recreation & Neighborhoods; Jennifer Brinar, 571-5897, jbrinar@modestogov.com

ACTION: Resolution 2004-473 (Jackman/Keating; unan. Dunbar absent)appointing 11 Modesto area high school students to the City of Modesto Youth Commission as follows:

- Beyer High – Chance Kenney, Senior; Meghan Killian, Junior
- Big Valley Grace – Katie Collins, Junior
- Central Catholic – Suzann Galas, Junior
- Davis High – John Abate, Junior
- Downey High – Blair Krug, Junior
- Johansen High – Cami Gonella, Junior
- Modesto High – Christina Ramos, Junior
- Modesto Christian – Kyle Silberbauer, Junior
- Valley Business High School – Joshua DeLeon, Senior; Jenifer McGaffee, Junior

ORAL COMMUNICATIONS
Three minute time limit per speaker

- Carmen Sabatino addressed the Council regarding the termination of former City Manager Jack Crist.
- Mayor Ridenour read a statement regarding t he termination of the former City Manager.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 24

ACTION Consent Items 4- 16, 18- 23: Jackman/Marsh; unan. Dunbar absent

ACTION Item 17: Jackman/Marsh; unan. Dunbar absent

ACTION Item 24: Jackman/Keating; unan. Dunbar 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 September 14, 2004.
   (Motion approving recommended.)
   Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan. Dunbar absent) approving the minutes of the regular City Council meeting of September 14, 2004.

CONSENT

5. Consider biennial update of the Statement of Economic Interest (Conflict of Interest) departmental codes.
   - Resolution amending the Conflict of Interest Code for the City Manager's Office recommended.
   - Resolution amending the Conflict of Interest Code for the Community & Economic Development recommended.
   - Resolution amending the Conflict of Interest Code for the Finance Department recommended.
   - Resolution amending the Conflict of Interest Code for the Information & Technology Department recommended.
   - Resolution amending the Conflict of Interest Code for the Parks, Recreation & Neighborhoods Department recommended.
   - Resolution deleting the Conflict of Interest Code for the former Engineering & Transportation Department recommended.
   - Resolution deleting the Conflict of Interest Code for the former Operations & Maintenance Department recommended.
   - Resolution adopting the Conflict of Interest Code for the Public Works Department recommended.

   City Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: Resolution 2004-474 (Jackman/Marsh; unan. Dunbar absent) amending the Conflict of Interest Code for the City Manager's Office

ACTION: Resolution 2004-475 (Jackman/Marsh; unan. Dunbar absent) amending the Conflict of Interest Code for the Community & Economic Development

ACTION: Resolution 2004-476 (Jackman/Marsh; unan. Dunbar absent) amending the Conflict of Interest Code for the Finance Department

ACTION: Resolution 2004-477 (Jackman/Marsh; unan. Dunbar absent) amending the Conflict of Interest Code for the Information & Technology Department

ACTION: Resolution 2004-478 (Jackman/Marsh; unan. Dunbar absent) amending the Conflict of Interest Code for the Parks, Recreation & Neighborhoods Department

ACTION: Resolution 2004-479 (Jackman/Marsh; unan. Dunbar absent) deleting the Conflict of Interest Code for the former Engineering & Transportation Department

ACTION: Resolution 2004-480 (Jackman/Marsh; unan. Dunbar absent) deleting the Conflict of Interest Code for the former Operations & Maintenance Department

ACTION: Resolution 2004-481 (Jackman/Marsh; unan. Dunbar absent) adopting the Conflict of Interest Code for the Public Works Department

CONSENT

6. Consider accepting with regret the resignation of Michael Vanden Bosch from the Community Qualities Forum.
   - Resolution accepting with regrets the resignation of Michael Vanden Bosch from the Community Qualities Forum effective September 28, 2004 recommended.

   City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com

ACTION: Resolution 2004-482 (Jackman/Marsh; unan. Dunbar absent) accepting with regrets the resignation of Michael Vanden Bosch from the Community Qualities Forum effective September 28, 2004

CONSENT

7. Consider accepting with regret the resignation of Jerome Beamish from the Landmark Preservation Commission.
   - Resolution accepting with regret the resignation of Jerome Beamish from the Landmark Preservation Commission effective September 28, 2004 recommended.

   City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com

ACTION: Resolution 2004-483 (Jackman/Marsh; unan. Dunbar absent) accepting with regret the resignation of Jerome Beamish from the Landmark Preservation Commission effective September 28, 2004

CONSENT

8. Consider accepting with regret the resignation of Stephen Kellogg from the Board of Building Appeals.
   - Resolution accepting with regret the resignation of Stephen Kellogg from the Board of Building Appeals, effective September 28, 2004 recommended.

   City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com

ACTION: Resolution 2004-484 (Jackman/Marsh; unan. Dunbar absent) accepting with regret the resignation of Stephen Kellogg from the Board of Building Appeals, effective September 28, 2004

CONSENT

9. Consider acquisition of property from Helen M. Gleason located at 1924 a nd 1926 Rose Avenue for the expansion and upgrade of the Rose Avenue Sanitary Sewer Lift Station; and Consider authorizing the Acting City Manager to sign an Acceptance Form on behalf of the City of Modesto; and Consider amending the FY 04-05 Operating and CIP Budgets to transfer funds for the property acquisition.
    - Resolution approving the acquisition of property from Helen M. Gleason located at 1924 and 1926 Rose Avenue for the expansion and upgrade of the Rose Avenue Sanitary Sewer Lift Station recommended.
    - Resolution authorizing the Acting City Manager to sign an Acceptance Form on behalf of the City of Modesto recommended.
    - Resolution approving amending the FY 04-05 Operating and CIP Budgets to transfer funds for the property acquisition recommended.

    Community & Economic Development; Linda Boston, 571-5179, lboston@modestogov.com

ACTION: Resolution 2004-485 (Jackman/Marsh; unan. Dunbar absent) approving the acquisition of property from Helen M. Gleason loca ted at 1924 and 1926 Rose Avenue for the expansion and upgrade of the Rose Avenue Sanitary Sewer Lift Station.

ACTION: Resolution 2004-486 (Jackman/Marsh; unan. Dunbar absent) authorizing the Acting City Manager to sign an Acceptance Form on behalf of the City of Modesto.

ACTION: Resolution 2004-487 (Jackman/Marsh; unan. Dunbar absent) approving amending the FY 04-05 Operating and CIP Budgets to transfer funds for the property acquisition.

CONSENT

10. Consider awarding the bid and contract for furnish ing water storage tank diving inspection service and repair to Advanced Diving Services Inc., for a three -year agreement period with two one-year extension options, for an estimated annual cost of $21,376.
    - Resolution awarding the bid and contract for furni shing water storage tank diving inspection service and repair to Advanced Diving Services Inc., for a three -year agreement period with two one-year extension options, for an estimated annual cost of $21,376 recommended.

    Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2004-488 (Jackman/Marsh; unan. Dunbar absent) awarding the bid and contract for furnishing water storage tank diving inspection service and repair to Advanced Diving Services Inc., for a three-year agreement period with two one-year extension options, for an estimated annual cost of $21,376.

CONSENT

11. Consider awarding the bid and contract for furnishing discing and flail mowing services to Joe Scoto Farming for a three-year agreement period with two one-year extension options, for an estimated annual cost of $67,324.
    - Resolution awarding the bid and contract for furnishing discing and flail mowing services to Joe Scoto Farming for a three-year agreement period with two one-year extension options, for an estimated annual cost of $67,324 recommended.

    Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2004-489 (Jackman/Marsh; unan. Dunbar absent) awarding the bid and contract for furnishing discing and flail mowing services to Joe Scoto Farming for a three-year agreement period with two one-year extension options, for an estimated annual cost of $67,324.

CONSENT

12. Consider awarding the proposal of and contract to Prudential Overall Supply for uniforms and laundry services for an initial one-year period, with the option of four additional one-year contract extensions for an approximate annual amount of $97,605.14.
    - Resolution awarding the proposal of and contract to Prudential Overall Supply for uniforms and laundry services for an initial one-year period, with the option of four additional one-year contract extensions for an approximate annual amount of $97,605.14 recommended.

    Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Resolution 2004-490 (Jackman/Marsh; unan. Dunbar absent) awarding the proposal of and contract to Prudential Overall Supply for uniforms and laundry services for an initial one-year period, with the option of four additional one-year contract extensions for an approximate annual amount of $97,605.14.

CONSENT

13. Consider the sale of a surplus 1977 Van Pelt fire engine to the Yosemite Community College District (YCCD).
    - Resolution declaring a 1977 Van Pelt fire engine surplus, and approving the sale of the engine to the Yosemite Community College District for $1, for use at the Regional Fire Training Center.

    Fire; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: Resolution 2004-491 (Jackman/Marsh; unan. Dunbar absent) declaring a 1977 Van Pelt fire engine surplus, and approving the sale of the engine to the Yosemite Community College District for $1, for use at the Regional Fire Training Center.

CONSENT

14. Consider authorizing the Acting City Manager to submit an application for the Department of Homeland Security, 2004 Fire Prevention and Safety Grant in the amount of $85,200.

- Resolution authorizing the Acting City Manager to submit an application for the Department of Homeland Security, 2004 Fire Prevention and Safety Grant in the amount of $85,200 recommended.

Fire; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: Resolution 2004-492 (Jackman/Marsh; unan. Dunbar absent) authorizing the Acting City Manager to submit an application for the Department of Homeland Security, 2004 Fire Prevention and Safety Grant in the amount of $85,200

CONSENT

15. Consider a grant application for $1,000,000 in State Urban Parks and Healthy Communities Program funding for the development of a soccer complex at Mary E. Grogan Park, located North of Sylvan, west of Litt, adjacent to the future James Enochs High School.
    - Resolution approving a grant application for $1,000,000 in State Urban Parks and Healthy Communities Program funding for the development of a soccer complex at Mary E. Grogan Park recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Resolution 2004-493 (Jackman/Marsh; unan. Dunbar absent) approving a grant application for $1,000,000 in State Urban Parks and Healthy Communities Program funding for the development of a soccer complex at Mary E. Grogan Park

CONSENT

16. Consider a five-year lease agreement with Metro PCS for a cellular tower site located on a portion of Beyer Park; and Consider a five-year lease agreement with Metro PCS for a cellular tower site located on a portion of Davis Park. Each agreement will have three five-year options to extend the lease.
    - Resolution approving a five-year lease agreement with Metro PCS for a cellular tower site located on a portion of Beyer Park and authorizing the Acting City Manager to execute the necessary documents recommended.
    - Resolution approving a five-year lease agreement with Metro PCS for a cellular tower site located on a portion of Davis Park and authorizing the Acting City Manager to execute the necessary documents recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Resolution 2004-494 (Jackman/Marsh; unan. Dunbar absent) approving a five-year lease agreement with Metro PCS for a cellular tower site located on a portion of Beyer Park and authorizing the Acting City Manager to execute the necessary documents.

ACTION: Resolution 2004-495 (Jackman/Marsh; unan. Dunbar absent) approving a five-year lease agreement with Metro PCS for a cellular tower site located on a portion of Davis Park and authorizing the Acting City Manager to execute the necessary documents.

Removed from Consent

17. Consider authorizing staff to solicit formal proposals for assistance in updating the City's Five-Year Consolidated Plan (2005-2010) and Analysis of Impediments to Fair Housing Update.
    - Resolution authorizing staff to solicit formal proposals for assistance in updating the City's Five-Year Consolidated Plan (2005-2010) and Analysis of impediments to Fair Housing Update recommended.

    Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2004-496 (O'Bryant/Hawn; unan. Dunbar absent) authorizing staff to solicit formal proposals for assistance in updating the City's Five-Year Consolidated Plan (2005-2010) and Analysis of impediments to Fair Housing Update

CONSENT

18. Consider authorizing staff to proceed with a Request for Qualifications for On-Call Landscape Architectural Services and approve the proposed evaluation criteria.
    - Resolution authorizing staff to proceed with a Request for Qualifications for On-Call Landscape Architectural Services and approve the proposed evaluation criteria recommended.

    Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Resolution 2004-497 (Jackman/Marsh; unan. Dunbar absent) authorizing staff to proceed with a Request for Qualifications for On-Call Landscape Architectural Services and approve the proposed evaluation criteria

CONSENT

19. Consider awarding a contract to Callander Associates Landscape Architecture Inc. for professional landscape architectural services to prepare a conceptual design and construction documents for landscape enhancements on State Route 99 within and near the Briggsmore Expressway Interchange.
    - Resolution awarding a contract to Callander Associates Landscape Architecture Inc. for professional landscape architectural services to prepare a conceptual design and construction documents for landscape enhancements on State Route 99 within and near the Briggsmore Expressway Interchange recommended.

    Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Resolution 2004-498 (Jackman/Marsh; unan. Dunbar absent) awarding a contract to Callander Associates Landscape Architecture Inc. for professional landscape architectural services to prepare a conceptual design and construction documents for landscape enhancements on State Route 99 within and near the Briggsmore Expressway Interchange

CONSENT

20. Consider authorizing staff to work cooperatively with the Modesto A's to pursue naming rights for John Thurman Field, and designating Peter Johansen as the person authorized to pursue naming rights on behalf of the City and the Modesto A's.
    - Resolution authorizing staff to work cooperatively with the Modesto A's to pursue naming rights for John Thurman Field, and designating Peter Johansen as the person authorized to pursue naming rights on behalf of the City and the Modesto A's recommended.

    Parks, Recreation & Neighborhoods; James Niskanen, 577-5351, jniskanen@modestogov.com

ACTION: Resolution 2004-499 (Jackman/Marsh; unan. Dunbar absent) authorizing staff to work cooperatively with the Modesto A's to pursue naming rights for John Thurman Field, and designating Peter Johansen as the person authorized to pursue naming rights on behalf of the City and the Modesto A's

CONSENT

21. Consider increasing the Production Technician position at Modesto Centre Plaza to full-time.
    - Resolution increasing the Production Technician position at Modesto Centre Plaza to full-time recommended.

    Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Resolution 2004-500 (Jackman/Marsh; unan. Dunbar absent) increasing the Production Technician position at Modesto Centre Plaza to full-time

CONSENT

22. Consider the "Survive the Night" – Modesto's DUI and Safe Traffic Operations Program Grant Program with the State Office of Traffic Safety. The Program Grant amount is $263,510, the City's "match" amount is $87,177, for a total project cost of $350,627.
    - Resolution approving a State Office of Traffic Safety grant for a DUI and traffic safety program and authorizing the Acting City Manager or his designee to execute an agreement with the State Office of Traffic Safety for the project recommended.
    - Resolution amending the 2004/05 annual budget to estimate revenue and appropriate funds recommended.

    Police; Dan Inderbitzen, 342-6142, inderbitrzend@modestopd.com

ACTION: Resolution 2004-501 (Jackman/Marsh; unan. Dunbar absent) approving a State Office of Traffic Safety grant for a DUI and traffic safety program and authorizing the Acting City Manager or his designee to execute an agreement with the State Office of Traffic Safety for the project

ACTION: Resolution 2004-502 (Jackman/Marsh; unan. Dunbar absent) amending the 2004/05 annual budget to estimate revenue and appropriate funds

CONSENT

23. Consider purchase of 13 used vehicles – four police sedans and nine compacts – for a total price of $152,000.
    - Resolution authorizing the purchase of 13 total used vehicles – four police sedans and nine compacts – for a total price of $152,000 recommended.
    - Resolution approving the transfer of $152,000 to fully fund the purchase recommended.

    Police; Roy Wasden, 572-9503, wasdenr@modestopd.com

ACTION: Resolution 2004-503 (Jackman/Marsh; unan. Dunbar absent) authorizing the purchase of 13 total used vehicles – four police sedans and nine compacts – for a total price of $152,000.

ACTION: Resolution 2004-504 (Jackman/Marsh; unan. Dunbar absent) approving the transfer of $152,000 to fully fund the purchase

Removed from Consent

24. Consider a position allocation change in the Development Services Division of the Public Works Department to include a limited-term Senior Civil Engineer for a period not to exceed three-years to serve as project coordinator for the City role in the Kaiser project.
    - Resolution approving a position allocation change in the Development Services Division of the Public Works Department to include a limited-term Senior Civil Engineer for a period not to exceed three-years to serve as project coordinator for the City role in the Kaiser project recommended.

    Public Works; Peter Cowles, 577-5213, pcowles@modestogov.com

ACTION: Resolution 2004-505 (Jackman/Keating; unan. Dunbar absent) approving a position allocation change in the Development Services Division of the Public Works Department to include a limited-term Senior Civil Engineer for a period not to exceed three-years to serve as project coordinator for the City role in the Kaiser project.

COUNCIL COMMENTS & REPORTS

- Councilmember Jackman commented on his decision to terminate the former City Manager.

UNFINISHED BUSINESS

25. Consider the revised Master Plan, Cost Estimate and Project Schedule for the Neighborhood Center at Marshall Park project, and an amendment to the architectural service contract with WLC Architects to increase the fee from $243,840 to $261,040, with an additional $5,000 contingency.
    - Resolution approving the revised Master Plan, Cost Estimate and Project Schedule for the Neighborhood Center at Marshall Park project, and approving an

amendment to the architectural service contract with WLC Architects to increase the fee from $243,840 to $261,040, with an additional $5,000 contingency recommended.

Parks, Recreation & Neighborhoods; Robert Ford, 577-5437, bford@modestogov.com

ACTION: Resolution 2004-506 (Marsh/Hawn; unan. Dunbar absent) approving the revised Master Plan, Cost Estimate and Project Schedule for the Neighborhood Center at Marshall Park project, and approving an amendment to the architectural service contract with WLC Architects to increase the fee from $243,840 to $261,040, with an additional $5,000 contingency

HEARINGS

26. Hearing to consider the appeal of Michael & Michelle Maher to a decision by t he Planning Commission approving the Vesting Tentative Subdivision Map of Johnston Estates, property located on the Southeast corner of Woodland Avenue and Mercy Avenue.
    - Resolution denying the appeal of Michael & Michelle Maher to a decision by the Planning Commission approving the Vesting Tentative Subdivision Map of Johnston Estates recommended.

Community & Economic Development; Daniel De La O, 577-5267, ddelao@modestogov.com

ACTION: Resolution 2004-507 (Hawn/Jackman; unan. Dunbar absent) denying the appeal of Michael & Michelle Maher to a decision by the Planning Commission approving the Vesting Tentative Subdivision Map of Johnston Estates.

Recess 7:20
Reconvene 7:30

NEW BUSINESS

27. Consider a special agreement for proposed development at Carpenter/Paradise in the Paradise/Carpenter Comprehensive Planning District.
    - Resolution approving a special agreement regarding the proposed development at Carpenter/Paradise to provide for "approval" to the County and for the securing of the construction of the entire project consistent with City Standard Specifications recommended.

Community & Economic Development; Brad Kilger, 577-5228, bkilger@modestogov.com

ACTION: Resolution 2004-508 (Jackman/Hawn; unan. Dunbar absent) approving a special agreement regarding the proposed development at Carpenter/Paradise to provide for "approval" to the County and for the securing of the construction of the entire project consistent with City Standard Specifications.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned to closed session for public employee performance evaluation at 8:15 p.m.

CLOSED SESSION

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: *Charleston Place, a California limited partnership v. City of Modesto, a California municipal corporation; Village One Mello-Roos Community Facilities District No. 1996-1, et al.*
Stanislaus County Superior Court Case No. 311787

Heard prior to the Council meeting.

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

Property: Former Del Este well site located at the Northwest corner of Elm Street and Escamilla Avenue, in Salida CA

APN: 135-04-45

City of Modesto, Owner

Negotiating parties: City of Modesto

Under negotiation: Property disposition of the former Del Este well site

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Heard prior to the Council meeting.

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

Property: Purchase, sale or lease of real property located at 1924/1926 Rose Avenue for purposes of Rose/Celeste Sewer Lift Statio n construction

APN: 066-025-069

Helen M. Gleason, Owner

Negotiating parties: For the City of Modesto:

Steve Castellano, Associated right-of-Way Services

Michael D. Huffman, designated representative for Ms. Helen Gleason

Under negotiation: Price and terms of payment for property to be acquired

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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 Organizations:	Modesto Police Officers Association

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: Acting City Manager

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place, Second Floor, Room 2005
Modesto, California

Monday, October 4, 2004, at 5:30 p.m.

Roll Call – Present: Chair O'Bryant, Vice Chair Hawn, and Committee Member Dunbar

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 2

CONSENT ITEMS
An item may be removed from consent and discussed at the request of an audience member or Council Member.

CONSENT
1. Consider receiving informational report regarding traffic enforcement.

ACTION: The Safety and Communities Committee approved this item.

CONSENT
2. Consider receiving informational report regarding Tactical Training Center.

ACTION: The Safety and Communities Committee approved this item.

UNFINISHED BUSINESS

3. Consider letter from Dave Petersen regarding parking of recreational vehicles and sidewalk encroachment.

ACTION: Mr. Peterson was not present. The Committee (O'Bryant/Dunbar) recommended no action be taken to amend the Ordinance.

4. Consider cost recovery options for tennis court lighting and supporting staff recommendation to pursue the Skylogix System option (option #3), and consider request from citizens to turn lighting on at one park site while options are being considered and selected.

ACTION: The Committee (Dunbar/Hawn) directed staff to begin a pilot program on the Park site and forwarded the item to the October 12, 2004 City Council meeting.

NEW BUSINESS

5. Consider discussion of negotiations between the City of Modesto and Modesto Junior College regarding operation expenses of the education channel, and discuss the proposed co-partnership proposal for the education channel and provide guidance.

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

6. Consider staff recommendation to approve the Rogers Drinking Fountain Plaza Project, and direct staff to work with applicant.

ACTION: The Committee (O'Bryant/Dunbar) forwarded this item to full Council for approval.

7. Consider staff recommendation to approve additional agreement for preparing design development, construction documents and performing bidding and construction administration services for the Virginia Avenue Corridor Bike Trail/Linear Park Project, Phases III through VII.

ACTION: The Committee (O'Bryant/Dunbar) approved staff's recommendation.

MATTERS TOO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

1. Non-Motorized Transportation Plan
2. Sutton Park Master Plan
3. Live Scan and CAL-ID Update
4. PD Workload Analysis
5. Holiday Patrol/DUI Enforcement
6. Quarterly Staffing Report
7. Holiday Preparation and TAP
8. Parks and Park Security
9. Homeless Report
10. Freedom Neighborhood Park Design Development

11. 12-Month Review of Alcohol Permits

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, October 5, 2004, 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 Allen Peters, Destiny Church

City Clerk's Announcements: Items 6 and 10 removed from the agenda. Item 7 removed from Consent

Declaration of Conflicts of Interest

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledge the Modesto Band of Stanislaus County for 85 years of Summer Concerts in Modesto.

ACTION: Introductions made by Jennifer Brinar and proclamation made by Mayor Ridenour

2. Acknowledge receipt of the 2004 International Economic Development Council Promotional Award presented to the City of Modesto's Business Development Division of the Community & Economic Development Department for their www.ChooseModesto.com Web Site.

ACTION: Presentation made by Mayor Ridenour.

MISCELLANEOUS

3. Consider a motion authorizing the Mayor to appoint a special Council Committee consisting of three members of the Council to interview and recommend, in consultation with the Acting City Manager, an executive search firm to conduct the recruitment for a new City Manager.

- Motion authorizing the Mayor to appoint a special Council Committee consisting of three members of the Council to interview and recommend, in consultation with the Acting City Manager, an executive search firm to conduct the recruitment for a new City Manager recommended.

ACTION: By Motion (Dunbar/Marsh; unan.) authorizing the Mayor to appoint a special Council Committee consisting of three members of the Council to interview and recommend, in consultation with the Acting City Manager, an executive search firm to conduct the recruitment for a new City Manager

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 15

ACTION Consent Items 4, 5, 7, 8, 9, 11, 12, 13, 14, 15: Jackman/Keating; unan.

ACTION – ITEM 7

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 Se ptember 28, 2004.
   (Motion approving recommended.)
   Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) approved the minutes of September 28, 2004.

CONSENT

5. Consider the Internal Auditor's Status Report on 2003-04 Audit Plan, and the Proposed 2004-05 Audit Plan.
   - Resolution approving the Internal Auditor's Status Report on 2003-04 Audit Plan, and adopting the Proposed 2004-05 Audit Plan recommended.

   Clerk/Auditor; Gary Nienhuis, 571-5544, gnienhuis@modestogov.com

ACTION: Resolution 2004-509 (Jackman/Keating; unan.) approving the Internal Auditor's Status Report on 2003-04 Audit Plan, and adopting the Proposed 2004-05 Audit Plan.

Removed from the agenda.

6. Consider the proposed 2004-2005 Legislative Platform.
   - Resolution approving the proposed 2004-2005 Legislative Platform recommended.

   City Manager; Bryan Whitemyer, 571-5580, bwhitemyer@modestogov.com

ACTION: No action taken. This item was removed from the agenda.

Removed from Consent

7. Consider the Specific Plan Procedures & Preparation Guide.
   - Resolution approving the Specific Plan Procedures & Preparation Guide recommended.

   Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Resolution 2004-510 (Marsh/Dunbar; unan.) approving the Specific Plan Procedures & Preparation Guide.

CONSENT

8. Consider the Monthly Budget Adjustment Report – September 2004.
   - Resolution approving FY05 budget adjustments for September 2004 recommended.

   Finance; Greg Baird, 577-5458, gbaird@modestogov.com

ACTION: Resolution 2004-511 (Jackman/Keating; unan.) approving FY05 budget adjustments for September 2004.

