



#1619

# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m. on Tuesday, January 4, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

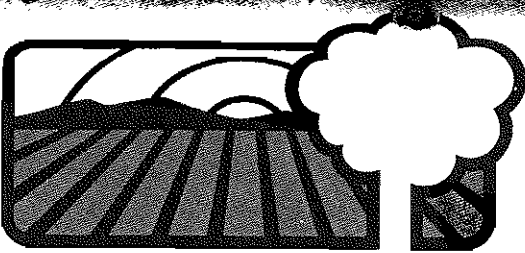
Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the Community Development and Housing Committee; Economic Development, Community and Intergovernmental Relations Committee; Financial Policy Committee; Human Services Committee; Public Safety Committee, Transportation Committee, and Utility Services and Franchises Committee.

The meeting adjourned at 7:27 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

1-4-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 4, 1994, AT 7:30 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 9, 10, 11, 12

ACTION: (Friedman/Dobbs, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 28, 1993.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Final adoption of Ord. No. 2880-C.S. to prezone to R-1, property located on the north side of Blue Gum Avenue and west of Poust Road. (Sarjak Enterprises & Gerrit Oosterkamp)  
(Motion adopting needed.)

Dropped from the agenda

HEARINGS

5. Hearing to consider ordering the construction of mandatory construction of curb and sidewalk at 2229 Scenic Drive. (Property owner - Sheldon J. Graham)

ACTION: Res. 94-1 adopted (Friedman/Dobbs, unan., Patterson absent)  
ordering construction. (P/W to handle)

BIDS

CONSENT

6. Consider approving specifications and authorizing call for bids for furnish heating, ventilating and air conditioning services at the Centre Plaza.  
(Suggested bid opening: January 24, 1994, at 11:05. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$18,100. Funds are budgeted.)

ACTION: Res. 94-2 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider waiving formal bid procedures for the purchase and installation of two additional remote terminal units for the City SCADA System on Briggsmore Avenue from HSQ Technology.  
(Report with agenda. It is recommended that two additional remote terminal units be installed on Briggsmore Avenue to control two storm water lift stations being installed in conjunction with the Briggsmore Avenue widening project. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.)  
Estimated cost: \$21,200. Funds are budgeted.)

ACTION: Res. 94-3 adopted waiving formal bid procedures. (P/W to handle)

NEW BUSINESS

8. Consider approving the Village I cost reduction concept and directing staff to process the necessary documents to modify the Village I Specific Plan and Financing Plan.  
(Report with agenda. Motion approving concept and directing staff needed.)

ACTION: By motion (Muratore/Dobbs, unan., Patterson absent) the matter was referred back to the Community Development and Housing Committee for further study. (Planning to handle)

CONSENT

9. Consider approving agreement with Vail Engineering to revise the Draft Financing Plan for Village One.  
(Report with agenda. Resolution approving agreement needed. Resolution amending budget to transfer funds needed. Estimated cost: \$28,800.)

ACTION: Res. 94-4 adopted approving agreement.  
Res. 94-5 adopted amending budget. (Planning to handle)

CONSENT

10. Consider adoption of an ordinance amending Chapter 8 of Title V of the Modesto Municipal Code relating to smoking pollution control.  
(Report with agenda. It is the purpose and intent of the proposed amendment to provide clarification relating to restaurant/bar combination businesses and bar business. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2883-C.S. introduced. (Clerk to handle)

CONSENT

11. Consider authorizing the increase of the City's petty cash on hand by \$385 and the transfer of \$235 from the General Fund Contingency Reserve to the General Fund Reserve for Petty Cash.  
(Report with agenda. Resolution authorizing increase of petty cash and transfer funds needed.)

ACTION: Res. 94-6 adopted authorizing increase of petty cash and transfer of funds. (Finance to handle)

CONSENT

12. Consider approving agreement with Sandra B. Ostler and Shirlee A. Court for the acquisition of a 2.12± acre permanent easement and a 1.37± acre temporary easement for the Lakewood Sewer Trunk Project. (Report with agenda. Resolution approving agreement needed. Estimated total cost: \$30,6090 (cost \$28,600; est. escrow \$2,000) Funds are budgeted.)

ACTION: Res. 94-7 adopted approving agreement. (Attorney to handle)

MISCELLANEOUS

Appointments

13. Reappointments

- a. Affirmative Action

ACTION: Res. 94-8 adopted (Friedman/Dobbs, unan., Patterson absent) reappointing Terry Americo, Denise Fontaine, Mark Heinzinger, Donna Huckabay, Eldon Larson.

- b. Board of Zoning Adjustment

ACTION: Res. 94-9 adopted (same vote) reappointing James Von Dohlen.

- c. Citizens Advisory Committee on Recycling

ACTION: Res. 94-10 adopted (same vote) reappointing Rocci Lamantia.

- d. Culture Commission

ACTION: Res. 94-11 adopted (same vote) reappointing Virginia Choate and Michael Royer.

- e. Landmark Preservation Commission

ACTION: Res. 94-12 adopted (same vote) reappointing Dennis Smith.

- f. Local Cable Programming Committee

ACTION: Res. 94-13 adopted (same vote) reappointing Don Frascinella and Richard Alter.

- g. Tuolumne River Regional Park Citizens Advisory Committee

ACTION: Res. 93-14 adopted (same vote) reappointing Beverly Kilpatrick and Margaret Leaman.

MATTERS TOO LATE FOR THE AGENDA

14. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

CLOSED SESSION

15. Closed session to confer with or receive advice from legal counsel regarding pending litigation when discussion in open session concerning these matters would prejudice the position of the City in the case of City of Modesto vs. Del Este Water Company and California Water Service Company, pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

The meeting adjourned to closed session at 8:40 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 11, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Lt. Henry Graciani, Salvation Army

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 11, 12, 13, 14, 15,  
16, 17

Removed from consent: 5

ACTION: (Friedman/Dobbs, unan., Patterson absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of January 4, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Final adoption of Ord. No. 2880-C.S. to prezone to R-1, property located on the north side of Blue Gum Avenue and west of Poust Road.  
(Sarjak/Enterprises/Oosterkamp)  
(Motion adopting needed.)  
Councilmembers Friedman and McClanahan stated they had reviewed the tape of the Council meeting during which the ordinance was introduced.

ACTION: By motion (Muratore/Dobbs, majority, Cogdill-no, Patterson absent)  
Ord. No. 2880-C.S. was adopted. (Clerk to handle)

CONSENT

5. Final adoption of Ord. No. 2883-C.S. amending Chapter 8 of Title V of the Modesto Municipal Code relating to smoking pollution control.  
(Motion adopting needed.)

ACTION: By motion (Friedman/Muratore, majority, Cogdill and McClanahan-no, Patterson absent) the effective date was changed to 120 days from date of adoption. (Atty/Clerk to handle)

HEARINGS

6. Hearing to consider adopting Resolutions of Necessity to acquire property by Eminent Domain for the Parallel Outfall Project from the following property owners:

Grace Souza

APN 17-58-44

ACTION: Res. 94-15 adopted (Muratore/McClanahan, unan., Patterson absent) adopting Resolution of Necessity.

Tony Morris et us

APN 17-58-45

ACTION: Res. 94-16 adopted (Muratore/McClanahan, unan., Patterson absent)  
adopting Resolution of Necessity.

Church of the Latter Day Saints

APN 17-58-46

APN 17-58-47

ACTION: Res. 94-17 adopted (Muratore/McClanahan, unan., Patterson absent)  
adopting Resolution of Necessity.

Louis Menezes

APN 17-62-03

ACTION: Res. 94-18 adopted (Muratore/McClanahan, unan., Patterson absent)  
adopting Resolution of Necessity.

Johannes T. Nijskens

APN 17-62-26

ACTION: Res. 94-19 adopted (Muratore/McClanahan, unan., Patterson absent)  
adopting Resolution of Necessity.

Gomes Brothers, Inc.

APN 17-62-29

ACTION: Res. 94-20 adopted (Muratore/McClanahan, unan., Patterson absent)  
adopting Resolution of Necessity. (P/W, Atty to handle)

7. Hearing to consider an amendment to the Zoning Regulations of the Municipal Code to allow reducing to less than one acre minimum residential Planned Development (P-D) Zones which are outside the downtown and which meet the qualifications of and provide for affordable housing.

ACTION: By motion (Muratore/Friedman, unan., Patterson absent)  
Ord. 2884-C.S. introduced amending Code. (Clerk to handle)

### BIDS

#### CONSENT

8. Consider award of contract for the I Street waterline - 6th to 8th Street project to Patchmaster of Central California, and consider approval of an appropriation transfer in the amount of \$11,000. (Report with agenda. Bids were opened on December 9, 1993. The low bid of \$57,358.85, submitted by Patchmaster of Central California, is 5.41% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Patchmaster needed, and resolution approving appropriation transfer needed. Estimated total cost: \$64,815.50 (contract \$57,358.85; contract admin. & contingencies \$7,456.65) Funds are partially budgeted.)

ACTION: Res. 94-21 adopted awarding contract.  
Res. 94-22 adopted approving appropriation transfer.  
(P/W, Finance to handle)

CONSENT

9. Consider accepting as complete the contract of Clyde Wheeler Pipeline, Inc. for the La Loma Lift Station remodeling project and authorize the City Clerk to file Notice of Completion. (Original contract: \$227,025.50)  
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$214,607.60. Funds are budgeted.)

ACTION: Res. 94-23 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

10. Consider acknowledging receipt of staff report concerning proposed Municipal Code amendments relating to itinerant vendors and proposed new itinerant vendor license fee and group rates for bazaars, fairs, trade shows, swap meets or other occasional events.  
(Report with agenda. This item will allow opportunity for public input to prior to a public hearing to be held January 18, 1994, at 7:30 p.m. Motion acknowledging receipt of report needed.)

No action taken.

CONSENT

11. Consider adopting amended Conflict of Interest Codes for the following City of Modesto Departments: Office of the City Manager, Finance Department, Fire Department, Parks & Recreation Department, Planning & Community Development Department, and Public Works and Transportation Department.  
(Report with agenda. Six resolutions amending Conflict of Interest Codes needed.)

ACTION: Res. 94-24 adopted amending the Conflict of Interest Code for the Office of the City Manager.  
Res. 94-25 adopted amending the Conflict of Interest Code for the Finance Department.  
Res. 94-26 adopted amending the Conflict of Interest Code for the Fire Department.  
Res. 94-27 adopted amending the Conflict of Interest Code for the Parks & Recreation Department.  
Res. 94-28 adopted amending the Conflict of Interest Code for the Planning & Community Development Department.  
Res. 94-29 adopted amending the Conflict of Interest Code for the Public Works and Transportation Department.

(Clerk to handle)

CONSENT

12. Consider authorizing grant application in the amount of \$97,600 for funding of a refueling station at the City's Corporation Yard under AB 2766 funding from the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD).

(Report with agenda. Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 94-30 adopted authorizing grant application.

(P/W to handle)

CONSENT

13. Consider approving agreement with Self-Help Enterprises for a Home Investment Partnership Program (HOME) Grant in the amount of \$20,000 for operating expenses.  
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-31 adopted approving agreement. (Planning to handle)

CONSENT

14. Consider approving agreement with the Housing Authority of Stanislaus County for the purpose of implementing the Mortgage Credit Certificate program for first-time homebuyers.  
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-32 adopted approving agreement. (Planning to handle)

CONSENT

15. Consider acknowledging receipt of monitoring reports on agencies funded with Community Development Block Grant Funds during Fiscal Year 1992-93.  
(Report with agenda. The Citizens Housing and Community Development Committee has reviewed and discussed the reports of Volunteer Center of Stanislaus, Senior Opportunity Service Program, Center for Senior Employment, Community Temporary Shelter Service, Center for Human Services, and Modesto Independent Living Center and recommended review by the City Council. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

16. Consider approving agreement with Mary Russell for property rights needed for the Parallel Outfall Project.  
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$4,350. Funds are budgeted.)

ACTION: Res. 94-33 adopted approving agreement. (Attorney to handle)

CONSENT

17. Monthly Treasurer's Report for November, 1993.  
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MATTERS TOO LATE FOR THE AGENDA

18. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

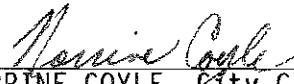
CLOSED SESSION

19. a. Closed session to confer with or receive advice from legal counsel regarding pending litigation when discussion in open session concerning these matters would prejudice the position of the City in the case of City of Modesto vs. Del Este Water Company and California Water Service Company, pursuant to Government Code Section 54956.9(a).
- b. Closed session concerning the sale of real property by or for the local agency to give instruction to the negotiator regarding the price and terms of payment for the sale of property known as the northeast corner of 9th and I Streets in the City of Modesto, pursuant to Government Code Section 54956.8.

ADJOURNMENT

The meeting adjourned at 5:23 p.m. to closed session, then to Wednesday, January 12, 1994, at 1:00 p.m. in the Mayor's Office, City Hall, 801 11th Street, for a tour of Campbell Soup plant, and then adjourn to Tuesday, January 18, 1994, at 4:30 p.m. in the Third Floor East Conference Room, City Hall, 801 11th Street, Modesto, California for a workshop to study the Final Draft Source Reduction and Recycling and Household Hazardous Waste elements, required by the California Integrated Waste Management Act of 1989 (AB 939).

ATTEST:

  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a regular adjourned meeting at 1:00 p.m., Wednesday, January 12, 1994, in the Mayor's Office, City Hall, 801 11th Street, Modesto, California, for a tour of the Campbell Soup Plant.

Present: Councilmembers Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Dobbs, Patterson

The meeting adjourned at 3:00 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in an adjourned session at 4:30 p.m. on Tuesday, January 18, 1994, in the Council Chambers at City Hall, 801 11th Street, Modesto, California, for a study session.

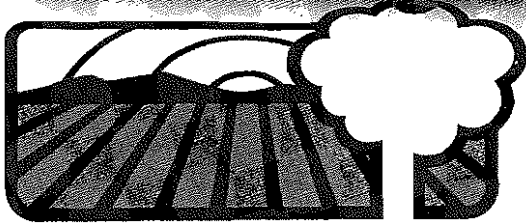
Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Mayor Lang

Absent: Councilmembers Muratore, Patterson

The Council held a workshop to study the Final Draft Source Reduction and Recycling and Household Hazardous Waste elements, required by the California Integrated Waste Management Act of 1989 (AB 939).

The meeting adjourned at 5:45 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m. on Tuesday, January 18, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

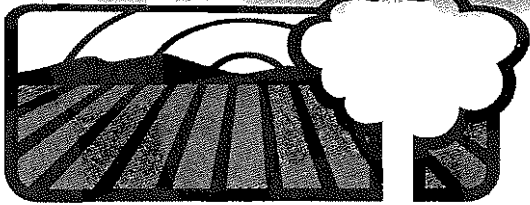
Absent: Councilmembers Muratore, Patterson

Reports of activities and studies were made by the Chairs and members of the Community Development and Housing Committee; Human Services Committee; and Utility Services and Franchises Committee.

The meeting adjourned at 7:10 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

1-18-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 18, 1994, AT 7:30 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang  
Councilmember Muratore arrived at 8:00 p.m.

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 11, 12, 13, 14, 17, 18,  
19, 20

ACTION: (Friedman/Dobbs, unan., Muratore and Patterson absent)

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Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of January 11, 1994, and the adjourned regular City Council meeting of January 12, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Steve Day, Police Department, spoke about the Police activities League (PAL) program and invited the City Council to openings at two additional sites.

UNFINISHED BUSINESS

Item 4 was taken up after item 8.

4. Final adoption of Ord. No. 2883-C.S. amending Chapter 8 of Title V of the Modesto Municipal Code relating to smoking pollution control.  
(Motion adopting needed.)

ACTION: By motion (Friedman/Lang, majority, Cogdill and McClanahan-no, Patterson absent) Ord. 2883-C.S. adopted. (Clerk to handle)

CONSENT

5. Final adoption of Ord. No. 2884-C.S. amending Chapter 2 of Title X of the Modesto Municipal Code relating to reducing to less than one acre minimum residential P-D Zones outside the downtown area which meet qualifications of and provide for affordable housing.  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2884-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider changes in garbage rates as a result of the annual garbage rate review. (Continued from December 28, 1993, City Council meeting.)

ACTION: Res. 94-35 adopted (Friedman/Dobbs, unan., Muratore and Patterson absent) approving proposed rates. (P/W to handle)

7. Hearing to consider amending the Municipal Code relating to itinerant vendors and proposed new itinerant vendor fees.

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent) Ord. No. 2885-C.S. introduced. (Clerk to handle)

8. Hearing to consider the appeal of Stone & Associates to a Planning Commission decision denying an application for an amendment to Section 10-3-9 of the Zoning Map to rezone from R-1 to P-0, property located on the southeast corner of Coffee Road and Mable Avenue.

ACTION: By motion, (Cogdill/Dobbs, unan., Patterson absent) Ord. No. 2886-C.S. introduced granting appeal. Res. 94-36 adopted certifying review of Environmental Assessment. (Clerk/Planning to handle)

Item 9 was considered after item 3.

9. Hearing to consider the appeal of Steven A. Herum, on behalf of First Fidelity Realty, to a Planning Commission decision concerning a request for a time extension for the development schedule for P-D(484), Galleria Shopping Center, property located on the east side of Roselle Avenue north of Briggsmore Avenue. (A letter has been received from Steven A. Herum requesting that the hearing be continued to February 22, 1994, at 4:00 p.m.)

ACTION: By motion (Cogdill/McClanahan, unan, Muratore and Patterson absent) this item was continued one week. (Clerk to handle)

10. Hearing to consider an amendment to Specific Plan Amendment No. 3 to the Village One Specific Plan, and concurrent Specific Plan Zone (SP) Code text amendment and rezoning of the Village One area from SP to SP-H (Specific Plan Holding), located between Oakdale Road and the Santa Fe railroad tracks, Sylvan and Briggsmore Avenues, east of Roselle Avenue and between Floyd and Sylvan Avenues. (A letter has been received from Edward P. Taczanowsky, Executive Vice President, Building Industry Association of Central California, Inc., requesting continuance of the hearing.)

ACTION: By motion (Cogdill/Friedman, unan., Patterson absent) this item was continued to February 1, and Council agreed to hold a joint study session with the Planning Commission. (Planning to handle)

#### BIDS

#### CONSENT

11. Consider approval of plans and specifications and call for bids for the construction of picnic area and shade structure at East La Loma Park. (Report with agenda. Suggested bid opening: February 17, 1994, at 11:00 a.m. This project will add a picnic area with shade structure in East La Loma Park. Plans and specifications are complete and have been approved by the State Parks and Recreation Department. Report with agenda. Resolution approving plans and specifications needed.

Estimated cost: \$82,166 (contract \$71,449; const. admin. & contingencies) \$10,717) Funds are budgeted.)

ACTION: Res. 94-37 adopted calling for bids. (P/W to handle)

CONSENT

12. Consider acceptance of the contract of Teichert Construction, Inc. for the grade crossing improvements at Whitmore Avenue and Union Pacific Railroad as complete and authorize the City Clerk to file Notice of Completion. (Original contract: \$52,642)  
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting work as complete needed. Final cost: \$51,655.54. Funds are budgeted.)

ACTION: Res. 94-38 adopted accepting as complete. (Clerk to handle)

CONSENT

13. Consider acceptance of the contract of Teichert Construction, Inc. for rockwell replacement/addition project for 1993-94 as complete and authorize the City Clerk to file Notice of Completion. (Original contract: \$257,285)  
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting work as complete needed. Final cost: \$248,420.60. Funds are budgeted.)

ACTION: Res. 94-39 adopted accepting as complete. (Clerk to handle)

CONSENT

14. Consider waiving formal bid procedures and authorize the purchase of professional service to develop a Radio Communications Master Plan from Frank Thatcher Associates for \$27,100, and consider amending the budget. (Report with agenda. Resolution waiving formal bid procedures needed (five affirmative votes needed), and resolution amending budget needed.)

ACTION: Res. 94-40 adopted waiving formal bid procedures.  
Res. 94-41 adopted amending the budget. (Finance to handle)

NEW BUSINESS

15. Consider designating three neighborhoods as target areas for Housing Maintenance Program.  
(Memo with agenda. Resolution designating Airport District, Highway Village, and 400 Blocks of Maple, Oak and Pine Streets as Target Areas #4, #5 and #6 for Housing Maintenance Program needed. Most funds for this project will be allocated as part of Fiscal Year 1994 CDBG Budget.)

ACTION: Res. 94-42 adopted (Friedman/Muratore, unan., Patterson absent) approving recommendation. (Planning to handle)

16. Consider accepting the final draft of Korve Engineering's Downtown Parking Study consultant report and directing staff to prepare final report.  
(Report with agenda. In order to evaluate the current and future parking resources and needs, the City hired Korve Engineering to conduct a downtown parking study. In addition to looking at the current parking usage of both on-street and off-street parking facilities, the consultant projected land-use development through the year 2000. Motion accepting report and directing staff needed.)

ACTION: By motion (Cogdill/Friedman, unan., Patterson absent) report accepted. (P/W to handle)

CONSENT

17. Consider accepting Right of Entry from John Lust, et. al., allowing entry to 1.17± acres of their property to construct the Lakewood Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program EIR.  
(Report with agenda. Resolution approving agreement needed, and resolution stating this project is consistent with program EIR. Estimated cost: \$500. Funds are budgeted.)

ACTION: Res. 94-43 adopted approving agreement.  
Res. 94-44 adopted stating project is consistent with program EIR. (Attorney to handle)

CONSENT

18. Consider approving agreement with Robert Calcagno, et. al., for the acquisition of a 0.1793± acre permanent easement and a 0.1795± acre temporary easement for the Lakewood Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program EIR.  
(Report with agenda. Resolution approving agreement needed, and resolution stating this project is consistent with program EIR. Estimated cost: \$2,250. Funds are budgeted.)

ACTION: Res. 94-45 adopted approving agreement.  
Res. 94-46 adopted stating project is consistent with program EIR. (Attorney to handle)

CONSENT

19. Consider approving agreement with Modesto Venture 168, for the acquisition of a 0.665± acre permanent easement and a 0.665± acre temporary easement for the Lakewood Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program EIR.  
(Report with agenda. Resolution approving agreement needed, and resolution stating this project is consistent with program EIR. Estimated cost: \$8,400. Funds are budgeted.)

ACTION: Res. 94-47 adopted approving agreement.  
Res. 94-48 adopted stating project is consistent with program EIR. (Attorney to handle)

CONSENT

20. Consider approving amendment to lease agreement with Hendley-Skytrek Aviation Fuel, Inc. for the purpose of changing their corporate name to Skytrek Aviation Fuels, Inc.  
(Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 94-49 adopted approving amended agreement.  
(Attorney to handle)

MATTERS TOO LATE FOR THE AGENDA

21. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

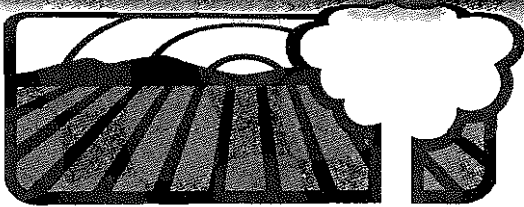
CLOSED SESSION

22. Closed session to confer with or receive advice from legal counsel regarding pending litigation when discussion in open session would prejudice the position of the City in the litigation in the cases of City of Modesto vs. Del Este Water Company and California Water Service Company and City of Modesto, et al. v. Shell Oil, et al., pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

The meeting adjourned to closed session at 9:50 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in an special session at 8:00 a.m. on Friday, January 21, 1994 at Mallard's Inn, 1720 Sisk Road, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

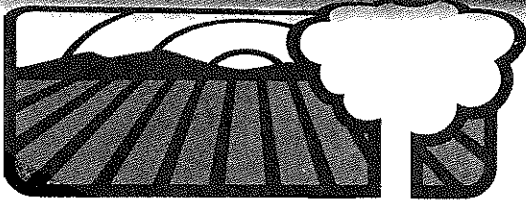
Absent: Councilmember Patterson

The Council held a retreat for the purpose of discussing its goals and objectives for the ensuing year.

The meeting adjourned at 4:45 p.m., reconvened at 8:00 a.m. on Saturday, January 22, and adjourned to closed session at 3:30 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, CITY CLERK

1-21-94



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session which convened at 3:30 p.m. on Saturday, January 22, 1994 at Mallard's Inn, 1720 Sisk Road, Modesto, California, for a closed session.

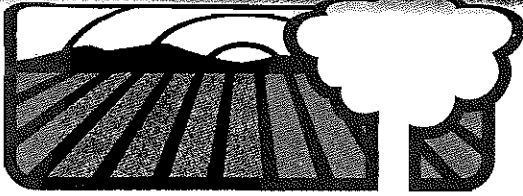
Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

The Council held a closed session on the advice of legal counsel based on existing facts and circumstances that there is significant exposure to litigation against the local agency, pursuant to California Government Code Section 54956.9(b)(1).

ATTEST: *Norrine Coyle*  
NORRINE COYLE, CITY CLERK

1-22-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 25, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Patterson, Mayor Lang  
Councilmember Dobbs arrived at 4:51 p.m.

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Lonnie Skiles, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 9, 10, 11, 13, 14, 15,  
16, 17, 19, 20, 23, 24, 25

Removed from consent: 21, 22

ACTION: (Muratore/Friedman, unan., Dobbs and Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Special Recognition Plaques and Certificates for co-sponsorships of the City's 1993 Recreation Program.

Mayor Lang presented the awards.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of January 18, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2885-C.S. amending the Municipal Code relating to Itinerant Vendors.  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2885-C.S. adopted. (Clerk to handle)

HEARINGS

This item was considered before item 3.

5. Hearing to consider the appeal of Steven A. Herum, on behalf of First Fidelity Realty, to a Planning Commission decision concerning a request for a time extension for the development schedule for P-D(484), Galleria Shopping Center, property located on the east side of Roselle Avenue north of Briggsmore Avenue. (A letter has been received from Steven A. Herum requesting that the hearing be continued to March 1 or March 8, 1994.) (Continued from January 18, 1994, City Council meeting.) Councilmember McClanahan excused due to a conflict of interest.

ACTION: By motion (Cogdill/Friedman, unan., Dobbs and Patterson absent) this item was referred back to the Planning Commission.  
(Planning to handle)

6. Hearing to consider the adoption of the Final Draft Source Reduction and Recycling and Household Hazardous Waste Elements required by the California Integrated Waste Management Act of 2989 (AB 939), and

approval of the Negative Declaration for the documents.

- ACTION: Res. 94-50 adopted (Friedman/Muratore, unan., Dobbs and Patterson absent) approving the Final Draft Source Reduction and Recycling and Household Hazardous Waste Elements dated January, 1994.
- Res. 94-51 adopted (same vote) certifying the Negative Declarations for the Final Draft Source Reduction and Recycling and Household Hazardous Waste Elements.
- Res. 94-52 adopted (same vote) continuing the \$1.50 per ton Solid Waste Management Fee and the \$1.50 per ton Household Hazardous Waste Fee at the Waste to Energy Facility. (P/W to handle)

7. Hearing to consider the appeal of Timothy S. Fisher, Architecture Plus, Inc., to a Planning Commission decision denying an application to rezone from R-1 to P-0, property located at the northwest corner of Coffee Road and Gloria Way.

- ACTION: Res. 94-53 adopted (Friedman/McClanahan, unan., Dobbs and Patterson absent) upholding Planning Commission decision. (Planning to handle)

8. Hearing to consider an amendment to Section 12-2-8 of the Zoning Map to rezone from R-2 to P-D(181), for expansion of the existing facility including modular office addition to the ministry located on the east side of Hahn Drive, south of Standiford Avenue and north of the Hetch Hetchy right of way. (Bethany Christian Services)

- ACTION: By motion (Dobbs/Friedman, unan., Patterson absent) Ord. No. 2887-C.S. introduced.  
Res. 94-54 adopted (same vote) rezoning from R-2 to P-D(181). (Clerk to handle)

BIDS

CONSENT

9. Consider approving specifications and authorizing call for bids for furnishing three new lawn sweepers.  
(Suggested bid opening: February 28, 1994, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$71,235. Funds are budgeted.)

- ACTION: Res. 94-55 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider declaring one fire pumper truck as surplus and authorize the sale by the City of Modesto at public auction on March 5, 1994, to be conducted by Roger Ernst and Associates at 824 Kiernan.  
(Report with agenda. Resolution declaring fire pumper truck as surplus property and authorizing sale by auction needed.)

- ACTION: Res. 94-56 adopted awarding bid. (Finance to handle)

CONSENT

11. Consider award of contract for the Briggsmore Avenue waterline from McHenry Avenue to Coffee Road project to MBM Construction. (Bids were opened January 6, 1994. The low bid of \$150,000, submitted by MBM Construction, is 31.82% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to MBM Construction. Report with agenda. Resolution awarding contract to MBM needed. Estimated total cost: \$172,500 (const. admin. & contingencies \$22,500). Funds are budgeted.)

ACTION: Res. 94-57 adopted awarding contract. (P/W to handle)

NEW BUSINESS

12. Consider amendments to Community Development Block Grant (CDBG) Final Statement for Fiscal Year 1993-94. (Report with agenda. Proposed amendments consist of modifying the Housing Rehabilitation and Neighborhood Revitalization Program activity to reflect the availability of the rehab program to three new target areas. The second proposed change will provide the Emergency Home Repair Program. Motion amending the CDBG Final Statement for FY 1993-94 needed.)

ACTION: At the close of the public hearing, by motion (Cogdill/Dobbs, unan., Patterson absent) the Community Development Block Grant Final Statement for Fiscal Year 1993-94 was amended. (Planning to handle)

CONSENT

13. Consider amending the budget to appropriate \$17,000 from the McHenry Mansion Fund Contingency Reserve to continue renovation of the McHenry Mansion. (Report with agenda. Resolution amending budget needed.)

ACTION: Res. 94-58 adopted amending budget. (Finance to handle)

CONSENT

14. Consider approving agreement with Oakdale Park L.P. for the acquisition of a 0.304± acre permanent easement and a 0.223± acre temporary easement for the Sonoma Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program EIR. (Report with agenda. Resolution approving agreement needed, and resolution stating that this project is consistent with the program EIR needed. Estimated cost: \$4,000. Funds are budgeted.)

ACTION: Res. 94-59 adopted approving agreement.  
Res. 94-60 adopted stating project is consistent with program EIR. (Attorney to handle)

CONSENT

15. Consider approving grant agreement with University of California Davis, Institute of Transportation Studies for \$100,000 funding, and consider amending the budget to account for new revenue. (Report with agenda. Resolution approving grant agreement needed, and resolution amending budget needed.)

ACTION: Res. 94-61 adopted approving agreement.  
Res. 94-62 adopted amending budget. (Executive Director to handle)

CONSENT

16. Consider approving the submittal of a Modesto City-County Airport preapplication for federal funds in the amount of \$2,749,770 to complete airport improvement projects for 1995-2000, and authorizing the City Manager to sign the preapplication on behalf of the City.  
(Report with agenda. Resolution approving preapplication needed.  
Estimated total cost: \$3,055,300 (Federal \$2,749,770; City/County \$305,530)

ACTION: Res. 94-63 adopted approving preapplication. (P/W to handle)

CONSENT

17. Consider approving appropriation transfer in the amount \$149,072 for the 12th Street water line project.  
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 94-64 adopted approving appropriation transfer.  
(Finance to handle)

18. Consider acceptance of Annual CATV Report, and consider adoption of procedures for regulation of CATV basic service tier and related equipment rates and installation.  
(Report with agenda. Motion accepting report needed, and resolution providing for regulation of basic service tier and related equipment rates and installation needed.)

ACTION: By motion (McClanahan/Muratore, unan., Patterson absent) report accepted.  
Res. 94-65 adopted (same vote) providing for regulation of basic service tier and related equipment rates and installation.  
(Manager to handle)

CONSENT

19. Consider approving agreement with Project Sentinel for a grant of \$9,000 under the Community Development Block Grant Program for fiscal year 1993-94.  
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-66 adopted approving agreement. (Planning to handle)

CONSENT

20. Consider authorizing resumption of emergency Home Repair Program, and consider allocation of \$200,000 from Housing Rehabilitation Loan Program to fund the program.  
(Report with agenda. Motion activating Emergency Home Repair Program needed, and resolution approving appropriation transfer needed.)

ACTION: By motion, Emergency Home Repair Program activated.  
Res. 94-67 adopted approving appropriation transfer.  
(Planning to handle)

21. Consider STANCO request for exemption/deferral from Capital Facilities Fees (CFF) for a senior citizen apartment proposal at 725 Maze Boulevard. (Report with agenda. Staff recommends exemption/deferral of \$72,960 of CFF. Motion approving exemption/deferral as recommended by staff needed.)

ACTION: By motion (Dobbs/Friedman, majority, Muratore-no, Patterson absent) staff recommendation approved. (Planning to handle)

22. Consider approving HOME loan to Modesto Senior Housing Investors for a 38-unit senior citizens housing project on Maze Boulevard. (Report with agenda. City Attorney's office will draft an agreement and approval of agreement will be returned to Council. Motion approving loan needed.)

ACTION: By motion (Friedman/McClanahan, majority, Muratore-no, Patterson absent) loan approved if taken within 60 days. (Planning to handle)

CONSENT

23. Consider approval of Annual Claim for Local Transportation Funds. (Each year the City makes a claim to the Stanislaus Area Association of Governments (SAAG) for its apportionment of Transportation Development Funds. This year's claim is \$3,547,346. Report with agenda. Resolution authorizing submission of Annual Transportation Claim needed.)

ACTION: Res. 94-68 adopted authorizing submission of Annual Transportation Claim. (Finance to handle)

WRITTEN COMMUNICATIONS

CONSENT

24. Letter of resignation from the Citizens Housing and Community Development Committee and the Housing Rehabilitation Loan Committees from William H. Covey. (Resolution accepting resignation with regret needed.)

ACTION: Res. 94-69 adopted accepting resignation. (Clerk to handle)

CONSENT

25. Letter of resignation from the Affirmative Action Commission from Darth Miller. (Resolution accepting resignation with regret needed.)

ACTION: Res. 94-70 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Appointments

26. Reappointments to Community Qualities Forum

ACTION: Res.94-70A adopted (Dobbs/Friedman, unan.) reappointing Juanita Jackson, David McKean, Claudia Moorad, Howard Spivak and Terry Swehia to the Community Qualities Forum. (Clerk to handle)

27. MATTERS TOO LATE FOR THE AGENDA

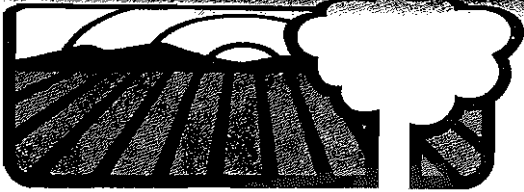
(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 6:20 p.m.

ATTEST:   
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council and the Planning Commission of the City of Modesto met in an special session at 6:30 p.m. on Monday, January 31, 1994, in the Multipurpose Room at City Hall, 801 11th Street, Modesto, California, for a study session.

Present: Councilmembers Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Dobbs, Patterson

Present: Commissioners Alexander, Cruz, Fisher, Serpa, Ward

Commissioner Ward arrived at 7:00 p.m.

Absent: Commissioners Dunbar, Gonzales

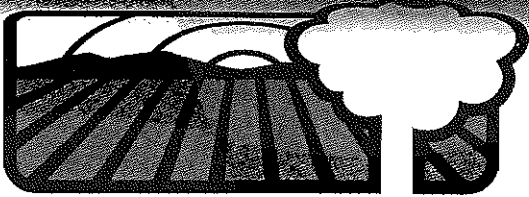
The Council and Planning Commission held a joint workshop to discuss the Building Industry Association's issues regarding the Village I Specific Plan.

Ridge Sutter and Dan Thayer, speaking for the Building Industry Association reviewed the B.I.A.'s "Discussion Points for Village I Specific Plan," attached to the original of these minutes. After discussion by the Council, Planning Commissioners, and City staff, it was agreed that staff would meet with representatives of the B.I.A. to find wording that might resolve the B.I.A.'s concerns that could be presented to the Planning Commission and Council for possible inclusion in a future specific plan amendment.

The meeting adjourned at 9:05 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, CITY CLERK

1-31-94



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m. on Tuesday, February 1, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: None

Absent: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Patterson, Mayor Lang

The meeting adjourned due to lack of a quorum.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

2-1-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 1, 1994, AT 7:30 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 12, 13, 14,  
15, 16, 17

Removed from consent: 11

ACTION: (Dobbs/Friedman, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced members and leaders of Boy Scout Troop #117, L.D.S. Church.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meetings of January 21 and 22, 1994, and the regular City Council meeting of January 25, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

HEARINGS

4. Hearing to consider the proposal of rerouting of trains now operating on the Union Pacific Railroad Company Tidewater Subdivision branch line and which now travel along 9th Street to the Southern Pacific right of way, and the construction of two railroad grade separations in the City of Modesto, and to review the results of the preliminary engineering and environmental studies.

ACTION: Res. 94-71 adopted (Dobbs/Muratore, unan., Patterson absent) approving the plan and directing staff to proceed.  
Res. 94-71A adopted (same vote) certifying review of the environmental report and approving the Negative Declaration.  
Further study is to be conducted of the Tuolumne Blvd. underpass.  
(P/W to handle)

5. Hearing to consider an amendment to Specific Plan Amendment No. 3 of the Village One Specific Plan, and concurrent Specific Plan Zone (SP) Code text amendment and rezoning of the Village One area from SP to SP-H, located between Oakdale Road and the Santa Fe Railroad tracks, Sylvan and Briggsmore Avenues, east of Roselle Avenue and between Floyd and Sylvan Avenues.

(Continued from January 18, 1994, City Council meeting.)

ACTION: Res. 94-72 adopted (Friedman/Cogdill, unan., Patterson absent) approving Specific Plan Amendment No. 3.  
Res. 94-72A adopted (same vote) certifying review of the Environmental Assessment report and approving the Negative Declaration.

By motion (same vote) Ord. No. 2888-C.S. introduced adding  
Specific Plan Overlay Zone (SP-O).  
By motion (same vote) Ord. No. 2889-C.S. introduced adding  
Specific Plan Holding Zone (SP-H). (Planning to handle)

6. Hearing to consider the appeal of REDEV, Inc. to a Planning Commission decision denying an application for a proposed amendment to the Modesto Urban Area General Plan from Neighborhood Commercial to Residential; denying an application to rezone from P-D(456) to R-1 and a new P-D for a one-acre commercial development; denying vesting tentative subdivision map for Parker Place, property located at the southeast corner of Claus Road and Parker Road.

ACTION: Res. 94-73 adopted (Cogdill/Friedman, majority, Dobbs and McClanahan-no, Patterson absent) upholding the Planning Commission and denying the appeal. (Planning to handle)

### BIDS

#### CONSENT

7. Consider approving specifications and authorizing bid call for furnishing traffic signal equipment.  
(Suggested bid opening: February 22, 1994, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$45,000. Funds are budgeted.)

ACTION: Res. 94-74 adopted calling for bids. (Finance to handle)

#### CONSENT

8. Consider approval of plans and specifications and call for bids for replacing H Street sewer from 9th Street to 19th Street.  
(Suggested bid opening: March 3, 1994, at 11:00 a.m. The existing sewer line is under capacity and deteriorated. This pipeline replacement project is scheduled for completion prior to the H Street reconstruction to be completed this summer. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$365,069.25; contract \$312,025; const. admin. & contingencies \$53,044.25) Funds are partially budgeted. An appropriation transfer will be requested at the time of award of bid when the exact amount needed to construct the project is known.)

ACTION: Res. 94-75 adopted calling for bids. (P/W to handle)

#### CONSENT

9. Consider approval of plans and specifications and call for bids for recoating the dissolved air flotation thickeners (DAFT) tank.  
(Suggested bid opening: March 3, 1994, at 11:05 a.m. The dissolved air flotation thickeners tanks and interior equipment located at the Waste Water Treatment Plant are pitting and scaling, exposing bare metal parts to corrosion. This project will sandblast and recoat all metal parts with a polyurethane material. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost:

\$258,120 (contract \$224,000; construction admin. & contingencies \$24,120) Funds are budgeted.)

ACTION: Res. 94-76 adopted calling for bids. (P/W to handle)

CONSENT

10. Consider award of contract for the Sonoma Trunk Sewer from Floyd Avenue to Sylvan Avenue project to Delta Excavating, Inc. (Bids were opened January 20, 1994. The low bid of \$508,936, submitted by Delta Excavating, Inc., is 32.45% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Delta Excavating, Inc. needed. Estimated cost: \$570,008.32 (contract \$508,936; construction admin. & contingencies \$61,072.32) Funds are budgeted.)

ACTION: Res. 94-77 adopted awarding contract. (P/W to handle)

NEW BUSINESS

11. Consider amending the legislative platform outlining the City's overall legislative concern. (Report with agenda. Motion amending legislative platform needed.)

ACTION: By motion (Friedman/Dobbs, unan., Patterson absent) legislative platform adopted. (Manager to handle)

CONSENT

12. Consider approving grant agreement with the Center for Human Services in the amount of \$1,500 and approving grant agreement with Community Hospice in the amount of \$1,500 for cable programming. (Report with agenda. Resolutions approving agreements needed. Funds are budgeted.)

ACTION: Res. 94-78 adopted approving agreement with Center for Human Services.  
Res. 94-79 adopted approving agreement with Community Hospice. (Manager to handle)

CONSENT

13. Consider approving agreement with Laidlaw Transit, Inc. for the lease of space in the Transportation Center. (Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 94-80 adopted approving agreement. (Attorney to handle)

CONSENT

14. Consider approving agreement with Gomes Brothers for property rights needed for the Parallel Outfall Project. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$8,400. Funds are budgeted.)

ACTION: Res. 94-81 adopted approving agreement. (Attorney to handle)

CONSENT

15. Consider accepting \$40,000 in State grant funding for California Coastal, Wildlife and Park Land Conservation Act funds for the purchase of trees, and consider amending the budget to estimate and appropriate new revenue.  
(Report with agenda. Resolution accepting grant needed, and resolution amending budget needed.)

ACTION: Res. 94-82 adopted accepting grant.  
Res. 94-83 adopted amending budget. (P/R to handle)

CONSENT

16. Consider approving agreement with Ralph Andersen and Associates to perform a comprehensive audit of the Business License Tax Ordinance for the amount of \$15,250.  
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 94-84 adopted approving agreement. (Finance to handle)

CONSENT

17. Monthly Treasurer's Report for December, 1993.  
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MATTERS TOO LATE FOR THE AGENDA

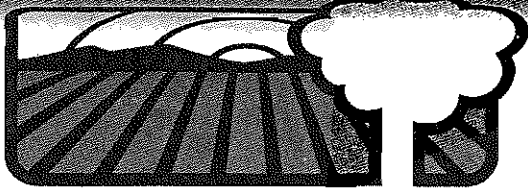
18. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 9:43 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session which convened at the close of the regular City Council meeting at 9:43 p.m. on Tuesday, February 1, 1994, in the Mayor's Office at City Hall, 801 11th Street, Modesto, California, for a closed session.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

The Council held a closed session on the advice of legal counsel based on existing facts and circumstances that there is significant exposure to litigation against the local agency, pursuant to California Government Code Section 54956.9(b)(1).

ATTEST: Norrine Coyle  
NORRINE COYLE, CITY CLERK

2-1-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 8, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Mayor Lang

Absent: Councilmembers Muratore, Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Joel Richards, La Loma Grace Brethren Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 9, 10, 11, 12,  
13, 15, 16

ACTION: (Friedman/McClanahan, unan., Muratore and Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.



1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of January 31, 1994, and of the regular and special City Council meetings of February 1, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2886-C.S. rezoning from R-1 to P-0, property located at the southeast corner of Coffee Road and Mable Avenue.  
(Stone & Associates)  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2886-C.S. adopted. (Clerk to handle)

CONSENT

5. Final adoption of Ord. No. 2887-C.S. rezoning from R-2 to P-D(181) as an addition and amendment to P-D(181), property located on the east side of Hahn Drive, south of Standiford Avenue and north of the Hetch Hetchy right of way. (Bethany Christian Services).

ACTION: By motion, Ord. No. 2887-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

6. Consider approving specifications and authorizing call for bids for furnishing fifteen new utility trucks.  
(Suggested bid opening: March 7, 1994, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$755,494. Funds are budgeted.)

ACTION: Res. 94-85 adopted calling for bids. (Clerk to handle)

NEW BUSINESS

CONSENT

7. Consider approving revisions to Policy and Procedures Manual relating to minimum rehabilitation standards and Housing Quality Standards. (Report with agenda. The proposed changes were reviewed and approved by the Citizen's Housing and Community Development Committee. Motion approving revisions to Policy and Procedures Manual needed.)

ACTION: By motion, revisions approved. (Planning to handle)

8. Consider accepting Modesto Stadium Project Report and directing staff. (Report with agenda. Staff recommends initiating requests for proposals; negotiating agreement with Modesto A's; developing a joint powers agreement and C.I.P. financial plan for construction of recreation fields and seeking approval from the Tuolumne River Regional Park Committee; and seeking additional funding support. Motion accepting report and directing staff needed.)

ACTION: By motion (McClanahan/Dobbs, majority, Friedman-no, Muratore and Patterson absent) report accepted and staff directed to proceed with requests for proposals. (P/R to handle)

CONSENT

9. Consider authorizing City Manager to execute a financing agreement with Guillermo Ochoa for the purpose of rehabilitating property at 430 Leon Avenue pursuant to the City of Modesto's Housing Rehabilitation Program. (Report with agenda. Report will enable the provision of financing to property owner for rehabilitation of the property. Resolution approving agreement needed. Estimated financing cost: \$21,829. CDBG funds are budgeted.)

ACTION: Res. 94-86 adopted approving agreement. (Planning to handle)

CONSENT

10. Consider authorizing City Manager to execute an agreement with Andregg, Inc. to establish a horizontal control network of high precision surveying points. (An independent firm with GPS Equipment is needed to establish high precision horizontal control network to be used as survey control for the City of Modesto Geographic Information System base map. Report with agenda. Resolution approving agreement needed. Estimated cost: \$61,950. Funds are budgeted.)

ACTION: Res. 94-87 adopted approving agreement. (P/W to handle)

CONSENT

11. Consider approving agreement with Johannes T. and Mari L. Nijskens for property rights needed for the Parallel Outfall Project. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$12,700. Funds are budgeted.)

ACTION: Res. 94-88 adopted approving agreement. (Attorney to handle)

CONSENT

12. Consider approving agreement with the Beck Family Trust for the acquisition of a 0.78± acre permanent easement for the Lakewood Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program EIR.  
(Report with agenda. Resolution approving agreement needed, and resolution stating that this project is consistent with the program EIR needed. Estimated cost: \$24,500 (cost \$22,500; est. escrow \$1,500) Funds are budgeted.)

ACTION: Res. 94-89 adopted approving agreement.  
Res. 94-90 adopted stating project consistent with program EIR.  
(Attorney to handle)

CONSENT

13. Consider approving an application for AB 2766 funds for the following projects: public transit system marketing, bus engine replacement, bus service expansion and an electric vehicle for the planned Telework Center.  
(Report with agenda. State funding requested is \$247,000. Local match will be provided with funding in-kind, so that no additional local funds will need to be budgeted during Fiscal Year 1994-95. Transit service expansions and electric vehicle operating costs would have to be locally funded after one year of operation. Resolution authorizing City Manager to submit grant application needed.)

ACTION: Res. 94-91 adopted approving submittal of grant application.  
(P/W to handle)

WRITTEN COMMUNICATIONS

14. Letter from Mr. Rickey Hunter regarding speed limit, volume of traffic, road improvements on Floyd Avenue.

Dropped at Mr. Hunter's request.

CONSENT

15. Letter of resignation from the Local Cable Programming Committee from Sharon Leicham.  
(Resolution accepting resignation with regret needed.)

ACTION: Res. 94-92 adopted accepting resignation.

CONSENT

16. Letter from Harlan Smith, Modesto Camellia Society, requesting donation of a Sweepstakes Trophy for the annual Camellia Cavalcade on March 19 & 20, 1994.  
(Motion approving request needed.)

ACTION: By motion, request approved. (Finance to handle)

MATTERS TOO LATE FOR THE AGENDA

17. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

CLOSED SESSION

18. Closed session to confer with or receive advice from legal counsel regarding pending litigation when discussion in open session concerning these matters would prejudice the position of the City in the case of City of Modesto, Redevelopment Agency of the City of Modesto v. Stanislaus County Board of Supervisors, et al., Booking Fees, pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

The meeting adjourned to closed session at 4:57 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in an special session at 3:00 p.m. on Tuesday, February 15, 1994, at the Police Department, 601 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

Absent: Councilmembers Muratore, Patterson

The Council met with State Senator Barbara Boxer to discuss the Federal Crime Bill.

The meeting adjourned at 3:41 p.m. to Congressman Gary Condit's office, 1601 I Street, Modesto, California.

The Council met with Congressman Condit to discuss various Federal legislation that could affect the City of Modesto.

The meeting adjourned at 4:30 p.m. to City Hall, 801 11th Street, Modesto, California, for a closed session and study session.

At 5:00 p.m. the Council adjourned to closed session on the advice of legal counsel, based on existing facts and circumstances that there is a significant exposure to litigation against the local agency, pursuant to Government Code Section 54956.9(b)(a).

The Council convened in open session at 5:10 p.m. to hold a workshop to discuss the proposed baseball stadium.

The meeting adjourned at 6:25 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

2-15-94



# MODESTO CITY COUNCIL

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 15, 1994, AT 7:30 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Charlie Crane, Greater True Light Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 13, 14, 16, 17,  
18, 19, 20, 21, 22, 23, 24

Dropped from agenda: 9

ACTION: (Friedman/Cogdill, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 15

Councilmember Friedman excused due to a conflict of interest.

ACTION: (Muratore/McClanahan, unan., Friedman and Patterson absent)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1/16/94

1. a. Presentation of Distinguished Service Plaque to Ray Feller for service on the Board of Zoning Adjustment.

Dropped from the agenda.

- b. Mayor Lang introduced members and advisors of Law and Government Explorer Post No. 14, and of Boy Scout Troop No. 137 sponsored by St. Paul's Episcopal Church.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of February 8, 1994.  
(Motion approving needed.)

ACTION: By motion, the minutes were approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

CONSENT

4. Final adoption of:
  - a. Ord. No. 2888-C.S. adding Article 19 to Chapter 2 of Title X to the Modesto Municipal Code relating to the Specific Plan-Overly (SP-O) Zone and repealing Article 19 of Chapter 2 of Title X of the Modesto Municipal Code relating to Specific Plan (SP) Zone.
  - b. Ord. No. 2889-C.S. amending Article 4 of Chapter 2 of Title X of the Modesto Municipal Code relating to Specific Plan-Holding (SP-H) Zone.

(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2888-C.S. and Ordinance No. 2889-C.S. were adopted. (Clerk to handle)

## HEARINGS

5. Hearing to consider the appeal of Randy Morales to a Planning Commission decision denying an application for an amendment to Section 28-3-9 of the Zoning Map to rezone from Medium Density Residential Zone, R-2, to Professional Office Zone, P-O, property located at the southwest corner of Coffee Road and East Morris Avenue.

Dropped from the agenda at Mr. Morales' request.

## BIDS

### CONSENT

6. Consider approving specifications and authorizing call for bids for furnishing linen services at eleven Fire Department locations. (Suggested bid opening: March 7, 1994, at 11:05 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$12,200. Funds are budgeted.)

ACTION: Res. 94-93 adopted approving specifications and authorizing call for bids. (Finance to handle)

### CONSENT

7. Consider awarding contract for generator installation at Wells 6, 40, 41, and 42 to Industrial Electrical. (Bids were opened January 27, 1994. The low bid of \$173,275, submitted by Industrial Electrical, is 17.49% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract to Industrial Electrical needed. Estimated cost: \$190,602 (contract \$173,275; const. admin. & contingencies \$17,327). Funds are budgeted.)

ACTION: Res. 94-94 adopted awarding contract. (Public Works & Trans. to handle)

### CONSENT

8. Consider declaring Maita Chevrolet-Geo low bidder and authorizing the purchase of 19 patrol sedans through the State Cooperative Purchasing Program for the total cost of \$294,662.80; and consider approving specifications and authorizing new call for bids for furnishing four police vehicles, or purchase from the California State Contract or other cooperative contract, or lowest non-contract bid, whichever is in the best interest of the City. (Suggested bid opening: March 14, 1994, at 11:00 a.m. Report with agenda. Resolution awarding bid to Maita Chevrolet-Geo needed, and resolution authorizing new call for bids needed. Estimated total cost: \$371,662.80. Funds are budgeted.)

ACTION: Res. 94-95 adopted awarding bid for purchase of 19 patrol sedans. Res. 94-96 adopted authorizing call for bids for 4 additional patrol vehicles. (Finance to handle)

**CONSENT**

9. Consider waiving formal bid procedures and authorize purchase of professional services from Jala International, Inc. for preparation of Village One Telecommunications Feasibility Study for a total cost of \$22,088.  
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

Dropped from agenda.

**NEW BUSINESS**

10. Midyear Status Report and Proposed Adjustments - Fiscal Year 1993-94 Annual Budget.  
(Report with agenda. Motion referring 1994-95 Fiscal Year budget issues to Financial Policy Committee and resolution amending budget and re-estimating revenue for Fiscal Year 1993-94 needed.)

**ACTION:** By motion (Cogdill/Dobbs, unan., Patterson absent) 1994-95 budget issues were referred to the Financial Policy Committee.  
Res. 94-97 adopted (Cogdill/Dobbs, unan., Patterson absent) amending the budget and re-estimating revenue for 1993-94.  
(Finance to handle)

11. Consider endorsing the updated water system revenue and financing program strategy; consider increasing metered and unmetered water rates 30%, effective March 1, 1994; and consider amending the budget to appropriate payment to M.I.D. for City's share of debt service on the surface water project for Fiscal Year 93-94 in the amount of \$6,554,000.  
(Report with agenda. Motion endorsing updated water system revenue and financing program strategy; resolution revising water rates; and resolution amending budget needed.)

**ACTION:** By motion (Muratore/Lang, unan., Patterson absent) the updated water system revenue and financing program strategy were endorsed.  
Res. 94-99 adopted (Muratore/Lang, unan., Patterson absent) revising the water rates.  
Res. 94-100 adopted (Muratore/Lang, unan., Patterson absent) amending the budget. (Public Works & Trans./Finance to handle)

12. Consider approving Request for Interest and Qualifications and consider authorizing staff to advertise, solicit and receive responses from firms that have an interest and qualifications to develop a stadium for Class "A" professional baseball, as well as other cultural and recreation activities based on the City's guidelines.  
(Report with agenda. Resolution authorizing Request for Interest and Qualifications and authorizing staff to advertise, solicit and receive responses needed.)

**ACTION:** Res. 94-101 (Dobbs/Lang, majority, Friedman - no, Patterson absent) authorizing staff to advertise, solicit and receive

responses to Requests for Interest and Qualifications.  
(Parks & Recreation to handle)

CONSENT

13. Consider adopting a resolution commending Jeffrey P. Cowan for 12 years of service as a member of the Board of Directors of the Modesto Irrigation District.  
(Resolution commending Jeffrey P. Cowan needed.)

ACTION: Res. 94-102 adopted commending Jeffrey P. Cowan for his service.  
(Mgr. to handle)

CONSENT

14. Consider authorizing the City Manager to execute financing agreement with Dorothy M. McClure for the purpose of rehabilitating property at 419 Sutter Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program.  
(Report with agenda. Resolution approving agreement needed. Estimated CDBG cost: \$27,526. Funds are budgeted.)

ACTION: Res. 94-103 adopted approving agreement.  
(Plan. & C. D. to handle)

CONSENT

15. Consider approving lease agreement with Gallo Vineyards, Inc. for the lease of Mark Twain Park Site.  
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 94-104 adopted approving agreement. (Atty. to handle)

CONSENT

16. Consider approving amendment to lease agreement with Alcorn Farms for the lease of property needed for the Surface Water Treatment Plant.  
(Report with agenda. Resolution approving amendment to lease agreement needed.)

ACTION: Res. 94-105 adopted approving agreement. (Atty. to handle)

CONSENT

17. Consider accepting Right of Entry from Garrard W. Marsh, et. al., allowing entry to 0.92± acres of their property to construct the Lakewood Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program Environmental Impact Report.  
(Report with agenda. Resolution accepting Right of Entry needed, and resolution stating this project is consistent with program EIR needed. Estimated cost: \$500; funds are budgeted.)

ACTION: Res. 94-106 adopted accepting Right of Entry.  
Res. 94-107 adopted stating that this project is consistent with program E.I.R.  
(Atty. to handle)

CONSENT

18. Consider accepting Right of Entry from McHenry Bowl, et. al., allowing entry to 0.72± acres of their property to construct the Lakewood Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program Environmental Impact Report.  
(Report with agenda. Resolution accepting Right of Entry needed, and resolution stating this project is consistent with program EIR needed. Estimated cost: \$500; funds are budgeted.)

ACTION: Res. 94-108 adopted accepting Right of Entry.  
Res. 94-109 adopted stating that this project is consistent with program E.I.R. (Atty. to handle)

CONSENT

19. Consider approving agreements with E. B. and Youla E. Polakis for the acquisition of 0.569± acre and 0.0050± permanent easements and 0.290± acre and 0.1196± acre temporary easements for the Lakewood Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program Environmental Impact Report.  
(Report with agenda. Resolution accepting Right of Entry needed, and resolution stating this project is consistent with program EIR needed. Estimated cost: \$7,650; funds are budgeted.)

ACTION: Res. 94-110 adopted approving agreements.  
Res. 94-111 adopted stating that this project is consistent with program E.I.R. (Atty. to handle)

CONSENT

20. Consider approval of final map of Abel Place Subdivision of the City of Modesto and consider accepting the improvements as complete. (Owner: T & L Holding, Inc.)  
(Report with agenda. All improvements have been completed to the satisfaction of the Public Works Department, and all fees have been paid. Abel Place Subdivision is located on the east side of Morse Road, south of Blue Gum Avenue. It contains 2.857 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 94-112 adopted approving final map. (Clerk to handle)

CONSENT

21. Consider authorizing the City to purchase surplus material from the "Federal Surplus Property Donation Program" through the State of California Department of General Services.  
(Report with agenda. Resolution authorizing purchase of surplus material needed).

ACTION: Res. 94-113 adopted authorizing purchase of surplus material. (Finance to handle)

CONSENT

22. Consider amending the Municipal Code relating to public access to canals within the City.  
(Report with agenda. Motion introducing ordinance needed.)