CONSENT

9. Consider authorizing the award of bid and contract for the furnishing of elevator maintenance service and repair to ThyssenKrupp Elevator Corp. for a three-year agreement, with two one-year extension options, for an estimated annual cost of $22,932.
   - Resolution authorizing the award of bid and contract for the furnishing of elevator maintenance service and repair to ThyssenKrupp Elevator Corp. for a three-year agreement, with two one-year extension options, for an estimated annual cost of $22,932 recommended.

   Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2004-512 (Jackman/Keating; unan) authorizing the award of bid and contract for the furnishing of elevator maintenance service and repair to ThyssenKrupp Elevator Corp. for a three-year agreement, with two one-year extension options, for an estimated annual cost of $22,932.

Removed from the agenda.

10. Consider authorizing Gartner Group to issue a formal Request for Proposals for Integrated Public Safety Systems. Gartner Group was hired by the City/County Joint Powers Authority (JPA) to select a replacement/upgrade system for our Computer Aided Dispatch (CAD) System.
    - Resolution authorizing Gartner Group to issue a formal Request for Proposals for Integrated Public Safety Systems recommended.

    Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: No action taken. This item was removed from the agenda.

CONSENT

11. Consider amending the Position Classification Plan to amend the classification of Electrical Supervisor and Planning Technician I/II; and Consider amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to change the salary range for Electrical Supervisor and amending the Class Range Table for General Non-Sworn Classes to change the title of Planning Technician I/II to Administrative Services Technician I/II.
    - Resolution amending the Position Classification Plan to amend the classification of Electrical Supervisor and Planning Technician I/II recommended.
    - Resolution amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to change the salary range for Electrical Supervisor recommended
    - Resolution amending the Class Range Table for General Non-Sworn Classes to change the title of Planning Technician I/II to Administrative Services Technician I/II recommended.

    Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Resolution 2004-513 (Jackman/Keating; unan) amending the Position Classification Plan to amend the classification of Electrical Supervisor and Planning Technician I/II.

ACTION: Resolution 2004-514 (Jackman/Keating; unan) amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to change the salary range for Electrical Supervisor

ACTION: Resolution 2004-515 (Jackman/Keating; unan) amending the Class Range Table for General Non-Sworn Classes to change the title of Planning Technician I/II to Administrative Services Technician I/II.

CONSENT

12. Consider amending the Position Classification Plan to delete the classification of Senior Programmer Analyst and revise the classifications of Water Distribution System Operator, Accountant II, Maintenance Mechanic-Pumps, Senior Construction Inspector, and to change the titled of Coach Mechanic to Heavy Equipment Mechanic; Consider amending the Class Range Table for General Non-Sworn Classes to revise the job specification for

Water Distribution System Operator, Maintenance Mechanic-Pumps, Senior Construction Inspector and change the title of Coach Mechanic to Heavy Equipment Mechanic; and Consider amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to delete the classification of Senior Programmer Analyst and to revise the classification of Accountant II; and Consider amending the Class Range Table to Unrepresented Management and Confidential Non-Sworn Classes to revise the job specification for Accountant II.

- Resolution amending the Position Classification Plan to delete the classification of Senior Programmer Analyst and revise the classifications of Water Distribution System Operator, Accountant II, Maintenance Mechanic-Pumps, Senior Construction Inspector, and to change the titled of Coach Mechanic to Heavy Equipment Mechanic recommended.
- Resolution amending the Class Range Table for General Non-Sworn Classes to revise the job specification for Water Distribution System Operator, Maintenance Mechanic-Pumps, and Senior Construction Inspector and change the title of Coach Mechanic to Heavy Equipment Mechanic recommended.
- Resolution amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to delete the classification of Senior Programmer Analyst and to revise the classification of Accountant II recommended.
- Resolution amending the Class Range Table to Unrepresented Management and Confidential Non-Sworn Classes to revise the job specification for Accountant II recommended.

Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Resolution 2004-516 (Jackman/Keating; unan) amending the Position Classification Plan to delete the classification of Senior Programmer Analyst and revise the classifications of Water Distribution System Operator, Accountant II, Maintenance Mechanic-Pumps, Senior Construction Inspector, and to change the titled of Coach Mechanic to Heavy Equipment Mechanic

ACTION: Resolution 2004-517 (Jackman/Keating; unan) amending the Class Range Table for General Non-Sworn Classes to revise the job specification for Water Distribution System Operator, Maintenance Mechanic-Pumps, and Senior Construction Inspector and change the title of Coach Mechanic to Heavy Equipment Mechanic

ACTION: Resolution 2004-518 (Jackman/Keating; unan) amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to delete the classification of Senior Programmer Analyst and to revise the classification of Accountant II

ACTION: Resolution 2004-519 (Jackman/Keating; unan) amending the Class Range Table to Unrepresented Management and Confidential Non-Sworn Classes to revise the job specification for Accountant II

CONSENT

13. Consider addition of one new Police Officer position to serve as a Recruit Training Officer at the Regional Academy Training Center.
    - Resolution approving the addition of one new Police Officer position to serve as a Recruit Training Officer at the Regional Academy Training Center recommended.

    Police; Kevin Finnerty, 525-4703, finnertyk@modestopd.com

ACTION: Resolution 2004-520 (Jackman/Keating; unan) approving the addition of one new Police Officer position to serve as a Recruit Training Officer at the Regional Academy Training Center.

CONSENT

14. Consider accepting the improvements for the Olympic Park #1 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: Davante Villas LP, a California Limited Partnership by: Nova Development Group LLC, a California Limited Liability Company General Partner.
    - Resolution accepting the improvements for the Olympic Park #1 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 recommended.

    Public Works; David Leamon, 577-5253, dleamon@modestogov.com

ACTION: Resolution 2004-521 (Jackman/Keating; unan) accepting the improvements for the Olympic Park #1 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

CONSENT

15. Consider an update to the Disadvantaged Business Enterprise (DBE) program for federally funded street, airport, and transit projects; and Consider authorizing the Acting City Manager to pay up to $2,000 for participation in the Unified Certification Program for Certifying Disadvantaged Business Enterprises contractors.
    - Resolution approving update to the Disadvantaged Business Enterprise (DBE) program for federally funded street, airport, and transit projects recommended.
    - Resolution authorizing the Acting City Manager to pay up to $2,000 for participation in the Unified Certification Program for Certifying Disadvantaged Business Enterprises contractors recommended.

    Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-522 (Jackman/Keating; unan) approving update to the Disadvantaged Business Enterprise (DBE) program for federally funded street, airport, and transit projects

ACTION: Resolution 2004-523 (Jackman/Keating; unan) authorizing the Acting City Manager to pay up to $2,000 for participation in the Unified Certification Program for Certifying Disadvantaged Business Enterprises contractors

COUNCIL COMMENTS & REPORTS

None

UNFINISHED BUSINESS

16. Quarterly Investment Report Presentation by Public Financial Management (PFM).
    - Motion acknowledging receipt of report.

    Finance; Greg Baird, 577-5458, gbaird@modestogov.com

ACTION: By Motion (Jackman/Marsh; unan.) acknowledging receipt of report.

17. Consider an amendment to an agreement with Foresight Consulting in the amount of $232,500.
    - Resolution approving an amendment to an agreement with Foresight Consulting for the Water and Wastewater User Fee and Infrastructure Fee Study in the amount of $232,500 and authorizing the Acting City Manager to execute the necessary documents recommended.
    - Resolution amending the budget to appropriate funds from the Water Fund Reserves to the Finance Department Operating Budget recommended.

    Finance; Greg Baird, 577-5458, gbaird@modestogov.com

ACTION: Resolution 2004-524 (Hawn/Jackman; unan.) approving an amendment to an agreement with Foresight Consulting for the Water and Wastewater User Fee and Infrastructure Fee Study in the amount of $232,500 and authorizing the Acting City Manager to execute the necessary documents

ACTION: Resolution 2004-525 (Hawn/Jackman; unan.) amending the budget to appropriate funds from the Water Fund Reserves to the Finance Department Operating Budget

NEW BUSINESS

18. Consider the Fiscal Year 2003/2004 through Fiscal Year 2007/2008 Equal Opportunity Plan.
    - Resolution accepting the Fiscal Year 2003/2004 through Fiscal Year 2007/2008 Equal Opportunity Plan recommended.

    Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Resolution 2004-526 (Dunbar/Keating; unan.) accepting the Fiscal Year 2003/2004 through Fiscal Year 2007/2008 Equal Opportunity Plan

19. Consider the Fiscal Year 2003/2004 Equal Opportunity Status Report.
    - Motion acknowledging the receipt of the Fiscal Year 2003/2004 Equal Opportunity Status Report recommended.

Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.) acknowledging the receipt of the Fiscal Year 2003/2004 Equal Opportunity Status Report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:50 p.m. to the Public Employee Performance Evaluations

CLOSED SESSION

This item 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 Organizations:	Modesto Police Officers Association

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Clerk/Auditor

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Attorney

MINUTES

City of Modesto

Finance Committee/
Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Thursday, October 7, 2004, at 5:30 p.m.

Roll Call – Present: Committee Members Dunbar, Hawn, Jackman,
Also Present: Council Member Marsh, Mayor Ridenour

ORAL COMMUNICATIONS

None.

CONSENT

1. FY04-05 Capital Improvement Project (CIP) Review
   - Motion acknowledging receipt of report and refer to Council for review and approval.

Finance, Debra Eggerman, 577-5394, deggerman@modestogov.com

ACTION: Presentations made by Staff for the following departments/divisions:
- Public Works—Traffic, Airport, Transit, Water, Wastewater, Storm Drain
- Police
- Fire
- Information Technology
- Parks, Recreation & Neighborhoods
- CFD

The Committee forwarded all CIP items to the full City Council with the exception of items where Committee Members had potential conflicts of interest.

ADJOURNMENT

This meeting adjourned at 9:00 p.m.

MINUTES

Modesto City Council

ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, October 11, 2004

Roll Call – Present: Committee Members Marsh, Keating

ORAL COMMUNICATIONS

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

CONSENT
2. Consider receiving status report regarding Housing Element Implementation Work Program

ACTION: The Economic Development Committee accepted the report.

CONSENT
3. Consider staff recommendation to approve agreement for use of 50 parking spaces at Orchard Supply Hardware on Sisk Avenue as a Park and Ride lot

ACTION: The Economic Development Committee recommended forwarding this item to full Council. The Committee also recommended the Council hold a discussion to consider the funding source, using LFT or rider fares.

CONSENT

4. Consider staff recommendation to approve submittal of revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA)

ACTION: The Economic Development Committee approved staff's recommendation.

NEW BUSINESS

5. Consider staff recommendation to sell City owned surplus property located at Dry Creek and Scenic Avenue

ACTION: The Economic Development Committee (Jackman/Marsh) approved staff's recommendation.

6. Consider receiving presentation regarding status of Process Improvement Task Force

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

7. Consider receiving status report regarding review of City/County development plan referral process and fees in the Modesto Sphere of Influence

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

8. Consider staff recommendation to accept Waste Manageme nt's performance review and forward to full Council to authorize execution of one -year extension of interim service agreement

ACTION: The Economic Development Committee (Keating/Marsh; Jackman, no) approved staff's recommendation.

9. Review applications to Boards, Commissions and Committees

ACTION: The Economic Development Committee agreed to schedule interviews with new applicants.

MATTERS TOO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

1. General Plan Update Work Program
2. Kansas-Woodland Business Park
3. Prescott/Bangs Proposed Roundabout
4. Speed Limit Ordinance Update
5. Shackelford Study Area
6. 132/99 Connectivity and Carpenter Road Interchange Issue
7. Standard Specifications – Limited Update
8. Recycled Wastewater Feasibility Report
9. Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work
10. Downtown Angle Parking
11. RFP for Landscape Maintenance of Parks

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 12, 2004, 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: Joel Richards from La Loma Grace Brethren

City Clerk's Announcements: Items 18 & 19 continued to October 26, 2004.

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Knights of Columbus proclaiming October 15-17, 2004 Help Mentally Disabled People Days.

ACTION: Councilmember Keating accepted the proclamation on behalf of the Knights of Columbus.

2. Proclamation declaring October 17-23rd as 2nd Chance Week. Presentation highlighting the Freecycle Network and Habitat for Humanity Restore, presented by Beverly McCullough, Joanie Netzler and Anita Hellam.

ACTION: Proclamation of presented by Mayor Ridenour and comments made by Bev McCullough, Joanie Netzler and Anita Hellam.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 16

ACTION Consent Items 3-8, 10-16: Jackman/Hawn; unan.

ACTION Item 9: 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 October 5, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Hawn; unan.) approved the minutes of October 5, 2004.

CONSENT
4. Consider amending Resolution 99-385, Resolution 98-27, and Resolution 2001-124 to provide for the deferral and exemption of Capital Facilities Fees.
   - Resolution amending Resolution 99-385, Resolution 98-27, and Resolution 2001-124 to provide for the deferral and exemption of Capital Facilities Fees recommended.

   City Manager; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: Resolution 2004-527 (Jackman/Hawn; unan. Jackman/Hawn; unan.) amending Resolution 99-385, Resolution 98-27, and Resolution 2001-124 to provide for the deferral and exemption of Capital Facilities Fees.

CONSENT
5. Consider a donation of $10,000 to the United Way of Stanislaus County for the purpose of an After School and Related Programs Study, and authorizing the Acting City Manager to execute the necessary documents.
   - Resolution approving a donation of $10,000 to the United Way of Stanislaus County for the purpose of an After School and Related Programs Study, and authorizing the Acting City Manager to execute the necessary documents recommended.

   City Manager; Bryan Whitemyer, 571-5580, bwhiemyer@modestogov.com

ACTION: Resolution 2004-528 (Jackman/Hawn; unan.) approving a donation of $10,000 to the United Way of Stanislaus County for the purpose of an After School and Related Programs Study, and authorizing the Acting City Manager to execute the necessary documents.

CONSENT

6. Consider Amendment #2 to the agreement with Municipal Resources Consultants, an MBIA Services Company for revenue enhancement and information services. The amendment includes an annual cap of $250,000 per year.
    - Resolution approving Amendment #2 to the agreement with Municipal Resources Consultants, an MBIA Services Company for revenue enhancement and information services and authorizing the Acting City Manager to execute the necessary documents recommended.

Finance; Laura Akin, 342-4703, lakin@modestogov.com

ACTION: Resolution 2004-529 (Jackman/Hawn; unan.) approving Amendment #2 to the agreement with Municipal Resources Consultants, an MBIA Services Company for revenue enhancement and information services and authorizing the Acting City Manager to execute the necessary documents

CONSENT

7. Consider reinstating Finance Director position.
    - Resolution amending the budget and transferring funds from General Fund reserves to reinstate the Finance Director position in the Finance Department at its current classification salary range within the Position Classification Plan recommended.

Finance; Gail Bailey, 577-5378, gbailey@modestogov.com

ACTION: Resolution 2004-530 (Jackman/Hawn; unan.) amending the budget and transferring funds from General Fund reserves to reinstate the Finance Director position in the Finance Department at its current classification salary range within the Position Classification Plan

CONSENT

8. Consider authorizing the Purchasing Supervisor to lease-purchase two John Deere 644J Wheel Loaders, with preventive maintenance, for an estimated $450,982.20, which will be paid out in five annual installments of $90,196.44; and Consider amending the budget to fully fund the purchase.
    - Resolution authorizing the Finance Department to transfer necessary funds and to amend the budget to appropriate said funds for the lease-purchase of two John Deere 644J Wheel Loaders, with preventive maintenance, for a total of $450,982.20 recommended.
    - Resolution authorizing the Purchasing Supervisor to lease-purchase two John Deere 644J Wheel Loaders, with preventive maintenance, for an estimated $450,982.20, which will be paid out in five annual installments of $90,196.44 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Resolution 2004-531 (Jackman/Hawn; unan.) authorizing the Finance Department to transfer necessary funds and to amend the budget to appropriate said funds for the lease-purchase of two John Deere 644J Wheel Loaders, with preventive maintenance, for a total of $450,982.20.

ACTION: Resolution 2004-532 (Jackman/Hawn; unan.) authorizing the Purchasing Supervisor to lease-purchase two John Deere 644J Wheel Loaders, with preventive maintenance, for an estimated $450,982.20, which will be paid out in five annual installments of $90,196.44.

Removed from Consent

9. Consider authorizing Gartner Group to issue a formal Request for Proposals for Integrated Public Safety Systems. Gartner Group was hired by the City/County Joint Powers Authority (JPA) to select a replacement/upgrade system for our Computer Aided Dispatch (CAD) System.
    - Resolution authorizing Gartner Group to issue a formal Request for Proposals for Integrated Public Safety Systems recommended.

    Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Resolution 2004-533 (Hawn/Jackman; unan.) authorizing Gartner Group to issue a formal Request for Proposals for Integrated Public Safety Systems.

CONSENT

10. Consider an amendment to an agreement with Independent Solutions for an additional contract amount of $56,000 (total contract amount not to exceed $104,000), for continuation of consultant services for the Information Technology Department.
    - Resolution approving an amendment to an agreement with Independent Solutions for an additional contract amount of $56,000 (total contract amount not to exceed $104,000), for continuation of consultant services for the Information Technology Department recommended.

    Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Resolution 2004-534 (Jackman/Hawn; unan.) approving an amendment to an agreement with Independent Solutions for an additional contract amount of $56,000 (total contract amount not to exceed $104,000), for continuation of consultant services for the Information Technology Department.

CONSENT

11. Consider authorizing the Purchasing Supervisor to formally solicit a Request for Bids for INET equipment purchases for an estimated $150,000.
    - Resolution authorizing the Purchasing Supervisor to formally solicit a Request for Bids for INET equipment purchases for an estimated $150,000 recommended.

    Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Resolution 2004-535 (Jackman/Hawn; unan.) authorizing the Purchasing Supervisor to formally solicit a Request for Bids for INET equipment purchases for an estimated $150,000.

CONSENT

12. Consider authorizing the Parks, Recreation & Neighborhoods Department to apply for grant funds for the Per Capita grant program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40).
    - Resolution authorizing the Parks, Recreation & Neighborhoods Department to apply for grant funds for the Per Capita grant program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40), and authorizing the Acting City Manager to execute all grant-related documents recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Resolution 2004-536 (Jackman/Hawn; unan.) authorizing the Parks, Recreation & Neighborhoods Department to apply for grant funds for the Per Capita grant program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40), and authorizing the Acting City Manager to execute all grant-related documents.

CONSENT

13. Consider cost recovery solutions for tennis court lighting.
    - Resolution directing staff to install the Skylogix system at Downey Park tennis courts, to pursue the Skylogix system for tennis court lighting at all lighted tennis courts at City Parks, and to turn on lighting at Downey Community Park while the Skylogix system is being installed at Downey Park.
    - Resolution amending the Capital Improvement Program to establish an operating account and transferring $8,000 to that account to fund the project.

    Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Resolution 2004-537 (Jackman/Hawn; unan.) amending the Capital Improvement Program to establish an operating account and transferring $8,000 to that account to fund the project.

ACTION: Resolution 2004-537A (Jackman/Hawn; unan.) amending the Capital Improvement Program to establish an operating account and transferring $8,000 to that account to fund the project.

CONSENT

14. Consider a lease agreement with Michael and Kimberly Williams for 4205 Gomes Road for a monthly rental fee of $1400, with an annual $25 per month increase, and authorizing the Acting City Manager to execute the necessary documents.
    - Resolution approving a lease agreement with Michael and Kimberly Williams for 4205 Gomes Road for a monthly rental fee of $1400 with an annual $25 per month increase, and authorizing the Acting City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Ross Shively, 577-5438, rshively@modestogov.com

ACTION: Resolution 2004-538 (Jackman/Hawn; unan.) approving a lease agreement with Michael and Kimberly Williams for 4205 Gomes Road for a monthly rental fee of $1400 with an annual $25 per month increase, and authorizing the Acting City Manager to execute the necessary documents.

CONSENT

15. Consider approving and adopting the Water Supply Assessment (WSA) prepared for the proposed Promenade Development project located on Dale Road between Snyder Avenue and Veneman Avenue. The WSA has determined that an assured water supply for the project can be made on the condition that at least one of the planned new wells being developed in the vicinity of the project is in production by the completion of the project.

- Resolution approving and adopting the Water Supply Assessment (WSA) prepared for the proposed Promenade Development project located on Dale Road between Snyder Avenue and Veneman Avenue, which determined tha t an assured water supply for the project can be made on the condition that at least one of the planned new wells being developed in the vicinity of the project is in production by the completion of the project recommended.

Public Works; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2004-539 (Jackman/Hawn; unan.) approving and adopting the Water Supply Assessment (WSA) prepared for the proposed Promenade Development project located on Dale Road between Snyder Avenue and Veneman Avenue, which determined that an assured water supply for the project can be made on the condition that at least one of the planned new wells being developed in the vicinity of the project is in production by the completio n of the project

CONSENT

16. Consider approving the proposed T-Hangar Use Policy in order to establish consistent guidelines for airport T-hangar use.

- Resolution approving the proposed T-Hangar Use Policy in order to establish consistent guidelines for airport T-hangar use recommended.

Public Works; Michael Musca, 577-5319, mmusca@modestogov.com

ACTION: Resolution 2004-540 (Jackman/Hawn; unan.) approving the proposed T-Hangar Use Policy in order to establi sh consistent guidelines for airport T-hangar use

COUNCIL COMMENTS & REPORTS

None.

HEARINGS

17. Hearing to consider review of the Capital Improvement Program for the City of Modesto.
    - Resolution amending the Capital Improvement Program budget to re-appropriate new and existing projects and recognize additional revenues for FY2004-05.

    Finance; Debra Eggerman, 577-5394, deggerman@modestogov.com

ACTION: Resolution 2004-541 (Jackman/Hawn; unan.) amending the Capital Improvement Program budget to re-appropriate new and existing projects and recognize additional revenues for FY2004-05. The following items received a separate vote due to various Councilmembers having a conflict of interest.

- City /County Admin Bldg (Jackman/Keating; unan.; Hawn absent due to conflict of interest)
- Counter Reconstruction (Jackman/Keating; unan.; Hawn absent due to conflict of interest)
- Centre Plaza Energy Management (Jackman/Keating; unan.; Hawn absent due to conflict of interest)
- Centre Plaza Terrace Elevator (Jackman/Keating; unan.; Hawn absent due to conflict of interest)
- Modesto Centre Plaza Lighting (Jackman/Keating; unan.; Hawn absent due to conflict of interest)
- 10th Street Place Property Acquisition (Jackman/Keating; unan.; Hawn absent due to conflict of interest)
- RDA Master Plan (Dunbar/Marsh; unan.; Hawn, Jackman, and Ridenour absent due to conflict of interest)

IT HAS BEEN REQUESTED THAT THIS ITEM BE CONTINUED TO OCTOBER 26, 2004

18. Hearing to consider the spending plan for the 2004 Supplemental Law Enforcement Services Fund.
    - Resolution approving the spending plan for the 2004 Supplemental Law Enforcement Services Fund recommended.

ACTION: Jackman/Dunbar; unan. continued to October 26, 2004.

IT HAS BEEN REQUESTED THAT THIS ITEM BE CONTINUED TO OCTOBER 26, 2004

19. Hearing to consider the spending plan for the 2004 Local Law Enforcement Block Grant.
    - Resolution approving the spending plan for the Local Law Enforcement Block Grant recommended.

ACTION: Jackman/Dunbar; unan. continued to October 26, 2004

NEW BUSINESS

20. Consider finding that a shelter crisis exists within the City of Modesto, declaring a Shelter Emergency from November 1, 2004 through April 30, 2005, as authorized by the California Government Code, and authorizing the Acting City Manager to take actions necessary to mitigated 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, 2004 through April 30, 2005, as authorized by the California Government Code, and authorizing the Acting City Manager to take actions necessary to mitigate the effects of the Shelter Crisis recommended.

    Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2004-542 (Marsh/Keating; unan.) finding that a shelter crisis exists within the City of Modesto, declaring a Shelter Emergency from November 1, 2004 through April 30, 2005, as authorized by the California Government Code, and authorizing the Acting City Manager to take actions necessary to mitigate the effects of the Shelter Crisis.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:10 p.m.

CLOSED SESSION

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

MINUTES

Modesto City Council

CITY COUNCIL WORKSHOP

King-Kennedy Center, 601 N. Martin Luther King Drive

8:00 a.m. – 12:00 p.m., Thursday, October 21, 2004

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

A. Key Policy Concerns
- 5) Land Use – Decisions
- 6) General Plan
- 7) Storm Drain
- 8) Sewer
- 9) Finance Department Stabilization
- 10) Infrastructure – Pay as you go?
- 11) Transportation - Road Maintenance
- 12) Capital Facility Districts
- 13) Sphere of Influence and Urban Limits
- 14) Financing On-going Services

B) Identification of other policy priorities and discussion

After a Council and staff discussion, the following is a summary of the Council's direction:

Staff was directed to look at the possible designation of State Route 219 as a freeway. Staff is to begin a discussion on this possibility with the affected jurisdictions. The City Council agreed to talk with the Board of Supervisors and staff was directed to include this designation in the City's General plan.

Staff was directed to research using community facilities districts or another tool to allow phased development, offering an incentive to developers to develop up front in the process and charging a penalty for not participating at the beginning phase.

Staff was directed to initiate a change in the General Plan to exclude Salida.

Council requested to move the boundary of the General Plan to the east to include the triangle portion of property near Claus Road and the Santa Fe tracks.

Council agreed to maintain the existing western boundary of the Sphere of Influence.

Staff was directed to list the advantages and disadvantages of leaving the Dakota -Beckwith area in the General Plan.

Council expressed the need to begin a General Plan discussion with the Planning Commission.

Staff was directed to make sure the "pay as you go" policy direction was clearly stated in the General Plan.

Council directed staff to use the General Plan as a tool to achieve the jobs -housing balance.

The Council agreed to schedule the next workshop in early December to discuss public safety.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:10 p.m.

MINUTES

City of Modesto

Finance Committee/
Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, October 25, 2004, at 5:30 p.m.

Roll Call – Present: Councilmembers Dunbar, Hawn, Jackman

ORAL COMMUNICATIONS

None.

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

CONSENT

1. Consider informational report regarding October 2004 Monthly Budget Adjustments.

ACTION: This item was approved by the Finance Committee.

2. Consider informational report regarding State Supplemental Law Enforcement Services Fund Grant for 2004/2005.

ACTION: This item was approved by the Finance Committee with the recommendation that the original amount $302,843 be fully funded by the General Fund and to transfer an additional $200,000 from the General Fund reserves to support these positions and reprogram an entire $302,843 to the Police overtime budget.

NEW BUSINESS

3. Consider informational report regarding Finance Committee Meeting Calendar.

ACTION: The Committee members agreed to meet on the 3rd Monday during the afternoon hours as well as the second meeting of the month. The additional meeting would be used to discuss budget items.

4. Consider informational report regarding System Development Charges/Connection Fees Overview and Work Plans for Water and Sewer.

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

5. Consider informational report regarding Wastewater (Sewer) Cost of Service and Rate Study Work Plans.

ACTION: No action taken. This item was for informati on only.

6. Consider discussion of Trial Balance and Revenue Report.

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

7. Consider reviewing rental rate for the Forever Young Dance Club at the Modesto Senior Citizens Center.

ACTION: The Finance Committee (Dunbar/Jackman) forwarded this item to the full Council with the recommendation to maintain current rates for one more year with the understanding that the Club will pursue non-profit status and will seek sponsorship.

8. Consider request to purchase an Automated (Water) Meter Read (AMR) System.

ACTION: The Finance Committee approved staff's recommendation.

9. Consider informational report regarding a Water Meter Installation Plan.

ACTION: The Finance Committee approved staff's recommendation.

10. Provide verbal update on the Water 218 Protest.

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

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, October 26, 2004, 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 Michael Douglas, Advancing Vibrant Communities

City Clerk's Announcements – Item 5 removed from the Agenda
Item 18 removed from Consent
Item 22 supplemental amount changed from $2, 846, 623 to $657,729
Item 27 recommended to be continued to November 9, 2004

Declaration of Conflicts of Interest: Ridenour—Item 3

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of Senior Civil Engineer Bill Sandhu by Peter Cowles, Public Works Director.

ACTION: Introduction made by Peter Cowles.

Councilmember Hawn absent due to conflict of interest

2. Consider the proposal by Dan Machado to repair, rebuild, and install the Rogers Boy Fountain in a new plaza in the triangle parcel of City land at the intersection of L Street, 14th Street and Needham Avenue using donations and private funds, and directing staff from the Parks, Recreation and Neighborhoods Department to work with Mr. Machado to bring this project to fruition.
   - Resolution approving the proposal by Dan Machado to repair, rebuild, and install the Rogers Boy Fountain in a new plaza in the triangle parcel of City land at the intersection of L Street, 14th Street and Needham Avenue using donations and private funds, and directing staff from the Parks, Recreation and Neighborhoods Department to work with Mr. Machado to bring this project to fruition recommended.

   Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2004-543 (O'Bryant/Marsh; unan. Hawn absent due to conflict of interest) approving the proposal by Dan Machado to repair, rebuild, and install the Rogers Boy Fountain in a new plaza in the triangle parcel of City land at the intersection of L Street, 14th Street and Needham Avenue using donations and private funds, and directing staff from the Parks, Recreation and Neighborhoods Department to work with Mr. Machado to bring this project to fruition.

MISCELLANEOUS

Legislation

Mayor Ridenour absent due to conflict of interest.

3. Consider the 2004-2005 Legislative Platform.
   - Resolution approving the 2004-2005 Legislative Platform recommended.

   City Manager; Bryan Whitemyer, 571-5580, bwhitemyer@modestogov.com

ACTION: Resolution 2004-544 (Dunbar/Hawn; unan. Ridenour absent due to conflict) approving the 2004-2005 Legislative Platform

ORAL COMMUNICATIONS

Three minute time limit per speaker

- Matt Machado spoke to the Council regarding water connection charges for new development.
- Councilmembers responded to Mr. Machado regarding the connection fee study which is underway.
- Carmen Sabatino commented on water connection fees and Item 5 on the agenda.
- Chris Murphy made a presentation to the Council regarding their support of the MAMA awards.
- Susan Evans resident of Palm Avenue commented on the flooding and requested sidewalks be installed.
- Nathan McMullen resident of Emerald Point requested police assistance to monitor drug activity.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 23

ACTION Consent Items 4, 6-17, 19- 23: Jackman/Keating; unan.

ACTION Item 18: Dunbar/Marsh; majority; O'Bryant no

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 12, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) approved the minutes of the regular City Council meeting of October 12, 2004.

Removed from the Agenda

5. Consider amendments to the Policy Against Harassment and Discrimination and the Complaint Procedure for alleged violations of that policy to shift the primary responsibi lity for formal investigations of alleged violations to the City Attorney.
    - Resolution approving amendments to the Policy Against Harassment and Discrimination and the Complaint Procedure for alleged violations of that policy to shift the primary responsibility for formal investigations of alleged violations to the City Attorney recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Removed from the Agenda.

CONSENT

6. Consider annexation of additional territory to the Community Facilities District No. 2004 -1 (Village One #2) (Annexation No. 5).
    - Resolution of Intention to annex territory to Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 5) recommended.

City Manager; Tina Rocha, 577-5211, trocha@modesgov.com

ACTION: Resolution 2004-545 (Jackman/Keating; unan.) a Resolution of Intention to annex territory to Community Facilities District No. 2004 -1 (Village One #2) (Annexation No. 5)

CONSENT

7. Consider appointing Deputy City Manager George Britton, as Acting City Manager.
    - Resolution appointing Deputy City Manager George Britton, as Acting City Manager recommended.

City Manager; Bryan Whitemyer, 571-5580, bwhitemyer@modestogov.com

ACTION: Resolution 2004-546 (Jackman/Keating; unan.) appointing Deputy City Manager George Britton, as Acting City Manager

CONSENT

8. Consider accepting the 2003 Annual General Plan Report and directing staff to submit the report to the State Office of Planning and Research, and the State Housing Community Development Department.
    - Resolution accepting the 2003 Annual General Plan Report and directing staff to submit the report to the State Office of Planning and Research, and the State Housing Community Development Department recommended.

Community & Economic Development; Miguel Galvez, 577-5276, mgalvez@modestogov.com

ACTION: Resolution 2004-547 (Jackman/Keating; unan.) accepting the 2003 Annual General Plan Report and directing staff to submit the report to the State Office of Planning and Research, and the State Housing Community Development Department

CONSENT

9. Monthly Investment Report - August 2004
    - Motion acknowledging receipt of the August 2004 Monthly Investment Report recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) acknowledging receipt of the August 2004 Monthly Investment Report.

CONSENT

10. Consider authorizing the award of bid and contract for lighted crosswalk units to SmartStud Systems for a total estimated cost of $68,288.88.
    - Resolution authorizing the award of bid and contract for lighted crosswalk units to SmartStud Systems for a total estimated cost of $68,288.88 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Resolution 2004-548 (Jackman/Keating; unan.) authorizing the award of bid and contract for lighted crosswalk units to SmartStud Systems for a total estimated cost of $68,288.88

CONSENT

11. Consider terminating Desarrollo Latino Americano Inc. as a Community Housing Development Organization and as a Community Based Development Organization.
    - Resolution terminating Desarrollo Latino Americano Inc. as a Community Housing Development Organization and as a Community Based Development Organization recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2004-549 (Jackman/Keating; unan.) terminating Desarrollo Latino Americano Inc. as a Community Housing Development Organization and as a Community Based Development Organization

CONSENT

12. Consider the Modesto Sister Cities International Annual Report.
    - Motion acknowledging receipt of the Modesto Sister Cities International Annual Report recommended.

    Parks, Recreation & Neighborhoods; Debbie Conder, 577-5391, dconder@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) acknowledging receipt of the Modesto Sister Cities International Annual Report

CONSENT

13. Consider an application for $1,000,000 in California Youth Soccer and Recreation Development Program funding for the development of a soccer complex at Mary E. Grogan Park.
    - Resolution approving an application for $1,000,000 in California Youth Soccer and Recreation Development Program funding for the development of a soccer complex at Mary E. Grogan Park recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: **Resolution 2004-550** (Jackman/Keating; unan.) approving an application for $1,000,000 in California Youth Soccer and Recreation Development Program funding for the development of a soccer complex at Mary E. Grogan Park

CONSENT

14. Consider an additional agreement with Callander Associates Landscape Architecture Inc. for preparing design development, construction documents, and for performing bidding and construction administration services for the Virginia Avenue Corridor Bike Trail/Linear Park Project, Phase III.

- Resolution approving an additional agreement with Callander Associates Landscape Architecture Inc. for preparing design development, construction documents, and for performing bidding and construction administration services for the Virginia Avenue Corridor Bike Trail/Linear Park Project, Phase III recommended.

Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, bford@modestogov.com

ACTION: Resolution 2004-551 (Jackman/Keating; unan.) approving an additional agreement with Callander Associates Landscape Architecture Inc. for preparing design development, construction documents, and for performing bidding and construction administration services for the Virginia Avenue Corridor Bike Trail/Linear Park Project, Phase III.

CONSENT

15. Consider authorizing staff to issue a Request for Proposals to search for a qualified and experienced firm who are interested in contracting with the City's Parks, Recreation and Neighborhood Department to provide high quality property management for certain specified City-owned property.
    - Resolution authorizing staff to issue a Request for Proposals to search for a qualified and experienced firm who are interested in contracting with the City's Parks, Recreation and Neighborhood Department to provide high quality property management for certain specified City-owned property recommended.

Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, bhatcher@modestogov.com

ACTION: Resolution 2004-552 (Jackman/Keating; unan.) authorizing staff to issue a Request for Proposals to search for a qualified and experienced firm who are interested in contracting with the City's Parks, Recreation and Neighborhood Department to provide high quality property management for certain specified City-owned property.

CONSENT

16. Consider accepting Xclamation Fest 2004 report and approving Xclamation Fest 2005 for July 23, 2005.
    - Resolution accepting Xclamation Fest 2004 report and approving Xclamation Fest 2005 for July 23, 2005 recommended.

Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Resolution 2004-553 (Jackman/Keating; unan.) accepting Xclamation Fest 2004 report and approving Xclamation Fest 2005 for July 23, 2005.

CONSENT

17. Consider amending the Position Classification Plan to create the classification of Housing and Urban Development Manager, and Consider amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to establish a salary range for Housing and Urban Development Manager at Range 441.

- Resolution amending the Position Classification Plan to create the classification of Housing and Urban Development Manager recommended.
- Resolution amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to establish a salary range for Housing and Urban Development Manager at Range 441 recommended.

Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Resolution 2004-554 (Jackman/Keating; unan.) amending the Position Classification Plan to create the classification of Housing and Urban Development Manager

ACTION: Resolution 2004-555 (Jackman/Keating; unan.) amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to establish a salary range for Housing and Urban Development Manager at Range 441

Removed from Consent

18. Consider salary adjustments for City Clerk & Auditor, City Attorney and Acting City Manager, with an estimated cost of $22,038 for the remainder of FY 2004/2005.
    - Resolution approving salary increases of 13% for the City Clerk & Auditor, 5% for the City Attorney and additional salary and benefits for the Acting City Manager, with an estimated cost of $22,038 for the remainder of FY 2004/2005 recommended.

    Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: Resolution 2004-556 (Dunbar/Marsh; majority O'Bryant no) approving salary increases of 13% for the City Clerk & Auditor, 5% for the City Attorney and additional salary and benefits for the Acting City Manager, with an estimated cost of $22,038 for the remainder of FY 2004/2005

CONSENT

19. Consider approving the acceptance and authorizing the Acting City Manager to execute the necessary grant documents of a three-year COPS in Schools Grant for two new School Resource Officers; and Consider amending the fiscal year 2004/2005 budget, estimating revenues and appropriating funds for the program.
    - Resolution approving the acceptance and authorizing the Acting City Manager to execute the necessary grant documents of a three-year COPS in Schools Grant for two new School Resource Officers recommended.
    - Resolution amending the fiscal year 2004/2005 budget, estimating revenues and appropriating funds for the program recommended.

    Police; Judy Tognolini, 572-9523, tognolinij@modestopd.com

ACTION: Resolution 2004-557 (Jackman/Keating; unan.) approving the acceptance and authorizing the Acting City Manager to execute the necessary grant documents of a three-year COPS in Schools Grant for two new School Resource Officers

ACTION: Resolution 2004-558 (Jackman/Keating; unan.) amending the fiscal year 2004/2005 budget, estimating revenues and appropriating funds for the program

CONSENT

20. Consider the Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration.
    - Resolution approving the revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration recommended.

    Public Works; Michael Musca, 577-5319, mmusca@modestogov.com

ACTION: Resolution 2004-559 (Jackman/Keating; unan.) approving the revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration

CONSENT

21. Consider the award of a professional services agreement to Ross G. Stephenson Associates Inc., for $92,385 to complete Design & Survey Services for the Roselle & Floyd Intersection Widening project, and authorizing the Community Facilities District Administrator to execute the agreement.
    - Resolution approving the award of a professional services agreement to Ross G. Stephenson Associates Inc., for $92,385 to complete Design & Survey Services for the Roselle & Floyd Intersection Widening project, and authorizing the Community Facilities District Administrator to execute the agreement recommended.

    Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-560 (Jackman/Keating; unan.) approving the award of a professional services agreement to Ross G. Stephenson Associates Inc., for $92,38 5 to complete Design & Survey Services for the Roselle & Floyd Intersection Widening project, and authorizing the Community Facilities District Administrator to execute the agreement

CONSENT

22. Consider approving and authorizing submission of the Local Transportation Fund (LTF) claim for fiscal year 2004-2005 ($2,537,827), the fiscal year 2003-2004 supplemental ($657,729), and the fiscal year 2003-2004 LTF carryover claims ($2,846.623), for non-transit purposes only, to the Stanislaus County of Governments (StanCOG).
    - Resolution approving and authorizing submission of the Local Transportation Fund (LTF) claim for fiscal year 2004-2005 ($2,537,827), the fiscal year 2003-2004 supplemental ($657,729), and the fiscal year 2003-2004 LTF carryover claims ($2,846.623), for non-transit purposes only, to the Stanislaus County of Governments (StanCOG) recommended.

    Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-561 (Jackman/Keating; unan.) approving and authorizing submission of the Local Transportation Fund (LTF) claim for fiscal year 2004-2005 ($2,537,827), the fiscal year 2003-2004 supplemental ($657,729), and the fiscal year 2003-2004 LTF

carryover claims ($2,846.623), for non-transit purposes only, to the Stanislaus County of Governments (StanCOG)

CONSENT

23. Consider accepting the improvements for the Covington Pointe subdivision in the Pelandale-Snyder Specific Plan area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods. Owner: Modesto Tully Investors L.P., a California limited partnership, by Modesto Tully ventures, LLC, a California limited partnership company.
    - Resolution accepting the improvements for the Covington Pointe subdivision in the Pelandale-Snyder Specific Plan area, 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

ACTION: Resolution 2004-562 (Jackman/Keating; unan.) accepting the improvements for the Covington Pointe subdivision in the Pelandale-Snyder Specific Plan area, 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

24. Consider an agreement with Sears, Roebuck & Company, owner of Orchard Supply Hardware (OSH), for use of 50 parking spaces for park and ride purposes at OSH's Sisk Road store at a cost of $750 per quarter year ($3,000 per year), to be funded with Local Transportation Fund monies, retroactive to July 2003, with a termination date of September 30, 2005.
    - Resolution approving an agreement with Sears, Roebuck & Company, owner of Orchard Supply Hardware (OSH), for use of 50 parking spaces for park and ride purposes at OSH's Sisk Road store at a cost of $750 per quarter year ($3,000 per year), to be funded with Local Transportation Fund monies, retroactive to July 2003, with a termination date of September 30, 2005 recommended.

    Public Works, Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Resolution 2004-563 (Marsh/Jackman; unan.) approving an agreement with Sears, Roebuck & Company, owner of Orchard Supply Hardware (OSH), for use of 50 parking spaces for park and ride purposes at OSH's Sisk Road store at a cost of $750 per quarter year ($3,000 per year), to be funded with Local Transportation Fund monies, retroactive to July 2003, with a termination date of September 30, 2005.

HEARINGS

25. Hearing to consider approving the allocation of HOME funds in the amount of $1,030,791 to the Housing Autho rity of the County of Stanislaus for the development of a multi-family housing project in Village One. This project will provide 60 new units for low-income individuals and families.
    - Resolution allocating $1,030,791 from Fiscal Year 2004-2005 HOME funds to the Housing Authority of the County of Stanislaus for the development of the Village One Multi-family housing project, authorizing the Acting City Manager to execute the necessary documents, and directing staff send a letter of intent for the CHDO set-aside and CHDO operating funds recommended.
    - Resolution amending the Fiscal Year 2004-2005 operating budget to transfer necessary funds to appropriate accounts recommended.

    Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2004-564 (Jackman/Hawn; unan.) allocating $1,030,791 from Fiscal Year 2004-2005 HOME funds to the Housing Authority of the County of Stanislaus for the development of the Village One Multi-family housing project, authorizing the Acting City Manager to execute the necessary documents, and directing staff send a letter of intent for the CHDO set-aside and CHDO operating funds.

ACTION: Resolution 2004-565 (Jackman/Hawn; unan.) amending the Fiscal Year 2004-2005 operating budget to transfer necessary funds to appropriate accounts

26. Hearing to consider introducing a green fee rate for youths that have graduated from The First Tee program at Modesto Municipal Gold Course, Dryden Park Golf Course and Creekside Golf Course.
    - Resolution approving the introduction of a green fee rate for youths that have graduated from The First Tee program at Modesto Municipal Gold Course, Dryden Park Golf Course and Creekside Golf Course recommended.

    Parks, Recreation & Neighborhoods; James Niskanen, 577-5351, jniskanen@modestogov.com

ACTION: Resolution 2004-566 (Jackman/O'Bryant; unan.) approving the introduction of a green fee rate for youths that have graduated from The First Tee program at Modesto Municipal Gold Course, Dryden Park Golf Course and Creekside Golf Course.

This item was continued from October 12, 2004, and is being requested to continue to November 9, 2004

27. Hearing to consider the spending plan for the 2004 Supplemental Law Enforcement Services Fund.
    - Resolution approving the spending plan for the 2004 Supplemental Law Enforcement Services Fund recommended.

ACTION: By Motion (Hawn/Dunbar; unan.) this item was continued to November 9, 2004

This item was continued from October 12, 2004

28. Hearing to consider the spending plan for the 2004 Local Law Enforcement Block Grant.
    - Resolution approving the spending plan for the Local Law Enforcement Block Grant recommended.
    - Resolution amending the budget recommended.

    Police; Roy Wasden, 572-9503, wasdenr@modestopd.com

ACTION: Resolution 2004-567 (Dunbar/Keating; unan.) approving the spending plan for the Local Law Enforcement Block Grant

ACTION: Resolution 2004-568 (Dunbar/Keating; unan.) amending the budget.

29. Hearing to consider the calling a special election within the additional territory proposed to be annexed to Community Facilities District No. 2004-1 (Village One #2) (Annexation #4; and Consider 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 with the additional territory proposed to be annexed to Community Facilities District No. 2004-1 (Village One #2) (Annexation #4) 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; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2004-569 (Jackman/Dunbar; unan.) calling a special election with the additional territory proposed to be annexed to Community Facilities District No. 2004-1 (Village One #2) (Annexation #4)

ACTION: Resolution 2004-570 (Jackman/Dunbar; unan.) canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1

Recess 7:15
Reconvene 7:25

30. Hearing to consider the application of Terry L. Mundy for an amendment to a portion of Planned Development Zone, P-D(346) for office and storage building addition and additional off-street parking at 2630 West Rumble Road.
    - Motion introducing an ordinance amending Section 2 of Ordinance No. 2982-C.S. entitled "An Ordinance Amending Section 12-3-8 and 13-3-8 of the Zoning Map to Rezone From Low Density Residential Zone, R-1 to Planned Development Zone, P-D(346), as an Addition to Planned Development Zone P-D(346), Property Located on the South Side of West Rumble Road East of Hahn Drive. (Terry Mundy)" recommended.
    - Resolution amending Sections 1 and 2 of Resolution 96-164 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(346), as an Addition to Planned Development P-D(346). (Terry Mundy)" 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 the south portion of Planned Development Zone P-D(346), property located at 2630 West Rumble Road (Terry L. Mundy) recommended.

Community & Economic Development; Bob Cannell, 577-5274, bcannell@modestogov.com

ACTION: By Motion (Marsh/Jackman; unan) **introduced Ordinance No. 3358-C.S.** an ordinance amending Section 2 of Ordinance No. 2982-C.S. entitled "An Ordinance Amending Section 12-3-8 and 13-3-8 of the Zoning Map to Rezone From Low Density Residential Zone, R-1 to Planned Development Zone, P-D(346), as an Addition to Planned Development Zone P-D(346), Property Located on the South Side of West Rumble Road East of Hahn Drive. (Terry Mundy)"

ACTION: **Resolution 2004-571** (Marsh/Jackman; unan) amending Sections 1 and 2 of Resolution 96-164 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(346), as an Addition to Planned Development P-D(346). (Terry Mundy)"

ACTION: **Resolution 2004-572** (Marsh/Jackman; 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 the south portion of Planned Development Zone P-D(346), property located at 2630 West Rumble Road (Terry L. Mundy).

31. Hearing to consider the application of Ted Brandvold, Architect on behalf of James Champion for an amendment to Section 19-3-9 of the Zoning Map to rezone R-1 to P-D(87) as an addition to P-D(87) as an addition to P-D(87) and to amend P-D(87) to allow an additional 12 apartment units on the west side of Tully Road south of Pearl Street.
    - Motion introducing an ordinance amending sections 19-3-9 of the zoning map to rezone from Low Density Reside ntial Zone, R-1, to Planned Development Zone, P-D(87), property located on the West side of Tully Road, South of Pearl Street recommended.
    - Resolution amending Sections 1 and 2 of Resolution No 71-348, entitled, "A Resolution approving a Development Plan fo r Planned Development Zone, P-D(87)" recommended.
    - Resolution finding the Rezone and P-D(87) amendment to be within the scope of the Modesto Urban Area General Plan General Plan Master EIR recommended.

Community & Economic Development; Bob Cannell, 577-5274, bcannell@modestogov.com

ACTION: By Motion (O'Bryant/Hawn; unan.) **introduced Ordinance No. 3359-C.S.** introducing an ordinance amending sections 19-3-9 of the zoning map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(87), property located on the West side of Tully Road, South of Pearl Street

ACTION: Resolution 2004-573 (O'Bryant/Hawn; unan.) amending Sections 1 and 2 of Resolution No 71-348, entitled, "A Resolution appro ving a Development Plan for Planned Development Zone, P-D(87)".

ACTION: Resolution 2004-574 (O'Bryant/Hawn; unan.) finding the Rezone and P -D(87) amendment to be within the scope of the Modesto Urban Area General Plan General Plan Master EIR

32. Hearing to consider the appeal of Karen Burdick to a denial by the Board of Zoning Adjustment of a variance to retain a fence encroaching into the 15 -foot setbacks from two adjoining streets, property located at 1201 Ojai Lane.
    - Resolution denying the appeal and upholding the Denial of Variance by the Board of Zoning Adjustment recommended.

Community & Economic Development; Bob Cannell, 577-5274, bcannell@modestogov.com

ACTION: Resolution 2004-575 (Dunbar/Keating; unan.) denying the appeal and upholding the Denial of Variance by the Board of Zoning Adjustment.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:15 p.m.

The following Closed Session was 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: *City of Modesto v. Viacom Outdoor, Inc., et al.*
Stanislaus County Superior Court No. 329869

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place, Second Floor, Room 2005
Modesto, California

Monday, November 1, 2004, at 5:30 p.m.

Roll Call – Present: Committee members Dunbar, Hawn, 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. Consider staff recommendation to approve hiring entry-level firefighters utilizing the AB1929 displaced firefighter list established by the State of California and the California Professional Firefighters.

ACTION: The Committee approved staff's recommendation.

CONSENT

2. Consider receiving informational report regarding Police Department's planning for the 2004 holiday season.

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

CONSENT

3. Consider receiving informational report regarding the current status of the Police Department's self-assessment process for National Law enforcement Accreditation.

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

CONSENT

4. Consider receiving informational report regarding the status of the Live Scan and CAL ID fingerprint systems.

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

CONSENT

5. Consider receiving informational report regarding the Restorative Policing Program.

ACTION: This item was for informatio n only. No action was taken.

NEW BUSINESS

6. Consider receiving informational report and presentation regarding current homeless issues within the City of Modesto.

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

7. Consider supporting request from Valley PT Cruiser Club for use of Graceada Park and Mancini Bowl for annual event on June 3, 2005 .

ACTION: The Committee approved Staff's recommendation.

8. Consider supporting staff recommendation that City Council adopt resolutions regarding Freedom Neighborhood Park certifying potential environmental effects have been adequately addressed, approving design development report and master plan, and amending contract with Callander Associates to include professional services for preparation of construction documents for road improvements adjacent to the park .

ACTION: The Committee approved all Staff recommendations.