ACTION: By motion, Ordinance No. 2890-C.S. was introduced amending the Municipal Code. (Clerk to handle)

CONSENT

23. Consider excusing Councilmember Frank Muratore from the City Council meeting of February 8, 1994, due to his attendance as a representative of S.A.A.G. at the National Assembly of Regional Councils 1994 Washington Policy Conference in Washington, D.C.  
(Motion excusing needed.)

ACTION: By motion, Councilmember Muratore's absence was excused. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

24. Letter of resignation from the Community Qualities Forum from J. B. Picco.  
(Resolution accepting resignation with regret needed.)

ACTION: Res. 94-114 adopted accepting resignation with regret. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

25. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

Meeting adjourned at 8:22 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session which convened at 6:35 p.m. on Tuesday, February 15, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

Absent: Councilmembers Muratore, Patterson

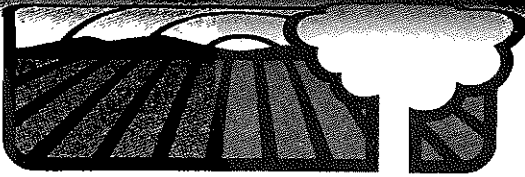
Reports of activities and studies were made by the Chairs and members of the following:

1. Community Development and Housing Committee
2. Public Safety Committee
3. Transportation Committee
4. Utility Services and Franchises Committee
5. Economic Development, Community & Intergovernmental Relations Committee
6. Financial Policy Committee

The meeting adjourned at 7:01 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

2-15-94



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 3:30 p.m. on Tuesday, February 22, 1994, in the Mayor's Office at City Hall, 801 11th Street, Modesto, California, for a closed session.

Present: Councilmembers Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Dobbs, Patterson

The Council held a closed session on the advice of legal counsel based on existing facts and circumstances that there is significant exposure to litigation against the local agency, pursuant to California Government Code Section 54956.9(b)(a).

ATTEST:   
NORRINE COYLE, CITY CLERK

2-22-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 22, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Cliff Traub, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 7, 8, 10, 11, 12, 13,  
14, 15, 16, 17, 19

Dropped from agenda: 9

ACTION: (Friedman/Dobbs, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- 1a. Recognition of Summer Rawleigh, Emily Hansen and Lydia Payne as Outstanding Youth for 1993, and presentation of plaques.

Mayor Lang presented plaque to the three students.

- b. Acknowledgement of the Parks and Recreation Department Commitment to Excellence Award from California Park and Recreation Society for City of Modesto Youth Study and Teen Program Implementation.

Doug Gaynor spoke about the award.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of February 15, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes were approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for Water Tank No. 4 and Well No. 54 installation.  
(Suggested bid opening: March 24, 1994, at 11:00 a.m. The installation of this water tank and well are needed to provide better pressure and fire flows in the northeast area of town. The project will also serve the Village One Area. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$1,083,280 (contract \$984,800; const. admin. & cont. \$98,480) Funds are budgeted.)

ACTION: Res. 94-115 adopted calling for bids. (P/W to handle)

CONSENT

5. Consider approving specifications and authorizing call for bids for furnishing ready-mix concrete.  
(Suggested bid opening: March 14, 1994, at 11:05 a.m. Report with agenda. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$15,000. Funds to be included in 1994-95 Budget.)

ACTION: Res. 94-116 adopted calling for bids. (Finance to handle)

6. Consider award of contract for the Lakewood trunk sewer from Briggsmore Avenue to Sylvan Avenue project to Silva's Pipeline, Inc.  
(Report with agenda. Bids were opened January 20, 1994. The lowest responsive bid of \$917,244, submitted by the second bidder, Silva's Pipeline, Inc., is 28.43% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Silva's Pipeline, Inc., needed. Estimated cost: \$1,027,313.28 (contract: \$917,244; const. adm: \$110,069.28) Funds are budgeted.)

ACTION: Res. 94-117 adopted (Cogdill/Friedman, unan., Patterson absent) rejecting bids and calling for new bids to be opened on March 9, 1994, at 11:00 a.m. (P/W to handle)

CONSENT

7. Consider acceptance of the contract of Scrimsher & Mineni Construction, Inc. as complete for the installation of Water Tank No. 5 and authorize City Clerk to file Notice of Completion. (Original contract: \$615,184) (Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$621,084.01. Funds are budgeted.)

ACTION: Res. 94-118 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

8. Consider amending the budget to establish a new Capital Project, Village I Land Acquisition and reappropriating funds from Capital Project, Northeast McHenry Neighborhood Park Acquisition in the amount of \$10,000.  
(Report with agenda. Resolution amending budget needed.)

ACTION: Res. 94-119 adopted amending budget. (Finance to handle)

CONSENT

9. Consider supporting California Parks and Wildlife Bond Act of 1994 (CALPAW '94).  
(Report with agenda. Resolution supporting CALPAW needed.)

Dropped from agenda.

CONSENT

10. Consider approving lease agreement with Larry A. and Patricia L. Askew,, and David and Sandra Mesenhimer, dba Modesto Flight Center for their operation at the Modesto Airport.  
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-120 adopted approving agreement. (Attorney to handle)

CONSENT

11. Consider accepting Right of Entry from Ronald L. LaForce, Alex G. Liakos, and Andrew N. Lund, allowing entry to 0.608± acre of their property to construct the Sonoma Sewer Trunk Project, and adopting a resolution stating this project is consistent with the program EIR. (Report with agenda. Resolution accepting Right of Entry needed, and resolution stating this project is consistent with the program EIR needed. Estimated cost: \$500. Funds are budgeted.)

ACTION: Res. 94-121 adopted accepting Right of Entry.  
Res. 94-122 adopted stating project consistent with program EIR.

(Attorney to handle)

CONSENT

12. Consider approving agreement with Bruce Beck for the Lakewood Sewer Trunk Project, and adopting a resolution stating this project is consistent with the program EIR. (Report with agenda. Resolution approving agreement needed, and resolution stating this project is consistent with the program EIR needed. Estimated cost: \$1,250.00. Funds are budgeted.)

ACTION: Res. 94-123 adopted approving agreement.  
Res. 94-124 adopted stating project consistent with program EIR.

(Attorney to handle)

CONSENT

13. Consider approving agreement with Louis R. and Joyce H. Menezes for property rights needed for the Parallel Outfall Project. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$22,000. Funds are budgeted.)

ACTION: Res. 94-125 adopted approving agreement. (Attorney to handle)

CONSENT

14. Consider approving lease agreement with Wade D. and Kay S. Smith for the lease of 1204 River Road (Mancini house), and accepting termination of lease by Chani and Rebecca Villaneuva. (Report with agenda. Resolution approving lease agreement and accepting termination of lease needed.)

ACTION: Res. 94-126 adopted approving lease agreement.  
Res. 94-127 adopted accepting termination of lease.

(Attorney to handle)

CONSENT

15. Consider amending the Position Classification Plan to revise the class specification for Community Development Program Specialist. (Report with agenda. Resolution amending Position Classification Plan needed, and resolution amending class range tables to establish salary needed.)

ACTION: Res. 94-128 adopted amending Position Classification Plan.  
Res. 94-129 adopted amending class range tables.  
(Personnel to handle)

CONSENT

16. Monthly Treasurer's Report for January, 1994.  
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

17. Consider authorizing the City Manager to sign an agreement for consultant services with Edwin S. Dardin Associates, Inc., for architectural and engineering plans for the Johansen Pool support facility.  
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$28,350. Funds are budgeted.)

ACTION: Res. 94-130 adopted approving agreement. (P/R to handle)

WRITTEN COMMUNICATIONS

18. Letter from Samuel Cobb concerning a program for helping people who are homeless or unemployed.

No action taken.

CONSENT

19. Resignation of Bonnie Johnson from Human Relations Commission.  
(Resolution accepting resignation needed.)

ACTION: Res. 94-131 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Appointments

20. a. Planning Commission representative to Board of Zoning Adjustment.

ACTION: Res. 94-132 adopted (Friedman/Dobbs, unan., Patterson absent) appointing Lynne Gonzales.

- b. Citizens Advisory Committee on Recycling

ACTION: Res. 94-133 adopted (Friedman/Dobbs, unan., Patterson absent) appointing Dennis Jackman. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

21. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

CLOSED SESSION

22. Closed session to:

- a. Confer with or receive advice from legal counsel regarding pending litigation when discussion in open session concerning the case of Hermosillo v. City of Modesto would prejudice the City in the litigation, pursuant to Government Code Section 54956.9(a).
- b. Consider the evaluation of performance of certain public employees, pursuant to Government Code Section 54957.

ADJOURNMENT

The meeting adjourned at 4:44 p.m. to closed session.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m. on Tuesday, March 1, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Patterson

Reports of activities and studies were made by the Chairs and members of the following:

1. Financial Policy Committee
2. Public Safety/Human Services Committee
3. Utility Services and Franchises Committee

The meeting adjourned at 7:24 p.m.

ATTEST:   
NORRINE COYLE, City Clerk

3-1-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 1, 1994, AT 7:30 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag: Girl Scout Troop #339

Invocation: Rev. Mel Turner, Christian Berets

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 12, 13

ACTION: (Friedman/Cogdill, unan., Patterson absent)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

- 1a. Presentation of proclamation to Girl Scout Troop #339.

Mayor Lang presented a proclamation to the members and advisors of Troop #339.

- b. Presentation of Distinguished Service to Ray Feller for service on the Board of Zoning Adjustment.

Mayor Lang presented plaque to Mr. Feller.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of February 22, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Dave Geer expressed concerns about the national debt.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2890-C.S. relating to access to canals.  
(Motion adopting needed.)

ACTION: By motion, Ord. 2890-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to P-D(479), a ten-foot wide strip of land located west of Conant Avenue and south of the Hetch Hetchy right of way.  
(Stanislaus County Housing Authority)

ACTION: By motion (Muratore/Friedman, unan., Patterson absent) Ord. No. 2891-C.S. introduced.  
Res. 94-134 adopted certifying review of Environmental Assessment.  
Res. 94-135 unused. (Clerk/Planning to handle)

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BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for remodeling the restrooms at Downey and Davis Parks to make them accessible to the handicapped.  
(Suggested bid opening: March 31, 1994, at 11:00 a.m. This project will remodel the existing restrooms at Downey and Davis Community Parks, making them accessible to the handicapped. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$110,000 (contract \$97,000; const. admin. & contingencies \$13,000) Funds are budgeted.)

ACTION: Res. 94-136 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approving specifications and authorizing call for bids for furnishing discing services.  
(Suggested bid opening: March 21, 1994, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$26,400. Funds are budgeted.)

ACTION: Res. 94-137 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider approving specifications and authorizing call for bids for furnishing traffic signal accessories.  
(Suggested bid opening: March 21, 1994, at 11:05 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$48,000. Funds are budgeted.)

ACTION: Res. 94-138 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider acceptance of the contract of Graham Contractors, Inc. as complete for the Mellis, Senior Citizens and Beyer parking area rehabilitation and authorize the City Clerk to file Notice of Completion. (Original contract: \$22,009.02)  
(Report with agenda. All work on this project has been completed to the satisfaction of the Parks and Recreation Department and Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$27,182.43. Funds are budgeted.)

ACTION: Res. 94-139 adopted accepting as complete. (Clerk to handle)

CONSENT

10. Consider acceptance of the contract of Ross Carroll, Inc. as complete for the Zeff Road street improvements at Water Tank No. 5 and authorize the City Clerk to file Notice of Completion. (Original contract: \$51,000)  
(Report with agenda. All work on this project has been completed to the satisfaction of the and Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the

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Notice of Completion. Resolution accepting work as complete needed.  
Final cost: \$54,947.50. Funds are budgeted.)

ACTION: Res. 94-140 adopted accepting as complete. (Clerk to handle)

#### NEW BUSINESS

11. Finance Department response to management audit - proposed reorganization.  
(Report with agenda. Resolution approving the reorganization proposed by the Finance Department needed.)

ACTION: Res. 94-141 adopted (McClanahan/Dobbs, unan., Patterson absent) approving reorganization. (Finance to handle)

#### CONSENT

12. Consider approving agreement with Allen R. Beck, et al for the acquisition of a 2.91± acre permanent easement and a 0.43± acre temporary easement for the Lakewood Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program EIR.  
(Report with agenda. Resolution approving agreement needed, and resolution stating this project is consistent with the program EIR needed. Estimated cost: \$85,000 (cost \$82,800; est. escrow \$2,200) Funds are budgeted.)

ACTION: Res. 94-142 adopted approving agreement.  
Res. 94-143 adopted stating project consistent with program EIR>  
(Attorney to handle)

#### CONSENT

13. Consider approving agreement with JALA International, Inc. for professional services for preparation of a Village One Telecommunications Study for a total cost of \$22,088.  
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 94-144 adopted approving agreement. (Finance to handle)

- 13A. Letter from Resource Development requesting that the Council resolution denying their request to rezone the southeast corner of Parker and Claus Roads be amended to render the Council's decision as "denied without prejudice."

ACTION: Res. 94-145 adopted (Cogdill/McClanahan, unan., Patterson absent) amending the Council's previous action to "denied without prejudice."  
(Planning to handle)

#### 14. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that

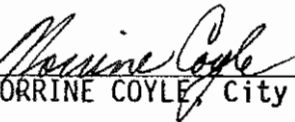
3/1/94

the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

ATTEST:   
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 8, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Nick Guglielmo, Jail Chaplain

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 11, 12, 12A,

Removed from consent: 10

ACTION: (Muratore/Friedman, unan., Patterson absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of March 1, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2891-C.S. rezoning from R-1 to P-D(479), as an addition to P-D(479), property located on the west side of Conant Avenue and south of the Hetch Hetchy right of way. (Stanislaus County Housing Authority)  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2891-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

5. Consider award of contract for the East La Loma Park shade structure project to Thorcon, Inc.  
(Bids were opened February 17, 1994. The low bid of \$75,059.96, submitted by Thorcon, Inc. is 24.60% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report and bid tabulation with agenda. Resolution awarding contract to Thorcon needed. Estimated cost: \$86,318.95 (contract \$75,059.96; const. admin. & contingencies \$11,258.99) Funds are budgeted.)

ACTION: Res. 94-146 adopted awarding contract. (P/W to handle)

CONSENT

6. Consider accepting the bid of Graybar Electric for traffic signal equipment for a total cost of \$26,607.33.  
(Report with agenda. Resolution accepting the bid of Graybar Electric needed. Funds are budgeted.)

ACTION: Res. 94-147 adopted awarding bid.

(Finance to handle)

NEW BUSINESS

7. Consider Community Qualities Forum recommendations regarding Community Policing.

(Report with agenda. Motion acknowledging receipt of report and directing staff needed.)

Mayor Lang was excused at 4:05 and returned at 4:15 p.m.

ACTION: By motion (Cogdill/Dobbs, unan., Patterson and Lang absent) receipt of report acknowledged. (Police to handle)

8. Consider adoption of a Resolution of Intention to form a Business Improvement Area in the City of Modesto for the sole purpose of establishing a Downtown Police Bicycle Patrol Program.  
(Report with agenda. The proposed amendment to the Modesto Municipal Code will establish an assessment (fee) to fund all monthly operating costs, salaries, benefits, overtime and reserve pay, and to purchase and maintain support equipment for the Downtown Police Bicycle Patrol Program. Resolution of Intention to form a business improvement area and setting hearing April 5, 1994, at 7:30 p.m. needed.)  
Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 94-148 adopted (Dobbs/Friedman, unan., Cogdill and Patterson absent) setting hearing.

9. Report and recommendations of Ralph Andersen & Associates concerning the Police Department Management Audit.  
(Report with agenda. Motion acknowledging receipt of report needed.)

No action taken.

10. Consider urging local legislators to support an amendment to State law allowing cities and other public agencies to adopt ordinances imposing financial responsibility on both the perpetrator and the parents of minor children who commit acts of graffiti vandalism.  
(Report with agenda. Adoption of resolution needed.)

ACTION: Res. 94-149 adopted (McClanahan/Friedman, unan., Patterson absent) urging local legislators to support amendment. (Attorney to handle)

CONSENT

11. Consider approving termination agreement with Vita Deeds for the lease of Fire Station No. 10 at Whitmore and Ustick.  
(Report with agenda. Resolution approving termination agreement. Estimated cost: \$5,753.82. Funds are budgeted.)

ACTION: Res. 94-150 adopted approving termination agreement. (Attorney to handle)

CONSENT

12. Consider authorizing application to the State of California Department of Forestry and Fire Protection for \$88,850 in funding from the Federal Small Business Administration for planting 1,200 street trees.  
(Report with agenda. Resolution authorizing grant application needed.)

ACTION: Res. 94-151 adopted authorizing grant application. (P/R to handle)

CONSENT

- 12A. Consider approving agreement with Modesto Chamber of Commerce for an AutoExpo to be held at the Modesto Centre Plaza during Graffiti USA 1994, June 10 - 13.  
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-152 adopted approving agreement. (P/R to handle)

WRITTEN COMMUNICATIONS

13. Letter from Mr. Steve Spriggs regarding helicopter flights at Doctors Medical Center.  
Councilmembers Friedman and McClanahan excused due to conflicts of interest.

ACTION: By motion (Cogdill/Dobbs, unan., Friedman, McClanahan and Patterson absent) this matter was referred to the Planning Commission to review the Planned Development zoning for Doctor's Medical Center pursuant to condition number eighteen in Modesto Planning Commission Resolution No. 82-66, and City Council Resolution No. 81-780.  
(Planning to handle)

14. Letter from Mr. Melvin D. Rowan regarding the issuance of concealed weapons permits by Police Chief Jefferson.  
  
No action taken.

MATTERS TOO LATE FOR THE AGENDA

15. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

CLOSED SESSION

16. Closed session to confer with or receive advice from legal counsel regarding pending litigation when discussion in open session would prejudice the position of the City in the case of City of Modesto vs.

De1 Este Water Company and California Water Service Company, Superior Court Case No. 296508, pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

The meeting adjourned to closed session at 7:22 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 15, 1994, AT 7:30 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Paul Hallock, Living Water Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 8, 9

ACTION: (Friedman/Cogdill, unan., Patterson absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang presented a plaque to Norrine Coyle, City Clerk & Auditor, for the Clerk's Office contribution to the United Way.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of March 8, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

BIDS

CONSENT

4. Consider approving specifications and authorizing call for bids for printing of the monthly utility bill insert and quarterly employees' newsletter on recycled paper for up to three years.  
(Suggested bid opening: April 5, 1994, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$30,000. Funds are being requested in F.Y. 94-95 budget.)

ACTION: Res. 94-153 adopted calling for bids. (Finance to handle)

CONSENT

5. Consider awarding contract for the "H" Street sewer replacement from 9th Street to 19th Street project to Hercules Enterprises, and consider authorizing appropriation transfer in the amount of \$45,000 to fully fund the project.  
(Bids were opened March 3, 1994. The low bid of \$297,110, submitted by Hercules Enterprises is 4.78% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract to Hercules Enterprises and resolution authorizing appropriation transfer needed. Estimated total cost: \$347,618.70 (contract \$297,110; const. admin. & contingencies \$50,508.70) Funds are budgeted.)

ACTION: Res. 94-154 adopted awarding contract.  
Res. 94-155 adopted authorizing appropriation transfer.  
(P/W, Finance to handle)

CONSENT

6. Consider awarding contract for Lakewood Sewer from Briggmore Avenue to Sylvan Avenue project to Delta Excavating, Inc.  
(Bids were opened March 9, 1994. The low bid of \$828,661, submitted by Delta Excavating, Inc., is 35.34% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract to Delta Excavating, Inc. Estimated total cost: \$928,100.32 (contract \$828,661; construction admin. & contingencies \$99,439.32) Funds are budgeted.)

ACTION: Res. 94-156 adopted awarding contract. (P/W to handle)

NEW BUSINESS

7. Consider changing the name of Coulterville Drive to Coulterville Court.  
(A group of residents has requested this change. Report with agenda. Resolution renaming street needed.)

ACTION: Res. 94-157 adopted (Muratore/McClanahan, unan., Patterson absent)  
renaming street. (Planning to handle)

CONSENT

8. Consider approving agreement with Ronald L. LaForce, et. al., for the acquisition of a 0.357± for the acquisition of a 0.357± acre permanent easement and a 0.251± acre temporary easement for the Sonoma Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program EIR.  
(Report with agenda. Resolution approving agreement needed, and resolution stating this project is consistent with the program EIR. Estimated cost: \$7,500; funds are budgeted.)

ACTION: Res. 94-158 adopted approving agreement.  
Res. 94-159 adopted stating project is consistent with EIR.  
(Attorney to handle)

CONSENT

9. Consider approving maintenance and service agreement with Evans-Executone to provide maintenance and service coverage for the City's telephone system.  
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$35,114. Funds are budgeted.)

ACTION: Res. 94-160 adopted approving agreement. (Finance to handle)

WRITTEN COMMUNICATIONS

10. Letter from Kim Franklin, 1994 Earth Day in the Park Chairperson, requesting permission to hang an "Earth Day in the Park 1994" banner from the Modesto Arch at 9th and I Streets to promote the event.

ACTION: Res. 94-161 adopted (Muratore/Friedman, unan., Patterson absent)  
approving request. (P/W to handle)

MATTERS TOO LATE FOR THE AGENDA

11. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

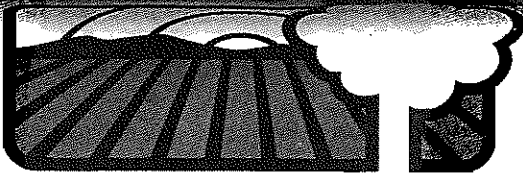
CLOSED SESSION

12. Closed session on the advice of legal counsel, based on existing facts and circumstances that there is a significant exposure to litigation against the local agency, pursuant to Government Code Section 54956.9(b)(1).

ADJOURNMENT

The meeting adjourned at closed session at 7:41 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in an special session at 2:00 p.m. on Tuesday, March 22, 1994, in the Third Floor East Conference Room, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

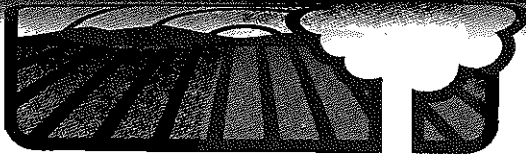
The Council met to hold an economic development strategy workshop.

Harlan Westenberg discussed the eleven Kreines & Kreines report programs that had not previously been reviewed by the City Council.

The meeting adjourned at 3:34 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

22  
3-1-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 22, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Thomas Mello, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 11, 12, 13, 15, 16,  
17, 18, 19, 20,

Removed from consent: 21

ACTION: (Dobbs/Friedman, unan., Patterson absent)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mr. Harry Robinson, on behalf of the McHenry Highland Homeowner's Association, presented a \$100 check for the Graffiti Reward Fund.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of March 15, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Loretta Carhart spoke about some problems with her home.

HEARINGS

4. Hearing to consider the annual update of the Complementary Paratransit Plan developed by the City of Modesto to ensure that the Paratransit System (Modesto-Stanislaus Dial-A-Ride) complies with the requirements of the Americans with Disabilities Act (ADA).

ACTION: Res. 94-162 adopted (Dobbs/Friedman, unan., Patterson absent) approving the 1994 Paratransit Plan Update. (P/W to handle)

5. Hearing to consider the proposed designation of the Ralph M. Brown House, a California bungalow style of architecture built in 1923 and located at 309 Magnolia Street, as a Modesto Landmark Preservation Site.

ACTION: Res. 94-163 adopted (Muratore/McClanahan, unan., Patterson absent) designating as a Modesto Landmark Preservation Site. (P/R to handle)

6. Hearing to consider the proposed designation of the Gallo Founders building, the original site of the E & J Gallo Winery built in 1928 and located at 401 11th Street, as a Modesto Landmark Preservation Site.

ACTION: Res. 94-164 adopted (Muratore/McClanahan, unan., Patterson absent) designating as a Modesto Landmark Preservation Site. (P/R to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids to remove and replace fuel tanks at the Wastewater Treatment Facility. (Suggested bid opening: April 21, 1994, at 11:00 a.m. The Public Works and Transportation Audit recommended the installation of a refueling facility located at the Wastewater Treatment Facility to eliminate driving time to Corporation Yard to refuel Treatment Plant vehicles. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$55,270.80 (contract \$47,240; construction admin. & cont. \$8,030.80) Funds are partially budgeted. Appropriation transfer will be requested later after bids are received and the exact amount needed to construct the project is known.)

ACTION: Res. 94-165 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the 12th and "B" Streets water line project. (Suggested bid opening: April 6, 1994, at 11:00 a.m. This project will strengthen the existing water system. This improvement is critical for the operations of Stanislaus Foods. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$143,430 (contract \$126,930; construction admin. & cont. \$16,500) Funds are budgeted.)

ACTION: Res. 94-166 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider award of contract for the Dissolved Air Flotation Thickeners (DAFT) - recast equipment and tank project to Sancon Engineering, Inc. (Bids were opened on March 3, 1994. The lowest responsive bid of \$188,300, submitted by Sancon Engineering, Inc., is 15.94% below the engineer's and considered acceptable. It is recommended that the contract be awarded to them. Report and bid tabulation with agenda. Resolution awarding contract to Sancon Engineering, Inc. needed. Estimated total cost: \$212,779 (contract \$188,300; construction admin. & cont. \$24,479) Funds are budgeted.)

ACTION: Res. 94-167 adopted awarding contract. (P/W to handle)

NEW BUSINESS

10. a. General Plan Steering Committee report and recommendations. (The General Plan Steering Committee has been meeting since September 1992, and will make a presentation of their recommendations. Motion acknowledging receipt of report needed.)

ACTION: By motion (Cogdill/Friedman, unan., Patterson absent) receipt of report acknowledged.

- b. Consider recommendations of the Community Development and Housing Committee to complete the General Plan Rewrite. (Recommendations include authorizing preparation of EIR, inclusion of Alternative Business Park, acknowledging completion of three of the four responsibilities assigned to the Steering Committee, establishing roles for staff, steering committee, Planning Commission and City Council, and endorsing a time frame for completion. Motion directing staff needed.)

ACTION: By motion (Cogdill/Friedman, unan., Patterson absent) staff recommendations approved. (Planning to handle)

CONSENT

11. Consider semi-annual monitoring reports on agencies funded with Community Development Block Grant (CDBG) Funds during Fiscal Year 1993-94. (Report with agenda. The organizations and programs are as follows: Center for Senior Employment, City of Modesto Parks & Recreation Program, Community Temporary Shelter Service - Housing Counseling Program and Transitional Housing Program, Family Service Agency - First Step Program, Haven Women's Center of Stanislaus County, Modesto Community Housing Resources Board, Senior Opportunity Service Program, Stanislaus County Affordable Housing Corporation - Land Acquisition Program and Transition Housing Program. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged. (Planning to handle)

CONSENT

12. Consider amending various sections of the Modesto Municipal Code relating to City Council Organization and Procedure to change the time for the meeting held on the first and third Tuesdays each month from 7:30 p.m. to 7:00 p.m.; to codify existing rules for persons addressing City Council; replace reference to Sturgis Standard Code of Parliamentary Procedure with rules for processing motions; and "clean-up" changes. (Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2892-C.S. introduced. (Attorney/Clerk to handle)

CONSENT

13. Consider amending various sections of the Municipal Code relating to insurance requirements, and consider approving standard and specific insurance requirements for various permittees and/or licensees. (Report with agenda. Staff has completed a review of all the insurance requirements currently contained in the Modesto Municipal Code. Some of these requirements have not been changed since the early 1950's. Introduction of six ordinances needed, and resolution approving standard and specific insurance requirements needed.)

ACTION: By motion, Ord. No. 2893-C.S. introduced amending Municipal Code relating to Motor Bus License Insurance and Transit Bus Insurance.

By motion, Ord. No. 2894-C.S. introduced amending Municipal Code relating to Cable System Grantee Insurance.

By motion, Ord. No. 2895-C.S. introduced amending Municipal Code relating to collection of garbage and industrial garbage license insurance.

By motion, Ord. No. 2896-C.S. introduced amending Municipal Code relating to Sidewalk Food Vendor Permittee Insurance, Moving Building Permittee Insurance, Taxicab Operator Insurance, Trampoline Operator Insurance and repealing Code relating to cancellation of insurance.

By motion, Ord. No. 2897-C.S. introduced amending Municipal Code relating to Ambulance Operator Permittee Insurance and Towing Service Insurance.

By motion, Ord. No. 2898-C.S. introduced amending Municipal Code relating to Public Works Street Improvements Permittee Insurance, Aircraft permittee Insurance, and repealing Code relating to Insurance Maintenance.

Res. No. 94-168 adopted approving standard and specific insurance requirements. (Attorney/Clerk to handle)

14. Consider introduction of an ordinance establishing annual permits requirements for "adult-related establishments."  
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, (Cogdill/Muratore, unan., Patterson absent) Ord. No. 2899-C.S. introduced establishing annual permits requirements.  
(Attorney/Clerk to handle)

**CONSENT**

15. Consider adopting class specifications for Manager of Budget and Financial Analysis, Customer Services Supervisor, and Customer Services Specialist.  
(Report with agenda. The job specifications are recommended to initiate implementation of the Finance Department management audit. Resolution amending the Position Classification Plan needed, and resolution amending class range tables to adopt salaries needed.)

ACTION: Res. 94-169 adopted adopting class specifications.  
Res. 94-170 adopted amending salary schedules.  
(Personnel to handle)

**CONSENT**

16. Consider authorizing the City Manager to enter into an agreement with BI Tran Systems, Inc., amending the budget to appropriate additional revenues of \$182,697 in Federal funds, and approving an appropriation transfer of \$23,507 in matching funds.  
(Report with agenda. Staff has negotiated a contract with BI Tran Systems, Inc., in the amount of \$206,204 to provide the hardware and software for the Advanced Traffic Management System project. Resolution approving agreement, resolution amending the budget, and resolution approving appropriation transfer needed. Estimated cost: \$206,204.)