MATTERS TOO LATE FOR THE AGENDA

None

FUTURE AGENDA ITEMS

12. Non-Motorized Transportation Plan
13. Sutton Park Master Plan
14. PD Workload Analysis
15. Holiday Patrol/DUI Enforcement
16. Quarterly Staffing Report
17. Parks and Park Security
18. 12-Month Review of Alcohol Permits
19. Auto Theft Report

ADJOURNMENT

This meeting adjourned at 6:15 p.m.

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING

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

Wednesday, November 3, 2004, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Jackman, Keating, Marsh, O'Bryant,

Absent: Councilmember Dunbar, Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Pastor Jeff Norman, Modesto Covenant

City Clerk's Announcements None

Declaration of Conflicts of Interest None

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 10

ACTION Consent Items 1-10: Jackman/O'Bryant; unan; Dunbar and Ridenour, 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 October 26, 2004. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) approved the minutes of October 26, 2004.

CONSENT
2. Consider final adoption of:
   a. Ordinance 3358-C.S. – an ordinance amending Section 2 of Ordinance No. 2982-C.S. entitled "An Ordinance Amending Section 12-3-8 and 13-3-8 of the Zoning Map to Rezone From Low Density Residential Zone, R-1 to Planned Development Zone, P-D(346), as an Addition to Planned Development Zone P-D(346), Property Located on the South Side of West Rumble Road East of Hahn Drive. (Terry Mundy)

   b. Ordinance 3359-C.S. – an ordinance amending sections 19-3-9 of the zoning map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(87), property located on the West side of Tully Road, South of Pearl Street
      - Motion approving final adoption of Ordinances 3358-C.S. and 3359-C.S. recommended

   City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) approved the **final adoption of Ordinance 3358-C.S.** – an ordinance amending Section 2 of Ordinance No. 2982-C.S. entitled "An Ordinance Amending Section 12-3-8 and 13-3-8 of the Zoning Map to Rezone From Low Density Residential Zone, R-1 to Planned Development Zone, P-D(346), as an Addition to Planned Development Zone P-D(346), Property Located on the South Side of West Rumble Road East of Hahn Drive. (Terry Mundy)

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) approved the **final adoption of Ordinance 3359-C.S.** – an ordinance amending sections 19-3-9 of the zoning map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(87), property located on the West side of Tully Road, South of Pearl Street

CONSENT

3. Consider the 2005 City Council meeting calendar.
   - Resolution approving the 2005 City Council meeting calendar recommended.

   City Clerk; Jean Zahr, 577-5396, jzahr@modestogov.com

ACTION: Resolution 2004-576 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) approving the 2005 City Council meeting calendar.

CONSENT

4. Monthly Budget Adjustments - October 2004
   - Resolution approving the October 2004 Monthly Budget Adjustments recommended.

   Finance; Greg Baird, 577-5458, gbaird@modestogov.com

ACTION: Resolution 2004-577 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) approving the October 2004 Monthly Budget Adjustments.

CONSENT

5. Consider authorizing the Purchasing Supervisor to solicit formal Request for Bids for storm basin weed abatement services for an initial two -year period, with three one - year contract extension options for a total estimated annual cost of $22,450.
   - Resolution authorizing the Purchasing Supervisor to solicit formal Request for Bids for storm basin weed abatement services for an initial two -year period, with three one-year contract extension options for a total estimated annual cost of $22,450 recommended.

   Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Resolution 2004-578 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent Jackman/O'Bryant; unan. Dunbar and Ridenour absent) authorizing the Purc hasing Supervisor to solicit formal Request for Bids for storm basin weed abatement services for an initial two -year period, with three one - year contract extension options for a total estimated annual cost of $22,450.

CONSENT

6. Consider awarding the bid for Personal Protective Equipment (Groups 1 and 6) to L.N. Curtis for an estimated annual amount of $120,000; Consider awarding the bid for Personal Protective Equipment (Groups 12, 3d, 4 and 7) to P&R Products for an estimated annual amount of $25,000; Consider awarding the bid for Personal Protective Equipment (Groups 3b and 8) to Cascade Fire for an estimated annual amount of $3,000; Consider awarding the bid for Personal Protective Equipment (Groups 3a and 3c) to Fisher for an estimated annual amount of $2,000.
   - Resolution awarding the bid for Personal Protective Equipment (Groups 1 and 6) to L.N. Curtis for an estimated annual amount of $120,000 recommended.

- Resolution awarding the bid for Personal Protective Equipment (Groups 12, 3d, 4 and 7) to P&R Products for an estimated annual amount of $25,000 recommended.
- Resolution awarding the bid for Personal Protective Equipment (Groups 3b and 8) to Cascade Fire for an estimated annual amount of $3,000 recommended.
- Resolution awarding the bid for Personal Protective Equipment (Groups 3a and 3c) to Fisher for an estimated annual amount of $2,000 recommended.

Fire; Lori Martinez, 572-9660, lmartinez@modestogov.com

ACTION: Resolution 2004-579 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) awarding the bid for Personal Protective Equipment (Groups 1 and 6) to L.N. Curtis for an estimated annual amount of $120,000

ACTION: Resolution 2004-580 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) awarding the bid for Personal Protective Equipment (Groups 12, 3d, 4 and 7) to P&R Products for an estimated annual amount of $25,000

ACTION: Resolution 2004-581 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) awarding the bid for Personal Protective Equipment (Groups 3b and 8) to Cascade Fire for an estimated annual amount of $3,000

ACTION: Resolution 2004-582 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) awarding the bid for Personal Protective Equipment (Groups 3a and 3c) to Fisher for an estimated annual amount of $2,000

CONSENT

7. Consider an amendment to an agreement with Kramer.Firm Inc. for professional cable consultation services for an amount not to exceed $355,000 and authorizing the Acting City Manager to execute the necessary documents.
   - Resolution approving an amendment to an agreement with Kramer.Firm Inc. for professional cable consultation services for an amount not to exceed $355,000 and authorizing the Acting City Manager to execute the necessary documents recommended.

   Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Resolution 2004-583 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) approving an amendment to an agreement with Kramer.Firm Inc. for professional cable consultation services for an amount not to exceed $355,000 and authorizing the Acting City Manager to execute the necessary documents

CONSENT

8. Consider amending the Position Classification Plan to create the classification of Emergency Dispatch Director; Consider amending the Class Range Table for Executive Management Classes to establish a salary range for Emergency Dispatch Director at salary range 1417 ($7,639-$9,549) per month); and Consider allocating a new position titled Emergency Dispatch Director to the Police Department, Org. 1901.

- Resolution amending the Position Classification Plan to create the classification of Emergency Dispatch Director recommended.
- Resolution amending the Class Range Table for Executive Management Classes t o establish a salary range for Emergency Dispatch Director at salary range 1417 ($7,639-$9,549) per month) recommended.
- Resolution allocating a new position titled Emergency Dispatch Director to the Police Department, Org. 1901 recommended.

Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Resolution 2004-584 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) amending the Position Classification Plan to create the classification of Emergency Dispatch Director

ACTION: Resolution 2004-585 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) amending the Class Range Table for Executive Management Classes to establish a salary range for Emergency Dispatch Director at salary range 1417 ($7,639 -$9,549) per month)

ACTION: Resolution 2004-586 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) allocating a new position titled Emergency Dispatch Director to the Police Department, Org. 1901

CONSENT

9. Consider accepting the work by Barham Inc. for the "McKinney Colony Park" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $230,572.76 per the contract. Total project cost is $294,583.50.
    - Resolution accepting the work by Ba rham Inc. for the "McKinney Colony Park" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $230,572.76 per the contract recommended.

    Public Works; Pamela Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-587 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) accepting the work by Barham Inc. for the "McKinney Colony Park" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $230,572.76 per the contract.

CONSENT

10. Consider rejecting the sole irregular bid of $189,900 from JVD Inc. for the project titled "Rotary Centennial Junction Infra structure," and authorizing staff to re-advertise the project at a future date.
    - Resolution rejecting the sole irregular bid of $189,900 from JVD Inc. for the project titled "Rotary Centennial Junction Infrastructure," and authorizing staff to re-advertise the project at a future date recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-588 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) rejecting the sole irregular bid of $189,900 from JVD Inc. for the project titled "Rotary Centennial Junction Infrastructure," and authorizing staff to re-advertise the project at a future date.

COUNCIL COMMENTS & REPORTS

- Vice Mayor Keating announced the Proposition 1A was approved.
- Councilmember Jackman recognized the contributions of former Mayor Richard Lang. The City Council held a moment of silence for the former Mayor.
- Roy Wasden announced a march against gang violence beginning at 11 th and I Street at 10:00 a.m. on Saturday, November 6.

HEARINGS

11. Hearing to consider the application of Architecture Plus to rezone a 1.15-acre parcel located on the north side of Sylvan Avenue, west of Claremont Avenue from P-O (Professional Office) to P-D(568) (Planned Development) to allow the recreation of a parcel without street frontage in conjunction with development of previously approved office buildings.
    - Motion introducing an ordinance amending Section 9-3-9 of the Zoning Map to rezone from Professional Office Zone, P-O, to Planned Development Zone, P-D(568), property located on the north side of Sylvan Avenue west of Claremont Avenue recommended.
    - Resolution approving a Development Plan for Planned Development, P-D(568) (Architecture Plus) recommended.
    - Resolution finding the following project is within 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 Professional Office Zone, P-O to Planned Development Zone, P-D(568) property located on the north side of Sylvan Avenue west of Claremont Avenue (Architecture Plus) recommended.

    Community & Economic Development; Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) **introducing Ordinance No. 3360-C.S.--** amending Section 9-3-9 of the Zoning Map to rezone from Professional Office Zone, P-O, to Planned Development Zone, P-D(568), property located on the north side of Sylvan Avenue west of Claremont Avenue

ACTION: Resolution 2004-589 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) approving a Development Plan for Planned Development, P-D(568) (Architecture Plus)

ACTION: Resolution 2004-590 (Jackman/O'Bryant; unan. Dunbar and Ridenour absent) finding the following project is within 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 Professional Office Zone, P-O to Planned Development Zone, P-D(568) property located on the north side of Sylvan Avenue west of Claremont Avenue (Architecture Plus).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:40 p.m.

MINUTES

ECONOMIC DEVELOPMENT COMMITTEE/ MODESTO CITY COUNCIL WORKSHOP

1010 Tenth Street, Second Floor, Room 2005

5:30 p.m., Monday, November 8, 2004

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

ORAL COMMUNICATIONS

None.

Any and all of the following agenda items are subject to action by the Modesto City Council/Economic Development 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 receiving status report of development projects processed by the Community & Economic Development Department

ACTION: This item was approved by the Economic Development Committee.

CONSENT

2. Consider receiving status report on the review of City/County development plan referral process and fees in the Modesto Sphere of Influence

ACTION: This item was approved by the Economic Development Committee.

NEW BUSINESS

3. Consider staff recommendation authorizing the Redevelopment Agency Acting Executive Director to apply for State Transportation Improvement Program (STIP) Transportation Enhancement grant funds for the Downtown Modesto Streetscape Project

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

4. Consider staff recommendation to approve prioritization of Regional Surface Transportation Program Projects

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

5. Consider reconfirming recommendation to Council regarding sewer connection policy after annexation to the city

ACTION: The Economic Development Committee (Marsh absent due to Conflict of Interest) recommended this item return to the Committee for further discussion.

6. Consider staff recommendation to approve an ordinance amending Municipal Code Section 3-2.1401.1 (Radar)

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

7. Consider staff recommendation to approve installation of angle parking on the south side of M Street between 7th and 8th Streets

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

8. Consider staff recommendation to approve limited revisions to the 2001 City of Modesto Standard Specifications

ACTION: This item was removed from the agenda. It will be considered by the Planning Commission at the Monday, November 15, 2004 meeting and will return to the Economic Development Committee.

9. Consider staff recommendation to uphold requirement to pay 2003 Capital Facility Fees regarding the appeal of Jose Castellanos

ACTION: Economic Development Committee recommended upholding the requirement for the 2003 Capital Facility Fees however, the applicant may pay the difference between

1998 CFF rate (due at Building Permit) and the 2003 CFF rate at the time the Certificate of Occupancy is issued.

10. Consider staff recommendation to grant a Capital Facility Fees credit to Elwyn and Mary Heinen based on an understanding from 1995.

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

MATTERS TO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

12. General Plan Update Work Program
13. Kansas-Woodland Business Park
14. Prescott/Bangs Proposed Roundabout
15. Shackelford Study Area
16. 132/99 Connectivity and Carpenter Road Interchange Issue
17. Recycled Wastewater Feasibility Report
18. Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work
19. RFP for Landscape Maintenance of Parks

ADJOURNMENT

This meeting adjourned at 6:40 p.m.

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Le vel
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, November 9, 2004, 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: Pastor Michael Saldivar, La Loma Grace Brethren

City Clerk's Announcements: Item 20 requested to be continued to November 23, 2004

Declaration of Conflicts of Interest Item 7 - Ridenour and Marsh
Item 17 - Hawn

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction by Chief Wasden of newly promoted Police Department Management staff; Police Lieutenant Lucian Thomas, Police Lieutenant Michael Zahr, Police Sergeant Daniel Key.

ACTION: Introductions made by Chief Roy Wasden

2. Introduction by Chie f Wasden of Paul Stein, the new director of the Stanislaus Regional 911 Emergency Dispatch Center.

ACTION: Introduction made by Chief Roy Wasden.

3. Recognition of Modesto's national honors from the National Association of Town Watch for placing first for participation in "National Night Out 2004" among cities with populations from 100,000 to 299,999.

ACTION: Presentation made by Chief Wasden and Rosie Fabela.

MISCELLANEOUS
Appointments

4. Consider appointing two Planning Commissioners: Mary Arias, a nd F. Tom Berglund.
   - Resolution appointing two Planning Commissioners: Mary Arias, with a term ending January 1, 2007 and F. Tom Berglund, with a term beginning January 1, 2005 and ending January 1, 2009 recommended.

   City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Resolution 2004-591 (Jackman/Marsh; unan. Dunbar absent) appointing two Planning Commissioners: Mary Arias, with a term ending January 1, 2007 and F. Tom Berglund, with a term beginning January 1, 2005 and ending January 1, 2009

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 18

ACTION Consent Items 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18: Jackman/O'Bryant; unan. Dunbar absent

ACTION Consent Item 7: Jackman/Hawn; Dunbar, Marsh and Ridenour absent

ACTION Consent Item 17: Keating/Jackman; 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
5. Consider approval of the minutes of the special City Council meeting of November 3, 2004.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) approved the minutes of November 3, 2004.

CONSENT
6. Consider updating various sections of the Modesto Municipal Code that have been affected by recent City departmental reorganizations.
- Motion introducing an ordinance amending Section 1-2.07 of Chapter 2 of Title 1 relating to penalty provisions (reorganization of departments) recommended.
- Motion introducing an ordinance adding Article 17 of Chapter 3 of Title 2 relating to Public Works Department and repealing Articles 10 and 12 of Chapter 3 of Title 2 relating to Operations and Maintenance Department and Engineering and Transportation Department (reorganization of departments) recommended.
- Motion introducing an ordinance amending Sections 3-2.105, 3-2.204, 3-2.301, 3-2.304, 3-2.305, 3-2.306, 3-2.307, 3-2.308, 3-2.401, 3-2.402, 3-2.404, 3-2.501, 3-2.502, 3-2.601, 3-2.701, 3-2.808, 3-2.901, 3-2.1007, 3-2.1008, 3-2.1101, 3-2.1102, 3-2.1103, 3-2.1201, 3-2.1204, 3-2.1302, 3-2.1402, 3-2.1501, 3-2.1502, 3-2.1503, 3-2.1504, 3-2.1607, 3-2.1701 and 3-2.1911 of Chapter 2 of Title 3 relating to traffic regulations (reorganization of departments) recommended.
- Motion introducing an ordinance amending Sections 4-2.09 and 4-2.30 of Chapter 2 of Title 4 relating to misdemeanors; Sections 4-3.01, 4-3.02, 4-3.04, 4-3.06, 4-3.07.2, 4-3.09, 4-3.10, 4-3.11, 4-3.12, 4-3.13, 4-3.14, 4-3.19, 4-3.20, and 4-3.21 of Chapter 3 of Title 4 relating to moving of buildings; Sections 4-4.401, 4-4.404, 4-4.503, 4-4.509, 4-4.510, 4-4.511, 4-4.513, 4-4.515, 4-4.516, 4-4.517, 4-4.518, 4-4.601, 4-4.602, 4-4.603, 4-4.604, 4-4.605, 4-4.801, 4-4.802, 4-4.802.1 and 4-4.804 of Chapter 4 of Title 4 relating to subdivision of land; Sections 4-503, 4-5.05 and 4-5.06 of Chapter 5 of Title 4 relating to regulation of streets and sidewalks; Section 4-6.101, 4-6.201, 4-6.202, 4-6.203, 4-6.204, 4-6.206, 4-6.207, 4-6.208, 4-6.209, 4-6.210, 4-6.301, 4-6.303, 4-6.306, 4-6.402, 4-6.501, 4-6.502, 4-6.503, 4-6.504, 4-6.801, and 4-6.901 of Chapter 6 of Title 4 relating to taxicabs; Sections 4-7.1103 and 4-7.1106 of Article 11 of Chapter 7 of Title 4 relating to collection of pruned refuse; Section 4-8.10 of Chapter 8 of Title 4 relating to regulation of parades; and Sections 4-15-103, 4-15.104, 4-15.105, 4-15.106, 4-15.203, 4-15.301, 4-15.302, and 4-15.401 of Chapter 15 of Title 4 relating to outdoor dining in the public rights-of-way permitted (reorganization of departments) recommended.
- Motion introducing an ordinance amending Sections 5-1.102, 5-1.503, 5-1.504, 5-1.505, 5-1.506, 5-1.510, 5-1.511, 5-1.512, 5-1.513, 5-1.514, 5-1.515, 5-1.516, and

5-1.518 of Chapter 1 of Title 5 relating to general sanitation; 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 relating to solid waste; and Sections 5-6.103, 5-6.309, 5-6.701, and 5-6.805 of Chapter 6 of Title 5 relating to sewage collection and disposal (reorganization of departments) recommended.

- Motion introducing an ordinance amending Sections 7-1.102, 7-1.104, 7-1.105, 7-1.106, 7-1.108, 7-1.110, 7-1.201, 7-1.301, 7-1.304, 7-1.401, 7-1.404, 7-1.502, 7-1.503, and 7-1.701 of Chapter 1 of Title 7 relating to street improvements; Section 7-2.02 of Chapter 2 of Title 7 relating to street cuts; Sections 7-3.103 and 7-3.202.1 of Chapter 3 of Title 7 relating to Modesto City-County Airport; and Sections 7-5.01, 7-5.02, 7-5.03, 7-5.04, 7-5.05, 7-5.06, 7-5.08, and 7-5.10 of Chapter 5 of Title 7 relating to street trees (reorganization of departments) recommended.
- Motion introducing an ordinance amending Sections 10-2.2006 and 10-2.2009 of Article 20 of Chapter 2 of Title 10 relating to off-street parking requirements; and Section 10-2.2314 of Article 23 of Chapter 2 of Title 10 relating to general provisions (reorganization of departments) recommended.
- Motion introducing an ordinance amending Sections 11-1.01, 11-1.04, 11-1.05, 11-1.06, 11-1.08, 11-1.14, 11-1.15 and 11-1.16 of Chapter 1 of Title 11 relating to water rates and regulations; Section 11-4.27 of Chapter 4 of Title 11 relating to procedure for granting cable communication system franchises; Sections 11-5.05, 11-5.07 and 11-5.11 of Chapter 5 of Title 11 relating to regulations and procedures for the removal of overhead utility facilities and the installation of underground utility districts; and Sections 11-6.05, 11-6.06, 11-6.08, 11-6.10, 11-6.11, and 11-6.13 of Chapter 6 of Title 11 relating to collections of public utilities charges (reorganization of departments) recommended.
- Motion introducing an ordinance amending Section 12-1.03 of Chapter 1 of Title 12 relating to landscaping and irrigation standards; and Sections 12-4.203 and 12-4.204 of Article 2 of Chapter 4 of Title 12 relating to use of park and recreation areas and facilities (reorganization of departments) recommended.

City Attorney, Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) **introduced Ordinance No. 3361** amending Section 1-2.07 of Chapter 2 of Title 1 relating to penalty provisions (reorganization of departments)

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) **introduced Ordinance No. 3362** adding Article 17 of Chapter 3 of Title 2 relating to Public Works Department and repealing Articles 10 and 12 of Chapter 3 of Title 2 relating to Operations and Maintenance Department and Engineering and Transportation Department (reorganization of departments)

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) **introduced Ordinance No. 3363** amending Sections 3-2.105, 3-2.204, 3-2.301, 3-2.304, 3-2.305, 3-2.306, 3-2.307, 3-2.308, 3-2.401, 3-2.402, 3-2.404, 3-2.501, 3-2.502, 3-2.601, 3-2.701, 3-2.808, 3-2.901, 3-2.1007, 3-2.1008, 3-2.1101, 3-2.1102, 3-2.1103, 3-2.1201, 3-2.1204, 3-2.1302, 3-2.1402, 3-2.1501, 3-2.1502, 3-2.1503, 3-2.1504, 3-2.1607, 3-2.1701 and 3-

2.1911 of Chapter 2 of Title 3 relating to traffic regulations (reorganization of departments)

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) **introduced Ordinance No. 3364** amending Sections 4-2.09 and 4-2.30 of Chapter 2 of Title 4 relating to misdemeanors; Sections 4-3.01, 4-3.02, 4-3.04, 4-3.06, 4-3.07.2, 4-3.09, 4-3.10, 4-3.11, 4-3.12, 4-3.13, 4-3.14, 4-3.19, 4-3.20, and 4-3.21 of Chapter 3 of Title 4 relating to moving of buildings; Sections 4-4.401, 4-4.404, 4-4.503, 4-4.509, 4-4.510, 4-4.511, 4-4.513, 4-4.515, 4-4.516, 4-4.517, 4-4.518, 4-4.601, 4-4.602, 4-4.603, 4-4.604, 4-4.605, 4-4.801, 4-4.802, 4-4.802.1 and 4-4.804 of Chapter 4 of Title 4 relating to subdivision of land; Sections 4-503, 4-5.05 and 4-5.06 of Chapter 5 of Title 4 relating to regulation of streets and sidewalks; Section 4-6.101, 4-6.201, 4-6.202, 4-6.203, 4-6.204, 4-6.206, 4-6.207, 4-6.208, 4-6.209, 4-6.210, 4-6.301, 4-6.303, 4-6.306, 4-6.402, 4-6.501, 4-6.502, 4-6.503, 4-6.504, 4-6.801, and 4-6.901 of Chapter 6 of Title 4 relating to taxicabs; Sections 4-7.1103 and 4-7.1106 of Article 11 of Chapter 7 of Title 4 relating to collection of pruned refuse; Section 4-8.10 of Chapter 8 of Title 4 relating to regulation of parades; and Sections 4-15-103, 4-15.104, 4-15.105, 4-15.106, 4-15.203, 4-15.301, 4-15.302, and 4-15.401 of Chapter 15 of Title 4 relating to outdoor dining in the public rights-of-way permitted (reorganization of departments)

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) **introduced Ordinance No. 3365** amending Sections 5-1.102, 5-1.503, 5-1.504, 5-1.505, 5-1.506, 5-1.510, 5-1.511, 5-1.512, 5-1.513, 5-1.514, 5-1.515, 5-1.516, and 5-1.518 of Chapter 1 of Title 5 relating to general sanitation; 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 relating to solid waste; and Sections 5-6.103, 5-6.309, 5-6.701, and 5-6.805 of Chapter 6 of Title 5 relating to sewage collection and disposal (reorganization of departments)

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) **introduced Ordinance No. 3366** amending Sections 7-1.102, 7-1.104, 7-1.105, 7-1.106, 7-1.108, 7-1.110, 7-1.201, 7-1.301, 7-1.304, 7-1.401, 7-1.404, 7-1.502, 7-1.503, and 7-1.701 of Chapter 1 of Title 7 relating to street improvements; Section 7-2.02 of Chapter 2 of Title 7 relating to street cuts; Sections 7-3.103 and 7-3.202.1 of Chapter 3 of Title 7 relating to Modesto City-County Airport; and Sections 7-5.01, 7-5.02, 7-5.03, 7-5.04, 7-5.05, 7-5.06, 7-5.08, and 7-5.10 of Chapter 5 of Title 7 relating to street trees (reorganization of departments)

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) **introduced Ordinance No. 3367** amending Sections 10-2.2006 and 10-2.2009 of Article 20 of Chapter 2 of Title 10 relating to off-street parking requirements; and Section 10-2.2314 of Article 23 of Chapter 2 of Title 10 relating to general provisions (reorganization of departments)

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) **introduced Ordinance No. 3368** amending Sections 11-1.01, 11-1.04, 11-1.05, 11-1.06, 11-1.08, 11-1.14, 11-1.15 and 11-1.16 of Chapter 1 of Title 11 relating to water rates and regulations; Section 11-4.27 of Chapter 4 of Title 11 relating to procedure for granting cable communication system franchises; Sections 11-5.05, 11-5.07 and 11-5.11 of Chapter 5 of Title 11 relating to regulations and procedures for the removal of overhead utility

facilities and the installation of underground utility districts; and Sections 11-6.05, 11-6.06, 11-6.08, 11-6.10, 11-6.11, and 11-6.13 of Chapter 6 of Title 11 relating to collections of public utilities charges (reorganization of departments)

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) **introduced Ordinance No. 3369** amending Section 12-1.03 of Chapter 1 of Title 12 relating to landscaping and irrigation standards; and Sections 12-4.203 and 12-4.204 of Article 2 of Chapter 4 of Title 12 relating to use of park and recreation areas and facilities (reorganization of departments)

Ridenour & Marsh absent due to Conflict of Interest

7. Consider declaring the official intent of the City of Modesto to be reimburse d for certain capital expenditures from the proceeds of indebtedness (CFD No. 2004-1, Village One #2).
    - Resolution declaring the official intent of the City of Modesto to be reimbursed for certain capital expenditures from the proceeds of indebtedness (CFD No. 2004-1, Village One #2) recommended.