ACTION: Res. 94-171 adopted approving agreement.  
Res. 94-172 adopted amending the budget.  
Res. 94-173 adopted approving an appropriation transfer.  
(P/W to handle)

CONSENT

17. Consider authorizing the City Manager to execute an agreement with the California Police Athletic Federation for the 1995 Police Summer Games; and consider amending the 1993-94 Operating Budget to appropriate \$10,000 from the General Fund Contingency Reserve for a deposit for the 1995 Police Summer Games.  
(Report with agenda. Resolution approving agreement and resolution amending budget needed.)

ACTION: Res. 94-174 adopted approving agreement.  
Res. 94-175 adopted amending the budget. (Police to handle)

CONSENT

18. Consider authorizing staff to work with Stanislaus County Department of Environmental Resources, Grover Environmental Products, Modesto Junior College, U.C. Cooperative Extension and others to develop and submit an application to the California Integrated Waste Management Board for designation of a California Compost/Mulch Field Demonstration in Stanislaus County.  
(Report with agenda. Motion authorizing staff to work with other agencies on an application needed.)

ACTION: By motion, staff authorized to work with other agencies.  
(P/W to handle)

CONSENT

19. Consider supporting AB 2787 (Snyder) - 1/8 cent sales tax Stanislaus County Libraries.  
(Report with agenda. Resolution supporting AB 2787 needed.)

ACTION: Res. 94-176 adopted supporting AB 2787. (Manager to handle)

CONSENT

20. Consider supporting AB 3062 (Snyder) - Extending the sunset date for conducting elections by mail in Stanislaus and Placer Counties to January 1, 1996.  
(Report with agenda. Resolution supporting AB 3062 needed.)

ACTION: Res. 94-177 adopted supporting AB 3062. (Manager to handle)

21. Consider identifying issues for Planning Commission to consider in reviewing P-D(317) - Doctors Medical Center.  
(Report from Community Development and Housing Committee with agenda. Motion approving guidance to Planning Commission in conducting its review of P-D(317) - Doctors Medical Center.)  
Councilmembers Friedman and McClanahan excused due to a conflict of interest.

ACTION: By motion (Cogdill/Dobbs, unan., Friedman, McClanahan and Patterson absent) guidance to Planning Commission approved.  
(Planning to handle)

WRITTEN COMMUNICATIONS

22. Letter from Patricia E. Curtin, on behalf of Neighbors Opposed, Steve Spriggs, and Memorial Hospitals Association, requesting the Council again consider the basing of the Doctors Medical Center helicopter and whether increased helicopter operation is subject to environmental review.

No action taken.

MISCELLANEOUS

Appointments

23. Community Qualities Forum

ACTION: Res. 94-178 adopted (Friedman/Cogdill, unan., Patterson absent) appointing Benno Heune.

MATTERS TOO LATE FOR THE AGENDA

24. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

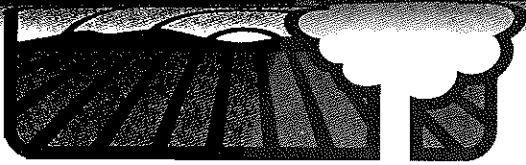
CLOSED SESSION

25. Closed session to consider the sale of real property by the City and to give instructions to negotiator regarding the price and terms of payment for the sale of property known as the northeast corner of 9th and I Streets, pursuant to Government Code Section 54956.8.

ADJOURNMENT

The meeting will adjourned at 6:10 to closed session.

ATTEST:   
JUDY C. HALL, Acting City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m. on Tuesday, April 5, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following:

1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Relations Committee
3. Financial Policy Committee
4. Public Safety/Human Services Committee
5. Transportation Policy Committee

The meeting adjourned at 7:23 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

4-5-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 5, 1994, AT 7:30 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Jose Lugo, Cornerstone Church of Praise

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items: 2, 5, 10, 11, 12, 13, 14,  
15, 16,

ACTION: (Friedman/Dobbs, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of March 22, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

3. ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

UNFINISHED BUSINESS

4. Final adoption of Ord. No. 2899-C.S. adding Chapter 9 entitled "Adult-Related Establishments" to Title V of the Modesto Municipal Code.  
(Motion adopting needed.)

ACTION: By motion (Cogdill/Friedman, majority, McClanahan-no, Patterson absent) Ord. No. 2899-C.S. adopted. (Clerk to handle)

CONSENT

5. Final adoption of:
- a. Ord. No. 2892-C.S. amending the Municipal Code relating to City Council organization and procedure.
  - b. Ord. No. 2893-C.S. amending the Municipal Code relating to motor bus licensee insurance and Transit bus insurance.
  - c. Ord. No. 2894-C.S. amending the Municipal Code relating to cable system grantee insurance.
  - d. Ord. No. 2895-C.S. amending the Municipal Code relating to licensee insurance for the collection of garbage and industrial garbage.

- e. Ord. No. 2896-C.S. amending the Municipal Code relating to sidewalk food vendor permittee insurance, moving building permittee insurance, taxicab operator insurance, trampoline operator insurance, and cancellation of insurance.
- f. Ord. No. 2897-C.S. amending the Municipal Code relating to ambulance operator permittee insurance, limited ambulance operator permittee insurance, and towing service insurance.
- g. Ord. No. 2898-C.S. amending the Municipal Code relating to Public Works street improvements permittee insurance, Public Works street cuts permittee insurance, aircraft permittee insurance, and insurance maintenance.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

- 6. Hearing to consider a proposed amendment to the Modesto Municipal Code to establish an assessment (fee) to fund all monthly operating costs, salaries, benefits, overtime and reserve pay, and to purchase and maintain support equipment for the Downtown Bicycle Patrol.  
Councilmember Cogdill excused due to a conflict of interest.

ACTION: By motion (Friedman/McClanahan, unan., Cogdill and Patterson absent), this item was referred back to the D.I.D. and the Council Policy Committee. (Manager to handle)

- 7. Hearing to consider an amendment to the Zoning Regulations of the Modesto Municipal Code to modify provisions for outdoor sales and displays in commercial areas.

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent) Ord. No. 2900-C.S. introduced. (Clerk to handle)

NEW BUSINESS

- 8. Presentation of management audit of Parks and Recreation Department by Arroyo Seco Associates.  
(Report with agenda. No action needed.)

ACTION: By motion (Muratore/McClanahan, unan., Patterson absent) receipt of report acknowledged.

- 9. Consider accepting staff report which concludes that development and operation of a multi-purpose stadium may result in some public subsidy, and authorizing staff to solicit Requests for Proposals from Haskell Company/HOK Sport and the Spectrum Group for development of a business plan

for a multi-purpose stadium in Modesto.  
(Report with agenda. If Council determines to proceed, it is recommended a motion accepting staff report and authorizing staff to solicit Requests for Proposals for business plan be adopted.)

ACTION: By motion (Cogdill/Friedman, majority, Dobbs and Lang-no, Patterson absent) staff recommendation to solicit Requests for Proposals for a business plan was denied.

**CONSENT**

10. Consider authorizing City Manager to execute Right of Way Certification for the "H" Street and "I" Street reconstruction project.  
(Report with agenda. One of the requirements for Federal funding is a Right Way Certification. The Right of Way Certification will assure Caltrans that the right of way for the project is under City control and the project will not be delayed for right of way issues. Resolution authorizing City Manager to sign Right of Way Certification needed.)

ACTION: Res. 94-179 adopted approving Right of Way Certification.  
(P/W to handle)

**CONSENT**

11. Monthly Treasurer's Report - February, 1994.  
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

**CONSENT**

12. Consider authorizing City Manager to execute cooperative agreement with Caltrans, estimate \$36,675 in matching funds from Caltrans, and appropriate \$36,675 an existing account into a new account for the McHenry/Orangeburg traffic signal modification.  
(Report with agenda. Staff has negotiated an equal-share cooperative agreement with Caltrans to provide protected/permissive left-turn movements from Orangeburg to McHenry. Resolution approving agreement needed, resolution amending budget needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 94-180 adopted approving agreement.  
Res. 94-181 adopted amending budget. (P/W, Finance to handle)

**CONSENT**

13. Consider approving request of Modesto Jaycees for Fourth of July activities to include parade, picnic-in-the-park and fireworks.  
(Report with agenda. Resolution approving request needed.)

ACTION: Res. 94-182 adopted approving request. (P/R to handle)

**CONSENT**

14. Consider approving agreement with Pro Sports Marketing for a youth summer football camp to be held June 27, 28 and 29, 1994, at Modesto Junior College.  
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-183 adopted approving agreement. (P/R to handle)

CONSENT

15. Consider approving a lease agreement with Thrifty Realty Company for office property at 409 Paradise Road, Building C, for a Police Department Substation.  
(Report with agenda. Resolution approving agreement needed. Estimated annual cost: \$1,500. Funds are budgeted.)

ACTION: Res. 94-184 adopted approving agreement. (Police to handle)

CONSENT

16. Consider authorizing City of Modesto to file a Notice of Intent to Participate in the application for the Federal Government Enterprise Community Program with the Federal Department of Housing and Urban Development.  
(Report with agenda. Resolution authorizing filing of Notice of Intent to Participate needed.)

ACTION: Res. 94-185 adopted authorizing filing of Notice of Intent to Participate. (Econ. Develon. Dir. to handle)

WRITTEN COMMUNICATIONS

17. Letter from William and Kim Miller concerning a six-foot sound wall on the southern end of the Dry Creek Bridge.  
(Staff report with agenda. The central issue is whether a 400' long, 7' high screen wall should be constructed on both sides of the approach embankment leading to the Claus Road bridge. Concerns have been expressed that the construction of this wall will block out the public's scenic view of the Dry Creek riparian area and that the walls will become targets for graffiti. Staff recommends permanently deleting the screen wall and constructing a bridge type railing instead. Motion deleting needed.)

ACTION: By motion (Friedman/Muratore, unan., Patterson absent) this item was continued to April 12, 1994, at 4:00 p.m. at Mr. Miller's request.  
(Clerk to handle)

MISCELLANEOUS

Appointments

18. Affirmative Action Commission

ACTION: Res. 94-186 adopted (Friedman/McClanahan, unan., Patterson absent) ~~appointing~~ Sterling Fountain. (Clerk to handle)

19. MATTERS TOO LATE FOR THE AGENDA

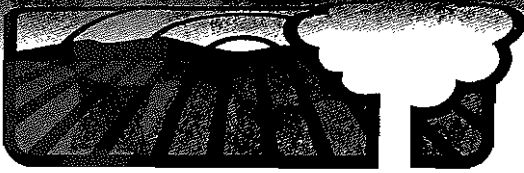
(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned at 11:15 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in an special session at 3:30 p.m. on Tuesday, April 12, 1994, in the Third Floor East Conference Room, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

The Council met to discuss new provisions of the Brown Act. The City Attorney discussed ways in which the new Brown Act provisions apply to the City Council and the Council committees.

The meeting adjourned at 3:56 p.m.

ATTEST:   
NORRINE COYLE, City Clerk

4-12-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 12, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Bud LaCore, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 11, 12, 13, 16, 17, 18,  
19, 21, 22, 23, 25, 26, 27, 30, 31

Removed from consent: 24

ACTION: (Friedman/Dobbs, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.



1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Acknowledgement of the generous donation of the India Cultural Society to the Los Angeles Earthquake Fund and local coordinators of this special assistance: Dr. Chandrakant C. Patel, Dr. Ram P. Saini, Mr. Inder Walia, Mr. Paul Singh and Mr. Robin Sahota.

Mayor Lang presented certificates of appreciation and accepted a check for \$4,004 which will be given to the Red Cross.

- b. Presentation from the Convention & Visitors Bureau to update current marketing plans, programs, and successes.

Randy Langley and Linda Hoile discussed the Convention and Visitor's Bureau programs.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of April 5, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.  
(b) Ask a question for clarification.  
(c) Provide a reference to staff or other resources for factual information.  
(d) Request staff to report back at a subsequent meeting.  
(e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.

John Schierline spoke about ways of fighting fire such as the one at McHenry Village.

ACTION: By motion (Dobbs/Friedman, unan., Patterson absent) Item 15 was taken up after item 3.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2900-C.S. relating to outdoor displays and sales.  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2900-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Charles Crane, to a Planning Commission decision denying an application to rezone from R-1 to P-D for a Senior Citizen housing development, property located on the west side of Martin Luther King Drive, north of Vine Street.

ACTION: By motion (Friedman/McClanahan, unan., Patterson absent) hearing continued to April 26, 1994, at 4:00 p.m. (Clerk to handle)

6. Hearing to consider an amendment to Section 14-3-9 of the Zoning Map to rezone from Professional Office Zone, P-0, to Planned Development Zone, P-D(502), for retail and auto service facilities as permitted in the C-2 Zone, including car wash, auto lube and tire store, property located on the east side of Oakdale Road at Lancey Drive. (Gonsalves)

ACTION: A motion to rezone failed to carry (Friedman/Muratore, Cogdill, Dobbs, McClanahan, Lang-no, Patterson absent)

7. Hearing to consider an amendment to the Zoning regulations of the Modesto Municipal Code to reduce to less than one acre all P-D Zones which are outside the downtown.

ACTION: By motion (Cogdill/Dobbs, unan., Patterson absent)  
Ord. No. 2901-C.S. introduced. (Clerk to handle)

8. Hearing to consider adopting a Resolution of Intention to draft a Groundwater Management Plan, pursuant to Government Code Section 10750 et seq., and consider approving MOU for the Stanislaus and Tuolumne Rivers Groundwater Basin Association.

ACTION: Res. 94-187 adopted (Friedman/Dobbs, unan., Patterson absent) adopting a Resolution of Intention to draft a Groundwater Management Plan.

Res. 94-188 adopted (same vote) approving MOU for the Stanislaus and Tuolumne Rivers Groundwater Basin Association.

(P/W to handle)

9. Hearing to consider approval of the issuance of refunding revenue bonds in the amount of \$8,905,000, for the purpose of assisting in the refinancing of the acquisition, construction and development of a multifamily rental housing development in the City of Modesto - Stonebridge Apartments.

ACTION: By motion (Dobbs/McClanahan, unan., Patterson absent) hearing continued to April 19, 1994, at 7:30 p.m. (Clerk to handle)

10. Hearing to consider establishing new green fee rates at Muni, Dryden Park and Creekside Golf Courses.

ACTION: By motion (Friedman/McClanahan, unan., Patterson absent) action continued for 60 days for further study. (P/R to handle)

### BIDS

#### CONSENT

11. Consider award of contract for the 12th to B Streets water line project to Allen A. Waggoner Construction, Inc., and consider approval of an appropriation transfer in the amount of \$10,000 to fully fund the project. (Bids were opened on April 6, 1994. The low bid of \$131,419.50, submitted by Allen A. Waggoner, Inc., is 3.54% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report and bid tabulation with agenda. Resolution awarding contract to Allen A. Waggoner, Inc. needed, and resolution approving appropriation transfer needed. Estimated total cost: \$148,504.04 (contract \$131,419.50; const. admin. & cont. \$17,084.54). Funds are partially budgeted.)

ACTION: Res. 94-189 adopted awarding contract.  
Res. 94-190 adopted approving appropriation transfer. (P/W to handle)

#### CONSENT

12. Consider acceptance of Ross F. Carroll, Inc.'s contract for the Briggsmore widening - State Route 99 to Tully Road as complete, and authorize the City Clerk to file Notice of Completion. Original contract: \$2,368,384.16. (All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting work as complete needed. Final cost: \$2,277,142.60. Funds are budgeted.)

ACTION: Res. 94-191 adopted accepting work as complete. (Clerk to handle)

#### CONSENT

13. Consider declaring Country Ford Trucks, Inc. low bidder for one evidence collection van, and Heritage Ford low bidder for two community service trucks and one animal control truck and authorizing the purchase of the four police vehicles for a total cost of \$65,312.51. (Report with agenda. Resolutions declaring Country Ford Trucks, Inc. and Heritage Ford low bidders needed. Funds are budgeted.)

ACTION: Res. 94-192 adopted awarding bid to Country Ford Trucks.  
Res. 94-193 adopted awarding bid to Heritage Ford. (Finance to handle)

Councilmember Dobbs excused at 7:15 p.m.

14. Consider waiving formal bid procedures and authorizing the purchase of 220,000 pounds of granular activated carbon from Northwestern Carbon for the total price of \$207,400.00.  
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase to Northwest Carbon needed. (Five affirmative votes needed.) Estimated cost: \$207,400. Funds are budgeted.)

ACTION: Res. 94-194 adopted (McClanahan/Friedman, unan., Dobbs and Patterson absent) waiving formal bid procedures. (Finance to handle)

#### NEW BUSINESS

This item was taken up after item 3.

15. Consider report from City Library Committee on recommendations related to the future of the City's role in the Stanislaus County Free Library.  
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Friedman/Dobbs, unan., Patterson absent) receipt of report acknowledged.

#### CONSENT

16. Consider supporting SB 2002 (Marks) to allow local agencies to conduct elections by mail.  
(Report with agenda. Resolution supporting SB 2002 needed.)

ACTION: Res. 94-195 adopted supporting SB 2002. (Clerk to handle)

#### CONSENT

17. Consider authorizing City Manager to sign off on irrigation facilities at Lateral 7 and Hahn Drive - Chrysler 99 No. 2 Park site.  
(Report with agenda. Resolution authorizing waiver of irrigation rights needed.)

ACTION: Res. 94-196 adopted authorizing waiver of irrigation rights.  
(Attorney to handle)

#### CONSENT

18. Consider report on the City of Modesto's Recycling Program.  
(Report with agenda. Motion acknowledging receipt of report.)

ACTION: By motion, receipt of report acknowledged.

#### CONSENT

19. Consider approving the Morse-Poust Reorganization.  
(This reorganization proposes to annex 34.64 acres to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and simultaneously detach from the Woodland Avenue Fire Protection District. LAFCO approved the reorganization on February 25, 1994. There is 100% consent of property owners and no hearing is required. Resolution ordering the Morse-Poust Reorganization needed.)

ACTION: Res. 94-197 adopted approving the Morse-Poust Reorganization.  
(Clerk/Planning to handle)

20. Consider referring policy issues raised in Police Management Audit to appropriate Council Committees for further consideration.  
(Report with agenda. Motion needed.)

ACTION: By motion (Friedman/Cogdill, unan., Dobbs and Patterson absent)  
referred issues to Council Committees. (Manager to handle)

CONSENT

21. Consider requesting that the County Board of Supervisors dissolve the Sherwood Forest Rockwell Maintenance District, and transfer the funds to the City's Storm Drainage Fund 628.  
(Report with agenda. Resolution dissolving District and transferring funds needed.)

ACTION: Res. 94-198 adopted dissolving District and transferring funds.

CONSENT

22. Consider authorizing City Manager to execute agreement with Stanislaus County giving the City authority to construct a waterline within County right of way.  
(The City plans to install a waterline across a portion of Stanislaus County right of way on Paradise and Hatch Roads. The maintenance agreement is part of the encroachment permit for the waterline installation. Resolution approving agreement needed.)

ACTION: Res. 94-199 adopted approving agreement. (P/W to handle)

CONSENT

23. Consider approving an amendment to the agreement with Caltrans to extend the completion date from March 1, 1994, to March 1, 1996, for installing wheelchair ramps and traffic signal modifications at 9th and D Streets.  
(Report with agenda. At their meeting May 19, 1992, the Council approved Agreement No. 10-832 with Caltrans to install wheelchair ramps and modify the traffic signal at 9th and D Streets. Caltrans now requests the agreement be amended to extend the contract completion date from March 1, 1994 to March 1, 1996. Resolution approving amendment to agreement needed. Estimated cost: \$59,000. Funds are budgeted.)

ACTION: Res. 94-200 adopted approving amended agreement. (P/W to handle)

24. Consider amending Section 5-5.14 of the Modesto Municipal Code to change the starting time for garbage collection from 5:00 a.m. to 6:00 a.m. year-round.  
(Report with agenda. Introduction of ordinance amending Code needed.)

ACTION: By motion (Muratore/Friedman, unan., Dobbs and Patterson absent) Ord. No. 2902-C.S. introduced.  
By motion (same vote) staff was requested to report on results in six months. (Clerk to handle)

CONSENT

25. Consider approving the submittal of a Modesto City-County Airport application for Federal funds in the amount of \$567,900 to complete the airport's FY 1994/95 capital improvements, and authorize the City Manager to sign the application on behalf of the City.

(Report with agenda. Resolution approving application needed. Funds to be budgeted with airport's FY 1994/95 CIP.)

ACTION: Res. 94-201 adopted approving application. (P/W to handle)

CONSENT

26. Consider determining that an infectious (medical) waste control transfer station in the M--1, Light Industrial Zone, is a permitted use, and certifying Negative Declaration for an infectious (medical) waste transfer station located at 1025 Lone Palm Avenue.  
(Report with agenda. Resolution determining infectious waste control station is a permitted use in the M-1 Zone and certifying negative declaration needed.)

ACTION: Res. 94-202 adopted determining permitted use and certifying Negative Declaration. (Planning to handle)

CONSENT

27. Consider opposing AB 3505 (V. Brown) - Local Sales & Use Taxes: Revenue Allocation.  
(Report with agenda. Motion opposing needed.)

ACTION: By motion, AB 3505 opposed. (Manager to handle)

WRITTEN COMMUNICATIONS

28. Letter from William and Kim Miller concerning a six-foot sound wall on the southern end of the Dry Creek Bridge.  
(Staff report with agenda. The central issue is whether a 400' long, 7' high screen wall should be constructed on both sides of the approach embankment leading to the Claus Road bridge. Concerns have been expressed that the construction of this wall will block out the public's scenic view of the Dry Creek riparian area and that the walls will become targets for graffiti. Staff recommends permanently deleting the screen wall and constructing a bridge type railing instead. Motion deleting needed.)

ACTION: By motion (Cogdill/Muratore, unan., Dobbs and Patterson absent) approved the staff recommendation. (P/W to handle)

29. Letter from Gene C. Wilkinson, President, Modesto Police Management Association concerning decision of City Manager regarding recognition of association as an independent bargaining group.

ACTION: Res. 94-203 adopted (McClanahan/Friedman, unan., Dobbs and Patterson absent) setting hearing April 26, 1994, at 4:00 p.m.  
(Clerk to handle)

CONSENT

30. Letter of resignation from the Community Qualities Forum from Terry D. Swehla.  
(Resolution accepting resignation with regret needed.)

ACTION: Res. 94-204 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Appointments

CONSENT

31. Consider appointing Mayor Lang to the MID Drinking Water Project.  
(Report with agenda. Resolution appointing needed.)

ACTION: Res. 94-204 adopted appointing. (Clerk to handle)

32.

MATTERS TOO LATE FOR THE AGENDA

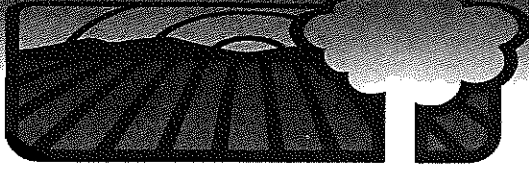
These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.

None

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 2:30 p.m. on Friday, April 15, 1994, starting at the City Hall lobby, 801 11th Street, Modesto, California, for a tour of the new domestic surface water treatment plant.

Present: Councilmembers Friedman, Muratore, Mayor Lang

Absent: Councilmembers Cogdill, Dobbs, McClanahan, Patterson

Due to lack of a quorum, the meeting adjourned at 2:30 p.m. Those present had a tour of the new domestic surface water treatment plant and system.

ATTEST:   
NORRINE COYLE, City Clerk

4-15-94



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m. on Tuesday, April 19, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, Muratore

Absent: Councilmembers McClanahan, Patterson, Mayor Lang

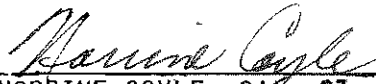
Reports of activities and studies were made by the Chairs and members of the following:

1. Financial Policy Committee
2. Human Services/Public Safety Committee
3. Utility Services and Franchises Committee

Oral Communications:

None

The meeting adjourned at 7:06 p.m.

ATTEST:   
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 19, 1994, AT 7:30 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang  
Mayor Lang arrived at 7:52 p.m.

Absent: Councilmembers McClanahan and Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Allen Peters, Central Valley Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 9, 12, 13, 14, 15, 16,  
17, 18

Dropped from agenda: 10, 11

ACTION: (Friedman/Cogdill, unan., McClanahan, Patterson, Lang absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.



1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meeting of April 12, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.

None

UNFINISHED BUSINESS

CONSENT

4. Final adoption of:
- a. Ord. No. 2901-C.S. amending the Modesto Municipal Code relating to Planned Development Zones.
  - b. Ord. No. 2902-C.S. amending the Modesto Municipal relating to hours of collection of garbage.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider approval of the issuance of refunding revenue bonds in the amount of \$8,905,000, for the purpose of assisting in the refinancing of the acquisition, construction and development of a multifamily rental housing development in the City of Modesto -

ACTION: Res. 94-205 adopted (Cogdill/Dobbs, unan., McClanahan, Patterson and Mayor Lang absent) approving refunding upon the property owner's signing the agreement concerning payment of fees.  
(Finance to handle)

6. Hearing to consider determining whether the public convenience and necessity require the operation of the ambulance service being proposed by American Response, Inc.

ACTION: Res. 94-206 adopted (Friedman/Cogdill, unan., McClanahan, Patterson and Mayor Lang absent) declaring that public convenience and necessity require the operation of the ambulance service.  
(Fire to handle)

7. Hearing to consider an amendment to Section 10-3-9 of the Zoning Map to repeal P-D(428) and rezone to P-D(211), property located at the southwest corner of Sylvan Avenue and Oakdale Road. (Planning Commission Initiated)

ACTION: By motion (Dobbs/Friedman, unan., McClanahan, Patterson and Lang absent) Ord. No. 2903-C.S. introduced. (Clerk to handle)

Mayor Lang arrived at 7:52 p.m.

8. Hearing to consider establishing fees for adult-related establishments and employee permits.

ACTION: Res. 94-207 adopted (Friedman/Cogdill, unan., McClanahan and Patterson absent) establishing fees. (Finance to handle)

### BIDS

#### CONSENT

9. Consider approving specifications and authorizing call for bids for furnishing two granular activated carbon adsorption systems for two wells.  
(Suggested bid opening: May 3, 1994, at 10:00 a.m. Report with agenda. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$200,000. Funds are budgeted.)

ACTION: Res. 94-208 adopted calling for bids. (Finance to handle)

#### CONSENT

10. Consider annulling the award of contract to Hercules Enterprises for the "H" Street sewer replacement from 9th Street to 19th Street and awarding the contract to the second low bidder, Allen A. Waggoner Construction, Inc. in the amount of \$331,734.40; and consider approving appropriation transfer in the amount of \$34,624 to fully fund the project.  
(The above project was awarded to Hercules Enterprises at the March 15, 1994, City Council meeting. Hercules Enterprises has failed to meet the March 31, 1994 deadline for submitting acceptable bonds and proof of

Insurance. Because this project must precede the 10 Street reconstruction project scheduled to start in June, staff is recommending the above actions to insure that the project is not delayed any further. Report with agenda. Resolution annulling contract and awarding bid to Allen A. Waggoner, Inc. needed, and resolution approving appropriation transfer needed. Estimated total cost: \$382,242.40 (contract \$331,734.40; construction admin. & cont. \$50,508). Funds are partially budgeted.)

Dropped from agenda

CONSENT

11. Consider awarding contract for remodeling restrooms in Downey and Davis Parks for accessibility to handicapped persons to B & L Builders, Inc. (Bids were opened on March 31, 1994. The low bid of \$64,890, submitted by B & L Builders, Inc. is 33.10% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to B & L Builders, Inc. needed. Estimated total cost: \$75,992 (contract \$64,890; const. admin. & contingencies \$11,032) Funds are budgeted.)

Dropped from agenda

CONSENT

12. Consider authorizing substitution of Jeffco Painting & Coating, Inc. as the painting subcontractor for the rehabilitation of sewer lift stations - Muriel Avenue, Maze Boulevard, and Mark Randy Place project. (Report with agenda. Section 4107 of the Public Contract Code allows the awarding authority to consent to the substitution of another firm as a contractor "when the listed subcontractor fails or refuses to perform his or her subcontract." The listed subcontractor, Woehrle Drywall & Painting is not an approved applicator of the protective coating specified for use on the project. Report with agenda. Resolution allowing the substitution of painting subcontractor needed.)

ACTION: Res. 94-209 adopted authorizing substitution. (P/W to handle)

NEW BUSINESS

CONSENT

13. Report from the International Friendship Committee on status and history of Sister City discussions with Aquascalientes, Mexico. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

14. Consider granting an easement to Modesto Irrigation District for an electrical service easement needed to the new hangar being construction at the Airport. (Report with agenda. Resolution authorizing City Manager and City Clerk to execute Easement Deed needed.)

ACTION: Res. 94-210 adopted granting easement. (Attorney to handle)

CONSENT

15. Consider approving agreement with Seldon J. Graham for the acquisition of 4,418+ square feet of right of way needed for the Scenic, east of Oakdale widening project.  
(Report with agenda. Resolution approving agreement needed. Total estimated cost: \$29,100 (cost \$27,100; est. escrow \$1,500; est. int. \$500) Funds are budgeted.)

ACTION: Res. 94-211 adopted approving agreement. (Attorney to handle)

CONSENT

16. Consider approving revised agreement to provide traffic modelling services to SAAG through the use of a consulting transportation planning firm.  
(Report with agenda. Resolution approving revised agreement needed, and resolution amending budget needed. Estimated cost: \$10,000)

ACTION: Res. 94-212 adopted approving revised agreement.  
Res. 94-213 adopted amending budget. (P/W, Finance to handle)

CONSENT

17. Report of loans approved under the Emergency Home Repair Program during March, 1994.  
(Report with agenda. As part of the program requirements, the Housing Program Supervisor is to report all loans under this program. Two loans were approved under the Emergency Home Repair Program through March 30, 1994. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

18. Consider approving agreement with Gregg E. Miller & Associates, Inc. for professional electrical engineering services and preparation of engineering bid documents for tennis court lighting renovation at Davis and Downey Community Parks.  
(Report with agenda. Estimated cost: \$12,750. Funds are budgeted.)

ACTION: Res. 94-214 adopted approving agreement. (P/R to handle)

- 18A. Consider urging the Emergency Medical Service Agency Board of Directors to insure an equitable distribution of patients between Doctor's Medical Center and Memorial Hospital when the agency selects a single air ambulance provider for the Alpine, Motherlode and San Joaquin region.  
(Report with agenda. Resolution urging equitable distribution of patients between Doctor's medical Center and Memorial Hospital needed.)  
Councilmember Friedman excused due to a conflict of interest.

ACTION: Res. 94-215 adopted (Cogdill/Dobbs, unan., Friedman, McClanahan and Patterson absent) urging equitable distribution.

MATTERS TOO LATE FOR THE AGENDA

19. These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate

action, and (2) that the need for action came to the City's attention after the agenda was posted.

None

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Memorial Hospital, et al. vs. City of Modesto

Cal. Gov't Code Section 54954.5(c)

ADJOURNMENT

The meeting adjourned to closed session at 8:05 p.m. The City Attorney returned to the Council Chambers at 8:35 p.m. and announced that no action had been taken in closed session.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in an special closed session at 3:00 p.m. on Tuesday, April 26, 1994, in the Fourth Floor Conference Room, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

The City Council met in closed session for conferences with agency labor negotiators regarding the following employee organizations:

Modesto Firefighters Association  
Modesto Police Officers Association  
Modesto City Employees Association

The meeting adjourned at 3:55 p.m. and the City Attorney announced that no action had been taken in closed session.

ATTEST:   
JUDY C. HALL, Acting City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 26, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Jack Shackelford, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 13, 14,  
16, 17, 19, 20, 21, 22, 23, 24, 25

Removed from consent: 15, 18

ACTION: (Muratore/Dobbs, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 19

Councilmember Dobbs excused due to a conflict of interest.

ACTION: (Muratore/Mayor Lang, unan., Dobbs and Patterson absent)

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A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.



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Item No. 15 was taken up before Item No. 1.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. The Mayor introduced Jeanette Gould Maino, the first Poet Laureate for the City of Modesto and presented her with the resolution appointing her Poet Laureate.

Mr. Jim Shuman recited a poem by Mrs. Maino entitled "California Variations."

- b. The Mayor introduced Boy Scout Troop #76 from Centenary Methodist Church.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of April 15, 1994, and the special and regular City Council meeting of April 19, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

3. These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.

None

HEARINGS

4. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Charles Crane, to a Planning Commission decision denying an application to rezone from R-1 to P-D for a senior citizens housing development, property located on the west side of Martin Luther King Drive, Drive, north of Vine Street.  
(Continued from April 12, 1994, City Council meeting.)  
Councilmember Cogdill excused due to a conflict of interest.

4/26/94

ACTION: By motion (Dobbs/Muratore, unan., Cogdill, Patterson absent)  
Ord. No. 2904 C.S. introduced.  
Res. 94-218 adopted (same vote) granting appeal, and approving  
development plan.  
Res. 94-219 adopted (same vote) certifying review of Environmental  
Assessment. (Planning/Clerk to handle)

5. Hearing to consider the appeal of Gene C. Wilkinson, on behalf of the Modesto Police Management Association, to a decision of the City Manager regarding unit determination relating to recognition of the association as an independent bargaining group.  
(Continued from April 12, 1994, City Council meeting.)  
Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 94-220 adopted (Friedman/Mayor Lang, maj., McClanahan-no, Cogdill and Patterson absent) granting appeal.

By order of the Chair, proceedings were interrupted to introduce Councilmember Patterson's wife, Renee Patterson, who announced that Councilmember Patterson was doing extremely well and they were very encouraged.

6. Hearing to consider an amendment to Section 10-3-9 of the Zoning Map to rezone from R-1, Low Density Residential Zone, to Planned Development Zone, P-D(501), for a Neighborhood Shopping Center, property located on the northwest corner of Sylvan Avenue and Oakdale Road. (Hagopian, Lust and Callaway)

ACTION: By motion (Muratore/Cogdill, unan., Patterson absent) Ord. No. 2905-C.S. introduced.  
Res. 94-221 adopted (same vote) approving plan.  
Res. 94-222 adopted (same vote) certifying review of Environmental  
Assessment. (Clerk/Planning to handle)

### BIDS

#### CONSENT

7. Consider approval of plans and specifications and call for bids for the water line on Sylvan Avenue to Water Tank No. 4 and Well No. 54, and consider authorizing City Manager to execute an agreement with Stanislaus County giving the City the authority to construct the water line within Stanislaus County right of way.  
(Suggested bid opening: May 26, 1994, at 11:00 a.m. This project will strengthen the existing water system. Additional water transmission pipe on Sylvan will serve future residential and commercial areas in Village One. Report with agenda. Resolution approving plans and specifications and call for bids needed, and resolution approving agreement needed. Estimated cost: \$1,014,882.27 (contract \$898,125.90; const. admin. & contin. \$116,756.37) Funds are budgeted.)

ACTION: Res. 94-223 adopted calling for bids.  
Res. 94-224 adopted approving agreement. (P/W to handle)

4/26/94

CONSENT

8. Consider accepting as complete the contract of Allen A. Waggoner, Inc. for the Lakewood Trunk Sewer Extension under MID Lateral No. 3 as complete and authorize the City Clerk to file Notice of Completion. (Original contract and final cost: \$76,410.55) (Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 94-225 adopted accepting work as complete. (P/W, Clerk to handle)

NEW BUSINESS

CONSENT

9. Consider authorizing the Modesto Police Department to participate in a Traffic Safety/Field Study Program conducted by Anacapa Sciences Incorporated for the National Highway Traffic Safety Administration (NHTSA) to systematically evaluate the effect of different traffic enforcement programs and their impact on traffic safety and the high profile impact on crime in the surrounding areas. (Report with agenda. Resolution authorizing participation needed.)

ACTION: Res. 94-226 adopted authorizing participation. (Police to handle)

CONSENT

10. Consider adopting Emergency Gap Financing Loan Program and addition to CDPO Policy and Procedures Manual. (Report with agenda. As part of an effort to mobilize all available resources to assist the victims of the fire in McHenry Village, staff is suggesting utilizing Community Development Block Grant Funds to make emergency loans to help these businesses take steps necessary to re-open. Adoption of a program expanding small business loans to merchants would make loans available to business owners for purpose of retaining low and moderate income employees. Estimated cost not to exceed \$100,000. Funds are budgeted. Resolution adopting Emergency Gap Financing Loan Program and addition to Policy and Procedures Manual needed.)

ACTION: Res. 94-227 adopted, adopting addition to CDPO Policy and Procedures Manual. (Planning to handle)

CONSENT

11. Consider approving an agreement with the State of California for the Petroleum Violation Escrow Account project for retiming and upgrading of traffic signals in the City of Modesto. (Report with agenda. The City applied for and obtained \$125,000 in federal funds for retiming 98 traffic signals in the City under the PVEA grant program. The agreement is needed before we can proceed with the project. Resolution approving agreement needed. Estimated cost: Funds will be estimated in 1994-95 budget.

ACTION: Res. 94-228 adopted approving agreement. (P/W to handle)

4/26/94

12. Consider approval of guidance language for the General Plan. (Report with agenda. The General Plan Steering Committee has developed a series of 49 Guidance Statements as requested by the City Council. Motion directing staff to consider Guidance Statements in development of General Plan text and policies needed.)

ACTION: By motion (McClanahan/Cogdill, unan., Patterson absent) acknowledged receipt of report and directed staff to consider Guidance Statements. (Planning to handle)

CONSENT

13. Consider accepting terms of Right of Entry from Sylvan Union School District for a well site at Sherwood School. (Report with agenda. Resolution accepting terms of Right of Entry needed.)

ACTION: Res. 94-229 adopted accepting terms of Right of Entry. (Attorney to handle)

CONSENT

14. Consider approving agreement with David E. and Mary C. Gallo, Trustee, for the acquisition of 2,000 square feet of right of way needed for the Claus Road project and certifying Negative Declaration. (Report with agenda. Resolution approving agreement and certifying Negative Declaration needed. Estimated cost: \$15,155. Funds are budgeted.)

ACTION: Res. 94-230 adopted approving agreement.  
Res. 94-231 adopted certifying Negative Declaration. (Attorney to handle)

This item taken up before item #1.

15. Consider amending the City Policy regarding the Poet Laureate of the City of Modesto, and consider appointing Jeannette Gould Maino as Poet Laureate of the City of Modesto for the period from July 1, 1994 to June 30, 1996. (Report with agenda. Resolution amending policy needed, and resolution appointing Jeannette Gould Maino as Poet Laureate needed.)

ACTION: Res. 94-216 adopted (McClanahan/Friedman, unan., Patterson absent) appointing Jeannette Maino as Poet Laureate of the City of Modesto.  
Res. 94-217 adopted (same vote) amending Policy regarding the Poet Laureate of the City of Modesto.

CONSENT

16. Consider approving a refund in the amount of \$11,514.77 to Modesto Ice Service for overpayment of business license and business improvement taxes. (Report with agenda. Resolution authorizing refund needed.)

ACTION: Res. 94-232 adopted authorizing refund. (Finance to handle)

4/26/94

17. Consider report on County wide HOME consortium.  
(The 1992 Housing Element calls for the City to explore participation in a county-wide HOME consortium for the purpose of seeking increased funding. It is the opinion of staff that the costs and time commitments outweigh the benefits. The Planning Commission recommends not pursuing the formation of a consortium. Motion approving staff recommendations needed.)

ACTION: By motion, staff recommendations approved. (Planning to handle)

18. Consider approving lease agreement with Hashem Naraghi for a Modesto Police Department substation.  
(Report with agenda. There is no cost to the City for this lease. Resolution approving lease agreement needed.)

ACTION: Res. 94-233 adopted (McClanahan/Cogdill, unan., Patterson absent) approving agreement. (Police to handle)

CONSENT

19. Consider approving two listing agreements with PMZ Real Estate for the listing of vacant airport property for six months.  
(Report with agenda. Resolution approving listing agreements needed.)

ACTION: Res. 94-234 adopted approving agreements. (P/W to handle)

CONSENT

20. Consider establishing a procedure for Industrial Disability Retirement Determinations of Local Safety Officer Employees of the Public Employees Retirement System.  
(Report with agenda. Resolution establishing procedure needed.)

ACTION: Res. 94-235 adopted establishing procedure. (Personnel to handle)

CONSENT

21. Consider waiving formal selection procedures for professional consultants and entering into negotiations with Mid-Valley Engineering for design services related to a project to improve Yosemite Boulevard between McClure Road and Frazine Road.  
(Mid-Valley has done extensive survey and preliminary design work in this area. Staff feels that Mid-Valley Engineering's previous work in the area uniquely qualifies them to provide design services for this project in the most efficient manner possible. This project will be another critical step in completing the Claus/Garner Expressway. Report with agenda. Motion waiving formal selection procedures and authorizing negotiations needed.)

ACTION: By motion, formal selection procedures waived and negotiations authorized. (P/W to handle)

4/26/94

CONSENT

22. Consider authorizing appropriation transfer in the amount of \$5,000 for the Creekside Golf Course Clubhouse Grounds Improvements. (Report with agenda. Bids received were higher than anticipated due to increased costs of materials. Resolution authorizing appropriation transfer needed.)

ACTION: Res. 94-236 adopted approving appropriation transfer. (P/R to handle)

CONSENT

23. Consider approving agreement with Modesto Garden Project for the use of two acres of Tuolumne River Regional Park adjacent to the City Nursery at Robertson Road and Sutter Avenues for the purpose of a garden project to provide education and charitable assistance through job training and job skills programs for disadvantaged and homeless persons. (Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-237 adopted approving agreement. (P/R to handle)

CONSENT

24. Monthly Treasurer's Report - March, 1994. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

25. Consider granting approval to the Chamber of Commerce for the Graffiti USA 1994 event to be held on June 11 and June 12, 1994. (Report with agenda. Resolution approving request needed.)

ACTION: Res. 94-238 adopted approving request. (P/R to handle)

26. Budget Status Report, third quarter Fiscal Year 1993-94. (Report with agenda. Resolution amending 1993-94 Budget and re-estimating revenue needed, and resolution revising the 1993-94 Appropriation Limit needed.)

ACTION: Res. 94-239 adopted (Friedman/Cogdill, unan., Patterson absent) amending 1993-94 Budget.  
Res. 94-240 adopted (same vote) revising the 1993-94 Appropriation Limit. (Finance to handle)

27. MATTERS TOO LATE FOR THE AGENDA

These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.

None

4/26/94

ADJOURNMENT

The meeting adjourned at 6:04 p.m. to Mallard's Restaurant, 1700 McHenry Avenue, at 6:30 p.m., Tuesday, April 26, 1994, for a joint meeting with the Modesto Irrigation District Board of Directors to discuss domestic water project and electrical rates, City of Modesto growth issues, and agencies cooperation on economic development, community quality of life issues and communications.

ATTEST:



JUDY C. HALL, Acting City Clerk2

# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in an adjourned regular meeting at 6:30 p.m., Tuesday, April 26, 1994, at Mallard's Restaurant, 1700 McHenry Avenue, Modesto, California, for joint meeting with the Modesto Irrigation District Board of Directors.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

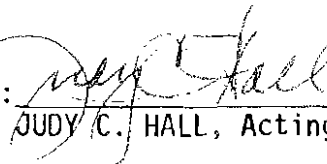
Present: Board Members Hensley, Hettinga, Van Groningen, President Billington

Absent: Board Member Lyons

The City Council and M.I.D. Board met for staff presentations regarding the domestic water project, the status of groundwater management, and electrical rate projections, and City of Modesto growth issues, including growth projections, update on the General Plan, Village One, redevelopment and the wastewater master plan.

The meeting adjourned at 8:45 p.m.

ATTEST:



JUDY C. HALL, Acting City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m. on Tuesday, May 3, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

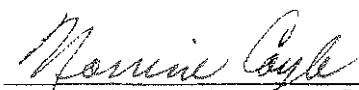
Reports of activities and studies were made by the Chairs and members of the following:

1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Relations Committee
3. Financial Policy Committee
4. Human Services/Public Safety Committee
5. Utility Services and Franchises Committee

Oral Communications:

None

The meeting adjourned at 7:29 p.m.

ATTEST:   
NORRINE COYLE, City Clerk

# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 3, 1994, AT 7:30 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Don McBride, First Foursquare Gospel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 8, 11, 12

Removed from consent: 7

ACTION: (Friedman/McClanahan, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

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Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation of proclamation to the Modesto Chamber of Commerce proclaiming May as Chamber of Commerce Month.  
Mayor Lang presented the proclamation to Bill Seavy, Executive Director of the Modesto Chamber of Commerce.
- b. Presentation of Recycling Market Development Zone certificate.  
Marsha Bradford presented the certificate to the Mayor and City Council.

### MINUTES

#### CONSENT

2. Approval of the minutes of the special, regular and adjourned regular City Council meetings of April 26, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

### ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
  - (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

### UNFINISHED BUSINESS

#### CONSENT

4. Final adoption of:
  - a. Ord. No. 2903-C.S. amending Section 10-3-9 of the Zoning Map to repeal P-D(428) and rezone to P-D(211), property located on the southwest corner of Sylvan Avenue and Oakdale Road.

b. Ord. No. 2905-C.S. amending Section 16.03 of the zoning Map of the City of Modesto to rezone from R-1 to P-D(501), property located on the northwest corner of Sylvan Avenue and Oakdale Road. (Hagopian, Lust, and Calloway)

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

#### BIDS

#### CONSENT

5. Consider approving specifications and authorizing call for bids to be opened May 27, 1994, at 11:00 a.m., for furnishing one (1) new vacuum sewer cleaning truck.  
(Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$173,250.00. Funds are budgeted.)

ACTION: Res. 94-241 adopted calling for bids. (Finance to handle)

#### CONSENT

6. Consider declaring Nixon-Egli Equipment Company lowest responsible bidder and authorize purchase of one paver and one paver trailer.  
(Report with agenda. Resolution awarding bid to Nixon-Egli Equipment Company needed. Estimated cost: \$42,093.48. Funds are budgeted.)

ACTION: Res. 94-242 adopted awarding bid. (Finance to handle)

7. Consider declaring Country Ford Trucks and F.B. Hart low bidders on the purchase of utility trucks.  
(Report with agenda. Resolution declaring low bidders and authorizing purchase needed. Estimated cost: \$500,937. Funds are budgeted.)

ACTION: Res. 94-243 adopted (McClanahan/Friedman, unan., Patterson absent) authorizing purchase of trucks except the two packer trucks.  
(Finance to handle)

#### CONSENT

8. Consider declaring West Star Distributing the lowest responsible bidder and authorize the purchase of three new lawn sweepers.  
(Report with agenda. Resolution awarding bid needed. Estimated cost: \$72,631. Funds are budgeted.)

ACTION: Res. 94-244 adopted awarding bid. (Finance to handle)

#### CONSENT

9. Consider waiving formal bid procedures and authorize the purchase of polymer from Western Environmental Services Inc.  
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.)  
(Estimated cost: \$85,000. Funds are budgeted.)

ACTION: Res. 94-245 adopted waiving formal bid procedures.  
(Finance to handle)

- 10. Verbal report on the McHenry Village Fire by the Fire Department.

No action taken.

CONSENT

- 11. Automatic Mutual Aid agreement between the City of Modesto and Salida Fire protection District. (Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-246 adopted approving agreement. (Fire to handle)

CONSENT

- 12. Consider approval of financing agreements with owners of properties (Dorothy M. McClure, Rodney Whitear) for the purpose of rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation program. (Agreements will enable the provision of financing to property owners for rehabilitation of properties pursuant to the City of Modesto's Housing Rehabilitation Program. Two resolutions approving agreements needed.)

ACTION: Res. 94-247 adopted approving agreement with Dorothy McClure. Res. 94-248 adopted approving agreement with Rodney Whitear. (Planning to handle)

WRITTEN COMMUNICATIONS

- 13. Letter from Charlie Crane, Director, Uncle Charlie's Independent Living Program, requesting a waiver or deferred payment of City fees for the building of a low income senior housing project to be built at Martin Luther King Drive and Vine Street in the City of Modesto. Councilmember Cogdill excused due to a conflict of interest.

ACTION: By motion (Dobbs/Friedman, unan., Cogdill and Patterson absent) this matter was referred to staff. (Atty/Planning to handle)

MATTERS TOO LATE FOR THE AGENDA

- 14. These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.

None

CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Don Norris

Employee organization: Modesto Firefighters Association

2. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Officers Association

3. CONFERENCE WITH LABOR NEGOTIATOR

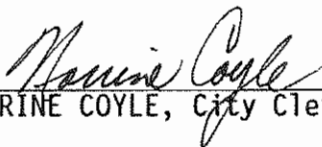
Agency negotiator: Don Norris

Employee organization: Modesto City Employees Association

ADJOURNMENT

The meeting adjourned to closed session at 8:17 p.m. The City Attorney returned to open session at 9:40 p.m. and reported that no action was taken.

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

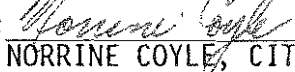
The Council of the City of Modesto met in an special session at 7:30 a.m. on Monday, May 9, 1994, at Modesto Center Plaza, 1000 L Street, Modesto, California.

Present: Councilmembers Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Dobbs, Patterson

The Council met with Senator Dan McCorquodale to discuss the State budget and legislation and the needs and problems of the City.

The meeting adjourned at 8:35 p.m.

ATTEST:   
NORRINE COYLE, CITY CLERK



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 10, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Jose Lugo, Cornerstone Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 7, 8, 9, 10, 11, 12, 16,  
17, 18, 19, 20, 22, 23, 24, 25, 26,  
27, 28

ACTION: (Friedman/Dobbs, unan., Patterson absent)

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 21  
Councilmember Dobbs excused due to a conflict of interest.

ACTION: (Friedman/McClanahan, unan., Dobbs & Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.



ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgement of 1993 City of Modesto Annual Employee Recognition Award Winners.

The award winners were introduced by the City Manager.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of May 3, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
  - (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Russ Harrison spoke about problems with City staff.  
Loretta Carhart spoke about bus service.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2904-C.S. rezoning from R-1 to P-D(503), property located on the west side of Martin Luther King Drive, north of Vine Street. (Charles Crane)

ACTION: By motion, Ord. No. 2904-C.S. adopted. (Clerk to handle)

HEARINGS

- 5. Hearing to consider the appeal of Mid-Valley Engineering, Inc., on behalf of Arlo and Marvene Hilkey, to a Planning Commission decision granting a request for a time extension of the development schedule for P-D(484), Galleria Shopping Center, property located on the east side of Roselle Avenue north of Briggsmore Avenue. Councilmember McClanahan excused due to a conflict of interest.

ACTION: Res. 94-249 adopted (Friedman/Muratore, unan., McClanahan and Patterson absent) granting the appeal, denying the time extension. (Planning to handle)

- 6. Hearing to consider amending the Municipal Code to authorize fees for Outdoor Sales and Display Permits and to adopt a resolution establishing fees.

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent) Ord. No. 2906-C.S. introduced amending the Code. Res. 94-250 adopted (same vote) setting fee. ((Planning/Clerk to handle)

BIDS

CONSENT

- 7. Consider approval of plans and specifications and call for bids for rip rap repair at storage ponds on Jennings Road, 1994. (Suggested bid opening: May 26, 1994, at 11:00 a.m. This project installs additional erosion protection rock on the levees at the remote pond site on Jennings Road. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$48,875 (contract \$42,500; const. admin. & contingencies \$6,375). Funds are budgeted.)

ACTION: Res. 94-251 adopted calling for bids. (P/W to handle)

CONSENT

- 8. Consider approval of plans and specifications and call for bids for the Glenn Avenue water line project; consider approving an agreement with Stanislaus County to construct water line within County right of way; consider approving agreement with Turlock Irrigation District (TID) giving the City the authority to construct water line within TID right of way. (Suggested bid opening: June 9, 1994, at 11:00 a.m. The project is needed to strengthen the existing potable water system. Resolution approving plans and specifications and call for bids needed; resolution approving agreement with Stanislaus County needed, and resolution approving agreement with TID needed. Estimated cost: \$205,976.40 (construction \$182,280; const. admin. & cont. \$23,696.40) Funds are budgeted.)

ACTION: Res. 94-252 adopted calling for bids.  
Res. 94-253 adopted approving agreement with Stanislaus County.  
Res. 94-254 adopted approving agreement with TID. (P/W to handle)

Consider approving plans and specifications and call for bids for the 1994 cape seal of various City Streets project. (Suggested bid opening: June 9, 1994, at 11:05 a.m. This annual streets maintenance project is designed to extend the life of the pavement on approximately seven miles of City Streets for three to five years. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$242,876.55 (contract \$214,935; contingencies \$10,746.80; const. admin. \$17,194.75) Funds are partially budgeted. An appropriation transfer will be requested at the time of award when the exact amount needed to construct the project is known.)

ACTION: Res. 94-256 adopted calling for bids.

CONSENT

10. Consider approving plans and specifications and call for bids to upgrade electrical system at the bus yard. (Suggested bid opening: June 9, 1994, at 11:10 a.m. The project provides for the distribution of additional electrical power within the bus yard maintenance facility. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$36,370 (contract \$31,000; const. admin. and contingencies \$5,270) Funds are partially budgeted. An appropriation transfer will be requested at the time of award when the exact amount needed to construct the project is known.)

ACTION: Res. 94-257 adopted calling for bids. (P/W to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for the Carpenter Road water line from Torrid Avenue to Woodland Avenue project; consider approving an agreement with Stanislaus County to construct water line within County right of way. (Suggested bid opening: June 9, 1994, at 11:15 a.m. The proposed project will strengthen the existing water system and install a 3-inch traffic signal control conduit will be installed as part of the project. Resolution approving plans and specifications and call for bids needed; resolution approving agreement with Stanislaus County needed. Estimated cost: \$166,627 (construction \$126,627; const. admin. & cont. \$19,153.03; traffic signal control conduit construction \$26,704) Funds are partially budgeted. An appropriation transfer will be requested at the time of award when the exact amount needed to construct the project is known.)

ACTION: Res. 94-258 adopted calling for bids.  
Res. 94-259 adopted approving agreement with Stanislaus County.  
(P/W to handle)

CONSENT

12. Consider acceptance of the contract of Ksenco Construction for the Granger Avenue water line extension as complete and authorize the City Clerk to file Notice of Completion. (Original contract: \$62,578) (All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion.

ACTION: Res. 94-260 adopted accepting work as complete. (Clerk to handle)

#### NEW BUSINESS

13. Consider dates for review of the 1994-95 Proposed Operating Budget and the Proposed Four-Year Capital Improvement Program.  
(Budget and C.I.P. documents will be presented at the meeting. Report with agenda. Resolution setting public hearing June 7, 1994, at 7:00 p.m. needed. Motion directing staff needed.)

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent) proposed schedule approved.  
Res. 94-261 adopted (same vote) setting public hearing.  
(Finance to handle)

14. Consider approving the Statement of Community Development Objectives and Use of Community Development Block Grant Funds for Fiscal Year 1994-95 and authorizing the City Manager to sign the application for a \$2,133,000 Community Development Block Grant for the City's Community Development Program.  
(Report with agenda. Resolution approving application and authorizing City Manager to sign needed.)

ACTION: Res. 94-262 adopted (Dobbs/Lang, unan., Patterson absent) approving the Statement of Community Development Objectives and use of funds except the two Community Temporary Shelter Service items and the Stanislaus County Affordable Housing Corporation.

Councilmember Muratore excused due to a conflict of interest.  
Res. 94-263 adopted (McClanahan/Dobbs, unan., Muratore and Patterson absent) approving the two Community Temporary Shelter Service items and the Stanislaus County Affordable Housing Corporation.

(Planning to handle)

15. Consider adopting resolution which preserves the right of the City to be reimbursed in the event tax-exempt financings are used for the Plaza project.  
(Report with agenda. The Redevelopment Agency is currently in negotiation for development of the Plaza project. Resolution preserving the right of the City to be reimbursed in the event tax-exempt financings are used needed.)  
Councilmember McClanahan excused due to a conflict of interest.

ACTION: Res. 94-264 adopted (Cogdill/Dobbs, unan., McClanahan and Patterson absent) preserving City's right to be reimbursed.  
(Manager to handle)

#### CONSENT

16. Consider setting hearing for objections to the proposed annexation of the Bret Harte neighborhood to the City of Modesto Municipal Sewer District No. 1 and consider adopting the Negative Declaration of the

(Report with agenda. This is the initial City Council action for annexing the Bret Harte Neighborhood in southwest Modesto to the Modesto Municipal Sewer District. Resolution adopting Negative Declaration needed, and resolution setting hearing June 28, 1994, at 4:00 p.m. needed.)

ACTION: Res. 94-265 adopted adopting Negative Declaration.  
Res. 94-266 adopted setting hearing. (Clerk/Planning to handle)

CONSENT

17. Consider amending class specifications for Police Lieutenant; revise and change the name of class specifications for Data Processing Manager, Finance Division Manager, Financial Analyst, Assistant Budget Analyst, Budget Analyst, and Warehouse Supervisor; and to delete the class of Principal Account, and consider amending the class range tables to reflect title changes for positions to include Finance Data Processing Manager, Customer Services Division Manager, Accounting Division Manager, Budget Analyst, Senior Budget Analyst and Stores Manager. (Report with agenda. Resolution amending Position Classification Plan needed, and resolution amending the class range tables needed.)

ACTION: Res. 94-267 adopted amending Position Classification Plan.  
Res. 94-268 adopted amending class range tables. (Personnel to handle)

CONSENT

18. Consider approving agreement with Bright Development for the acquisition of a 0.31± acre public utility easement need for the extension of waterline out of Yosemite Boulevard. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$3,375. Funds are budgeted.)

ACTION: Res. 94-269 adopted approving agreement. (Attorney to handle)

CONSENT

19. Consider approving construction and maintenance agreement with Union Pacific to construct track connections at Lathrop and South Modesto. (This agreement carries out the first stage of the plan previously approved by the City Council and will remove the mile-long trains that presently interrupt traffic as the train proceeds slowly through Modesto. Report with agenda. Estimated cost: \$3.5 million. Funds are budgeted.)

ACTION: Res. 94-270 adopted approving agreement. (P/W to handle)

CONSENT

20. Consider approving agreement with Charles J. Carnabucci, dba Nibbles, and Nancy J. Lofano for airport snack bar equipment; and consider approving agreement with ARC of Stanislaus County to operate the terminal snack bar/food concession. (Report with agenda. Resolutions approving agreements needed.)