    City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: **Resolution 2004-592** (Jackman/O'Bryant; unan; Dunbar, Marsh and Ridenour, absent) declaring the official intent of the City of Modesto to be reimbursed for certain capital expenditures from the proceeds of indebtedness (CFD No. 2004-1, Village One #2)

CONSENT

8. Consider an agreement amending the design service contract with O'Dell Engineering to increase the contract amount from $190,700 to $207,580 with an additional $5,000 contingency and authorizing the Community Facilities District Administrator to execute necessary documents.
    - Resolution approving an agreement amending the design service contract with O'Dell Engineering to increase the contract amount from $190,700 to $207,580 with an additional $5,000 contingency and authorizing the Community Facilities District Administrator to execute necessary documents recommended.

    City Manager; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: **Resolution 2004-593** (Jackman/O'Bryant; unan. Dunbar absent) approving an agreement amending the design service contract with O'Dell Engineering to increase the contract amount from $190,700 to $207,580 with an additional $5,000 contingency and authorizing the Community Facilities District Administrator to execute necessary documents

CONSENT

9. Consider the Monthly Investment Report – September 2004.
    - Motion acknowledging receipt of report.

    Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: By Motion (Jackman/O'Bryant; unan. Dunbar absent) acknowledging receipt of report.

CONSENT

10. Consider authorizing the award of bid and contract for hydrochloric acid for the Secondary Wastewater Treatment Plant, to Reagent Chemical for an initial one-year period, with three one-year contract extension options, for an approximate annual cost of $31,625.
    - Resolution authorizing the award of bid and contract for hydrochloric acid for the Secondary Wastewater Treatment Plant, to Reagent Chemical for an initial one-year period, with three one-year contract extension options, for an approximate annual cost of $31,625 recommended.

    Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Resolution 2004-594 (Jackman/O'Bryant; unan. Dunbar absent) authorizing the award of bid and contract for hydrochloric acid for the Secondary Wastewater Treatment Plant, to Reagent Chemical for an initial one-year period, with three one-year contract extension options, for an approximate annual cost of $31,625

CONSENT

11. Consider a grant application for $10,000 in funding from the Stanislaus County Children and Families Commission (Proposition 10) for playground equipment at Mancini Park, a part of the Tuolumne River Regional Park.
    - Resolution approving a grant application for $10,000 in funding from the Stanislaus County Children and Families Commission (Proposition 10) for playground equipment at Mancini Park, a part of the Tuolumne River Regional Park recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Resolution 2004-595 (Jackman/O'Bryant; unan. Dunbar absent) approving a grant application for $10,000 in funding from the Stanislaus County Children and Families Commission (Proposition 10) for playground equipment at Mancini Park, a part of the Tuolumne River Regional Park

CONSENT

12. Consider the allocation of $15,000 in Community Development Block Grant (CDBG) funding to Community Housing and Shelter Services to provide motel vouchers for homeless families during the winter season, authorizing the Acting City Manager to execute the necessary documents to implement the approved program; Consider $2,000 in CDBG funding to Inter-Faith Ministries for the operation and provision of a winter shelter for homeless families, authorizing the Acting City Manager to execute the necessary documents to implement the approved program; and Consider $43,884 in Emergency Shelter Grant (ESG) funding and $23,103 in CDBG funding to the Salvation Army for the operation and provision of a winter shelter for the homeless.

- Resolution approving the allocation of $15,000 in Community Development Block Grant (CDBG) funding to Community Housing and Shelter Services to provide motel vouchers for homeless families during the winter season, authorizing the Acting City Manager to execute the necessary documents to implement the approved program recommended.
- Resolution approving $2,000 in CDBG funding to Inter-Faith Ministries for the operation and provision of a winter shelter for homeless families, authorizing the Acting City Manager to execute the necessary documents to implement the approved program recommended.
- Resolution approving $43,884 in Emergency Shelter Grant (ESG) funding and $23,103 in CDBG funding to the Salvation Army for the operation and provision of a winter shelter for the homeless recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2004-596 (Jackman/O'Bryant; unan. Dunbar absent) approving the allocation of $15,000 in Community Development Block Grant (CDBG) funding to Community Housing and Shelter Services to provide motel vouchers for homeless families during the winter season; approving $2,000 in CDBG funding to Inter-Faith Ministries for the operation and provision of a winter shelter for homeless families; approving $43,884 in Emergency Shelter Grant (ESG) funding and $23,103 in CDBG funding to the Salvation Army for the operation and provision of a winter shelter for the homeless; and authorizing the Acting City Manager to execute the necessary documents to implement the approved programs.

ACTION: Resolution 2004-597 was not used

ACTION: Resolution 2004-598 was not used

CONSENT

13. Consider a grant application for up to $940,000 to the Transportation Enhancement Activities Fund administered by StanCOG for the development of Phase III of the Virginia Corridor.
    - Resolution approving a grant application for up to $940,000 to the Transportation Activities Fund, which is a funding project through the Federal Transportation Equity Act for the 21st Century (TEA-21), for the development of Phase III of the Virginia Corridor project, and authorizing the Acting City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, bhatcher@modestogov.com

ACTION: Resolution 2004-599 (Jackman/O'Bryant; unan. Dunbar absent) approving a grant application for up to $940,000 to the Transportation Activities Fund, which is a funding project through the Federal Transportation Equity Act for the 21st Century (TEA-21), for the development of Phase III of the Virginia Corridor project, and authorizing the Acting City Manager to execute the necessary documents.

CONSENT

14. Consider a two-year lease agreement with Tom and Stacey Anne Saurey for lease of property located at the southwest corner of North Washington and Laurel Streets, in the vicinity of the Corporation Yard, in the amount of $9,100 the first year, (includes a $700 initial deposit) and $8,400 in the second year of the lease, and authorize the Acting City Manager to execute the necessary documents.

- Resolution approving a two-year lease agreement with Tom and Stacey Anne Saurey for use of property located at North Washington and Laurel Streets, in the vicinity of the Corporation Yard, in the amount of $9,100 the first year, (includes a $700 initial deposit) and $8,400 in the second year of the lease, and authorizing the Acting City Manager to execute the necessary documents recommended.

Public Works; Jana Coons, 342-2281, jcoons@modestogov.com

ACTION: Resolution 2004-600 (Jackman/O'Bryant; unan. Dunbar absent) approving a two-year lease agreement with Tom and Stacey Anne Saurey for use of property located at North Washington and Laurel Streets, in the vicinity of the Corporation Yard, in the amount of $9,100 the first year, (includes a $700 initial deposit) and $8,400 in the second year of the lease, and authorizing the Acting City Manager to execute the necessary documents

CONSENT

15. Consider an agreement in the amount of $200,000 with Kaiser Foundation Hospitals for partially funding a full-time, limited-term Project Manager to act as a liaison between the City and Kaiser and to oversee development of the Kaiser Facility Project, and authorizing the Acting City Manager to sign the necessary documents.

- Resolution approving an agreement in the amount of $200,000 with Kaiser Foundation Hospitals for partially funding a full-time, limited-term Project Manager to act as a liaison between the City and Kaiser and to oversee development of the Kaiser Facility Project, and authorizing the Acting City Manager to sign the necessary documents recommended.

Public Works; Peter Cowles, 577-5205, pcowles@modestogov.com

ACTION: Resolution 2004-601 (Jackman/O'Bryant; unan. Dunbar absent) approving an agreement in the amount of $200,000 with Kaiser Foundation Hospitals for partially funding a full-time, limited-term Project Manager to act as a liaison between the City and Kaiser and to oversee development of the Kaiser Facility Project, and authorizing the Acting City Manager to sign the necessary documents

CONSENT

16. Consider increasing the Public Works Director's authority to issue change orders on the "Ustach Neighborhood Park" project from 8% ($83,112) to 8.5% ($88,306.50) of the original contract price with Goodland Landscape Company Inc.

- Resolution authorizing increasing the Public Works Director's authority to issue change orders on the "Ustach Neighborhood Park" project from 8% ($83,112) to

8.5% ($88,306.50) of the original contract price with Goodland Landscape Company Inc. recommended.

Public Works; Pamela Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-602 (Jackman/O'Bryant; unan. Dunbar absent) authorizing increasing the Public Works Director's authority to issue change orders on the "Ustach Neighborhood Park" project from 8% ($83,112) to 8.5% ($88,306.50) of the original contract price with Goodland Landscape Company Inc.

Hawn absent due to Conflict of Interest.

17. Consider increasing the Public Works Director's authority to issue change o rders on the "Centre Plaza Elevator Extension" project from $41,000 to $45,000.
    - Resolution authorizing increasing the Public Works Director's authority to issue change orders on the "Centre Plaza Elevator Extension" project from $41,000 to $45,000 recommended.

    Public Works; Pamela Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-603 (Jackman/O'Bryant; unan; Dunbar & Hawn, absent) authorizing increasing the Public Works Director's authority to issue change orders on the "Centre Plaza Elevator Extension" project from $41,000 to $45,000

CONSENT

18. Consider accepting the improvements for the Mira Loma Subdivision, and authorizing the City Clerk to file a Notice of Completion and to release s ecurities upon expiration of statutory periods. Owner: Ridge Sutter, a married man as his sole and separate property.
    - Resolution accepting the improvements for the Mira Loma 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

ACTION: Resolution 2004-604 (Jackman/O'Bryant; unan. Dunbar absent) acceptin g the improvements for the Mira Loma 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

HEARINGS

This item was continued from October 12, 2004 and October 26, 2004

19. Hearing to consider the expenditure of the 2004/2005 allocation of $302,843 from the State of California Supplemental Law Enforcement Services Fund for patrol services overtime.

- Resolution approving the expenditure of the 2004/2005 allocation of $302,843 from the State of California Supplemental Law Enforcement Services Fund for patrol services overtime recommended.

Police; Judy Tognolini, 572-9523, tognolinij@modestopd.com

ACTION: Resolution 2004-605 (O'Bryant/Keating; unan. Dunbar absent) approving the expenditure of the 2004/2005 allocation of $302,843 from the State of California Supplemental Law Enforcement Services Fund for patrol services overtime.

ACTION: Resolution 2004-605A (O'Bryant/Keating; unan. Dunbar absent) amending the FY04-05 Budget to appropriate revenues and expenses for the State of California Supplemental Law Enforcement Services Fund Grant.

It has been requested to continue the following item to November 23, 2004

20. Hearing to consider approval of Amendment #1 to the Village One Facilities Master Plan Update and environmental findings.

ACTION: By motion (Hawn/Jackman; unan. Dunbar absent **)**This item was continued to November 23, 2004.

21. Hearing to consider a request from Habitat for Humanity, Stanislaus, for a refund of Capital Facilities Fees totaling $11,457 for properties located at 1308, 1312 and 1320 Dan West Court, within the City limits.

- Resolution approving a refund to Habitat for Humanity, Stanislaus for $11,457 paid for Capital Facilities Fees totaling $11,457 for properties located at 1308, 1312 and 1320 Dan West Court, and authorizing the Acting City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2004-606 (Marsh/Jackman; unan. Dunbar absent) approving a refund to Habitat for Humanity, Stanislaus for $11,457 paid for Capital Facilities Fees totaling $11,457 for properties located at 1308, 1312 and 1320 Dan West Court, and authorizing the Acting City Manager to execute the necessary documents.

22. Hearing to consider a Waste Management Performance Review Report regarding Modesto Disposal Service.

- Resolution accepting the Waste Management Performance Review Report regarding Modesto Disposal Service for period of December 2003 through September 30, 2004 and authorizing the Acting City Manager to execute a one-year extension of the Interim Service Agreement recommended.

Public Works; Jocelyn Reed, 577-5494, jreed@modestogov.com

ACTION: Resolution 2004-607 (Jackman/Keating; unan. Dunbar absent) accepting the Waste Management Performance Review Report regarding Modesto Disposal Service for

period of December 2003 through September 30, 2004 and authorizing the Acting City Manager to execute a one-year extension of the Interim Service Agreement

NEW BUSINESS

23. Consider a report on the Dry Creek Sanitary Sewer Overflow incident.
    - Motion acknowledging the receipt of a report on the Dry Creek Sanitary Sewer Overflow incident recommended.

Public Works; Peter Cowles, 577-5205, pcowles@modestogov.com

ACTION: By Motion (Jackman/Keating; unan. Dunbar absent) acknowledging the receipt of a report on the Dry Creek Sanitary Sewer Overflow incident.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:50 p.m.

CLOSED SESSION

Both closed sessions heard prior to the Council meeting.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Two Cases (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *The Committee Concerning Community Improvements, et al. v. City of Modesto, et al.*
United States District Court, Eastern 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: Janice Stewart, Assistant Personnel Director
Jana Coons, Administrative Services Officer

Employee Organization: Modesto City Employees Association

MINUTES

City of Modesto

Finance Committee/
Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, November 15, 2004, at 1:30 p.m.

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

Also Present: Councilmember Marsh

ORAL COMMUNICATIONS

None

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

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

CONSENT

6. Consider informational report regarding November 2004 Monthly Budget Adjustments.

ACTION: This item was referred to full Council for approval.

7. Consider informational report regarding the Downtown Improvement District – Review of Allocated Indirect Administrative Costs.

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

NEW BUSINESS

8. Consider informational report regarding Budget Policy Discussion – Review of Supplemental Budget Requests.

ACTION: The Committee agreed to recommend to the full Council submitting budget supplementals in October-November 2005 for the fiscal year 2005-06 budget cycle.

9. Consider informational report regarding General Fund Revenue and Expenditure Update – First Quarter FY 04-05.

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

ADJOURNMENT

This meeting adjourned at 2:20 p.m.

MINUTES

City of Modesto
Audit Committee Meeting/
Special City Council Workshop Meeting
Tenth Street Place, 2nd Floor, Room 2005
1010 10th Street
Modesto, California

Monday, November 22, 2004, at 10:00 a.m.

Roll Call – Present: Committee Members Keating, O'Bryant, Mayor Ridenour

ORAL COMMUNICATIONS

None.

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

NEW BUSINESS

11. Consider receiving verbal update on annual audit process by Maze & Associates

ACTION: This item was for information only. No action was taken. Staff will attempt to schedule a mid-December Audit Committee Meeting to review the audit.

12. Consider receiving Internal Auditor's verbal update on legislation

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

13. Consider receiving staff presentation on revised 2003 Single Aud it

ACTION: The Committee accepted Staff's report and recommended item be forwarded to Council.

14. Consider staff recommendation to amend audit contract with Maze & Associates for additional work on financial audits

ACTION: The Committee accepted Staff's recommendation.

15. Consider receiving information and discussion of North Beyer Community Facilities District audit

ACTION: The Committee expressed interest in reviewing use of the annual tax, receiving status of future development and researching possible funding sources for developing the last remaining area.

16. Consider receiving information regarding the 2003 Management Letter

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

17. Consider receiving Travel information for Mayor and Council members, Charter Officers, Deputy City Manager, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for Q1 (July, August and September 2004)

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

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:00 a.m.

MINUTES

City of Modesto

Finance Committee/
Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street
Modesto, California

Monday, November 22, 2004, at 5:30 p.m.

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

Also Present: Councilmember Marsh

ORAL COMMUNICATIONS

- Committee Member Dunbar expressed concern regarding the congestion in the parking garage and the non-validation of parking tickets after the Salvation Army Kettle Kick-Off.

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

NEW BUSINESS

10. Consider informational report regarding Proposed Water Rate Increases' Impact on the Utility Users Tax (UUT).

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

11. Consider accepting the Annual Report for FY2003/2004 and the Operating Budget FY2004/2005 from the Modesto Convention and Visitors Bureau.

ACTION: The Committee approved Staff's recommendation.

12. Consider informational report regarding New California Communities VLF Gap Loan Financing Program.

ACTION: The Committee approved Staff's recommendation.

13. Consider informational report regarding Proposed Refunding of Series 1993 and Series 1997 Wastewater Revenue Bonds.

ACTION: The Committee approved Staff's recommendation.

14. Consider request authorizing the Purchasing Supervisor to issue a Request for Proposal for Uniformed Security Guard Services.

ACTION: The Committee approved Staff's recommendation.

15. Consider request to Re-Open and Re-Appropriate Closed Capital Improvement Projects.

ACTION: The Committee approved Staff's recommendation.

16. Consider staff recommendation that Council approve to Extend Benefits for Reservists Called Into Active Military Duty.

ACTION: The Committee approved Staff's recommendation.

17. Consider staff recommendation that Council consider a new Resolution approving a 20% senior/disabled discount applied to water, storm drain and garbage.

ACTION: The Committee recommended a 25% Senior/Disabled discount for water, storm drain and garbage.

18. Consider staff recommendation that Council approve a Professional Services Contract for Classification Studies.

ACTION: This item was forwarded to full Council with no Committee recommendation.

19. Consider staff recommendation for an Entertainment Task Force in the downtown area.

ACTION: The Committee accepted the report and approved the Task Force recommendation using $40,000 from the General Fund to reach the target for a one-year period.

MATTERS TO LATE FOR THE AGENDA

None.

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, November 23, 2004, 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: Paul Harris-Webster from Trinity Church of the Nazarene

City Clerk's Announcements: Item 13 requires 5 affirmative votes.
Item 19 continued to December 7, 2004.

Declaration of Conflicts of Interest None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Mayor to Finance Accounting staff in recognition of their *Certificate of Achievement for Excellence in Financial Reporting* received from the Government Finance Officers Association for the year ending June 30, 2003.

ACTION: Presentation made by Judith Ray Acting City Manager and Mayor Ridenour. Comments made by Pete Kolf.

2. Introduction by Judith Ray, Assistant to the City Manager, of Rick Robinson recently appointed Chief Executive Officer for Stanislaus County.

ACTION: Introduction made by Judith Ray, Acting City Manager. Comments made by Rick Robinson.

3. Consider a report by Sandra de Alcuaz, Executive Director of The First Tee of Modesto updating the first year results of the program.
    - Motion acknowledging receipt of a report by Sandra de Alcuaz, Executive Director of The First Tee of Modesto updating the first year results of the program recommended.

Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Report given by Sandra de Alcuaz.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 18

ACTION Consent Items 4-18: 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 November 9, 2004.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) approved the minutes of November 9, 2004.

CONSENT

5. Consider final adoption of:
Dunbar and Ridenour were absent at the introduction of Ord. 3360-C.S. on Nov 3, 2004
a. **Ordinance No. 3360-C.S.** - amending Section 9-3-9 of the Zoning Map to rezone from Professional Office Zone, P-O, to Planned Development Zone, P-D(568), property located on the north side of Sylvan Avenue west of Claremont Avenue.
Dunbar was absent at the introduction of Ords. 3361- 3369-C.S. on Nov 9, 2004
b. **Ordinance No. 3361-C.S.** - an ordinance amending Section 1-2.07 of Chapter 2 of Title 1 of the Modesto Municipal Code relating to Penalty Provisions. (Reorganization of Departments).
c. **Ordinance No. 3362-C.S.** – an ordinance adding Article 17 to Chapter 3 of Title 2 of the Modesto Municipal Code relating to Public Works Department and repealing Articles 10 and 12 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to Operations and Maintenance Department and Engineering and Transportation Department. (Reorganization of Departments).
d. **Ordinance No. 3363-C.S.** – an ordinance amending Sections 3-2.105, 3-2.204, 3-2.301, 3-2.304, 3-2.305, 3-2.306, 3-2.307, 3-2.308, 3-2.401, 3-2.402, 3-2.404, 3-2.501, 3-2.502, 3-2.601, 3-2.701, 3-2.808, 3-2.901, 3-2.1007, 3-2.1008, 3-2.1101, 3-2.1102, 3-

2.1103, 3-2.1201, 3-2.1204, 3-2.1302, 3-2.1402, 3-2.1501, 3-2.1502, 3-2.1503, 3-2.1504, 3-2.1607, 3-2.1701 AND 3-2.1911 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Traffic Regulations. (Reorganization of Departments).

e. **Ordinance No. 3364-C.S.** – an ordinance amending Sections 4-2.09 and 4-2.30 of Chapter 2 of Title 4 of the Modesto Municipal Code relating to Misdemeanors; Sections 4-3.01, 4-3.02, 4-3.04, 4-3.06, 4-3.07.2, 4-3.09, 4-3.10, 4-3.11, 4-3.12, 4-3.13, 4-3.14, 4-3.19, 4-3.20, and 4-3.21 of Chapter 3 of Title 4 of the Modesto Municipal Code relating to Moving of Buildings, Sections 4-4.401, 4-4.404, 4-4.503, 4-4.509, 4-4.510, 4-4.511, 4-4.513, 4-4.515, 4-4.516, 4-4.517, 4-4.518, 4-4.601, 4-4.602, 4-4.603, 4-4.604, 4-4.605, 4-4.801, 4-4.802, 4-4.802.1, and 4-4.804 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Subdivision of Land; Sections 4-5.03, 4-5.05 and 4-5.06 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to Regulation of Streets and Sidewalks; Sections 4-6.101, 4-6.201, 4-6.202, 4-6.203, 4-6.204, 4-6.206, 4-6.207, 4-6.208, 4-6.209, 4-6.210, 4-6.301, 4-6.303, 4-6.306, 4-6.402, 4-6.501, 4-6.502, 4-6.503, 4-6.504, 4-6.801, and 4-6.901 of Chapter 6 of Title 4 of the Modesto Municipal Code relating to Taxicabs; Sections 4-7.1103, and 4-7.1106 of Article 11 of Chapter 7 of Title 4 of the Modesto Municipal Code relating to Collection of Pruned Refuse; Section 4-8.10 of Chapter 8 of Title 4 of the Modesto Municipal Code relating to Regulation of Parades; and Sections 4-15.103, 4-15.104, 4-15.105, 4-15.106, 4-15.203, 4-15.301, 4-15.302, and 4-15.401 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Outdoor Dining in the Public Rights-of-Way Permitted. (Reorganization of Departments).

f. **Ordinance No. 3365-C.S.** – an ordinance amending Sections 5-1.102, 5-1.503, 5-1.504, 5-1.505, 5-1.506, 5-1.510, 5-1.511, 5-1.512, 5-1.513, 5-1.514, 5-1.515, 5-1.516, and 5-1.518 of Chapter 1 of Title 5 of the Modesto Municipal Code relating to General Sanitation; 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; and Sections 5-6.103, 5-6.309, 5-6.701, and 5-6.805 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Sewage Collection and Disposal. (Reorganization of Departments).

g. **Ordinance No. 3366-C.S.** – an ordinance amending Sections 7-1.102, 7-1.104, 7-1.105, 7-1.106, 7-1.108, 7-1.110, 7-1.201, 7-1.301, 7-1.304, 7-1.401, 7-1.404, 7-1.502, 7-1.503, and 7-1.701 of Chapter 1 of Title 7 of the Modesto Municipal Code relating to Street Improvements; Section 7-2.02 of Chapter 2 of Title 7 of the Modesto Municipal Code relating to Street Cuts; Sections 7-3.103 and 7-3.202.1 of Chapter 3 of Title 7 of the Modesto Municipal Code relating to Modesto City-County Airport; and Sections 7-5.01, 7-5.02, 7-5.03, 7-5.04, 7-5.05, 7-5.06, 7-5.08 and 7-5.10 of Chapter 5 of Title 7 of the Modesto Municipal Code relating to Street Trees. (Reorganization of Departments).

h. **Ordinance No. 3367-C.S.** – an ordinance amending Sections 10-2.2006 and 10-2.2009 of Article 20 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to Off-Street Parking Requirements; and Section 10-2.2314 of Article 23 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to General Provisions. (Reorganization of Departments).

i. **Ordinance No. 3368-C.S.** – an ordinance amending Sections 11-1.01, 11-1.04, 11-1.05, 11-1.06, 11-1.08, 11-1.14, 11-1.15 and 11-1.16 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations; Section 11-4.27 of Chapter 4 of Title 11 of the Modesto Municipal Code relating to Procedure for Granting Cable Communication System Franchises; Sections 11-5.05, 11-5.07 and 11-

5.11 of Chapter 5 of Title 11 of the Modesto Municipal Code relating to Regulations and Procedures for the Removal of Overhead Utility Facilities and the Installation of Underground Facilities in Underground Utility Districts; and Sections 11-6.05, 11-6.06, 11-6.08, 11-6.10, 11-6.11 and 11-6.13 of Chapter 6 of Title 11 of the Modesto Municipal Code relating to Collections of Public Utilities Charges. (Reorganization of Departments).

j. **Ordinance No. 3369-C.S.** - an ordinance amending Section 12-1.03 of Chapter 1 of Title 12 of the Modesto Municipal Code relating to Landscaping and Irrigation Standards; and Sections 12-4.203 and 12-4.204 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to Use of Park and Recreation Areas and Facilities. (Reorganization of Departments).

- Motion approving final adoption recommended.

Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Keating; unan. Dunbar and Ridenour absent) approved **the final adoption of Ordinance No. 3360-C.S.** - amending Section 9-3-9 of the Zoning Map to rezone from Professional Office Zone, P-O, to Planned Development Zone, P-D(568), property located on the north side of Sylvan Avenue west of Claremont Avenue

ACTION: By Motion (Hawn/Marsh; unan, Dunbar absent) approved **the final adoption of Ordinance No. 3361-C.S.** - an ordinance amending Section 1-2.07 of Chapter 2 of Title 1 of the Modesto Municipal Code relating to Penalty Provisions. (Reorganization of Departments).