ACTION: Res. 94-271 adopted approving agreement with Charles Carnabucci.  
Res. 94-272 adopted approving agreement with ARC of Stanislaus County. (Attorney to handle)

21. Consider granting a Right of Entry to Sylvan United School District to perform geotechnical tests on the Merle Neighborhood School/Park Site. (Report with agenda. Resolution granting right of entry needed.) Councilmember Dobbs excused due to a conflict of interest.

ACTION: Res. 94-273 adopted granting right of entry. (Atty to handle)

CONSENT

22. Consider commending Modesto Police Reserves for contributions to the community welfare and safety. (In 1993 forty-one Modesto Police Reserves contributed a total of 19,143 hours of time to the City. Their duties included enforcing laws and helping with various community activities. Resolution commending Police Reserves needed.)

ACTION: Res. 94-274 adopted commending Modesto Police Reserves. (Police to handle)

CONSENT

23. Consider commending Modesto Police Department Volunteers for contributions to the community welfare and safety. (In 1993 forty-five Modesto Police Department contributed a total of 3,118 hours of time to the City. Their duties included assisting in Field Operations, Support Services, and Investigative Services Divisions of the Modesto Police Department. Resolution commending Police Department Volunteers needed.)

ACTION: Res. 94-275 adopted commending Modesto Police Volunteers. (Police to handle)

CONSENT

24. Consider setting a public hearing for May 24, 1994, to authorize the transfer of stock ownership in Bertolotti Disposal. (Report with agenda. Resolution setting public hearing May 24, 1994, at 4:00 p.m. needed.)

ACTION: Res. 94-276 adopted setting public hearing. (Clerk to handle)

CONSENT

25. Consider amending the Municipal Code to change the placement of the "Oral Communications" portion of the Council agenda from its current position. (Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2907-C.S. introduced. (Clerk to handle)

CONSENT

26. Consider amending the Standard Specifications of the City of Modesto to correct, update, or clarify the existing standards. (Report with agenda. On April 18, 1994, the Planning Commission approved the proposed amendments to the standard engineering specifications to update the standard engineering specifications to update the standards which apply to all work done within the public rights of way of the City. Resolution adopting amendments needed.)

ACTION: Res. 94-277 adopted adopting amendments. (Planning to handle)

CONSENT

27. Consider approving an agreement with the Stanislaus Drug Enforcement Agency (SDEA) regarding the purchase of real property, and consider approving a lease agreement with the SDEA for the real property. (Report with agenda. Estimated cost: \$466,440.64. (Seized assets funds)  
Resolution approving agreement regarding real property needed, and resolution approving lease agreement needed.)

ACTION: Res. 94-278 adopted approving agreement regarding real property.  
Res. 94-279 adopted approving lease agreement with SDEA.  
(Police to handle)

WRITTEN COMMUNICATIONS

CONSENT

28. Letter of resignation from the International Friendship Committee from Bill Seavy.  
(Resolution accepting resignation needed.)

ACTION: Res. 94-280 adopted accepting resignation. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

29. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

30. Closed session to consider:
1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Clerk
  2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Attorney
  3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager

ADJOURNMENT

The meeting adjourned to closed session at 5:35 p.m. The Mayor returned at 6:30 p.m. and announced that no action was taken.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in an special session at 7:30 a.m. on Friday, May 13, 1994, at Modesto Center Plaza, 1000 L Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Muratore, Mayor Lang

Mayor Lang was excused at 8:05 a.m.

Absent: Councilmembers Friedman, McClanahan, Patterson

The Council met with Assemblymember Sal Cannella to discuss the State budget and legislation and the needs and problems of the City.

The meeting adjourned at 8:25 p.m.

ATTEST:   
NORRINE COYLE, CITY CLERK



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, May 17, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Councilmember McClanahan arrived at 6:40 p.m.

Absent: Councilmember Patterson

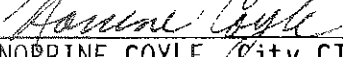
Reports of activities and studies were made by the Chairs and members of the following:

1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Relations Committee
3. Financial Policy Committee
4. Utility Services and Franchises Committee

Oral Communications:

None

The meeting adjourned at 6:52 p.m.

ATTEST:   
NORRINE COYLE, City Clerk

# MODESTO CITY COUNCIL

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 17, 1994, at 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Ross Briles, Sherwood Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 9, 10, 11, 12, 13,  
14, 15, 16

ACTION: Friedman/Dobbs, unan., Patterson absent

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

5/17/94



1

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132-83

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None

### MINUTES

#### CONSENT

2. Approval of the minutes of the special City Council meetings of May 9, and May 13, 1994, and the regular City Council meeting of May 10, 1994. (Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

### ORAL COMMUNICATIONS

3. These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.

David Gear spoke about testing of school children.

### UNFINISHED BUSINESS

#### CONSENT

4. a. Final adoption of Ord. No. 2907-C.S. amending Section 2-1.08 of Chapter 1 of Title II of the Modesto Municipal Code relating to City Council order of business. (Motion adopting Ordinance needed.)

ACTION: By motion, Ordinance No. 2907-C.S. adopted.

- b. Final adoption of Ord. No. 2906-C.S. adding Section 10-2.2333 to Article 23 of Chapter 2 of Title X of the Modesto Municipal Code relating to outdoor sales and display permits. (Motion adopting Ordinance needed.)

ACTION: By motion, Ordinance No. 1906-C.S. adopted. (Clerk to handle)

Councilmember McClanahan excused due to a conflict of interest.

- 5. Consider approving transfer of land at Ninth and I Streets from the City of Modesto to the Redevelopment Agency of the City of Modesto. (Memo with agenda. Resolution authorizing City Manager and City Clerk to sign Grant Deed needed.)

ACTION: Res. 94-281 adopted (Muratore/Cogdill, unan., McClanahan and Patterson absent) approving transfer of land to the Redevelopment Agency. (Manager to handle)

HEARINGS

Councilmember McClanahan excused due to a conflict of interest.

- 7. Joint public hearing of the City Council and Redevelopment Agency to consider and act upon the disposition and development of certain real property located within the boundaries of the Modesto Redevelopment Project at 9th and I Streets for the development of a McDonald's restaurant, pursuant to a proposed Disposition and Development Agreement between the Agency and McDonald's Corporation.

ACTION: Res. 94-282 adopted (Friedman/Muratore, unan., McClanahan and Patterson absent) approving the Disposition and Development Agreement. (Manager to handle)

BIDS

CONSENT

- 8. Consider approval of plans and specifications and call for bids for the installation of GAC Adsorber System at Well Nos. 14 and 40. (Suggested bid opening: June 2, 1994 at 11:00 a.m. This project will install GAC filters on Wells 14 and 40. Wells No. 14 and 40 are off-line and cannot be used due to State mandated contamination levels being over the limits allowed. These wells cannot be used until GAC filters are installed. Resolution approving plans and specs and calling for bids needed. Estimated Cost: \$74,713 (Contract \$67,648; Constr. Admin. & Cont. \$6,765). Funds are partially budgeted. An appropriation transfer will be requested at the time of award of contract when the exact amount needed is known.)

ACTION: Res. 94-283 adopted approving plans and specifications and calling for bids. (Public Works & Trans. to handle)

CONSENT

- 9. Consider approving a Borrow Release Agreement with Stanislaus County to remove material and deepen the Crows Landing Drainage Basin. (The Crows Landing Drainage Basin accepts storm water from the surrounding area and requires an additional 1-2 feet of excavation to be at ultimate depth. The County has requested fill dirt from the basin to

5/17/94

ACTION: Res. 94-284 adopted approving agreement with Stanislaus County.  
(Public Works & Trans. to handle)

**CONSENT**

10. Consider approval of plans and specifications and call for bids to upgrade Encina Avenue storm drain line.  
(Suggested bid opening: June 16, 1994 at 11:10 a.m. This project will eliminate above-ground appurtenances, provide manhole frames and covers for pipeline access and improve storm drainage at several locations along the Encina Avenue corridor. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$130,208. (Contract \$115,229; Constr. Admin & Cont. \$14,979). Funds are budgeted.)

ACTION: Res. 94-285 adopted approving plans and specifications and calling for bids.  
(Public Works & Trans. to handle)

**CONSENT**

11. Consider approval of plans and specifications and call for bids for the reconstruction of H and I Streets.  
(Suggested bid opening: June 16, 1994 at 11:00 a.m. This project will reconstruct H and I Streets by installing new base and asphalt pavement. Also includes the installation of additional storm drain lines, replacement of badly damaged gutter and installation of several handicap ramps. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$1,032,505.30 (Contr. \$913,721.50; Constr. Admin. & Cont. \$118,783.80). Funds are budgeted.)

ACTION: Res. 94-286 adopted approving plans and specifications and calling for bids.  
(Public Works & Trans. to handle)

**CONSENT**

12. Consider approval of plans and specifications and call for bids for the Claus Road widening.  
(Suggested bid opening: June 16, 1994 at 11:05 a.m. This project will widen the bottleneck between the south end of the new Claus Road bridge and Johansen High School. The project will also add guardrails on both sides of Claus Road between the existing bridge deck and Gomes Road and a sidewalk on the west side of the street. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$295,400.87 (Contr. \$261,416.70; Admin. & Cont. \$33,984.17). Funds are budgeted.

ACTION: Res. 94-287 adopted approving plans and specifications and calling for bids.  
(Public Works & Trans. to handle)

5/17/94

Wastewater Treatment Facility to C. E. Green Corporation and authorizing an appropriation transfer in the amount of \$7,000 to fund the project. (Bids were opened on April 21, 1994. The low bid of \$40,601, submitted by C.E. Green Corporation is 14.05% below the Engineers estimate and considered acceptable. It is recommended that the project be awarded to them. Report with agenda. Resolution awarding contract and resolution approving an appropriation transfer needed. Estimated Cost: \$47,503 (\$40,601 Contr.; \$6,902 Const. Admin. & Cont.). Funds are budgeted.)

ACTION: Res. 94-288 adopted awarding contract.  
Res. 94-289 adopted approving appropriation transfer.  
(Public Works & Trans./Finance to handle)

#### NEW BUSINESS

#### CONSENT

14. Consider authorizing City Manager to execute financing agreements with owners of properties for the purpose of rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation Program. (Report with agenda. Agreements will enable the provision of financing to property owners for rehabilitation of properties. Resolution authorizing the City Manager to execute financing agreements for projects listed on Exhibit A with the agenda.)

ACTION: Res. 94-290 adopted approving agreement with Rex L. Klein.  
Res. 94-291 adopted approving agreement with Harley C. Sanders.  
(Planning & Com. Dev. to handle)

#### CONSENT

15. Report of loans approved during April, 1994, under the Emergency Home Repair Program  
(Report with agenda. Estimated cost: \$12,194.20. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

#### CONSENT

16. Consider objecting to the sale of certain real property by the Stanislaus County Tax Collector and applying to the Stanislaus County Board of Supervisors for the purchase of said real property.  
(Resolution needed.)

ACTION: Res. 94-292 adopted objecting to the sale of the Hughson Hotel property.  
(Manager to handle)

5/17/94

- a. Human Relations Commission

ACTION: Res. 94-293 adopted (Dobbs/Muratore, unan., Patterson absent) appointing Todd Browning, term to expire 1-1-95.

- b. Citizens Advisory Committee on Recycling

ACTION: Res. 94-294 adopted (Dobbs/Muratore, unan., Patterson absent) appointing Daniel Gianni, term to expire 1-1-98.

18.

MATTERS TOO LATE FOR THE AGENDA

These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.

None

ADJOURNMENT

Meeting adjourned at 7:45 p.m.

ATTEST:   
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California


The Council of the City of Modesto met in an special session at 8:00 a.m. on Friday, May 20, 1994, at Modesto Center Plaza, 1000 L Street, Modesto, California.

Present: Councilmembers Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Cogdill, Dobbs, Patterson

The Council met with Assemblymember Margaret Snyder to discuss the State budget and legislation and the needs and problems of the City.

The meeting adjourned at 9:00 p.m.

ATTEST:   
NORRINE COYLE, CITY CLERK

5-20-94

# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 24, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. John Krueger, Grace Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 11, 12, 13, 14,  
15, 16, 17, 18, 19, 20, 21, 22, 23,  
24, 25, 26, 27, 27A

ACTION: (Muratore/Friedman, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 10  
Councilmember Muratore excused due to a conflict of interest.

ACTION: (Friedman/McClanahan, unan., Muratore and Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.



1. ACKNOWLEDGEMENTS AND PRESENTATIONS

The City Manager introduced Larry Hughes who has been appointed Fire Chief, effective June 6, 1994.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of May 13, 1994, and the special and regular City Council meetings of May 17, 1994. (Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

HEARINGS

4. Hearing to consider transfer of stock for Bertolotti Disposal Company.

ACTION: Res. 94-295 adopted (Cogdill/Dobbs, unan., Patterson absent) approving transfer of stock. (P/W to handle)

5. Hearing to consider proposed 5% sewer rate increase for all user groups, to become effective July 1, 1994.

ACTION: Res. 94-296 adopted (Muratore/Friedman, unan., Patterson absent) approving sewer increase. (P/W, Finance to handle)

6. Hearing to consider certifying the Final Supplemental Environmental Impact Report and the proposed Specific Plan Amendment to the Village One Specific Plan as follows:

- b. Widen Floyd Avenue from 3 to 5 lanes within the Village Center
- c. Realign Claus Road/Sylvan Avenue intersection and future interchange
- d. Delete non-potable water supply
- e. Integrate Mitigation Monitoring into the Specific Plan

ACTION: Res. 94-297 adopted (Muratore/McClanahan, unan., Patterson absent) certifying the Final Supplemental Environmental Impact Report.  
 Res. 94-298 adopted (same vote) approving amended Village One Specific Plan. (Planning to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the Emerald Avenue sewage lift station rehabilitation.  
 (Suggested bid opening: June 23, 1994, at 11:00 a.m. This project will replace deteriorated pipe, valves and concrete, replace the outdated electrical and ventilation systems, convert the backup electrical system from natural gas to diesel, and install a new odor control system. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$634,698 (contract \$537,880; const. admin. & cont. \$96,818.40) Funds are partially budgeted. An appropriation transfer (approximately \$104,000) will be transferred at the time of award of contract when the exact amount needed to construct the project is known.)

ACTION: Res. 94-299 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the storm drain water lift stations at Hatch/Dallas and Ashford Court rehabilitation project.  
 (Suggested bid opening: June 23, 1994, at 11:05 a.m. This project will upgrade the pump and controls, provide a back-up pump and install a slide rail system for maintenance and/or pump replacement so crews won't have to go down into the pit to service the pump. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$172,551 (contract \$152,700; const. admin. & cont. \$19,851) Funds are budgeted.)

ACTION: Res. 94-300 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for the Yosemite Boulevard water line.  
 (Suggested bid opening: June 23, 1994, at 11:10 a.m. This project will add 12-inch water line along Yosemite Boulevard between Riverside Drive to 300 feet east of Capistrano Drive. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$70,215.94

- a. Village Center Commercial area intensification
- b. Widen Floyd Avenue from 3 to 5 lanes within the Village Center
- c. Realign Claus Road/Sylvan Avenue intersection and future interchange
- d. Delete non-potable water supply
- e. Integrate Mitigation Monitoring into the Specific Plan

ACTION: Res. 94-297 adopted (Muratore/McClanahan, unan., Patterson absent) approving amended Village One Specific Plan.  
 Res. 94-298 adopted (same vote) certifying the Final Supplemental Environmental Impact Report. (Planning to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the Emerald Avenue sewage lift station rehabilitation.  
 (Suggested bid opening: June 23, 1994, at 11:00 a.m. This project will replace deteriorated pipe, valves and concrete, replace the outdated electrical and ventilation systems, convert the backup electrical system from natural gas to diesel, and install a new odor control system. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$634,698 (contract \$537,880; const. admin. & cont. \$96,818.40) Funds are partially budgeted. An appropriation transfer (approximately \$104,000) will be transferred at the time of award of contract when the exact amount needed to construct the project is known.)

ACTION: Res. 94-299 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the storm drain water lift stations at Hatch/Dallas and Ashford Court rehabilitation project.  
 (Suggested bid opening: June 23, 1994, at 11:05 a.m. This project will upgrade the pump and controls, provide a back-up pump and install a slide rail system for maintenance and/or pump replacement so crews won't have to go down into the pit to service the pump. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$172,551 (contract \$152,700; const. admin. & cont. \$19,851) Funds are budgeted.)

ACTION: Res. 94-300 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for the Yosemite Boulevard water line.  
 (Suggested bid opening: June 23, 1994, at 11:10 a.m. This project will add 12-inch water line along Yosemite Boulevard between Riverside Drive to 300 feet east of Capistrano Drive. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$70,215.94

Budgeted  
ACTION: Res. 94-301 adopted calling for bids. (P/W to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for the annual sewer rehabilitation project - Coleman Court/Helms Lane. (Suggested bid opening: June 16, 1994, at 11:15 a.m. This project will replace existing sewer lines and manholes that have deteriorated and have been maintenance problems. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$80,902.35 (contract \$71,595; const. admin. & cont. \$9,307.35) Funds are budgeted.)  
Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 94-302 adopted (Friedman/McClanahan, unan., Muratore & Patterson absent) calling for bids. (P/W to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for the construction of the Higbee street light project. (Suggested bid opening: June 16, 1994, at 11:20 a.m. The existing high voltage Higbee street light circuit needs to be replaced. These changes will decrease maintenance costs and eliminate street light black outs in the entire area served by this circuit. The replacement includes new conduit with a low voltage circuit and upgrading existing old steel rusted poles with new galvanized poles. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$72,826. (construction \$63,826; contingencies \$4,000; contract admin. \$5,000 Funds are budgeted.)

ACTION: Res. 94-303 adopted calling for bids. (P/W to handle)

CONSENT

12. Consider rejecting all bids received for furnishing of printing of the monthly utility bill insert and the quarterly employees newsletter on recycled paper and authorizing new call for bids. (Suggested bid opening: June 14, 1994, at 11:00 a.m. Report with agenda. Resolution rejecting bids and authorizing new bid call needed. Estimated cost: \$30,000. Funds will be requested in 94/95 proposed budget.)

ACTION: Res. 94-304 adopted rejecting bids and calling for new bids. (Finance to handle)

CONSENT

13. Consider accepting the contract of Conco West, Inc. for the generator installation at Well No. 44 as complete and authorize the City Clerk to file Notice of Completion. (Original contract: \$47,900) (Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$48,460. Funds are budgeted.)

CONSENT

14. Consider accepting the contract of Ksenco Construction for the installation of waterlines in the Teresa-Tebbutt area as complete and authorize the City Clerk to file Notice of Completion. (Original contract: \$214,990.)  
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$212,193.28. Funds are budgeted.)

ACTION: Res. 94-306 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

15. Consider authorizing City Manager to enter into agreements when necessary to establish a Modesto Neighborhood Telework Center, including but not limited to lease agreements, equipment purchase, client/customer use agreements, and other agreements that are germane to the successful operation of the telework center, provided that all agreements be reviewed by the City Attorney and are within the budget.  
(This project is funded by grants received from the University of California, Davis, Institute of Transportation Studies (\$100,000) and the San Joaquin Valley Unified Air Pollution Control District (\$18,000), as well as donations from private industry. Report with agenda. Resolution authorizing City Manager to enter into agreements needed.)

ACTION: Res. 94-307 adopted authorizing Manager to enter into agreements.  
(Economic Develop. to handle)

CONSENT

16. Consider authorizing City Manager to sign HOME program description and directing staff to submit to Department of Housing and Urban Development.  
(Report with agenda. For Fiscal Year 1994-95, the City will receive an entitlement allocation of HOME funds in the amount of \$802,000. The City is required to submit a HOME program description to HUD as a prerequisite to receiving HOME entitlement funds. Resolution authorizing City Manager to sign HOME program description needed.)

ACTION: Res. 94-308 adopted approving HOME Program description and submitting to Dept. of Housing and Urban Development.  
(Planning to handle)

CONSENT

17. Consider adopting a Residential Antidisplacement and Relocation Assistance Plan for federally assisted projects.  
(Report with agenda. The City is required to adopt a Residential Antidisplacement and Relocation Assistance Plan, pursuant to HUD requirements under the HOME Investment Partnerships Program and the Community Development Block Grant Program. Resolution adopting Plan needed.)

CONSENT

18. Consider approving amendments to the Youth Scholarship Program policy. (Report with agenda. Amendments would increase scholarships given by \$5,000 each year; make Leisure Bucks good for the fiscal year issued only; require proof of family annual income; award a maximum of \$100 per applicant per fiscal year; and direct applications to the Recreation Supervisor in charge of the program. Resolution amending Youth Scholarship Program policy needed.)

ACTION: Res. 94-310 adopted amending Youth Scholarship Program policy. (P/R to handle)

CONSENT

19. Consider authorizing the Culture Commission to review applications and make recommendations for arts programs requesting funding. (Report with agenda. Resolution authorizing Culture Commission to review and make recommendations for arts programs requesting funding needed.)

ACTION: Res. 94-311 adopted authorizing Culture Commission to review & make recommendations. (P/R to handle)

CONSENT

20. Consider approving hold harmless agreement with Yosemite Community College District for use of facilities at Modesto Junior College for recreation activities during 1994. (Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-312 adopted approving agreement. (P/R to handle)

CONSENT

21. Consider expanding scope of the Johansen High School swimming pool construction project, and consider approving appropriation transfer in the amount of \$221,999 to fund expanded scope. (Report with agenda. Motion authorizing expansion of scope of project needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 94-313 adopted approving appropriation transfer. (P/R to handle)

CONSENT

22. Consider authorizing and approving a Tax and Revenue Anticipation Note for Fiscal Year 1994-95 in an amount not to exceed \$3 million; consider approving an amended and restated Joint Exercise of Powers Agreement with California Statewide Communities Development Corporation; consider authorizing the issuance and sale of a 1994-95 Tax and Revenue Anticipation Note and participation in the California Communities Cash Flow Financing Program. (Report with agenda. Resolution authorizing borrowing of funds for F.Y. 1994-95; entering into an amended and restated agreement, authorizing issuance and sale of TRAN and participation in California Communities Cash Flow Financing Program needed.)

ACTION: Res. 94-314 adopted authorizing borrowing funds, entering into an

CONSENT

23. Consider approving agreement with Albert E. and Celeste S Navarra for the acquisition of 2,378± square feet of their property for the Briggsmore widening project.  
(Report with agenda. Resolution approving agreement needed. Estimated total cost: \$71,006 (property \$62,096; est. interest \$3,100; est. escrow \$5,000). Funds are budgeted.)

ACTION: Res. 94-315 adopted approving agreement. (Attorney to handle)

CONSENT

24. Consider approving agreement with Johannes T. and Mari L. Nijskens to compensate them for a complication of construction not covered by their original agreement.  
(Report with agenda. This is for the Parallel Outfall project. Estimated cost: \$1,500. Funds are budgeted.)

ACTION: Res. 94-316 adopted approving agreement. (Attorney to handle)

CONSENT

25. Consider authorizing submittal of an application for a California Curbside Used Motor Oil Recycling Publicity Grant in the amount of \$73,006.  
(Report with agenda. Resolution authorizing submittal of grant application needed.)

ACTION: Res. 94-317 adopted authorizing submittal of grant application.  
(P/W to handle)

CONSENT

26. Consider adopting resolution of intention to abandon and vacate a portion of North Jefferson Street located between State Highway 99 and Laurel Street, and reserve several utility easements within the subject right of way and approve all required street improvements, and fixing time and place of public hearing on June 14, 1994, at 4:00 p.m.; consider certifying Negative Declaration.  
(Report with agenda. Resolution of intention needed, and resolution certifying Negative Declaration needed.)

ACTION: Res. 94-318 adopted adopting a Resolution of intention.  
Res. 94-319 adopted certifying Negative Declaration.  
(Clerk/Planning to handle)

CONSENT

27. Monthly Treasurer's Report - April, 1994.  
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

27A. Consider amending class specification for Police Lieutenant to clarify experience and certification requirements.  
(Report with agenda. Resolution amending the Position Classification Plan to revise class specification for Police Lieutenant needed.)

28.

MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

29.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR

- a. Agency negotiators: Robin Renwick and Don Norris  
Employee organization: Modesto Police Management Association
- b. Agency negotiators: Robin Renwick and Don Norris  
Employee organization: Modesto City Firefighters Association
- c. Agency negotiators: Robin Renwick and Don Norris  
Employee organization: Modesto City Employees Association
- d. Agency negotiators: Robin Renwick and Paul Baxter  
Employee organization: Modesto Police Officers Association

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS

- a. Title: City Manager
- b. Title: City Attorney
- c. Title: City Clerk

Name of case:

City of Modesto vs. Del Este Water Company and  
California Water Service Company, Superior Court  
case No. 296508

ADJOURNMENT

The meeting adjourned at 4:47 p.m. to closed session. Upon adjournment of the closed session at 6:55 p.m., the City Attorney announced that no votes were taken during the closed session.

ATTEST: *Norrine Coyle* -  
NORRINE COYLE, City Clerk

# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, June 7, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

Absent: Councilmembers Muratore, Patterson

Reports of activities and studies were made by the Chairs and members of the following:

1. Financial Policy Committee
2. Human Services/Public Safety Policy Committees
3. Transportation Policy Committee
4. Utility Services and Franchises Policy Committee

Oral Communications:

None

The meeting adjourned at 6:51 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 7, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Mayor Lang

Absent: Councilmembers Muratore, Patterson

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 10, 11, 12, 13,  
14, 15, 16, 17, 18, 19, 20, 21, 23

ACTION: (Friedman/Dobbs, unan., Muratore and Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

### 1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None



CONSENT

2. Approval of the minutes of the regular City Council meeting of May 24, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

HEARINGS

4. Hearing to consider the proposed 1994-95 Operating Budget and the Proposed Four-Year 1994-95 through 1995-98 Capital Improvement Program.

ACTION: By motion (Friedman/Cogdill, unan., Muratore and Patterson absent) comments made by Myrtle Osner were referred to the Council Financial Policy Committee. (Finance to handle)

5. Hearing to consider the appeal of J. Wilmar Jensen to a determination of the Parks and Recreation Department concerning the removal of a walnut tree located adjacent to 830 Carolyn Avenue.

ACTION: Res. 94-321 adopted (Friedman/McClanahan, majority, Cogdill-no, Muratore and Patterson absent) granting the appeal and directing the Parks & Recreation Department to work with Mr. Jensen on preservation of the tree. (P/R to handle)

CONSENT

6. Consider approving specifications and authorizing call for bids for furnishing a cashiering system for the Finance Department. (Suggested bid opening: June 28, 1994, at 11:00 a.m. Report with agenda. Resolution authorizing call for bids needed. Estimated cost: \$75,000. Funds to be requested in the proposed F.Y. 1994-95 C.I.P. Budget.)

ACTION: Res. 94-322 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids to reroof Hangar No. 1 at Modesto City-County Airport. (Suggested Bid Opening: June 30, 1994, at 11:00 a.m. The building has three layers of roofing and is leaking badly. This project is a re-bid with a new design to allow a combination of asphalt Shingles and built up roofing. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$60,760.10. (contract \$53,777; const. admin. & cont. \$6,990.10. Funds are partially budgeted. Appropriation transfer to be requested after bids are received and the exact amount needed to construct the project is determined.)

ACTION: Res. 94-323 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider award of contract for the 1994 rip rap repair project at the storage ponds on Jennings Road to Teichert Construction. (Bids were opened on May 16, 1994. The low bid of \$33,710, submitted by Teichert Construction is 10.68% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$38,766.50 (contract \$33,710; const. admin. & contingencies \$5,056.50) Funds are budgeted.)

ACTION: Res. 94-324 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider declaring Northwestern Carbon, Inc. low bidder and authorize the purchase of two Granular Activated Carbon Adsorption Systems for a total cost of \$248,820; and consider declaring Calgon Carbon Corporation low bidder and authorize the purchase of carbon for the total cost of \$58,430. (Report with agenda. Resolution awarding contract for Granular Activated Carbon Adsorption Systems to Northwestern Carbon, Inc. needed, and resolution awarding contract for carbon to Calgon Carbon Corporation needed.)

ACTION: Res. 94-325 adopted awarding contract to Northwestern Carbon, Inc. Res. 94-325A adopted awarding contract to Calgon Carbon Corporation. (Finance to handle)

CONSENT

10. Consider acceptance of the contract of Patch Master of Central California as complete for the installation of waterlines in "I" Street from 6th to 8th Street and authorize the City Clerk to file the Notice of Completion, and consider authorizing an appropriation transfer in the amount of \$4,600 to cover additional costs encountered. (Original contract: \$57,358.85)  
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed, and resolution authorizing appropriation transfer needed. Final cost: \$60,165.47. Funds are partially budgeted.)

ACTION: Res. 94-326 adopted accepting work as complete.  
Res. 94-327 adopted approving appropriation transfer.  
(Clerk/Finance to handle)

CONSENT

11. Consider authorizing City Manager to execute a Program Supplement Agreement with Caltrans for the H and I Street reconstruction project. (Report with agenda. The Program Supplement needs to be executed prior to Federal funds being released for the H and I Street reconstruction project. The document makes the City responsible for following all the rules dictated by the State and Federal governments regarding the reconstruction of H and I Streets. Resolution approving agreement needed.)

ACTION: Res. 94-328 adopted approving agreement. (P/W to handle)

NEW BUSINESS

CONSENT

12. Consider authorizing the City Manager to sign the Enterprise Community Application and an agreement with Stanislaus County authorizing joint application. (Report with agenda. The City, together with the County of Stanislaus, has prepared an application and strategic plan for submittal to the U.S. Department of Housing and Urban Development (HUD), to be designated an Enterprise Community. Resolution authorizing City Manager to sign Enterprise Community Application needed, and resolution approving agreement with Stanislaus County needed.)

ACTION: Res. 94-329 adopted approving Enterprise Community Application.  
Res. 94-330 adopted approving agreement with Stanislaus County.  
(Economic Development to handle)

CONSENT

13. Consider authorizing the City Manager to execute financing agreements with Lorena Wright, Catherine White, and Alma Smith for the purpose of rehabilitating properties pursuant to the City of Modesto's Housing Rehabilitation Program. (Agreements will enable the provision of financing to property owners for rehabilitation of properties pursuant to the Housing Rehabilitation Program. Resolution approving financing agreements needed. Estimated CDBG cost: not to exceed \$121,304. Funds are budgeted.)

ACTION:

Res. 94-331 adopted approving agreement with Lorena Wright.  
Res. 94-332 adopted approving agreement with Catherine White  
Res. 94-333 adopted approving agreement with Alma Smith.  
(Planning to handle)

CONSENT

14. Consider approving an appropriation transfer in the amount of \$8,000 to advance Community Development Block Grant funds for the Mellis Park project to provide lighting improvements.  
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 94-334 adopted approving appropriation transfer.  
(Finance to handle)

CONSENT

15. Consider approving agreement with Mary E. Kilgore for the acquisition of her property at 3620 Merle Avenue (APN 54-24-35); adopting a resolution stating this project is consistent with the program EIR; and authorizing appropriation transfer in the amount of \$151,000 for acquisition, escrow, and demolition.  
(Report with agenda. Resolution approving agreement needed; resolution stating project consistent with program EIR needed and resolution approving appropriation transfer needed. Total est. cost: \$151,000 (cost \$142,000; est. escrow \$3,000; est. demolition \$6,000).)

ACTION: Res. 94-335 adopted approving agreement with Mary Kilgore.  
Res. 94-336 adopted stating project consistent with EIR.  
Res. 94-337 adopted approving appropriation transfer.  
(Atty/Finance to handle)

CONSENT

16. Consider approving submission of the Annual Transportation Development Act Fund Claim to Stanislaus Area Association of Governments (SAAG).  
(Report with agenda. Each year the City makes a claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development Act Funds. The claim for this year is \$5,133,434. Resolution approving submission of claim needed.)

ACTION: Res. 94-338 adopted approving submission of claim.  
Finance to handle)

CONSENT

17. Consider authorizing the City Manager to sign a bid proposal to the Modesto Irrigation District for the City tree crews to perform line clearance work.  
(Report with agenda. M.I.D. contacted Parks and Recreation Department Urban Forestry Division staff to explore the possibility of City staff providing line clearance services. Resolution authorizing bid proposal needed.)

ACTION: Res. 94-339 adopted authorizing bid proposal. (P/R to handle)

CONSENT

18. Consider amending the budget to appropriate additional funds in the amount of \$2,275 for sidewalk improvements adjacent to Hughes elementary School on the north and south property lines of Yosemite Neighborhood Park.  
(Report with agenda. Resolution amending budget needed.)

CONSENT

19. Consider introduction of an ordinance to make industries pretreatment permit nontransferable.  
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2908-C.S. introduced. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

20. Letter from Downtown Improvement District requesting the use of Downtown sidewalks for the selling of merchandise on Thursday, Friday, Saturday and Sunday, June 9 - 12, 1994.  
(Motion approving request needed.)

ACTION: By motion, request approved. (Finance to handle)

CONSENT

21. Letter of resignation from the Community Qualities Committee from Claudia Moorad.  
(Resolution accepting resignation with regret needed.)

ACTION: Res. 94-341 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Appointments

22. Community Qualities Committee

ACTION: Res. 94-342 adopted (McClanahan/Friedman, unan., Muratore and Patterson absent) Edward Staley was appointed.

CONSENT

23. Consider appointing Becky Ward to the Board of Zoning Adjustment as representative of the Planning Commission.  
(Report with agenda. The Municipal Code provides that one member of the Board be drawn from the Planning Commission. Resolution appointing needed.)

ACTION: Res. 94-343 adopted appointing Becky Ward. (Planning to handle)

MATTERS TOO LATE FOR THE AGENDA

24. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate

action, and (2) that the need for action came to the City's attention after the agenda was posted.)

ACTION: By motion (Dobbs/McClanahan, unan., Muratore and Patterson absent) it was determined that the need to take action arose after the agenda was posted, and that there is a need to take immediate action.

A motion to rescind the May 24, 1994, action to reject bids for printing utility bill inserts and the City Newsletter (Cogdill/Lang, Dobbs, Friedman, and McClanahan-no, Muratore and Patterson absent) failed to carry.

ADJOURNMENT

The meeting adjourned at 8:32 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 14, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, Muratore,  
Acting Mayor McClanahan

Absent: Councilmembers Patterson, Mayor Lang

Pledge of Allegiance to the Flag

Invocation: Rev. Rick Thompson, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 10, 11, 12, 13, 14,  
15, 16, 17, 18, 19, 19A

Dropped from agenda: 10

ACTION: (Dobbs/Cogdill, unan., Patterson, Mayor Lang absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 7

Councilmember Muratore excused due to a conflict of interest.

ACTION: (Cogdill/Dobbs, unan., Muratore, Patterson, Mayor Lang absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.



ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of plaque to Susan McQuade and Vee Ann Galbraith for heroic effort during an accidental shooting resulting in saving a life.

Acting Mayor McClanahan presented plaques to Mrs. McQuade and Mrs. Galbraith.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of June 7, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

John Scheuerlein discussed problems with the Highway Village District. Chris Davidson asked that skate boarding be allowed. Frank Gulart spoke about several matters.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2908-C.S. amending the Municipal Code relating to industries pretreatment permits.  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2908-C.S. was adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider vacation and abandonment of a portion of North Jefferson Street located between State Highway 99 and Laurel Street, and reserving several utility easements within the subject right of way and approving all required street improvements.

ACTION: Res. 94-344 adopted (Dobbs/Muratore, unan., Patterson and Mayor Lang absent) vacating and abandoning portion of North Jefferson Street. (Planning to handle)

6. Hearing to consider the proposed increase in rates and charges for aircraft hangars, tiedowns, and office space and the transient aircraft daily parking rates at the Modesto City-County Airport.

ACTION: Res. 94-345 adopted (Muratore/Friedman, unan., Patterson and Mayor Lang absent) setting fees. (P/W to handle)

BIDS

7. Consider approval of plans and specifications and call for bids for Project 20 - Replacement of curb, drive aprons and sidewalks, various locations.  
(Suggested bid opening: June 28, 1994, at 11:05 a.m. The project is required to restore proper drainage to curb damaged by street tree roots. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$116,706.48 (contract \$106,096.80; const. admin. & cont. \$10,609.68) Funds are budgeted.)  
Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 94-346 adopted (Cogdill/Dobbs, unan., Muratore, Patterson, Mayor Lang absent) calling for bids. (P/W to handle)

NEW BUSINESS

CONSENT

8. Consider introduction of an ordinance making certain amendments to the Modesto Municipal Code relating to the use of coasters, roller skates and similar devices on Modesto City School District and Sylvan Union School District property, and allowing Director of Parks and Recreation authority to approve organized skating events in City park parking lots. (Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2909-C.S. introduced. (Clerk to handle)

9. Review of Financial Policy Committee recommendations for 1994-95 Operating Budget and 1994-98 Capital Improvement Program. (Report with agenda. Motion accepting Financial Policy Committee

recommendations for Fiscal Year 1994-95 Operating Budget and 1994-98 Capital Improvement Program and directing staff to incorporate the accompanying recommendations into the budget adoption report to be approved on June 21, 1994.)

ACTION: By motion (Cogdill/Muratore, unan., Patterson and Mayor Lang absent) accepted Financial Policy Committee's recommendations. (Finance to handle)

CONSENT

10. Consider amending the Municipal Code to add the Passenger Facility Charge to the list of approved fees, and amending Res. No. 93-303 which established the Passenger Facility Charge. (Report with agenda. Introduction of ordinance needed, and resolution amending Res. 93-303 needed.)

Dropped from agenda.

CONSENT

11. Consider authorizing a median break on Standiford at about 750 west of Prescott. (Report with agenda. The property owner of the shopping center on the southwest corner of Standiford and Prescott has requested that a break in the median be allowed by the City. The property owner will pay the cost of providing the median break. A median break at that location is consistent with our design standards. Resolution authorizing median break needed.)

ACTION: Res. 94-347 adopted authorizing median break. (P/W to handle)

CONSENT

12. Report on loans approved under the Emergency Home Repair Program during May, 1994. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

13. Consider approving a financing agreement with Robert and Sheila Munian under the Community Development Block Grant Small Business Loan Program. (Report with agenda. Resolution approving agreement needed. Estimated cost: Not to exceed \$20,000. Funds are budgeted.)

ACTION: Res. 94-348 adopted approving agreement. (Planning to handle)

CONSENT

14. Consider approving agreement with Glendale Federal Bank for the deposit of lump sum draw down funds in the amount of \$700,000 allocated to housing rehabilitation programs from the Community Development Block Grant Letter of Credit, and consider amending the budget. (Report with agenda. Resolution approving agreement needed, and resolution amending budget needed.)

ACTION: Res. 94-349 adopted approving agreement.  
Res. 94-350 adopted amending budget. (Planning/Finance to handle)

CONSENT

15. Consider approving agreement with Mid Valley Engineering to provide engineering services for the design of the Briggsmore/Coffee intersection improvements project.  
(Report with agenda. Staff has targeted the Briggsmore/Coffee intersection as the next priority project to improve traffic flow on Briggsmore. Administrative Directive 3.1 was followed in selecting Mid-Valley Engineering to provide design services. Resolution approving agreement needed. Estimated cost: \$88,333.59 (contract \$80,303.50; contingencies \$8,030). Funds are budgeted.)

ACTION: Res. 94-351 adopted approving agreement. (P/W to handle)

CONSENT

16. Consider approval of the final map of Newport West II of the City of Modesto and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code.  
(Owners: Florsheim Bros.)  
(Report with agenda. The subdivision agreement has been signed and all fees paid. Newport West II subdivision is located on the north side of Whitmore Avenue, west of Guthrie Avenue. It contains 11.86 acres. Resolution approving final map and subdivision agreement needed.)

ACTION: Res. 94-352 adopted approving final map and subdivision agreement. (Clerk to handle)

CONSENT

17. Consider approval of the final map of Newport West III of the City of Modesto and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code.  
(Owners: Florsheim Bros.)  
(Report with agenda. The subdivision agreement has been signed and all fees paid. Newport West III subdivision is located on the north side of Marin Avenue, west of Guthrie Avenue. It contains 1.8 acres. Resolution approving final map and subdivision agreement needed.)

ACTION: Res. 94-353 adopted approving final map and subdivision. (Clerk to handle)

CONSENT

18. Consider approving agreement with Sylvan Union School District for the acquisition of two easements for a well site and access to the well.  
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$1,000. Funds are budgeted.)

ACTION: Res. 94-354 adopted approving agreement. (Attorney to handle)

CONSENT

19. Consider excusing Councilmember Frank Muratore from the City Council meeting of June 7, 1994, due to his attendance at conference in Boston, Massachusetts regarding waste-to-energy issues.  
(Motion excusing needed.)

ACTION: By motion, absence was excused. (Clerk to handle)

15. Consider approval of final map of Algen Gardens subdivision of the City of Modesto and accepting the improvements. (Owners: Paul and JoAnne Holtzclaw)  
(Report with agenda. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Algen Gardens subdivision is located on the south side of Algen Avenue, west of Crows Landing Road. It contains .99 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 94-355 adopted approving final map and accepting improvements. (Clerk to handle)

20. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

21. CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Robin Renwick and Don Norris

Employee organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Robin Renwick and Don Norris

Employee organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Robin Renwick and Don Norris

Employee organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Officers Association

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

This closed session is authorized pursuant to Section 54956.9(b)(1)(B)

A significant exposure to litigation against the City of Modesto exists based on the following facts and circumstances: The California Regional Water Quality Control Board has stated that it will impose cleanup and abatement orders on cities under its jurisdiction which refuse to settle disputed liability issues with respect to PCE contamination.

ADJOURNMENT

The meeting adjourned to closed session at 5:18 p.m. The City Attorney returned at 6:30 p.m. and announced that no action was taken.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 5:30 p.m. on Monday, June 21, 1994 in the Mayor Office, City Hall, 801 11th Street, Modesto, California, for a closed session.

Present: None

Absent: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Patterson, Mayor Lang

The closed session was to perform a performance evaluation of the City Manager.

The meeting was adjourned due to lack of a quorum.

ATTEST:   
NORRINE COYLE, CITY CLERK

5/21/94



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, June 21, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Patterson

Reports of activities and studies were made by the Chairs and members of the following:

1. Community Development and Housing Committee
2. Financial Policy Committee
3. Human Services/Public Safety Policy Committees

#### Oral Communications:

Councilmember Muratore asked about a discussion concerning Graffiti USA.

City Attorney Milich announced that the State legislative bill that the City of Modesto had requested concerning graffiti has been assigned the number of SB 302, and is sponsored by Senator McCorquedale and Assemblymember Snyder.

The meeting adjourned at 6:50 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

6/21/94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 21, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. George Telle, Trinity Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 12, 13,  
14, 15, 17

Removed from consent: 3, 4

ACTION: (Friedman/McClanahan, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.



1- ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of June 14, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2909-C.S. amending the Municipal Code relating to use of coasters, roller skates and similar devices restricted.  
(Motion adopting needed.)

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent)  
Ord. No. 2909-C.S. adopted. (Clerk to handle)

BIDS

4. Consider approval of plans and specifications and call for bids for lighting improvements at the Dryden Golf Course driving range, and consider certifying the Negative Declaration.  
(Suggested bid opening: July 21, 1994, at 11:00 a.m. Report with agenda. The installation of floodway lights will extend the driving range hours of operation into the evening, thereby increasing its availability to the golfing public. Resolution approving plans and specifications and certifying the Negative Declaration needed. Estimated cost: \$42,120 (contract \$36,000; construction admin. & contingencies \$6,120) Funds are budgeted.)

ACTION: Res. 94-356 adopted (Muratore/Cogdill, majority, Dobbs-no, Patterson absent) calling for bids. (P/W to handle)

5. Consider award of contract for the City streets cape seal project for 1994 to Graham Contractors, and consider approval of appropriation transfer in the amount \$143,458 to fully fund the project.  
(Bids were opened on June 9, 1994. Report with agenda. The low bid of \$207,537, submitted by Graham Contractors, is 3.44% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Graham Contractors needed, and resolution approving appropriation transfer needed. Estimated cost: \$234,517 (contract \$207,537; const. admin. & contingencies \$26,980. Funds are partially budgeted.)

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ACTION:

Res. 94-357 adopted awarding contract.  
Res. 94-358 adopted approving appropriation transfer.

(P/W, Finance to handle)

CONSENT

6. Consider award of contract for upgrading the electrical system at the bus yard to Collins Electrical Company, and consider approval of appropriation transfer in the amount \$10,000 to fully fund the project.  
(Bids were opened on June 9, 1994. Report with agenda. The low bid of \$26,065, submitted by Collins Electrical Company, is 15.92% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Collins Electrical Company, Inc. needed, and resolution approving appropriation transfer needed. Estimated cost: \$30,496 (contract \$26,065; const. admin. & contingencies \$4,431) Funds are partially budgeted.)

ACTION:

Res. 94-359 adopted awarding contract.  
Res. 94-360 adopted approving appropriation transfer.

(P/W, Finance to handle)

CONSENT

7. Consider awarding contract for the Glenn Avenue water line project to Mid Cal Pipeline & Utilities.  
(Bids were opened on June 9, 1994. Report with agenda. The low bid of \$143,871, submitted by Mid Cal Pipeline & Utilities is 21.07% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Mid Cal Pipeline and Utilities needed. Estimated cost: \$162,574 (contract \$143,871; const. admin. & contingencies \$18,703) Funds are budgeted.)

ACTION:

Res. 94-361 adopted awarding contract.

(P/W to handle)

CONSENT

8. Consider award of contract for GAC adsorber system installation at Wells 14 and 40 to Conco-West, Inc.  
(Bids were opened on June 2, 1994. Report with agenda. The low bid of \$88,060, submitted by Conco-West, Inc. is 30.17% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Conco-West, Inc. Estimated cost: \$96,866 (contract \$88,060; const. admin. & contingencies \$8,806) Funds are budgeted.)

ACTION:

Res. 94-362 adopted awarding contract.

(P/W to handle)

CONSENT

9. Consider award of contract for water line on Sylvan Avenue to Well No. 54 and water tank No. 4 to B. G. Pipeline, Inc.  
(Bids were opened on May 26, 1994. The low bid of \$669,213, submitted by B. G. Pipelines is 25.49% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to B. G. Pipelines. Estimated cost: \$756,211 (contract \$669,213; const. admin. & contingencies \$86,998) Funds are budgeted.)

ACTION:

Res. 94-363 adopted awarding contract.

(P/W to handle)

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CONSENT

10. Consider declaring various equipment and supplies from the Office Services Division of Finance Department and the Fleet Maintenance Services Division of the Public Works Department as surplus, and authorize the Purchasing Officer to sell the equipment and supplies by sealed bid, auction, or as scrap.  
(Report with agenda. Resolution declaring property as surplus and authorizing sale needed.)

ACTION: Res. 94-364 adopted declaring property surplus & authorizing sale.  
(Finance to handle)

NEW BUSINESS

11. Consider adoption of the Fiscal Year 1994-95 Annual Budget (including the first year of the Four-Year Capital Improvement Program), and consider establishing the price and population factors to be used in calculating the 1994-95 "Appropriations Limit" according to Article XIII B of the State Constitution.  
(Report with agenda. Introduction of ordinance needed, and resolution establishing the price and population factors needed.)

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent) Ord. No. 2910-C.S. adopted approving the 1994-95 Operating Budget.

By motion (Cogdill/Friedman, unan., Patterson absent) Ord. No. 2911-C.S. adopted approving the 1994-95 Capital Improvement Program except for the 9th Street Railroad Relocation and Grade Separation and the Downtown Park projects.

Councilmember McClanahan excused due to a conflict of interest.

By motion (Friedman/Muratore, unan., McClanahan and Patterson absent) Ord. No. 2912-C.S. adopted approving the 9th Street Railroad Relocation and Grade Separation project.

Councilmember Cogdill excused due to a conflict of interest.

By motion (Dobbs/Friedman, unan., Cogdill and Patterson absent) Ord. No. 2913-C.S. adopted approving the Downtown Park project.

Res. 94-365 adopted (Friedman/Cogdill, unan. Patterson absent) establishing the 1994-95 Fiscal Year Appropriations Limit including the price and population factors to be used in the calculation.

By order of the Chair, the Lincoln/Lakewood Bridge project was moved to the 1995-96 Capital Improvement Program.

(Clerk/Finance to handle)

CONSENT

12. Consider approving an agreement with Harding Lawson Associates to provide consultant services for a pavement condition survey of City streets.  
(Report with agenda. In 1989, the City established a Computerized Pavement Management System for maintenance of City streets. The data for this system needs to be contingent upon biennial surveys of City's collector

6/21/94

10. Consider declaring various equipment and supplies from the Office Services Division of Finance Department and the Fleet Maintenance Services Division of the Public Works Department as surplus, and authorize the Purchasing Officer to sell the equipment and supplies by sealed bid, auction, or as scrap.  
(Report with agenda. Resolution declaring property as surplus and authorizing sale needed.)

ACTION: Res. 94-364 adopted declaring property surplus & authorizing sale.  
(Finance to handle)

#### NEW BUSINESS

11. Consider adoption of the Fiscal Year 1994-95 Annual Budget (including the first year of the Four-Year Capital Improvement Program), and consider establishing the price and population factors to be used in calculating the 1994-95 "Appropriations Limit" according to Article XIII B of the State Constitution.  
(Report with agenda. Introduction of ordinance needed, and resolution establishing the price and population factors needed.)

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent) Ord. No. 2910-C.S. adopted approving the 1994-95 Operating Budget.

By motion (Cogdill/Friedman, unan., Patterson absent) Ord. No. 2911-C.S. adopted approving the 1994-95 Capital Improvement Program except for the 9th Street Railroad Relocation and Grade Separation and the Downtown Park projects.

Councilmember McClanahan excused due to a conflict of interest.

By motion (Friedman/Muratore, unan., McClanahan and Patterson absent) Ord. No. 2912-C.S. adopted approving the 9th Street Railroad Relocation and Grade Separation project.

Councilmember Cogdill excused due to a conflict of interest.

By motion (Dobbs/Friedman, unan., Cogdill and Patterson absent) Ord. No. 2913-C.S. adopted approving the Downtown Park project.

Res. 94-365 adopted (Friedman/Cogdill, unan. Patterson absent) establishing the 1994-95 Fiscal Year Appropriations Limit including the price and population factors to be used in the calculation.  
(Clerk/Finance to handle)

#### CONSENT

12. Consider approving an agreement with Harding Lawson Associates to provide consultant services for a pavement condition survey of City streets.  
(Report with agenda. In 1989, the City established a Computerized Pavement Management System for maintenance of City streets. The data for this system needs to be contingent upon biennial surveys of City's collector

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and arterial streets. Resolution approving agreement needed. Estimated cost: \$34,882 (contract \$31,782; contingencies \$3,100) Funds are budgeted.)

ACTION: Res. 94-366 adopted approving agreement. (P/W to handle)

CONSENT

13. Consider approving a grant offer for federal funds in the amount of \$251,727 to complete the Airport's Fiscal Year 1994-95 Capital Improvement Projects, and authorize the City Clerk to sign the grant offer on behalf of the City.  
(Report with agenda. Resolution approving grant offer needed. Estimated total cost: \$279,708 (federal \$251,737; City/County \$27,971)

ACTION: Res. 94-367 adopted approving grant offer. (P/W to handle)

CONSENT

14. Consider approving agreement with Ball, Janik and Novack for federal advocacy for the City during 1994-95 fiscal year.  
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$29,800. Funds are budgeted.)

ACTION: Res. 94-368 adopted approving agreement. (Manager to handle)

CONSENT

15. Consider vacating and abandoning a Public Utility Easement located at 1008 Boston Way and Roselle Avenue, north of Merle Avenue in the City of Modesto.  
(Report with agenda. Resolution vacating and abandoning Public Utility Easement needed.)

ACTION: Res. 94-369 adopted abandoning Public Utility Easement.  
(P/W to handle)

ORAL COMMUNICATIONS

16. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

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WRITTEN COMMUNICATIONS

CONSENT

17. Letter from Julia Gonzales requesting leave to present a late claim.  
(Resolution denying request needed.)

ACTION: Res. 94-370 adopted denying request. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

18. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

19. CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris

Employee organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Officers Association

ADJOURNMENT

The meeting adjourned at 8:10 p.m. to closed session. At 10:05 p.m. the City Attorney returned to open session and announced that no action was taken.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

6/21/94

# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in an special closed session at the close of the regular City Council meeting at 8:10 p.m. on Tuesday, June 21, 1994, in the Mayor's Office, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

The City Council met in closed session to hold a conference with legal counsel regarding existing litigation in the case of Kaufman & Broad Central Valley, Inc., v. City of Modesto, et al., Fifth District Court of Appeals Case No. F019464.

At 10:05, they returned to open session with the announcement that a vote had been taken (Councilmembers Cogdill, Friedman, McClanahan, Muratore, Mayor Lang - yes; Councilmember Dobbs - no; Councilmember Patterson absent) directing the City Attorney to seek Supreme Court review of the Court of Appeals decision in the above case.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 28, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. W. Scott Hubbard, Church of the Nazarene

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 12, 13, 14, 15,  
16, 19, 20, 21, 22, 23, 24, 25, 26,  
27, 28, 29, 30, 31, 32

Removed from consent: 18

ACTION: (Friedman/Dobbs, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 11  
Councilmember Muratore excused due to a conflict of interest.

ACTION: (Friedman/McClanahan, unan., Muratore and Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of June 21, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider determining that the public interest and convenience require that an area be annexed to the Modesto Municipal Sewer district No. 1 - Bret Harte No. 1 Sewer Annexation.

ACTION: Res. 94-371 adopted (Friedman/Cogdill, unan., Patterson absent) annexing to sewer district. (Clerk/Planning to handle)

4. Hearing to consider the appeal of Nick J. Trani to a decision of the Board of Zoning Adjustment denying an amendment to a C-3 Conditional Use Permit to allow an egress right-turn-only westbound driveway onto Briggsmore Avenue serving Carl's Jr. restaurant and the other commercial uses located at the northeast corner of Oakdale Road and Briggsmore Avenue.  
(A letter has been received from Mr. Trani requesting that this item be continued to August 9, 1994. Motion continuing hearing needed.)

ACTION: By motion (McClanahan/Friedman, unan., Patterson absent) hearing continued to August 9, 1994 at 4:00 p.m.

5. Hearing to consider Village One Specific Plan Amendment No. 5 which includes revisions to the Residential Design Policies for cul-de-sacs, gated communities front and rear yard requirements, alleys, garage orientation, and plan processing.

ACTION: Res. 94-372 adopted (Friedman/Lang, majority, Cogdill and Dobbs no, Patterson absent) approving the recommendations presented except that the item concerning streetscape review is deleted.  
(Planning to handle)

6. Hearing to consider Village One Specific Plan Amendment No. 6 which includes revisions to school/park sites to reduce neighborhood park acreage, delete an elementary school site, expand the community park site and add single-family subdivisions, and redistribute single-family residential units within the Plan area to maintain the total 8,000 unit cap.

ACTION: Res. 94-373 adopted (Friedman/Muratore, unan., Patterson absent) approving recommendations.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of June 21, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider determining that the public interest and convenience require that an area be annexed to the Modesto Municipal Sewer district No. 1 - Bret Harte No. 1 Sewer Annexation.

ACTION: Res. 94-371 adopted (Friedman/Cogdill, unan., Patterson absent) annexing to sewer district. (Clerk/Planning to handle)

4. Hearing to consider the appeal of Nick J. Trani to a decision of the Board of Zoning Adjustment denying an amendment to a C-3 Conditional Use Permit to allow an egress right-turn-only westbound driveway onto Briggsmore Avenue serving Carl's Jr. restaurant and the other commercial uses located at the northeast corner of Oakdale Road and Briggsmore Avenue.  
(A letter has been received from Mr. Trani requesting that this item be continued to August 9, 1994. Motion continuing hearing needed.)

ACTION: By motion (McClanahan/Friedman, unan., Patterson absent) hearing continued to August 9, 1994 at 4:00 p.m.

5. Hearing to consider Village One Specific Plan Amendment No. 5 which includes revisions to the Residential Design Policies for cul-de-sacs, gated communities front and rear yard requirements, alleys, garage orientation, and plan processing.

ACTION: Res. 94-372 adopted (Friedman/Lang, majority, Cogdill and Dobbs no, Patterson absent) approving the Planning Commission recommendations except that the item concerning streetscape review is deleted.  
(Planning to handle)

6. Hearing to consider Village One Specific Plan Amendment No. 6 which includes revisions to school/park sites to reduce neighborhood park acreage, delete an elementary school site, expand the community park site and add single-family subdivisions, and redistribute single-family residential units within the Plan area to maintain the total 8,000 unit cap.

ACTION: Res. 94-373 adopted (Friedman/Muratore, unan., Patterson absent) approving recommendations.

Hearing to consider the adoption of the proposed Village One Facilities Master Plan which establishes base infrastructure and provides the location and size for streets, water mains, sanitary sewer, storm drainage pipe and basins, and other public utilities and also provides estimated costs of these facilities and other public facilities such as parks, schools, and fire and police facilities.

ACTION: By motion (Cogdill/Friedman, unan., Patterson absent) endorsed staff's responses to comments received during informal public meetings.  
Res. 94-374 adopted approving Village One Facilities Master Plan.  
(P/W to handle)

### BIDS

#### CONSENT

8. Consider approval of plans and specifications and call for bids water capital improvements, four alleys - Fairmont and Magnolia.  
(Suggested bid opening: July 28, 1994, at 11:00 a.m. The project will strengthen the existing potable water system by installing new 6-inch and eight-inch water lines, fire hydrants, and water services. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$175,395.78 (contract \$155,217.50; const. admin. & cont. \$20,178.28) Funds are budgeted.)

ACTION: Res. 94-375 adopted calling for bids. (P/W to handle)

#### CONSENT

9. Consider approval of plans and specifications and call for bids for Lateral No. 6 water line - Prescott Road to Carver Road.  
(Suggested bid opening: July 28, 1994, at 11:05 a.m. A new 12-inch water line will be installed on Snyder Avenue between Prescott Road and Carver Road to complete a circulation loop thereby strengthening the existing water system. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$128,242.01 (contract \$113,488.50; const. admin. & cont. \$14,753.51) Funds are budgeted.)

ACTION: Res. 94-376 adopted calling for bids. (P/W to handle)

#### CONSENT

10. Consider approval of plans and specifications and call for bids for sewer lift station rehabilitation - Trask/Encina and College/Orangeburg.  
(Suggested bid opening: July 28, 1994, at 11:10 a.m. Report with agenda. The project will rehabilitate and upgrade two existing sewer lift stations. The project will replace existing pumps and control systems for both stations as well as provide corrosion protection for the inside of the stations. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$278,307.70 (contract \$246,290; const. admin. & cont. \$32,017.70) Funds are budgeted.)