ACTION: By Motion (Hawn/Marsh; unan, Dunbar absent) approved **the final adoption of Ordinance No. 3362-C.S.** – an ordinance adding Article 17 to Chapter 3 of Title 2 of the Modesto Municipal Code relating to Public Works Department and repealing Articles 10 and 12 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to Operations and Maintenance Department and Engineering and Transportation Department. (Reorganization of Departments).

ACTION: By Motion (Hawn/Marsh; unan, Dunbar absent) approved **the final adoption of Ordinance No. 3363-C.S.** – an ordinance amending Sections 3-2.105, 3-2.204, 3-2.301, 3-2.304, 3-2.305, 3-2.306, 3-2.307, 3-2.308, 3-2.401, 3-2.402, 3-2.404, 3-2.501, 3-2.502, 3-2.601, 3-2.701, 3-2.808, 3-2.901, 3-2.1007, 3-2.1008, 3-2.1101, 3-2.1102, 3-2.1103, 3-2.1201, 3-2.1204, 3-2.1302, 3-2.1402, 3-2.1501, 3-2.1502, 3-2.1503, 3-2.1504, 3-2.1607, 3-2.1701 AND 3-2.1911 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Traffic Regulations. (Reorganization of Departments).

ACTION: By Motion (Hawn/Marsh; unan, Dunbar absent) approved **the final adoption of Ordinance No. 3364-C.S.** – an ordinance amending Sections 4-2.09 and 4-2.30 of Chapter 2 of Title 4 of the Modesto Municipal Code relating to Misdemeanors; Sections 4-3.01, 4-3.02, 4-3.04, 4-3.06, 4-3.07.2, 4-3.09, 4-3.10, 4-3.11, 4-3.12, 4-3.13, 4-3.14, 4-3.19, 4-3.20, and 4-3.21 of Chapter 3 of Title 4 of the Modesto Municipal Code relating to Moving of Buildings, Sections 4-4.401, 4-4.404, 4-4.503, 4-4.509, 4-4.510, 4-4.511, 4-4.513, 4-4.515, 4-4.516, 4-4.517, 4-4.518, 4-4.601, 4-

4.602, 4-4.603, 4-4.604, 4-4.605, 4-4.801, 4-4.802, 4-4.802.1, and 4-4.804 of Chapter 4 of Title 4 of the Modesto Municipal Code relating to Subdivision of Land; Sections 4-5.03, 4-5.05 and 4-5.06 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to Regulation of Streets and Sidewalks; Sections 4-6.101, 4-6.201, 4-6.202, 4-6.203, 4-6.204, 4-6.206, 4-6.207, 4-6.208, 4-6.209, 4-6.210, 4-6.301, 4-6.303, 4-6.306, 4-6.402, 4-6.501, 4-6.502, 4-6.503, 4-6.504, 4-6.801, and 4-6.901 of Chapter 6 of Title 4 of the Modesto Municipal Code relating to Taxicabs; Sections 4-7.1103, and 4-7.1106 of Article 11 of Chapter 7 of Title 4 of the Modesto Municipal Code relating to Collection of Pruned Refuse; Section 4-8.10 of Chapter 8 of Title 4 of the Modesto Municipal Code relating to Regulation of Parades; and Sections 4-15.103, 4-15.104, 4-15.105, 4-15.106, 4-15.203, 4-15.301, 4-15.302, and 4-15.401 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Outdoor Dining in the Public Rights-of-Way Permitted. (Reorganization of Departments).

ACTION: By Motion (Hawn/Marsh; unan, Dunbar absent) approved **the final adoption of Ordinance No. 3365-C.S.** – an ordinance amending Sections 5-1.102, 5-1.503, 5-1.504, 5-1.505, 5-1.506, 5-1.510, 5-1.511, 5-1.512, 5-1.513, 5-1.514, 5-1.515, 5-1.516, and 5-1.518 of Chapter 1 of Title 5 of the Modesto Municipal Code relating to General Sanitation; 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; and Sections 5-6.103, 5-6.309, 5-6.701, and 5-6.805 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Sewage Collection and Disposal. (Reorganization of Departments).

ACTION: By Motion (Hawn/Marsh; unan, Dunbar absent) approved **the final adoption of Ordinance No. 3366-C.S.** – an ordinance amending Sections 7-1.102, 7-1.104, 7-1.105, 7-1.106, 7-1.108, 7-1.110, 7-1.201, 7-1.301, 7-1.304, 7-1.401, 7-1.404, 7-1.502, 7-1.503, and 7-1.701 of Chapter 1 of Title 7 of the Modesto Municipal Code relating to Street Improvements; Section 7-2.02 of Chapter 2 of Title 7 of the Modesto Municipal Code relating to Street Cuts; Sections 7-3.103 and 7-3.202.1 of Chapter 3 of Title 7 of the Modesto Municipal Code relating to Modesto City-County Airport; and Sections 7-5.01, 7-5.02, 7-5.03, 7-5.04, 7-5.05, 7-5.06, 7-5.08 and 7-5.10 of Chapter 5 of Title 7 of the Modesto Municipal Code relating to Street Trees. (Reorganization of Departments).

ACTION: By Motion (Hawn/Marsh; unan, Dunbar absent) approved **the final adoption of Ordinance No. 3367-C.S.** – an ordinance amending Sections 10-2.2006 and 10-2.2009 of Article 20 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to Off-Street Parking Requirements; and Section 10-2.2314 of Article 23 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to General Provisions. (Reorganization of Departments).

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5.11 of Chapter 5 of Title 11 of the Modesto Municipal Code relating to Regulations and Procedures for the Removal of Overhead Utility Facilities and the Installation of Underground Facilities in Underground Utility Districts; and Sections 11-6.05, 11-6.06, 11-6.08, 11-6.10, 11-6.11 and 11-6.13 of Chapter 6 of Title 11 of the Modesto Municipal Code relating to Collections of Public Utilities Charges. (Reorganization of Departments).

ACTION: By Motion (Hawn/Marsh; unan, Dunbar absent) approved **the final adoption of Ordinance No. 3369-C.S.** - an ordinance amending Section 12-1.03 of Chapter 1 of Title 12 of the Modesto Municipal Code relating to Landscaping and Irrigation Standards; and Sections 12-4.203 and 12-4.204 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to Use of Park and Recreation Areas and Facilities. (Reorganization of Departments).

CONSENT

6. Consider sale of approximately 17,000 square feet of City-owned surplus property located at Dry Creek and Scenic Avenue for $14,450.
    - Resolution authorizing staff to take appropriate actions to complete the sale of approximately 17,000 square feet of City-owned surplus property located at Dry Creek and Scenic Avenue, and authorizing the Acting City Manager to execute the necessary documents.

Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2004-608 (Jackman/Keating; unan.) authorizing staff to take appropriate actions to complete the sale of approximately 17,000 square feet of City-owned surplus property located at Dry Creek and Scenic Avenue, and authorizing the Acting City Manager to execute the necessary documents.

CONSENT

7. Consider Monthly Budget Adjustments – November 2004.
    - Resolution approving Fiscal Year 2005 budget adjustments for November 2004 recommended.

Finance; Gail Bailey, 577-5378, gbailey@modestogov.com

ACTION: Resolution 2004-609 (Jackman/Keating; unan) approving Fiscal Year 2005 budget adjustments for November 2004

CONSENT

8. Consider hiring entry-level firefighters utilizing the AB 1929 displaced firefighter list, which allows local government fire agencies to hire firefighters who have been laid off by other fire departments due to reduction in service.
    - Resolution approving hiring entry-level firefighters utilizing the AB 1929 displaced firefighter list, which allows local government fire agencies to hire firefighte rs who have been laid off by other fire departments due to reduction in service recommended.

Fire; James Miguel, 572-9590, jmiguel@modestofire.com

ACTION: Resolution 2004-610 (Jackman/Keating; unan) approving hiring entry-level firefighters utilizing the AB 1929 displaced firefighter list, which allows local government fire agencies to hire firefighters who have been laid off by other fire departments due to reduction in service

9. Consider the deferment of the facility rental fee increase for the Regular Users at the Modesto Senior Citizens Center until December 31, 2005, or until the groups receive their 501(C) 3 status and obtain a sponsor, whichever occurs first, recognize the revenue in the Senior Citizens Center Rental fund will be $1,893 less than estimated for FY 2004-2005, and that projected revenue in that fund may need to be decreased by $3,141 for FY 2005-2006.
   - Resolution approving the deferment of the facility rental fee increase for the Regular Users at the Modesto Senior Citizens Center until December 31, 2005, or until the groups receive their 501(C) 3 status and obtain a sponsor, whichever occurs first, recognizing the revenue in the Senior Citizens Center Rental fund will be $1,893 less than estimated for FY 2004-2005, and that projected revenue in that fund may need to be decreased by $3,141 for FY 2005-2006 recommended.

   Parks, Recreation & Neighborhoods; Chris Elms, 577-5336, celms@modestogov.com

ACTION: Resolution 2004-611 (Jackman/Keating; unan) approving the deferment of the facility rental fee increase for the Regular Users at the Modesto Senior Citizens Center until December 31, 2005, or until the groups receive their 501(C) 3 status and obtain a sponsor, whichever occurs first, recognizing the revenue in the Senior Citizens Center Rental fund will be $1,893 less than estimated for FY 2004-2005, and that projected revenue in that fund may need to be decreased by $3,141 for FY 2005-2006

CONSENT

10. Consider a lease renewal agreement with David E Kamrar and Carole L. Kamrar for the Building Services Division building at 121 Elm Street.
   - Resolution approving a lease renewal agreement with David E Kamrar and Carole L. Kamrar for the Building Services Division building at 121 Elm Street recommended.

   Parks, Recreation & Neighborhoods; Ross Shiveley, 577-5438, rshiveley@modestogov.com

ACTION: Resolution 2004-612 (Jackman/Keating; unan) approving a lease renewal agreement with David E Kamrar and Carole L. Kamrar for the Building Services Division building at 121 Elm Street.

CONSENT

11. Consider amending the Position Classification Plan to revise the job specification for the classifications of Construction Inspector, Supervising Construction Inspector and Heavy Equipment Mechanic; to change the title of Equipment Service Worker II to Equipment Service Technician; to change the title of Coach Mechanic Crewleader to Heavy

Equipment Mechanic Crewleader; and to delete the classification of Equipment Service Worker I.

- Resolution amending the Position Classification Plan to revise the job specification for the classifications of Construction Inspector, Supervising Construction Inspector and Heavy Equipment Mechanic; to change the title of Equipment Service Worker II to Equipment Service Technician; to change the title of Coach Mechanic Crewleader to Heavy Equipment Mechanic Crewleader; and to delete the classification of Equipment Service Worker I recommended.
- Resolution amending Class Range Table for General Non Sworn Classes to revise the job specification for the classifications of Construction Inspector, Supervising Construction Inspector and Heavy Equipment Mechanic; to change the title of Equipment Service Worker II to Equipment Service Technician; to change the title of Coach Mechanic Crewleader to Heavy Equipment Mechanic Crewleader; and to delete the classification of Equipment Service Worker I recommended.
- Resolution amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to revise the job specification for Supervising Construction Inspector recommended.

Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Resolution 2004-613 (Jackman/Keating; unan) amending the Position Classification Plan to revise the job specification for the classifications of Construction Inspector, Supervising Construction Inspector and Heavy Equipment Mechanic; to change the t itle of Equipment Service Worker II to Equipment Service Technician; to change the title of Coach Mechanic Crewleader to Heavy Equipment Mechanic Crewleader; and to delete the classification of Equipment Service Worker I

ACTION: Resolution 2004-614 (Jackman/Keating; unan) amending Class Range Table for General Non Sworn Classes to revise the job specification for the classifications of Construction Inspector, Supervising Construction Inspector and Heavy Equipment Mechanic; to change the title of Equipment Service Worker II to Equipment Service Technician; to change the title of Coach Mechanic Crewleader to Heavy Equipment Mechanic Crewleader; and to delete the classification of Equipment Service Worker I

ACTION: Resolution 2004-615 (Jackman/Keating; unan) amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to revise the job specification for Supervising Construction Inspector

CONSENT

12. Consider amending the 2004-2005 budget to recognize and appropriate new Safe Routes to School (SR2S) grant revenues of $166,500 for Fiscal Year 2004 -2005; and Consider amending the 2004-2005 Capital Improvement Program (CIP) to include an SR2S funded CIP project.
    - Resolution amending the 2005-2005 budget to recognize and appropriate new Safe Routes to School (SR2S) grant revenues of $166,500 for Fiscal Year 2004 -2005 recommended.

- Resolution amending the 2004-2005 Capital Improvement Program (CIP) to include an SR2S funded CIP project recommended.

Public Works; Jeff Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2004-616 (Jackman/Keating; unan)amending the 2005-2005 budget to recognize and appropriate new Safe Routes to School (SR2S) grant revenues of $166,500 for Fiscal Year 2004-2005

ACTION: Resolution 2004-617 (Jackman/Keating; unan) amending the 2004-2005 Capital Improvement Program (CIP) to include an SR2S funded CIP project

CONSENT—*Requires five affirmative votes.*

13. Consider rejecting the low bid of $71,040 from Steiny & Company Inc. for the project titled "Scenic Drive Lighted Crosswalk," authorizing staff to solicit informal bids for the equipment, and construct the improvements with City crews; and Consider adopting the initial study and a finding that the City Council has reviewed, considered, and made findings regarding the CEQA Environmental Review document.
    - Resolution rejecting the low bid of $71,040 from Steiny & Company Inc. for the project titled "Scenic Drive Lighted Crosswalk," authorizing staff to soli cit informal bids for the equipment, and construct the improvements with City crews recommended.
    - Resolution ratifying the initial study and adopting a finding that the City Council has reviewed, considered, and made findings regarding the CEQA Environmenta l Review document recommended.

    Public Works; Jeff Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2004-618 (Jackman/Keating; unan) rejecting the low bid of $71,040 from Steiny & Company Inc. for the project titled "Scenic Drive Lighted Crosswalk," authorizing staff to solicit informal bids for the equipment, and construct the improvements with City crews

ACTION: Resolution 2004-619 (Jackman/Keating; unan) ratifying the initial study and adopting a finding that the City Council has reviewed, considered, and made findings regarding the CEQA Environmental Review document

CONSENT

14. Consider rejecting the low bid of $312,285 from BDS Construction Inc. for the project titled "Encina Avenue Roundabo ut," and authorizing staff to re-bid the project; and Consider adopting the initial study and a finding that the City Council has reviewed, considered, and made findings regarding the CEQA Environmental Review document.
    - Resolution rejecting the low bid of $312,285 from BDS Construction Inc. for the project titled "Encina Avenue Roundabout," and authorizing staff to re-bid the project recommended.

- Resolution adopting the initial study and a finding that the City Council has reviewed, considered, and made findings regarding the CEQA Environmental Review document recommended.

Public Works; Jeff Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2004-620 (Jackman/Keating; unan) rejecting the low bid of $312,285 from BDS Construction Inc. for the project titled "Encina Avenue Roundabout," and authorizing staff to re-bid the project

ACTION: Resolution 2004-621 (Jackman/Keating; unan) adopting the initial study and a finding that the City Council has reviewed, considered, and made findings regarding the CEQA Environmental Review document

CONSENT

15. Consider amending the 2004-2005 budget to recognize and appropriate new Congestion Mitigation and Air Quality (CMAQ) grant revenues of $2,828,531 for Fiscal Year 2004-2005; and Consider amending the 2004-2005 Capital Improvement Program (CIP) to include CMAQ-funded CIP projects.
    - Resolution amending the 2004-2005 budget to recognize and appropriate new Congestion Mitigation and Air Quality (CMAQ) grant revenues of $2,828,531 for Fiscal Year 2004-2005 recommended.
    - Resolution amending the 2004-2005 Capital Improvement Program (CIP) to include CMAQ-funded CIP projects recommended.

    Public Works; Jeff Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2004-622 (Jackman/Keating; unan) amending the 2004-2005 budget to recognize and appropriate new Congestion Mitigation and Air Quality (CMAQ) grant revenues of $2,828,531 for Fiscal Year 2004-2005

ACTION: Resolution 2004-623 (Jackman/Keating; unan) amending the 2004-2005 Capital Improvement Program (CIP) to include CMAQ-funded CIP projects

CONSENT

16. Consider accepting the bid and approving $58,585 contract with On Grade Contracting Inc., for the project titled "Sewer Extension to 2336 Sylvan Avenue," and authorizing the Acting City Manager to execute the contract. Total estimated cost of the project is $74,402.95.
    - Resolution accepting the bid and approving $58,585 contract with On Grade Contracting Inc., for the project titled "Sewer Extension to 2336 Sylvan Avenue," and authorizing the Acting City Manager to execute the contract recommended.

    Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-624 (Jackman/Keating; unan) accepting the bid and approving $58,585 contract with On Grade Contracting Inc., for the project titled "Sewer

Extension to 2336 Sylvan Avenue," and authorizing the Acting City Manager to execute the contract.

CONSENT

17. Consider a Consent to Common Use agreement with the Modesto Irrigation District (MID) to widen an existing canal crossing at Dale Road and MID Lateral No. 6 and authorizing the Acting City Manager to execute the necessary documents.
    - Resolution approving a Consent to Common Use agreement with the Modesto Irrigation District (MID) to widen an existing canal crossing at Dale Road and MID Lateral No. 6 and authorizing the Acting City Manager to execute the necessary documents recommended.

    Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2004-625 (Jackman/Keating; unan) approving a Consent to Common Use agreement with the Modesto Irrigation District (MID) to widen an existing canal crossing at Dale Road and MID Lateral No. 6 and authorizing the Acting City Manager to execute the necessary documents

CONSENT

18. Consider authorizing the Purchasing Supervisor to issue formal Request for Bids for electric motor rewinding/rebuilding services for an initial two-year period, with three one-year extension options for a total estimated annual cost of $50,000.
    - Resolution authorizing the Purchasing Supervisor to issue formal Request for Bids for electric motor rewinding/rebuilding services for an initial two-year period, with three one-year extension options for a total estimated annual cost of $50,000 recommended.

    Public Works; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Resolution 2004-626 (Jackman/Keating; unan) authorizing the Purchasing Supervisor to issue formal Request for Bids for electric motor rewinding/rebuilding services for an initial two-year period, with three one-year extension options for a total estimated annual cost of $50,000.

COUNCIL COMMENTS & REPORTS

None

HEARINGS

The following item has been requested to be continued to December 7, 2004

19. Hearing to consider approval of Amendment #1 to the Village One Facilities Master Plan Update and environmental findings.

- Resolution finding that the potential environmental effects of Amendment #1 to the Village One Facilities Master Plan Update (May 2003) 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 the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and the Village One Facilities Master Plan Update (EA/CM 2003-03) recommended.
- Resolution approving the proposed Amendment #1 to the Village One Facilities Master Plan Update (May 2003) recommended.

Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: By motion Marsh/Keating; unan. continued to December 7, 2004.

20. Hearing to consider the conclusion of the Proposition 218 process for Water Rate Increase.
    - Resolution rescinding all previous Water Fee Resolutions, establishing a Single Rate Base, and establishing fees for the provis ion of water and all fees associated with water operations and management recommended.
    - Introduction of an ordinance amending 11-1.04 and 11-1.06 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations, and amending Chapter 6 of Title 11 of the Modesto Municipal Code relating to Collections of Public Utility Charges recommended.

    Public Works; Peter Cowles, 577-5205, pcowles@modestogov.com

Recess 8:25
Reconvene 8:44

ACTION: Resolution 2004-627 (Dunbar/Hawn; majority, O'Bryant) 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

ACTION: By Motion (Dunbar/Hawn; majority; O'Bryant no) **introduced Ordinance No. 3370-C.S. –** an ordinance amending 11-1.04 and 11-1.06 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations, and amending Chapter 6 of Title 11 of the Modesto Municipal Code relating to Collections of Public Utility Charges

- The Council recommended that the Finance Committee review the increase from the water fees in the Utility Users Tax.

- Councilmember Dunbar requested to see on a future agenda a construction schedule on the development of Pelandale Expressway from Highway 99 to McHenry Avenue.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:35 p.m.

CLOSED SESSION

All closed session heard prior to the meeting.

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

Property: Sale of approximately 17,000 square feet of a portion of Dry Creek Regional Park

APN: 33-22-16

City of Modesto, Owner

Negotiating parties: City of Modesto, Owner
Mark Jensen for Buyers Clemens & Katakis

Under negotiation: Property disposition of a portion of Dry Creek Regional Park

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 City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street
Conference Room 2005, Second Floor
Modesto, California

Monday, December 6, 2004, at 5:30 p.m.

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

Also Present: Councilmembers Jackman, Marsh

ORAL COMMUNICATIONS

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. Consider receiving informational report regarding the Fire Department's December 2004 staffing report.

ACTION: The Safety & Communities Committee approved this item.

CONSENT
9. Consider staff recommendation to approve the removal of protected/permissive left-turns, north/south direction, at the signalized intersections of Oakdale Road and Lancy Drive, Coffee Road and Floyd Avenue, Prescott Road and Rumble Road, and Orangeburg Avenue and Coffee Road.

ACTION: The Safety & Communities Committee approved this item.

CONSENT
10. Consider receiving informational report regarding the Police Department's staffing.

ACTION: The Safety & Communities Committee approved this item.

CONSENT

11. Consider receiving informational report regarding the Beat Health/Special Multi-Agency Response Team unit (S.M.A.R.T.).

ACTION: The Safety & Communities Committee approved this item.

CONSENT

12. Consider receiving informational report regarding a possible ordinance prohibiting street sales of vehicles within city limits.

ACTION: The Safety & Communities Committee approved this item.

CONSENT

13. Consider receiving informational report regarding Modesto Juvenile Impact Program grant funds in the amount of $35,043.

ACTION: The Safety & Communities Committee approved this item.

NEW BUSINESS

14. Discussion of informational report regarding Stanislaus County's Proposed Pet Overpopulation Ordinance and Presentation by Michael Rodriguez, County Director of Animal Services.

ACTION: The Safety & Communities Committee recommended forwarding this item to full Council.

15. Discussion and approval of report regarding donation of Laerdal Heartstart 3000 defibrillation equipment, supplies and training equipment to Medical Ambassadors International.

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

16. Discussion of design alternatives regarding the SR99/Pelandale Interchange Project.

ACTION: The Safety & Communities Committee directed staff to give a quarterly report on the status of the SR99/Pelandale Interchange Project.

The Safety & Communities Committee agreed to recommend the elimination of options 1b, 2a, and 3d and forwarded the plan to the full Council.

17. Discussion of informational report regarding Modesto and Stanislaus County auto theft problem.

ACTION: The Safety & Communities Committee accepted the report.

18. Report on status of Local Cable Programming Committee activities and possible recommendation on continued funding of the public access channel.

ACTION: The Safety & Communities Committee recommended granting the request of the Local Cable Programming Committee that the operation of the Public Access be extended to April 30, 2005, after which time operation will be assumed by the non-profit corporation which is established.

FUTURE AGENDA ITEMS

20. Non-Motorized Transportation Plan
21. Sutton Park Master Plan
22. Parks and Park Security
23. 12-Month Review of Alcohol Permits
24. Fire Department ALS Program
25. ABC License Appeal Procedures

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:25 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, December 7, 2004, 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

Invocation: Bob Irwin Mill Creek

City Clerk's Announcements - Item 3 removed for a separate vote.

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Announcement by Chief Roy Wasden of the up-coming on-site assessment of the Modesto Police Department, a portion of the Commission on Accreditation for Law Enforcement Agencies Inc. (CALEA) accreditation process.

ACTION: Police Chief Roy Wasden made the presentation

ORAL COMMUNICATIONS
Three minute time limit per speaker

- Scott Ousdahl thanked City Departments and individuals for leadership and cooperation in working with the School District.
- Susan Evans addressed the Council regarding speeding on Palm Avenue and the Police questioning her, flooding on Palm Avenue, and the need for sidewalks and curbs.
- Frank Rosenal Golden Valley Kennel Club spoke regarding the proposed County pet control ordinance
- Karen Moser – Alley Cat Guardian, Ordinance Proposer spoke regarding the overpopulation of cats.
- Susan Robinson – spoke regarding the over pet population and proposed ordinance
- Louis Feldman – Encouraged the Council to adopt the same pet ordinance proposed by the County.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 22

ACTION Consent Items 2, 4- 22: Jackman/Dunbar; Ridenour, absent

ACTION Consent Item 3: Dunbar/Jackman; majority, O'Bryant no; Ridenour, 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 November 23, 2004.
   (Motion approving recommended.)
   Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan. Ridenour absent) approved the minutes of November 23, 2004.

CONSENT

3. Final adoption of Ordinance No. 3370-C.S. – an ordinance amending 11-1.04 and 11-1.06 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations, and amending Chapter 6 of Title 11 of the Modesto Municipal Code relating to Collections of Public Utility Charges

- Motion approving final adoption of Ordinance No. 3370-C.S. – an ordinance amending 11-1.04 and 11-1.06 of Chapter 1 of Title 11 of the Modesto M unicipal Code relating to Water Rates and Regulations, and amending Chapter 6 of Title 11 of the Modesto Municipal Code relating to Collections of Public Utility Charges recommended.

Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Dunbar/Jackman; majority O'Bryant no, Ridenour absent) approved the **final adoption of Ordinance No. 3370-C.S. –** an ordinance amending 11-1.04 and 11-1.06 of Chapter 1 of Title 11 of the Modes to Municipal Code relating to Water Rates and Regulations, and amending Chapter 6 of Title 11 of the Modesto Municipal Code relating to Collections of Public Utility Charges

CONSENT

4. Consider amendments to the Policy Against Harassment and Discrimination and the Complaint Procedure for alleged violations of that policy to shift the primary responsibility for formal investigations of alleged violations to the City Attorney.
   - Resolution approving amendments to the Policy Against Harassment and Discrimination and the Complaint Procedure for alleged violations of that policy to shift the primary responsibility for formal investigations of alleged violations to the City Attorney recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Resolution 2004-628 (Jackman/Dunbar; unan. Ridenour absent) approving amendments to the Policy Against Harassment and Discrimination and the Complaint Procedure for alleged violations of that policy to shift the primary responsibility for formal investigations of alleged violations to the City Attorney.

CONSENT

5. Consider the revised Fiscal Year 2003 Single Audit report prepared by Maze & Associates.
   - Motion acknowledging receipt of report recommended.

City Clerk; Gary Nienhuis, 571-5544, gnienhuis@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan. Ridenour absent) acknowledged receipt of report

CONSENT

6. Consider confirming the Canvass of Votes and declaring the results of the Special Municipal Election held November 2, 2004.
   - Resolution confirming the Canvass of Votes and declaring the results of the Special Municipal Election held November 2, 2004 in the City of Modesto and declaring the results of said special election.

City Clerk; Jean Zahr, 577-5396, jzahr@modestogov.com

ACTION: Resolution 2004-629 (Jackman/Dunbar; unan. Ridenour absent) confirming the Canvass of Votes and declaring the results of the Special Municipal Election held November 2, 2004 in the City of Modesto and declaring the results of said special election.

CONSENT

7. Consider approving sewer service to the Robertson Road Neighborhood now that the Citizens Advisory Growth Management Act of 1995 (commonly referred to as a Measure M) vote requirement has been satisfied by the November 2, 2004 election.
   - Resolution approving sewer service to the Robertson Road Neighborhood recommended.

   City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Resolution 2004-630 (Jackman/Dunbar; unan. Ridenour absent) approving sewer service to the Robertson Road Neighborhood.

CONSENT

8. Consider supporting The Great Valley Center Route 99 Corridor Improvement Guide.
   - Resolution supporting The Great Valley Center Route 99 Corridor Improvement Guide recommended.

   City Manager; Peter Cowles, 577-5205, pcowles@modestogov.com

ACTION: Resolution 2004-631 (Jackman/Dunbar; unan. Ridenour absent) supporting The Great Valley Center Route 99 Corridor Improvement Guide.

CONSENT

9. Consider granting a Capital Facilities Fees (CFF) fee credit in the amount of $3,819 for Elwyn and Mary Heinen for their previously demolished unit.
   - Resolution granting a Capital Facilities Fees (CFF) fee credit in the amount of $3,819 for Elwyn and Mary Heinen for their previously demolished unit recommended.

   City Manager; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: Resolution 2004-632 (Jackman/Dunbar; unan. Ridenour absent) granting a Capital Facilities Fees (CFF) fee credit in the amount of $3,819 for Elwyn and Mary Heinen for their previously demolished unit.

CONSENT

10. Consider delaying consideration of Fiscal Year 2005-2006 supplemental budget requests until after the FY 04-05 financial reports are complete.
   - Resolution approving staff's recommendation to delay consideration of Fiscal Year 2005-2006 supplemental budget requests until after the FY 04-05 financial reports are complete recommended.

City Manager; Judith Ray, 571-5809, jray@modestogov.com

ACTION: Resolution 2004-633 (Jackman/Dunbar; unan. Ridenour absent) approving staff's recommendation to delay consideration of Fiscal Year 2005-2006 supplemental budget requests until after the FY 04-05 financial reports are complete.

CONSENT

11. Consider the Monthly Investment Report.
    - Motion acknowledging receipt of report recommended.

    Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan. Ridenour absent) acknowledge receipt of Monthly Investment Report.

CONSENT

12. Consider submitting an application for $250,000 in grant funding from the Roberti-Z'Berg-Harris Urbanized Area Need-Basis Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) for renovation of the Maddux Youth Center.
    - Resolution approving the submittal of an application for $250,000 in grant funding from the Roberti-Z'Berg-Harris Urbanized Area Need-Basis Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) for renovation of the Maddux Youth Center recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Resolution 2004-634 (Jackman/Dunbar; unan. Ridenour absent) approving the submittal of an application for $250,000 in grant funding from the Roberti-Z'Berg-Harris Urbanized Area Need-Basis Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) for renovation of the Maddux Youth Center.

CONSENT

13. Consider an agreement with the Stanislaus Community Foundation to act as the City's fiscal agent for acceptance of endowments and gifts for open space development and program activities.
    - Resolution approving an agreement with the Stanislaus Community Foundation to act as the City's fiscal agent for acceptance of endowments and gifts for open space development and program activities recommended.

    Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5582, bhatcher@modestogov.com

ACTION: Resolution 2004-635 (Jackman/Dunbar; unan. Ridenour absent) approving an agreement with the Stanislaus Community Foundation to act as the City's fiscal agent

for acceptance of endowments and gifts for open space development and program activities.

CONSENT

14. Consider extending pay and benefits for Reservists called into active military duty for months two through twenty-four, to sunset on January 1, 2007.
    - Resolution to extend salary and health benefits to total 24 months for Reservists called into active Military duty, to sunset on January 1, 2007 recommended.

Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Resolution 2004-636 (Jackman/Dunbar; unan. Ridenour absent) extending salary and health benefits to total 24 months for Reservists called into active Military duty, to sunset on January 1, 2007.

CONSENT

15. Consider authorizing the Personnel Director to solicit informal proposals for a professional services contract to conduct previously identified classification studies and to amend the Personnel Department budget by $25,000.
    - Resolution authorizing the Personnel Director to solicit informal proposals for a Professional services contract to conduct previously identified classification studies recommended.
    - Resolution amending the Fiscal Year 04-05 General Fund operating budget to transfer $25,000 from the general fund reserve to the Personnel Department's operating budget, professional services account recommended.

Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Resolution 2004-637 (Jackman/Dunbar; unan. Ridenour absent) authorizing the Personnel Director to solicit informal proposals for a Professional services contract to conduct previously identified classification studies.

ACTION: Resolution 2004-638 (Jackman/Dunbar; unan. Ridenour absent) amending the Fiscal Year 04-05 General Fund operating budget to transfer $25,000 from the general fund reserve to the Personnel Department's operating budget, professional services account.

CONSENT

16. Consider reopening Capital Improvement Program projects closed in error and amending the adopted budget for fiscal year 2004-2005 to re-appropriate funding to the closed projects.

- **Resolution approving the reopening of Capital Improvement Program projects closed in error and amending the adopted budget for fiscal year 2004-2005 to re-appropriate funding to the closed projects recommended.**

Public Works; Peter Cowles, 577-5213, pcowles@modestogov.com

ACTION: Resolution 2004-639 **(Jackman/Dunbar; unan. Ridenour absent) approving the reopening of Capital Improvement Program projects closed in error and amending the adopted budget for fiscal year 2004-2005 to re-appropriate funding to the closed projects**

CONSENT

17. Consider amending Municipal Code Section 3-2.1401.1 (Radar), including the removal of H Street between Washington Street and 5th Street from the existing speed limit ordinance. No speed limit signs will change as a result of this ordinance; therefore, there will be no additional fiscal impacts.
    - Motion introducing an ordinance amending Section 3-2.1401.1 (Radar) of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits recommended.

    Public Works; Jeff Barnes; 577-5468; jbarnes@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan. Ridenour absent) introducing Ordinance No 3371 - C.S. amending Section 3-2.1401.1 (Radar) of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

CONSENT

18. Consider awarding the bid of $396,810 by Collins Electrical for the project entitled, " Traffic Signal Modifications at 7 Locations," adopting the initial study, and adopting a finding that the City Council has reviewed, consid ered, and made findings regarding the CEQA Environmental Review document. The capital cost of the project will be $475,000; the CMAQ grants will cover $398,385; the remaining $76,615 is budgeted.
    - Resolution awarding bid and approving a $396,810 constructio n contract with Collins Electrical for the project entitled, " Traffic Signal Modifications at 7 Locations" recommended.
    - Resolution adopting the initial study and adopting a finding that the City Council has reviewed, considered, and made findings regardin g the CEQA Environmental Review document recommended.

    Public Works; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2004-640 (Jackman/Dunbar; unan. Ridenour absent) awarding bid and approving a $396,810 construction contract with Collins Electrical for the project entitled, " Traffic Signal Modifications at 7 Locations"

ACTION: Resolution 2004-641 (Jackman/Dunbar; unan. Ridenour absent) adopting the initial study and adopting a finding that the City Council has reviewed, considered, and made findings regarding the CEQA Environmental Review document.

CONSENT

19. Consider approving installation of angle parking on the south side of M Street between 7th and 8th Streets for a cost of less than $200, and rescinding Resolution No. 2004-333. Funds are budgeted.
    - Resolution establishing angle parking in the City of Modesto, and rescinding Resolution No. 2004-333 recommended.

Public Works; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2004-642 (Jackman/Dunbar; unan. Ridenour absent) establishing angle parking in the City of Modesto, and rescinding Resolution No. 2004-333.

CONSENT

20. Consider projects for submittal to the Stanislaus Council of Governments for funding by the Regional Surface Transportation Program.
    - Resolution authorizing the Acting City Manager or his designee to apply for federal funding through the Regional Surface Transportation Program (RSTP) to the Stanislaus Council of Governments (StanCOG) for various projects and to execute the necessary grant applications and documents necessary to obtain said funding.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com,

ACTION: Resolution 2004-643 (Jackman/Dunbar; unan. Ridenour absent) authorizing the Acting City Manager or his designee to apply for federal funding through the Regional Surface Transportation Program (RSTP) to the Stanislaus Council of Governments (StanCOG) for various projects and to execute the necessary grant applications and documents necessary to obtain said funding.

CONSENT

21. Consider an amendment to an agreement with HDR Engineering, Inc., for additional engineering design services in the amount of $32,859, for the project titled "Replacement of the La Loma Sewage Lift Station," and authorizing the Acting City Manager to execute the necessary documents, increasing the total estimated cost of the services to $225,603.
    - Resolution approving an amendment to the agreement with HDR Engineering, Inc., for additional engineering design services in the amount of $32,859, for the project titled "Replacement of the La Loma Sewage Lift Station," and authorizing the Acting City Manager to execute the necessary documents, increasing the total estimated cost of the services to $225,603 recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com,

ACTION: Resolution 2004-644 (Jackman/Dunbar; unan. Ridenour absent) approving an amendment to the agreement with HDR Engineering, Inc., for additional engineering design services in the amount of $32,859, for the project titled "Replacement of the La Loma Sewage Lift Station," and authorizing the Acting City Manager to execute the necessary documents, increasing the total estimated cost of the services to $225,603.

CONSENT

22. Consider the award of bid and contract to Peterson Pacific Corporation for one self-propelled straddle compost turner (windrow turner) for an estimated total cost of $273,229.53.

- **Resolution authorizing the award of bid and contract to Peterson Pacific Corporation for one self-propelled straddle compost turner (windrow turner) for an estimated total cost of $273,229.53.**

Public Works; Purchasing; Tom Reddie, 571-5164; treddie@modestogov.com

ACTION: Resolution 2004-645 **(Jackman/Dunbar; unan. Ridenour absent) authorizing the award of bid and contract to Peterson Pacific Corporation for one self-propelled straddle compost turner (windrow turner) for an estimated total cost of $273,229.53.**

COUNCIL COMMENTS & REPORTS

23. At the request of Councilmember Dunbar, discussion of Council designating one of the regular Council Meetings as a Study Session.

- Motion accepting staff report and providing staff with direction regarding the implementation of City Council Study Sessions recommended.

City Manager; Bryan Whitemyer, 571-5580, bwhitemyer@modestogov.com

ACTION: By Motion (Dunbar/Marsh; majority; Jackman no, Ridenour absent) accepted staff report and directed staff to schedule the 1st meeting of each month with Consent items only, unless an emergency item arises, and to us e the remainder of the meeting as a study session.

WRITTEN COMMUNICATIONS

24. Consider a letter from Steve Breckenridge of Hughes Commercial Real Estate regarding a proposed development at Kiernan and McHenry.

ACTION: Withdrawn by Steve Breckenridge

HEARINGS

It has been requested that this item be continued to December 14, 2004.

25. Hearing to consider the calling a special election within the additional territory proposed to be annexed to Community Facilities District No. 2004-1 (Village One #2) (Annexation #5); and Consider 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 with the additional territory proposed to be annexed to Community Facilities District No. 2004-1 (Village One #2) (Annexation #5) 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; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: By motion (Hawn/Jackman; unan. Ridenour absent) continued to December 14, 2004.

The following item was continued from November 23, 2004

26. Hearing to consider approval of Amendment #1 to the Village One Facilities Master Plan Update and environmental findings.
    - Resolution finding that the potential environmental effects of Amendment #1 to the Village One Facilities Master Plan Update (May 2003) 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 the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and the Village One Facilities Master Plan Update (EA/CM 2003-03) recommended.
    - Resolution approving the proposed Amendment #1 to the Village One Facilities Master Plan Update (May 2003) recommended.

    City Manager; George Britton, 577-5224, gbritton@modestogov.com

ACTION: Resolution 2004-646 (Hawn/Dunbar; unan; Ridenour absent) finding that the potential environmental effects of Amendment #1 to the Village One Facilities Master Plan Update (May 2003) 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 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 2004-647 (Hawn/Dunbar; unan. Ridenour absent) approving the proposed Amendment #1 to the Village One Facilities Master Plan Update (May 2003)

27. Hearing to consider the application of James and Susan Coleman to rezone 4.7 acres located on the south side of Scenic Drive, east of Scenic Bend from R-1 (Single-Family Residential) to P-D(569) (Planned Development) to allow the development of twelve custom single family homes.
    - Motion introducing an ordinance amending Section 23-3-9 of the Zoning Map to rezone from low density residential zone, (R-1), to Planned Development Zone, P-D(569), property located on the south side of Scenic Drive, east of Scenic Bend. (James and Susan Coleman) recommended.
    - Resolution approving a development plan for Planned Development Zone, P-D(569) recommended.
    - Resolution finding the project within the scope of the project covered by the Modesto Urban Area General Plan MEIR (SCH No. 1999082041): amending Section 23-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(569), property located on the south side of Scenic Drive, east of Scenic Bend recommended.

Community & Economic Development; Paul Liu, 571-5808, pliu@modestogov.com

ACTION: By Motion (Marsh/Hawn; unan. Ridenour absent) **introducing Ordinance No. 3372-C.S.--** an ordinance amending Section 23-3-9 of the Zoning Map to rezone from low density residential zone, (R-1), to Planned Development Zone, P-D(569), property located on the south side of Scenic Drive, east of Scenic Bend. (James and Susan Coleman)

ACTION: **Resolution 2004-648** (Marsh/Hawn; unan. Ridenour absent) approving a development plan for Planned Development Zone, P-D(569).

ACTION: **Resolution 2004-649** (Marsh/Hawn; unan. Ridenour absent) finding the project within the scope of the project covered by the Modesto Urban Area General Plan MEIR (SCH No. 1999082041): amending Section 23-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(569), property located on the south side of Scenic Drive, east of Scenic Bend

28. Hearing to consider the application of Monterey Development Group to amend the Village One Specific Plan regarding the Land Use Designations and Design Policies related to Precise Plan for Areas 23 and 24, adoption of a Precise Plan for Area No. 23, and an amendment to Precise Plan for Area No. 24, property located west of Claus Road and north and south sides of Floyd Avenue to allow the development of single family homes at low and medium densities.
    - Resolution approving Specific Plan Amendment No. 18 to the Village One Specific Plan to amend the Village One Specific Plan to change the Land Use designations of Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-family Residential to Village Residential and Medium-Density Residential, and to amend some of the Village One design and development standards related to Precise Plan Areas 23 and 24, property located on the west side of Claus Road, north and south of Floyd Avenue recommended.
    - Motion introducing an ordinance adopting a Precise Plan for Area No. 23 of the Village One Specific Plan, relating to property located at the west side of Claus Road and north of Floyd Avenue 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 on the west side of Claus Road and north of Floyd Avenue recommended
    - Motion introducing an ordinance amending the Precise Plan for Area 24 of the Village One Specific Plan, to amend the Land Uses from Commercial, Village Residential and Multi-family Residential to Medium Density Residential and Village Residential, property located on the west side of Claus Road and south of Floyd Avenue recommended.
    - Resolution finding that the proposed Amendment No. 18 to the Village One Specific Plan, adoption of Precise Plan for Area No. 23, and amendment to Precise Plan No. 24 is within the scope of the Village One Program Environmental Impact Report (SCH No. 90020181), and amended by the Supplemental EIR and the Addendum thereto recommended.

Community & Economic Development; Paul Liu, 571-5808, pliu@modestogov.com

ACTION: **Resolution 2004-650** (Marsh/Dunbar; unan. Ridenour absent) approving Specific Plan Amendment No. 18 to the Village One Specific Plan to amend the Village One Specific Plan to change the Land Use designations of Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-family Residential to Village Residential and Medium-Density Residential, and to amend some of the Village One design and development standards related to Precise Plan Areas 23 and 24, property located on the west side of Claus Road, north and south of Floyd Avenue

ACTION: By Motion (Marsh/Dunbar; unan. Ridenour absent) introduced **Ordinance No. 3373-C.S.** an ordinance adopting a Precise Plan for Area No. 23 of the Village One Specific Plan, relating to property located at the west side of Claus Road and north of Floyd Avenue

ACTION: By Motion (Marsh/Dunbar, unan. Ridenour absent) introduced **Ordinance No. 3374-C.S.** an ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located on the west side of Claus Road and north of Floyd Avenue

ACTION: By Motion (Marsh/Dunbar; unan. Ridenour absent) introduced **Ordinance No. 3375-C.S.** an ordinance amending the Precise Plan for Area 24 of the Village One Specific Plan, to amend the Land Uses from Commercial, Village Residential and Multi-family Residential to Medium Density Residential and Village Residential, property located on the west side of Claus Road and south of Floyd Avenue.

ACTION: **Resolution 2004-651** (Marsh/Dunbar; unan. Ridenour absent) finding that the proposed Amendment No. 18 to the Village One Specific Plan, adoption of Precise Plan for Area No. 23, and amendment to Precise P lan No. 24 is within the scope of the Village One Program Environmental Impact Report (SCH No. 90020181), and amended by the Supplemental EIR and the Addendum thereto.

Recess 7:50
Reconvene 8:00
Councilmember O'Bryant left the meeting.

NEW BUSINESS

29. Presentation of Caltrans' conceptual design alternatives for the SR99/Pelandale Interchange project.
    - Motion directing staff regarding ranking of alternatives recommended.

    Public Works; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: No action taken.

30. Consider authorizing staff to implement the Proposed 15-year Water Meter Installation Plan, including the purchase and installation of an Automated Meter Read (AMR) System.
    - A resolution authorizing staff to implement a 15-year Water Meter Installation Plan recommended.
    - A resolution authorizing the purchase and installation of an Automated Meter Read (AMR) System, to be installed as part of the Water Meter Installation program recommended.

    Public Works; Peter Cowles, 577-5205, pcowles@modestogov.com

ACTION: Resolution 2004-652 (Dunbar/Hawn; unan. Ridenour and O'Bryant absent) authorizing staff to implement a 15-year Water Meter Installation Plan.

ACTION: Resolution 2004-653 (Dunbar/Hawn; unan. Ridenour and O'Bryant absent) authorizing the purchase and installation of an Automated Meter Read (AMR) System, to be installed as part of the Water Meter Installation program.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:15 p.m

Closed Session heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

MINUTES

City of Modesto

Finance Committee/
Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Thursday, December 9, 2004, at 5:30 p.m.

Roll Call – Present: Committee Member Hawn

The December 9, 2004 meeting of the Finance Committee was cancelled due to lack of a quorum.

MINUTES

ECONOMIC DEVELOPMENT COMMITTEE/ MODESTO CITY COUNCIL WORKSHOP

1010 Tenth Street, Second Floor, Room 2005

5:30 p.m., Monday, December 13, 2004

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

ORAL COMMUNICATIONS

None.

Any and all of the following agenda items are subject to action by the Modesto City Council/Economic Development 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 receiving status report of development projects processed by the Community & Economic Development Department

ACTION: The Economic Development Committee approved this item.

CONSENT
18. Consider approving lighted crosswalk installation on Snyder Avenue at St. Nicholas

ACTION: The Economic Development Committee approved this item.

CONSENT
19. Consider approving proposed angle parking on east side of 10th Street between G and I Streets

ACTION: The Economic Development Committee approved this item.

CONSENT
20. Consider approving limited revisions to the 2001 City of Modesto Standard Specifications

ACTION: The Economic Development Committee approved this item.

NEW BUSINESS

21. Consider reconfirming recommendation to Council regarding sewer connection policy after annexation to the city

ACTION: The Economic Development Committee approved this item and forwarded it to full Council for approval.

22. Consider request by Modesto Executive Air Charter, dba Sky Trek Aviation, for an additional one-year extension of the 5% surcharge

ACTION: The Economic Development Committee approved Staff's recommendation to suspend the surcharge to December 2005. The Committee requested information regarding revenue loss.

23. Consider draft work program for the 2005 Urban Growth Review Update

ACTION: The Economic Development Committee recommended Alternative 2, to defer Urban Growth Review until infrastructure master plans are completed, and forwarded this item to full Council for approval.

24. Consider proposed Request for Proposal for a mixed-use development at the Redevelopment Agency's project site at the sout hwest corner of 10th & H Streets

ACTION: The Economic Development Committee forwarded this item to full Council for discussion in January with the recommendation that Councilmember Hawn be included in the review process.

25. Consider approval of the Development Process Improvement Action Plan

ACTION: The Economic Development Committee recommended forwarding this item to full Council for approval.

26. Discussion of proposed Kiernan Business Park Economic Development Bank Loan Application

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

27. Consider reappointments to boards, commissions and committees, and review current vacancies and applications on file

ACTION: The Economic Development Committee approved Staff's recommendation and requested Staff to bring back to the Committee appointments for the Local Programming Committee and the Board of Zoning Adjustment.

- The Economic Development Committee requested that the category Committee Member Comments and Reports be added to future agendas.

MATTERS TOO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

20. General Plan Update Work Program
21. Kansas-Woodland Business Park
22. Prescott/Bangs Proposed Roundabout
23. Shackelford Study Area
24. 132/99 Connectivity and Carpenter Road Interchange Issue
25. Recycled Wastewater Feasibility Report
26. Modesto Reservoir Surface Water Treatment Plant Expansion Environmental Work
27. Outdoor Dining Ordinance Revision

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, December 14, 2004, 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: Ross Briles, Sherwood Bible Church

City Clerk's Announcements: Items 12 & 16 removed from the Agenda
Items 8, 11, 13, 14, 23, & 28 removed from Consent

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of Desirree Abshire, Great Valley Center Fellows Program, by James E. Niskanen, Director of the Parks, Recreation and Neighborhoods Department .

ACTION: Introduction made by Jim Niskanen, Parks, Recreation & Neighborhoods

2. Introduction of Jeff Barnes, the new Traffic Engineer for the City of Modesto, by Peter Cowles, Public Works Director.

ACTION: Introduction made by Peter Cowles, Public Works Director

3. Introduction of Lee Dumas, Senior Civil Engineer, the City's project manager for the Kaiser Project, by Peter Cowles, Public Works Director.

ACTION: Introduction made by Peter Cowles, Public Works Director

MISCELLANEOUS
Appointments

4. Consider appointing Craig Gilmore to the Community Qualities Forum with a term expiration date of January 1, 2009.
   - Resolution approving the appointment of Craig Gilmore to the Community Qualities Forum with a term expiration date of January 1, 2009 recommended.

   City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Resolution 2004-654 (Dunbar/Jackman; unan.) approving the appointment of Craig Gilmore to the Community Qualities Forum with a term expiration date of January 1, 2009

ORAL COMMUNICATIONS
Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 28

ACTION Consent Items 5- 8, 10, 15, 17-22, 24-27: Jackman/Dunbar; unan.

ACTION Item 8: Jackman/Keating; unan.

ACTION Item 11: Dunbar/Jackman; unan.

ACTION Item 13: Marsh/Dunbar; majority, Keating no

ACTION Item 14: Hawn/Jackman; majority Keating and O'Bryant no

ACTION Item 23: Jackman/Hawn; unan.

ACTION Item 28: Jackman/Hawn; unan.

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 7, 2004.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Dunbar, unan.) approved the minutes of December 7, 2004.

CONSENT
6. Consider final adoption of:

a. Ordinance No. 3371-C.S. – an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Speed Limits.
- Motion approving final adoption recommended.

ACTION: By Motion (Jackman/Dunbar; unan.) approved the **final adoption of Ordinance No. 3371-C.S**. – an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Speed Limits.

b. Ordinance No. 3372-C.S. – an ordinance amending Section 23-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, (R-1), to Planned Development Zone, P-D(569), property located on the south side of Scenic Drive, east of Scenic Bend. (James and Susan Coleman)
- Motion approving final adoption recommended.

ACTION: By Motion (Jackman/Dunbar; unan.) approved the **final adoption of Ordinance No. 3372-C.S.** – an ordinance amending Section 23-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, (R-1), to Planned Development Zone, P-D(569), property located on the south side of Scenic Drive, east of Scenic Bend. (James and Susan Coleman)

c. Ordinance No. 3373-C.S. – an ordinance adopting a Precise Plan for Area No. 23 of the Village One Specific Plan, relating to property located at the west side of Claus Road and north of Floyd Avenue. (Monterey Development Group)
- Motion approving final adoption recommended.

ACTION: By Motion (Jackman/Dunbar; unan.) approved the **final adoption of Ordinance No. 3373-C.S.** – an ordinance adopting a Precise Plan for Area No. 23 of the Village One Specific Plan, relating to property located at the west side of Claus Road and north of Floyd Avenue. (Monterey Development Group)

d. Ordinance No. 3374-C.S. – 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 west side of Claus Road and north of Floyd Avenue. (Precise Plan for Area No. 23 – Monterey Development Group)
   - Motion approving final adoption recommended.

ACTION: By Motion (Jackman/Dunbar; unan.) approved the **final adoption of Ordinance No. 3374-C.S.** – 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 west side of Claus Road and north of Floyd Avenue. (Precise Plan for Area No. 23 – Monterey Development Group)

e. Ordinance No. 3375-C.S. – an ordinance amending the Precise Plan for Area No. 24 of the Village One Specific Plan, to amend the Land Uses from Commercial, Village Residential and Multi-Family Residential to Medium Density Residential and Village Residential, Property located on the west side of Claus Road and south of Floyd Avenue. (Monterey Development Group)
   - Motion approving final adoption recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.) approved the **final adoption of Ordinance No. 3375-C.S.** – an ordinance amending the Precise Plan for Area No. 24 of the Village One Specific Plan, to amend the Land Uses from Commercial, Village Residential and Multi-Family Residential to Medium Density Residential and Village Residential, Property located on the west side of Claus Road and south of Floyd Avenue. (Monterey Development Group)

CONSENT

7. Consider accepting with regret the resignation of Peter Gartner from the Community Qualities Forum, effective December 14, 2004.
   - Resolution accepting with regret the resignation of Peter Gartner from the Community Qualities Forum, effective December 14, 2004 recommended.

City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com

ACTION: **Resolution 2004-655** (Jackman/Dunbar; una.) accepting with regret the resignation of Peter Gartner from the Community Qualities Forum, effective December 14, 2004.

Removed from Consent

8. Consider the Monthly Budget Adjustment Report.
   - Resolution approving Fiscal Year 2004 budget adjustments for December 2004 recommended.

   Finance; Gail Bailey, 577-5378, gbailey@modestogov.com

ACTION: Resolution 2004-656 (Jackman/Keating; unan.) approving Fiscal Year 2004 budget adjustments for December 2004.

CONSENT

9. Consider extending the City's support for the Public Access Channel, at a cost of $8,000, through April 30, 2005.
   - Resolution approving extension of the City of Modesto' support of the Public Access Channel through April 30, 2005 at a cost of $8,000 recommended.

   Information Technology; Lori Palacio, 571-5598, lpalacio@modestogov.com

ACTION: Resolution 2004-657 (Jackman/Dunbar; unan.) approving extension of the City of Modesto' support of the Public Access Channel through April 30, 2005 at a cost of $8,000

CONSENT

10. Consider a request from the Valley PT Cruiser Club for use of Graceada Park and for amplified music at Mancini Bowl for their annual event on June 3, 2005.
    - Resolution approving a request from the Valley PT Cruiser Club for use of Graceada Park and for amplified music at Mancini Bowl for their annual event on June 3, 2005 recommended.

    Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Resolution 2004-658 (Jackman/Dunbar; unan) approving a request from the Valley PT Cruiser Club for use of Graceada Park and for ampl ified music at Mancini Bowl for their annual event on June 3, 2005.

Removed from Consent

11. Consider the Modesto Convention & Visitors Bureau Annual Report and Finance Report for 2003/2004, and the Operating Budget for FY 2004/2005.
    - Resolution accepting the Modesto Convention & Visitors Bureau Annual Report and Finance Report for 2003/2004, and the Operating Budget for FY 2004/2005 recommended.

    Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Resolution 2004-659 (Dunbar/Jackman; unan.) accepting the Modesto Convention & Visitors Bureau Annual Report and Finance Report for 2003/2004, and the Operating Budget for FY 2004/2005.

Removed from the Agenda

12. Consider a lease agreement with Alan Alcock for lease of 4205 Gomes Road for $1435 per month, and authorizing the Acting City Manager to execute the necessary documents.
    - Resolution approving a lease agreement with Alan Alcock for lease of 4205 Gomes Road for $1435 per month, and authorizing the Acting City Manager to execute the necessary documents recommended.

    Parks, Recreation & Neighborhoods; Ross Schiveley, 577-5438, rshiveley@modestogov.com

ACTION: Removed from the agenda.

Removed from Consent

13. Consider funding for additional Police service in downtown Modesto.
    - Resolution amending the Fiscal Year 2004-2005 operating budget to estimate $40,000 in additional parking revenues and appropriate said funds recommended.

    Parks, Recreation & Neighborhoods; Ross Schiveley, 577-5438, rshiveley@modestogov.com

ACTION: Resolution 2004-660 (Marsh/Dunbar; majority, Keating no) amending the Fiscal Year 2004-2005 operating budget to estimate $40,000 in additional parking revenues and appropriate said funds.

Removed from Consent

14. Consider amending the Position Classification Plan to establish the classification of Deputy Director of Personnel and to delete the classification of Assistant Personnel Director; Consider amending the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to establish the salary range for Deputy Director of Personnel at range 2452, and to delete the classification of Assistant Personnel Director from the Class Range Table.
    - Resolution amending the Position Classification Plan to establish the classification of Deputy Director of Personnel and to delete the classification of Assistant Personnel Director recommended.
    - Resolution amending the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to establish the salary range for Deputy Director of Personnel at range 2452, and to delete the classification of Assistant Personnel Director from the Class Range Table recommended.

    Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Resolution 2004-661 (Hawn/Jackman; majority Keating and O'Bryant no) amending the Position Classification Plan to establish the classification of Deputy Director of Personnel and to delete the classification of Assistant Personnel Director.

ACTION: Resolution 2004-662 (Hawn/Jackman; majority Keating and O'Bryant no) amending the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to establish the salary range for Deputy Director of Personnel at range 2452, and to delete the classification of Assistant Personnel Director from the Class Range Table.

CONSENT

15. Consider approving the Modesto Juvenile Impact Program, accepting a grant contract in the amount of $35,043 from the State Board of Corrections to fund the program, and authorizing the Acting City Manager to execute the necessary documents; and Consider amending the 2004/2005 budget to accept the revenue and expend the funds.
    - Resolution approving the Modesto Juvenile Impact Program, accepting a grant contract in the amount of $35,043 to fund the Program, and authorizing the Acting City Manager to execute the necessary documents recommended.
    - Resolution amending the 2004/2005 budget realizing grant revenue and expending the funds and appropriating $3,894 to fund the City's match recommended.

    Police; Bill Gentry, 572-9517, gentryw@modestopd.com

ACTION: Resolution 2004-663 (Jackman/Dunbar; unan.) approving the Modesto Juvenile Impact Program, accepting a grant contract in the amount of $35,043 to fund the Program, and authorizing the Acting City Manager to execute the necessary documents.

ACTION: Resolution 2004-664 (Jackman/Dunbar; unan.) amending the 2004/2005 budget realizing grant revenue and expending the funds and appropriating $3,894 to fund the City's match.

Removed from the Agenda

16. Consider a lease with the Arthur M. Mc Elroy Marital Trust for the Modesto Police Department Evidence and Property Facility and authorizing the Acting City Manager to execute the necessary documents.
    - Resolution approving a lease with the Arthur M. McElroy Marital Trust for the Modesto Police Department Evidence and Property Facility and authorizing the Acting City Manager to execute the necessary documents recommended.

    Police; Bill Gentry, 572-9517, gentryw@modestopd.com

ACTION: Removed from the agenda

CONSENT

17. Consider the removal of the protected/permissive left -turn operation at the following signalized intersections: Oakdale Road and Lancey Drive (north/south direction); Coffee Road and Floyd Avenue (north/south direction); Prescott Road and Rumble Road (north/south direction); Orangeburg Avenue and Coffee Road (north/south direction). Estimated cost is approximately $750 per intersection for a total of $3,000. Funds are budgeted.
    - Resolution approving the removal of the protected/permissive left-turn operation at the following signalized intersections: Oakdale Road and Lancey Drive (north/south direction); Coffee Road and Floyd Avenue (north/south direction); Prescott Road and Rumble Road (north/south direction); Orangeburg Avenue and Coffe e Road (north/south direction) recommended.

Public Works; Jeff Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2004-665 (Jackman/Dunbar; unan.) approving the removal of the protected/permissive left-turn operation at the following signalized intersections: Oakdale Road and Lancey Drive (north/south direction); Coffee Road and Floyd Avenue (north/south direction); Prescott Road and Rumble Road (north/south direction); Orangeburg Avenue and Coffee Road (north/south direction).

CONSENT

18. Consider authorizing the Acting City Manager to make a payment to SBC in the amount of $75,783.72 in damages resulting from City Water crews inadvertently striking underground facilities.
    - Resolution authorizing the Acting City Manager to make a payment to SBC in the amount of $75,783.72 in damages resulting from City Water crews inadvertently striking underground facilities recommended.

    Public Works, Jana Coons, 342-2281, jcoons@modestogov.com

ACTION: Resolution 2004-666 (Jackman/Dunbar; unan.) authorizing the Acting City Manager to make a payment to SBC in the amount of $75,783.72 in damages resulting from City Water crews inadvertently striking underground facilities.

CONSENT

19. Consider accepting the work by Tim Paxin's Pacific Excavation Inc. for the project entitled "Construction of Intersection Control at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive" as co mplete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $276,869 per the contract. Total project cost is $326,803.
    - Resolution accepting the work by Tim Paxin's Pacific Excavation Inc. for the project entitled "Construction of Intersection Control at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive" as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $276,869 per the contract recommended.

    Public Works; Pam Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-667 (Jackman/Dunbar; unan.) accepting the work by Tim Paxin's Pacific Excavation Inc. for the project entitled "Construction of Intersection Control at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive" as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $276,869 per the contract.

CONSENT

20. Consider accepting the work by George Reed Inc. for the project entitled "2002-2003 Pavement Maintenance Program – Scenic Drive Overlay – Rose Avenue to Sonoma Avenue" as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $683,626.35 per the contract. Total project cost is $872,240.27.
    - Resolution accepting the work by George Reed Inc. for the project entitled "2002-2003 Pavement Maintenance Program – Scenic Drive Overlay – Rose Avenue to Sonoma Avenue" as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $683,626.35 per the contract recommended.

    Public Works; Pam Marquez, 577-5423, pmarquez@modestogov.com

ACTION: Resolution 2004-668 (Jackman/Dunbar; unan.) accepting the work by George Reed Inc. for the project entitled "2002-2003 Pavement Maintenance Program – Scenic Drive Overlay – Rose Avenue to Sonoma Avenue" as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling $683,626.35 per the contract.

CONSENT

21. Consider authorizing the City Manager, Deputy City Manager, or Assistant to the City Manager to apply for and sign all California Integrated Waste Management Board (CIWMB), and the California Department of Conservation (DOC) grant-related documents, accept grant awards, amend the annual budget and rescind Resolutions 2002-58 and 2002-59.
    - Resolution authorizing the City Manager, Deputy City Manager, or Assistant to the City Manager to apply for and sign all California Integrated Waste Management Board (CIWMB), and the California Department of Conservation (DOC) grant-related documents, accept grant awards, amend the annual budget and rescind Resolutions 2002-58 and 2002-59 recommended.

    Public Works; Beverly McCullough, 577-5495, bmccullough@modestogov.com

ACTION: Resolution 2004-669 (Jackman/Dunbar; unan.) authorizing the City Manager, Deputy City Manager, or Assistant to the City Manager to apply for and sign all California Integrated Waste Management Board (CIWMB), and the California Department of Conservation (DOC) grant-related documents, accept grant awards, amend the annual budget and rescind Resolutions 2002-58.

ACTION: Resolution 2004-669A (Jackman/Dunbar; unan.) authorizing the City Manager, Deputy City Manager or Assistant to the City manager to submit applications and grant related documents for all grants available from the California Department of Conservation, to accept grant awards and to amend the annual budget, and rescind Resolution 2002-59.

CONSENT

22. Consider rejecting all bids for the project titled "Rumble Road Sidewalks" and authorizing staff to re-advertise the project at a future date.
    - Resolution rejecting all bids for the project titled "Rumble Road Sidewalks" and authorizing staff to re-advertise the project at a future date recommended.

    Public Works; Dean Phillips, 577-5215, dphillips@modestogov.com

ACTION: Resolution 2004-670 (Jackman/Dunbar; unan.) rejecting all bids for the project titled "Rumble Road Sidewalks" and authorizing staff to re-advertise the project at a future date.

Removed from Consent

23. Consider awarding a professional services agreement to West Yost and Associates for $710,200 to complete Preliminary Engineering Services for the City Water System Tier 1 Downstream Improvements to accommodate the Modesto Regional Water Treatment Plant Phase Two Expansion, and authorizing the Acting City Manager to execute the necessary documents.
    - Resolution awarding a professional services agreement to West Yost and Associates for $710,200 to complete Preliminary Engineering Services for the City Water System Tier 1 Downstream Improvements to accommodate the Modesto Regional Water Treatment Plant Phase Two Expansion, and authorizing the Acting City Manager to execute the agreement.

    Public Works; Dean Phillips, 577-5215, dphillips@modestogov.com

ACTION: Resolution 2004-671 (Jackman/Hawn; unan.) awarding a professional services agreement to West Yost and Associates for $710,200 to complete Preliminary Engineering Services for the City Water System Tier 1 Downstream Improvements to accommodate the Modesto Regional Water Treatment Plant Phase Two Expansion, and authorizing the Acting City Manager to execute the agreement.

CONSENT

24. Consider accepting the bid and approving an $86,947.60 contract with Richard Townsend Construction Inc., dba RTC, for the project titled "MPD Training Facility Concrete Flatwork," and authorizing the Acting City Manager to execute the necessary documents. Total estimated cost of the project is $104,337.12.
    - Resolution accepting the bid and approving an $86,947.60 contract with Richard Townsend Construction Inc., dba RTC, for the project titled "MPD Training

Facility Concrete Flatwork," and authorizing the Acting City Manager to execute the necessary documents recommended.

Public Works; Dean Phillips, 577-5215, dphillips@modestogov.com

ACTION: Resolution 2004-672 (Jackman/Dunbar; unan.) accepting the bid and approving an $86,947.60 contract with Richard Townsend Construction Inc., dba RTC, for the project titled "MPD Training Facility Concrete Flatwork," and authorizing the Acting City Manager to execute the necessary documents.

CONSENT

25. Consider accepting the bid and approving a $195,900 contract with JVD Inc. for the project titled "Rotary Centennial Junction Infrastructure," and authorizing the Acting City Manager to execute the contract. Total estimated cost including construction contingency and administration, and engineering design is $242,916.
    - Resolution accepting the bid and approving a $195,900 contract with JVD Inc. for the project titled "Rotary Centennial Junction Infrastructure," and authorizing the Acting City Manager to execute the contract recommended.

Public Works; Dean Phillips, 577-5215, dphillips@modestogov.com

ACTION: Resolution 2004-673 (Jackman/Dunbar; unan.) accepting the bid and approving a $195,900 contract with JVD Inc. for the project titled "Rotary Centennial Junction Infrastructure," and authorizing the Acting City Manager to execute the contract.

CONSENT

26. Consider approval of final map of the Mesilla Valley Estates subdivision, accepting the public improvements, authorizing the Acting City Manager to sign an agreement with the subdividers, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods. Owner: Mesilla Valley Development LLC.
    - Resolution approving the final map of the Mesilla Valley Estates subdivision, accepting the public improvements, authorizing the Acting City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code, 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

ACTION: Resolution 2004-674 (Jackman/Dunbar; unan.) approving the final map of the Mesilla Valley Estates subdivision, accepting the public improvements, authorizing the Acting City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

27. Consider limited revisions to the 2001 City of Modesto Standard Specifications.

- Resolution approving limited revisions to the 2001 City of Modesto Standard Specifications recommended.

Public Works; Bill Sandhu, 577-5259, bsandhu@modestogov.com

ACTION: Resolution 2004-675 (Jackman/Dunbar; unan.) approving limited revisions to the 2001 City of Modesto Standard Specifications.

Removed from Consent

28. Consider approving Amendment No. 1 to the agreement with Modesto Irrigation District relating to the advance funding of costs relate d to the Phase 2 expansion of the Modesto Regional Water Treatment Plant, and authorizing the Acting City Manager to execute the necessary documents; and Consider authorizing Modesto Irrigation District to execute an amendment to agreement with Jones & Stokes in an amount not to exceed an additional $50,000 for a total agreement amount of $220,000 to provide CEQA services related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant.

- Resolution approving Amendment No. 1 to the Agreement wit h Modesto Irrigation District relating to the advance funding of costs related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant, and authorizing the Acting City Manager to execute the necessary documents recommended
- Resolution authorizing Modesto Irrigation District to execute an amendment to agreement with Jones & Stokes in an amount not to exceed an additional $50,000 for a total agreement amount of $220,000 to provide CEQA services related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant recommended.

Public Works; Richard Ulm, 577-5215, rulm@modestogov.com

ACTION: Resolution 2004-676 (Jackman/Hawn; unan.) approving Amendment No. 1 to the Agreement with Modesto Irriga tion District relating to the advance funding of costs related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant, and authorizing the Acting City Manager to execute the necessary documents.

ACTION: Resolution 2004-677 (Jackman/Hawn; unan.) authorizing Modesto Irrigation District to execute an amendment to agreement with Jones & Stokes in an amount not to exceed an additional $50,000 for a total agreement amount of $220,000 to provide CEQA services related to the Phase 2 expansion of t he Modesto Regional Water Treatment Plant.

COUNCIL COMMENTS & REPORTS

None

HEARINGS

29. Hearing to consider the Annual Capital Facility Fees (CFF) Program Review; and Consider rescinding Resolution 2003-310 and removing the capped rate for CFF, restoring the fee to its adopted rate.
    - Motion acknowledging the receipt of the Annual Capital Facility Fees Program Review recommended.
    - Resolution rescinding Resolution 2003-310 and removing the capped rate for CFF, restoring the fee to its adopted rate recommended.

    City Manager; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: By Motion (Dunbar/Keating; unan.) acknowledged receipt of the Annual Capital Facility Fees Program Review.

ACTION: **Resolution 2004-678** (Dunbar/Keating; unan.) rescinding Resolution 2003-310 and removing the capped rate for CFF, restoring the fee to its adopted rate.

The following item was continued from December 7, 2004

30. Hearing to consider the calling a special election within the additional territory proposed to be annexed to Community Facilities District No. 2004-1 (Village One #2) (Annexation #5); and Consider 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 with the additional territory proposed to be annexed to Community Facilities District No. 2004-1 (Village One #2) (Annexation #5) 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; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: **Resolution 2004-679** (Hawn/Keating; unan.) calling a special election with the additional territory proposed to be annexed to Community Facilities District No. 2004-1 (Village One #2) (Annexation #5).

ACTION: **Resolution 2004-680** (Hawn/Keating; unan.) canvassing the results of the special election and ordering annexation of the additional territory to Community Facilities District No. 2004-1.

31. Hearing to consider clarifying the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 2004-1 (Village One #2); Consider Amendment #2 to the Village One Facilities Master Plan; and Consider creating Tax Zone #2, and increasing the one-time facilities tax, in Community Facilities District No. 2004-1.
    - Resolution clarifying the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 2004-1 (Village One #2) recommended.
    - Resolution approving Amendment #2 to the Village One Facilities Master Plan recommended.
    - Resolution creating Tax Zone #2, and increasing the one-time facilities tax, in Community Facilities District No. 2004-1 recommended.

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2004-681 (Hawn/Jackman; unan.) clarifying the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 2004-1 (Village One #2).

ACTION: Resolution 2004-682 (Hawn/Jackman; unan.) approving Amendment #2 to the Village One Facilities Master Plan.

ACTION: Resolution 2004-683 (Hawn/Jackman; unan.) creating Tax Zone #2, and increasing the one-time facilities tax, in Community Facilities District No. 2004-1.

32. Hearing to consider a prezone to P-PD (Planned Development) for a 20-acre parcel designated Industrial and a request to file an appli cation with the Stanislaus Local Agency Formation Commission (LAFCO) to annex the subject property to the City of Modesto, the Modesto Sewer District No. 1, and detach from the Industrial Fire Protection District, and approval of an Initial Study and Finding of Conformance for the proposed project – submitted by Eagle Valley Investments Inc.

- Motion introducing an ordinance amending Section 9-4-9 of the Zoning Map fo 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 recommended.
- Resolution approving a Development Plan for Prezoned Planned Development zone P-PD(570), property located south of Glenn Avenue and east of Crows Landing Road recommended.
- Resolution of Application to the Stanislaus Local Agency Formation Commission to annex 20 acres of property located south of Glenn Avenue and east of Crows Landing Road to the City of Modesto and Sewer District No. 1, and to detach said property from the Industrial Fire Protection District recommended.
- Resolution finding that the prezone to Prezoned Planned Development, P-PD(570), and annexation to the City of Modesto and the Modesto Sewer District No. 1 and detachment from the Industrial Fire Protection District of 20 acres of property located south of Glenn Avenue and east of Crows Landing Road is within the scope of the Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041) recommended.

Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com

ACTION: By Motion (Jackman/Dunbar; unan.) **introducing Ordinance No. 3376-C.S.** amending Section 9-4-9 of the Zoning Map fo 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

ACTION: **Resolution 2004-684** (Jackman/Dunbar; unan.) approving a Development Plan for Prezoned Planned Development zone P-PD(570), property located south of Glenn Avenue and east of Crows Landing Road.

ACTION: **Resolution 2004-685** (Jackman/Dunbar; unan.) a Resolution of Application to the Stanislaus Local Agency Formation Commission to annex 20 acres of prope rty located south of Glenn Avenue and east of Crows Landing Road to the City of Modesto and Sewer District No. 1, and to detach said property from the Industrial Fire Protection District.

ACTION: **Resolution 2004-686** (Jackman/Dunbar; unan.) finding that t he prezone to Prezoned Planned Development, P-PD(570), and annexation to the City of Modesto and the Modesto Sewer District No. 1 and detachment from the Industrial Fire Protection District of 20 acres of property located south of Glenn Avenue and east of Crows Landing Road is within the scope of the Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041).

33. Hearing to consider an amendment to the Annual Action Plan for 2004 -2005, reallocating Community Development Block Grant (C DBG) funds.
    - Resolution approving the proposed amendment to the Department of Housing & Urban Development Annual Action Plan for fiscal year 2004 -21005 and authorizing the Acting City Manager to execute the necessary documents recommended.
    - Resolution amending the fiscal year 2004 -2005 operating budget to reflect approved changes to the Annual Action Plan Amendment recommended.
    - Resolution amending the Capital Improvement budget to reflect approved changes to the Annual Action Plan Amendment recommended.
    - Resolution amending the fiscal year 2004 -2005 operating budget and the Capital Improvement budget to reflect revenues and appropriations as adopted and carryover amounts from prior year recommended.

    Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Resolution 2004-687** (O'Bryant/Hawn; unan.) approving the proposed amendment to the Department of Housing & Urban Development Annual Action Plan for fiscal year 2004-21005 and authorizing the Acting City Manager to execute the necessary documents.

ACTION: **Resolution 2004-688** (O'Bryant/Hawn; unan.) amending the fiscal year 2004 -2005 operating budget to reflect approved changes to the Annual Action Plan Amendment.

ACTION: **Resolution 2004-689** (O'Bryant/Hawn; unan.) amending the Capital Improvement budget to reflect approved changes to the Annual Action Plan Amendment.

ACTION: Resolution 2004-690 (O'Bryant/Hawn; unan.) amending the fiscal year 2004-2005 operating budget and the Capital Improvement budget to reflect revenues and appropriations as adopted and carryover amounts from prior year.

NEW BUSINESS

34. Consider authorizing the Purchasing Supervisor to formally solicit Request for Proposals (RFP) for Landscape Maintenance Services.
    - Resolution authorizing the Purchasing Supervisor to formally solicit Request for Proposals (RFP) for Landscape Maintenance Services for all park, right-of-way and public landscaping owned and/or managed by the City of Modesto for a five-year period with an option to renegotiate for an additional five-year period at an estimated annual cost of $1,200,000 recommended.
    - Resolution directing staff to negotiate with MCEA and MCMA relating to the potential displacement of full-time employees that might occur as a result of contracting out landscape maintenance services, and to declare an impasse in negotiations if these groups and the City are unable to reach an agreement recommended.

Parks, Recreation & Neighborhoods; Duane Frederick, 342-2275, dfrederick@modestogov.com

ACTION: Resolution 2004-691 (O'Bryant/Dunbar; unan.) authorizing the Purchasing Supervisor to formally solicit Request for Proposals (RFP) for Landscape Maintenance Services for all park, right-of-way and public landscaping owned and/or managed by the City of Modesto for a five-year period with an option to renegotiate for an additional five-year period at an estimated annual cost of $1,200,000.

ACTION: Resolution 2004-692 (O'Bryant/Dunbar; unan.) directing staff to negotiate with MCEA and MCMA relating to the potential displacement of full-time employees that might occur as a result of contracting out landscape maintenance services, and to declare an impasse in negotiations if these groups and the City are unable to reach an agreement.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:55 p.m.

All closed sessions heard prior to the meeting.

CLOSED SESSION

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 Confidential and Management Association (MCMA)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Four Cases (Pursuant to Section 54956.9(a) of the Government Code)

Name of cases: *Steve Duden v. City of Modesto Police Department*
Worker's Compensation Appeals Board Case Nos. STK 169317, STK 169318, STK 172988 and STK 180974

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: One former City employee has alleged that the City unlawfully discriminated and/or retaliated against her.