ACTION: Res. 94-377 adopted calling for bids. (P/W to handle)

Consider award contract to Rolfe Construction for the annual sewer rehabilitation project - Coleman Court/Helms Lane.

(Report with agenda. Bids were opened on June 16, 1994. The low bid of \$64,895, submitted by Rolfe Construction, is 9.36% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Rolfe Construction needed. Estimated cost: \$73,331.35 (const. admin. & cont. \$8,436.35) Funds are budgeted.)

Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 94-378 adopted (Friedman/McClanahan, unan., Muratore and Patterson absent) (P/W to handle)

CONSENT

12. Consider acceptance of the contract of Sancon Inc. for the Dissolved Air Flotation Thickeners (DAFT) recoating equipment and tank as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$188,300)  
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$175,930. Funds are budgeted.)

ACTION: Res. 94-379 adopted accepting work as complete. (Clerk to handle)

CONSENT

13. Consider waiving formal bid procedures and authorizing the purchase of bulk gasoline and diesel fuels from the best available sources to meet City needs for Fiscal Year 1994-95.  
(Report with agenda. Resolution waiving formal bid procedures (five affirmative votes needed) and authorizing purchase needed. Estimated total cost: \$704,317. Funds are budgeted.)

ACTION: Res. 94-380 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

14. Consider award of contract for the Claus Road widening project - Garst Road to Gomes Road, to George Reed, Inc.  
(Report with agenda. Bids were opened on June 16, 1994. The low bid of \$268,673.75, submitted by George Reed, Inc. is 2.78% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$303,601.34 (contr. \$268,673.75; Constr. Admin. & Cont. \$34,927.59) Funds are budgeted.)

ACTION: Res. 94-381 adopted awarding contract. (P/W to handle)

CONSENT

15. Consider award of contract for the Encina storm drain upgrade project to Rolfe Construction.  
(Report with agenda. Bids were opened on June 16, 1994. The low bid of \$109,656.40, submitted by Rolfe Construction is 4.85% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated Cost:

ACTION: Res. 94-382 adopted awarding contract. (P/W to handle)

CONSENT

16. Consider award of contract for the Higbee street light circuit project to Utility Service & Electric, and consider authorizing appropriation transfer in the amount of \$22,700 to fully fund this project.  
(Report with agenda. Bids were opened on June 16, 1994. The low bid of \$98,000, submitted by Utility Service & Electric, Inc. is 35% above the cost for trenching. Therefore, there is a discrepancy in the estimate and the bids. It is recommended that the contract be awarded to Utility Service & Electric. Resolution awarding contract to Utility Service & electric needed, and resolution approving appropriation transfer needed. (Estimated total cost: \$107,084 (contract \$98,000; contingencies \$4,084; contract admin. \$5,000) Funds are partially budgeted.)

ACTION: Res. 94-383 adopted awarding contract.  
Res. 94-384 adopted approving an appropriation transfer.  
(P/W, Finance to handle)

NEW BUSINESS

17. Consider amendment to Modesto Municipal Code relating to Bingo to increase the current limit of 12 cards to 18.  
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion (McClanahan/Dobbs, majority, Cogdill-no, Patterson absent)  
Ord. No. 2914-C.S. introduced. (Clerk to handle)

18. Consider Parks and Recreation Department Audit recommendation.  
(Report with agenda. Motion referring to staff and Council committees needed.)

ACTION: By motion (Dobbs/McClanahan, unan., Patterson absent) referred to staff and Council committees. (Manager to handle)

CONSENT

19. Consider approving agreement with Dayton Hudson Corp. to install traffic signal at Sisk Road/Vintage Drive intersection, issue reimbursement for Sisk Road Public improvements, and approve an alternative median design for Sisk Road.  
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-385 adopted approving agreement. (Exec. Dir. to handle)

CONSENT

20. Monthly Treasurer's Report - May, 1994.  
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

21. Consider adopting a labor policy, and consider authorizing the reporting of employer-paid member contributions to PERS as compensation effective July 1, 1994.  
(Report with agenda. Resolution adopting labor policy needed, and resolution authorizing the reporting of employer-paid member contributions to PERS as compensation needed.)

ACTION: Res. 94-386 adopted adopting labor policy.  
Res. 94-387 adopted authorizing reporting of employer-paid member contributions. (Personnel to handle)

CONSENT

22. Consider approving amendment to lease agreement with Modesto Executive Air Charter, Inc. for the lease of corporate hangar plot at Modesto City/County Airport.  
(Report with agenda. Resolution approving amendment to lease agreement needed.)

ACTION: Res. 94-388 adopted approving agreement. (Attorney to handle)

CONSENT

23. Consider approving lease agreement with Inpatient Dental Service, Inc. for the lease of a portion of the former Airport Administration building.  
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 94-389 adopted approving agreement. (Attorney to handle)

CONSENT

24. Consider approving agreement and accepting real property from Kraft General Foods for the acquisition of 4,000± square feet of property needed for the City water system.  
(Report with agenda. Resolution approving agreement and accepting real property needed.)

ACTION: Res. 94-390 adopted approving agreement. (Attorney to handle)

CONSENT

25. Consider approving request of Modesto Police Department to allow retiring officers to purchase service revolvers.  
(Report with agenda. The Modesto Police Department is requesting approval to allow retiring officers the opportunity to purchase their assigned duty revolvers. These revolvers have little value and are being phased out of use. Resolution granting request needed.)

ACTION: Res. 94-391 adopted granting request. (Police to handle)

CONSENT

26. Consider approving agreement with Dr. Philip Trompeter to provide mental health services to sworn police officers.  
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$32,062. funds are budgeted.)

ACTION: Res. 94-392 adopted approving agreement. (Police to handle)

27  
Consider authorizing Director of Public Works and Transportation/Designee to execute maintenance agreements with Stanislaus County for City owned facilities installed within the County right of way.  
(Report with agenda. Stanislaus County has requested the City execute an agreement setting forth the responsibilities of maintenance of City-owned facilities being installed within the County right of way. Resolution authorizing Director of Public Works and Transportation/Designee to execute maintenance agreements needed.)

ACTION: Res. 94-393 adopted authorizing signing of maintenance agreements.  
(P/W to handle)

CONSENT

28. Consider ordering the Director of Public Works and Transportation to prepare and to file the Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows subdivisions No. 1-6.  
(Report with agenda. Resolution ordering Director of Public Works and Transportation to prepare and file Annual Report needed.)

ACTION: Res. 94-394 adopted ordering preparation and filing of Annual Report.  
(P/W to handle)

CONSENT

29. Consider ordering the Director of Public Works and Transportation to prepare and to file the Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivisions No. 7-10.  
(Report with agenda. Resolution ordering Director of Public Works and Transportation to prepare and file Annual Report needed.)

ACTION: Res. 94-395 adopted ordering preparation and filing of Annual Report.  
(P/W to handle)

CONSENT

30. Consider approving agreement with Mid-Valley Engineering to provide engineering services for the design of the Yosemite Boulevard improvements between Creekwood Drive and Frazine Road, and consider approving appropriation transfer in the amount of \$26,000.  
(Report with agenda. This project will complete necessary improvements in the project area to allow development to proceed north of Yosemite Boulevard and complete the new Claus/Garner/Yosemite Boulevard intersection. Resolution approving agreement needed, and resolution approving appropriation transfer needed. Estimated cost: \$98,767.50 (contract \$89,767.50; contingencies \$9,000) Funds are budgeted.)

ACTION: Res. 94-396 adopted approving agreement.  
Res. 94-397 adopted approving appropriation transfer.  
(P/W to handle)

CONSENT

31. Consider amending the Modesto Municipal Code to provide for the Department of Community Development, and consider amending the resolution providing allowance in lieu of City vehicles for designated employees.  
(Report with agenda. Introduction of ordinance needed, and resolution providing allowance in lieu of vehicle needed.)

ACTION: By motion, Ord. No. 2915-C.S. introduced.  
Res. 94-398 adopted providing allowance. (Clerk to handle)

32. Consider amending the budget in the amount of \$16,000 to provide additional funds needed to cover the cost of the run-off election in November, 1993. (Report with agenda. Resolution amending budget needed.)

ACTION: Res. 94-399 adopted amending budget. (Finance to handle)

33. Consider appointments to the Highway Village Community Services District Board.

ACTION: Res. 94-400 adopted (Muratore/Dobbs, unan., Patterson absent) appointing April Boland, Penny Hampton, and William Yandell to the Board. (Manager to handle)

The meeting recessed at 5:14 p.m. to hold the Redevelopment Agency meeting and reconvened at 5:50 p.m.

#### ORAL COMMUNICATIONS

34. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

35. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

36. CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter  
Employee organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris  
Employee organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris  
Employee organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter  
Employee organization: Modesto Police Officers Association

This item was taken up before item 36.

37. Consider establishing green fee rates for Muni, Dryden Park and Creekside Golf Courses and accepting staff recommendations.  
(Following the public hearing on April 12, 1994, action was continued for further study. Report with agenda. Resolution establishing fees needed, and motion accepting recommendations needed.)

ACTION: Res. 94-401 adopted (McClanahan/Cogdill, majority, Dobbs and Lang - no, Patterson absent) establishing fees  
By motion (same vote) recommendations accepted.

(P/R to handle)

ADJOURNMENT

Adjourned to closed session at 6:48 p.m. The City Attorney returned to open session at 7:23 p.m. with the announcement that no action was taken.

ATTEST:   
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

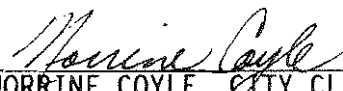
The Council of the City of Modesto met in a special session at 5:30 p.m. on Monday, July 5, 1994 in the Mayor Office, City Hall, 801 11th Street, Modesto, California, for a closed session.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

The closed session was held to perform a performance evaluation of the City Manager.

The meeting adjourned at 6:50 p.m. with the Mayor announcing that no action had been taken.

ATTEST:   
NORRINE COYLE, CITY CLERK

7-5-94

# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, July 5, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: None

Absent: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Patterson, Mayor Lang

The meeting adjourned at 6:30 p.m. due to lack of a quorum.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 5, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Rick Thompson, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9, 10, 13,  
14, 15, 16, 17, 18, 20

Dropped from agenda: 19

ACTION: (Friedman/Muratore, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of June 28, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 2914-C.S. amending the Modesto Municipal Code relating to Bingo.  
(Motion adopting needed.)

ACTION: By motion (McClanahan/Dobbs, majority, Cogdill-no, Patterson absent) Ord. No. 2914-C.S. adopted. (Clerk to handle)

CONSENT

4. Final adoption of Ord. No. 2915-C.S. amending the Modesto Municipal Code relating to Administrative Departments.  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2915-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for the Neece Drive water line.  
(Suggested bid opening: August 4, 1994, at 11:00 a.m. The project is needed to complete circulation loops and strengthen the existing water system. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$473,200.84 (contract \$418,775.50; const. admin. & cont. \$54,441.34) Funds are budgeted.)

ACTION: Res. 94-402 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for the McHenry Avenue water line.  
(Suggested bid opening: August 4, 1994, at 11:05 a.m. The project will strengthen the existing potable water system by installing new 6-inch and 8-inch water lines, fire hydrants, and water services. Report with agenda. Resolution approving plans and specifications and call for bids

ACTION: Res. 94-403 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the Claus Road sidewalk and landscaping modifications.  
(Suggested bid opening: July 28, 1994, at 11:15 a.m. The project will install sidewalk, landscaping and irrigation on the west side of Claus Road from MID Lateral No. 2 to Creekwood Drive. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$65,645.09 (contract \$58,093; const. admin. & cont. \$7,552.09) Funds are budgeted.)

ACTION: Res. 94-404 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider award of contract for the Yosemite Boulevard water line project to Allen A. Waggoner Construction.  
(Bids were opened on June 23, 1994. The low bid of \$56,212.60, submitted by Allen A. Waggoner Construction is 9.54% below the engineer's estimate and considered acceptable. Report with agenda. It is recommended that the contract be awarded to the. Resolution awarding contract to Allen A. Waggoner Construction needed. Estimated cost: \$63,520.24 (contract \$56,212.60; const. admin & contingencies \$7,307.64) Funds are budgeted.)

ACTION: Res. 94-405 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider declaring Central Ready Mix low bidder and authorizing purchase of ready-mix concrete for Fiscal Year 1994-95.  
(Report with agenda. Resolution declaring Central Ready Mix low bidder and authorizing purchase needed. Estimated cost: \$15,000. Funds are budgeted.)

ACTION: Res. 94-406 adopted awarding bid. (Finance to handle)

CONSENT

10. Consider waiving formal bid procedures, approving a lease/purchase agreement with Xerox for the purchase of a Xerox Laser Printer and Duplo Bar-Code Reader to be purchased off the Los Angeles County Cooperative Contract, and amending the 94-95 Budget.  
(Report with agenda. Resolution waiving formal bid procedures and approving lease/purchase agreement needed (Five affirmative votes needed.) Resolution amending budget needed. Total lease/purchase value is \$145,861.)

ACTION: Res. 94-407 adopted approving agreement.  
Res. 94-408 adopted amending budget. (Finance to handle)

- 11. Consider introduction and adoption of an emergency ordinance temporarily prohibiting any new land uses in the City of Modesto for the purpose of operating adult-oriented businesses, and consider directing staff to conduct study and report back to Council within four months. (Report with agenda. Introduction and adoption of emergency ordinance prohibiting for a period of four months any new land uses in the City of Modesto for the purpose of operating adult-oriented businesses needed, and motion directing staff needed.)

ACTION: By motion (Muratore/Cogdill, unan., Patterson absent), Ord. No. 2916-C.S. introduced and adopted. (Clerk to handle)

- 12. Consider extending the time period for using Capital Facilities Fees credits for destroyed or demolished residences or other uses. (Report with agenda. Currently, if a person demolishes or removes a building or use, to receive CFF credit, one must rebuild on the same site within two years. This proposal provides that if a building or use existed on a site as of November 21, 1989, and was demolished or removed after that date, the rebuilding on the same site will receive a CFF credit no matter how many years have transpired since. Resolution amending terms for CFF credits needed.)

ACTION: Res. 94-409 adopted (Cogdill/Muratore, unan., Patterson absent) amending terms for CFF credits. (Com. Dev. to handle)

CONSENT

- 13. Consider excusing Mayor Lang from the City council meeting of June 14, 1994, due to his attendance at the U.S. Conference of Mayors in Portland, Oregon June 6 - 10, 1994. (Motion excusing needed.)

ACTION: By motion, absence excused. (Clerk to handle)

CONSENT

- 14. Consider salary and benefit changes for unrepresented management and confidential employees. (Report with agenda. Resolution amending the salary schedule needed and resolution amending the uniform allowance, effective June 28, 1994, needed. Estimated cost: \$230,000. Funds are budgeted.)

ACTION: Res. 94-410 adopted amending salary schedules.  
Res. 94-411 adopted amending the uniform allowance. (Personnel to handle)

CONSENT

- 15. Consider approving an amendment to the grant agreement with the State Department of Transportation for the Transportation Center. (Report with agenda. The current grant agreement expired June 30, 1994, and the City will not submit its final invoice to the State until after the expiration date. This amendment would extend the availability of the grant funds through June 30, 1995. With the exception of a few punch list items and paperwork, the Transportation Center Project is complete. The original grant amount was \$766,000. Resolution approving amendment to agreement needed.)

ACTION: Res. 94-412 adopted approving amended agreement. (P/W to handle)

CONSENT

16. Consider approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work-Study Program for the 1994-95 August-June academic year. (Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-413 adopted approving agreement. (Personnel to handle)

CONSENT

17. Consider approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows subdivisions 1-6, and consider adopting a Resolution of Intention setting hearing July 19, 1994, at 7:00 p.m. on the levy of the proposed assessment. (Report with agenda. Motion approving City Engineer's Annual Report needed, and Resolution of Intention setting hearing needed.)

ACTION: By motion, City Engineer's Annual Report approved.  
Res. 94-414 adopted setting hearing. (Clerk to handle)

CONSENT

18. Consider approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivisions 7-10, and consider adopting a Resolution of Intention setting hearing July 19, 1994, at 7:00 p.m. on the levy of the proposed assessment. (Report with agenda. Motion approving City Engineer's Annual Report needed, and Resolution of Intention setting hearing needed.)

ACTION: By motion, City Engineer's Annual Report approved.  
Res. 94-415 adopted setting hearing. (Clerk to handle)

CONSENT

19. Consider approving agreement with Champ School of Baseball for a youth summer baseball camp. (Report with agenda. Resolution approving agreement needed.)

Dropped from agenda.

CONSENT

20. Consider joining in an amicus brief regarding Tobe, et al. v. City of Santa Ana relating to anti-camping ordinances. (Report with agenda. Motion authorizing support and joinder in amicus needed.)

ACTION: By motion, support authorized. (Attorney to handle)

ORAL COMMUNICATIONS

21. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

(a) Briefly respond to statements made or questions raised.

- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Mayor Lang said the Council Public Safety Policy Committee will be holding public hearings concerning Graffitti, U.S.A.

22. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

23. CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter  
Employee organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris  
Employee organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris  
Employee organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter  
Employee organization: Modesto Police Officers Association

ADJOURNMENT

The meeting adjourned to closed session at 7:45 p.m. The City Attorney returned to open session at 8:43 p.m. and announced that no action had been taken.

ATTEST: Norrine Coyle  
NORRINE COYLE, City clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 12, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. David Olsen, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 12,  
13, 14

ACTION: (Friedman/McClanahan, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

Assistive listening devices are available upon request to the City Clerk.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the corrected minutes of the regular City Council meeting of June 28, 1994, and of the special and regular City Council meetings of July 5, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider the Planning Commission initiated comprehensive rezoning of the Village One area bounded by Oakdale Road, Sylvan Avenue, the Santa Fe railroad, Briggsmore Avenue, Roselle Avenue and Floyd Avenue. The action would include an amendment to Sections 11-3-9, 12-3-9, 13-3-9, 14-3-9, 7-3-10, and 18-3-10 of the Zoning Map from SP, C-2, P-D(484), R-1:3SP27, R-3:SP27 to SP-H and SP-0.

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent) Ord. No. 2917-C.S. introduced. (Clerk to handle)

4. Hearing to consider the appeal of REDEV, Inc. to a Planning Commission decision denying an application for an amendment to the Modesto Urban Area General Plan from Neighborhood Commercial to Residential, and for an amendment to Section 19-3-10 of the Zoning Map to rezone from P-D(456), to R-1 and a new P-D, for a neighborhood commercial strip center, and a vesting tentative subdivision map of Parker Place, property located on the southeast corner of Claus Road and Parker Road. (Staff recommends that this hearing be continued to the meeting on July 19, 1994, at 7:00 p.m. Motion continuing needed.)

ACTION: By motion (Dobbs/Cogdill, unan., Patterson absent) continued to July 19, 1994, at 7:00 p.m. (Clerk to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for the rockwell replacement/addition project for 1994-95.  
(Suggested bid opening: August 4, 1994, at 11:10 a.m. The project will add 69 rockwells to areas utilizing extension catch basins and seven rockwells at Creekside Golf Course. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$308,553 (contract \$273,056; const. admin. & cont. \$35,497) Funds are budgeted.)

ACTION: Res. 94-416 adopted calling for bids.

(P/W to handle)

CONSENT

6. Consider award of contract for the rehabilitation of storm water lift station - Hatch/Dallas and Ashford Court to Conco West, Inc. and consider approval of an appropriation transfer in the amount of \$44,000 to fully fund the project.  
(Bids were opened on June 23, 1994. The low bid of \$177,600, submitted by Conco West, Inc., is 16.31% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract to Conco West, Inc. needed, and resolution approving appropriation transfer needed. Estimated cost: \$200,688 (contract \$177,600; const. admin. & contingencies \$23,088) Funds are budgeted.)

ACTION: Res. 94-417 adopted awarding contract.

Res. 94-418 adopted approving appropriation transfer.

(P/W, Finance to handle)

CONSENT

7. Consider acceptance as complete the contract of Ross F. Carroll, Inc. for the Scenic Drive widening east of Oakdale and authorize the City Clerk to file Notice of Completion. (Original contract: \$61,339)  
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$64,941. Funds are budgeted.)

ACTION: Res. 94-419 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

8. Consider authorizing the City Manager to certify and send to SAAG the Annual Self-Certification checklist for the Congestion Management Program.  
(Report with agenda. Resolution authorizing City Manager to sign Self-Certification form needed.)

ACTION: Res. 94-420 adopted approving Self-Certification form.

(P/W to handle)

CONSENT

9. Consider approving lease agreement with Stephen and Sandra Streeter dba Streeter Flying Service for the lease of Hangar No. 2 at the airport.  
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 94-421 adopted approving lease agreement. (Atty to handle)

CONSENT

10. Consider approving final map of Yosemite Meadows Subdivision - Unit No. 1 of the City of Modesto and accepting the improvements. (Owners: Lowe Development)  
(Report with agenda. All improvements have been completed to the

fees have been paid. Yosemite Meadows Subdivision Unit No. 1 is located on the north side of Yosemite Boulevard, west of Claus Road. It contains 5.93 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 94-422 adopted approving final map. (Clerk to handle)

CONSENT

11. Consider approving recommendation to change regular meeting day of the Human Relations Commission from the third Tuesday of each month to the third Thursday of each month at 5:30 p.m. and amendment of By-Laws. (Report with agenda. Resolution approving amendment to By-Laws needed.)

ACTION: Res. 94-423 adopted approving amendment to By-Laws. (Manager to handle)

CONSENT

12. Consider authorizing City Manager to execute HOME Loan agreement and related security instruments and amendments to the agreement in connection with a loan to the Housing Authority of Stanislaus County. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$600,000. CDBG funds are budgeted.)

ACTION: Res. 94-424 adopted approving agreement. (Com. Dev. to handle)

CONSENT

13. Consider authorizing City Manager to execute HOME Loan agreement and amendments to the agreement and related security instruments in connection with a loan to the Modesto Senior Housing Investors. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$85,000. CDBG funds are budgeted.)

ACTION: Res. 94-425 adopted approving agreement. (Com. Dev. to handle)

CONSENT

14. Consider authorizing City Manager to execute financing agreement with property owner William R. Renfrow, Jr. for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$47,974. CDBG funds are budgeted.)

ACTION: Res. 94-426 adopted approving agreement. (Com. Dev. to handle)

15. Staff report and recommendations to suspend any City planning efforts for Graffiti USA '95 and refer this issue to the Public Safety Committee to conduct public meetings regarding the issues of Graffiti weekend and to provide the City Council with recommendations by September 1, 1994. (Report with agenda. Motion accepting recommendations needed.)

ACTION: By motion (McClanahan/Cogdill), unan., Patterson absent) recommendations approved. (P/R to handle)

16. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Bill Cameron spoke about the danger of fireworks.

#### MISCELLANEOUS

##### Appointments

17. Appointment to Housing Rehabilitation Loan Committee.

ACTION: Res. 94-427 adopted (Friedman/Dobbs, unan., Patterson absent)  
appointing Ken Hanigan. (Clerk to handle)

#### MATTERS TOO LATE FOR THE AGENDA

18.

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

#### CLOSED SESSION

19. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

- a. Name of Case: Golden State Homebuilding Associates, et al. vs. City of Modesto, et al., Court of Appeal, Fifth Appellate District Case No. F019643, F019921, (Superior Court Case No. 286093).
- b. Name of case: Wade vs. City of Modesto, Superior Court Case No. 287762.

ADJOURNMENT

The meeting adjourned to closed session at 4:35 p.m. The City Attorney returned to open session at 4:58 p.m. and announced by unanimous vote, the Council had authorized us to accept the Plaintiff's settlement offer of \$40,000 in the Wade case.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, July 19, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Relations Committee
3. Financial Policy Committee
4. Human Services/Public Safety Committees
5. Transportation Policy Committee
6. Utility Services and Franchises Committee

Oral Communications:

None

The meeting adjourned at 6:56 p.m.

ATTEST:   
NORRINE COYLE, City Clerk

# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 19, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Pastor Jose Ireta, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 9, 10, 11, 12, 14, 15,  
16, 17, 21

Dropped from agenda: 19

Removed from consent: 18

ACTION: (Friedman/Dobbs, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 8

Councilmember Cogdill excused due to a conflict of interest.

ACTION: (Dobbs/Friedman, unan., Cogdill and Patterson absent)

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A copy of this agenda may be obtained in the City Clerk's Office.)

Assistive listening devices are available upon request to the City Clerk.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of nine Modesto students going to Kurume, Japan.

Naomi Kikugawa, Randy Siefkin, the students and Chaperons introduced themselves in Japanese.

MINUTES

CONSENT

2. Approval of the corrected minutes of the June 21, 1994 regular City Council meeting and the minutes of the regular City Council meeting of July 12, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider the appeal of REDEV, Inc. to a Planning Commission decision denying an application for an amendment to the Modesto Urban Area General Plan from Neighborhood Commercial to Residential, and for an amendment to Section 19-3-10 of the Zoning Map to rezone from P-D(456), to R-1 and a new P-D, for a Neighborhood Commercial strip center, and a vesting tentative subdivision map of Parker Place, property located on the southeast corner of Claus Road and Parker Road. (Continued from July 12, 1994, City Council meeting.)

ACTION: Res. 94-428 adopted (Dobbs/Lang, majority, Cogdill and Muratore-no, Patterson absent) approving mitigating negative declaration.  
Res. 94-429 adopted (same vote) amending General Plan.  
By motion (same vote) Ord. No. 2918-C.S. introduced amending Zoning Map.  
Res. 94-430 adopted (same vote) approving vesting tentative subdivision map of Parker Place.  
Res. 94-430A adopted (same vote) rezoning the property.  
(Com. Devel. Dir./Clerk to handle)

Councilmember Muratore excused from 8:09 p.m. to 8:16 p.m.

4. Hearing to consider confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions 1 - 6.

ACTION: Res. 94-431 adopted (Dobbs/Friedman, unan., Muratore and Patterson absent) (P/W to handle)

Assistive listening devices are available upon request to the City Clerk.

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of nine Modesto students going to Kurume, Japan.

Naomi Kikugawa, Randy Siefkin, the students and Chaparones introduced themselves in Japanese.

### MINUTES

#### CONSENT

2. Approval of the corrected minutes of the June 21, 1994 regular City Council meeting and the minutes of the regular City Council meeting of July 12, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

### HEARINGS

3. Hearing to consider the appeal of REDEV, Inc. to a Planning Commission decision denying an application for an amendment to the Modesto Urban Area General Plan from Neighborhood Commercial to Residential, and for an amendment to Section 19-3-10 of the Zoning Map to rezone from P-D(456), to R-1 and a new P-D, for a Neighborhood Commercial strip center, and a vesting tentative subdivision map of Parker Place, property located on the southeast corner of Claus Road and Parker Road. (Continued from July 12, 1994, City Council meeting.)

ACTION: By motion (Dobbs/Lang, majority, Cogdill and Muratore-no, Patterson absent) Ord. No. 2918-C.S. introduced amending General Plan.  
Res. 94-428 adopted (same vote) approving mitigating negative declaration.  
Res. 94-429 adopted (same vote) amending General Plan.  
Res. 94-430 adopted (same vote) approving vesting tentative subdivision map of Parker Place.  
(Com. Devel. Dir./Clerk to handle)

Councilmember Muratore excused from 8:09 p.m. to 8:16 p.m.

4. Hearing to consider confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions 1 - 6.

ACTION: Res. 94-431 adopted (Dobbs/Friedman, unan., Muratore and Patterson absent) (P/W to handle)

ACTION: Res. 94-432 adopted (Friedman/Dobbs, unan., Muratore and Patterson absent) levying the assessment. (P/W to handle)

6. Hearing to consider confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions 7 - 10.

ACTION: Res. 94-433 adopted (McClanahan/Dobbs, unan., Muratore and Patterson absent) levying the assessment.

### BIDS

#### CONSENT

7. Consider approval of plans and specifications and call for bids for the 1000 Oaks lift station remodeling project.  
(Suggested bid opening: August 18, 1994, at 11:00 a.m. The proposed project will install larger pumps, motors, emergency generator, siphon pipeline, pressure pipeline and wet well storage at the existing location. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$2,152,480 (contract \$1,956,800; construction admin. & cont. \$195,680) Funds are partially budgeted. Appropriation transfer will be requested after bids are opened and the exact amount needed to construct the project is known.)

ACTION: Res. 94-434 adopted calling for bids. (P/W to handle)

#### CONSENT

8. Consider awarding contract for the reconstruction of "H" and "I" Streets to George Reed, Inc., and consider authorizing issuance of contract change order to perform utility work.  
(Bids were opened on June 16, 1994. The low bid of \$936,818.50, submitted by George Reed, Inc. is 2.53% above the engineer's estimate. The work consists of installation of additional storm drain line, replacing areas with badly damaged gutter, installing several handicapped ramps, and removing the pavement and soil down approximately 18 inches and replacing with new base and asphalt pavement. Report with agenda. Resolution awarding contract to George Reed, Inc. needed, and resolution authorizing issuance of contract change order needed. Estimated cost: \$1,211,763.98 (contract \$936,818.50; const. admin. \$74,945.48; contingencies \$200,000) Funds are budgeted.)  
Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 94-435 adopted awarding contract.  
Res. 94-436 adopted authorizing issuance of contract change order.  
(P/W to handle)

#### CONSENT

9. Consider awarding contract for the Emerald Avenue sewage lift station rehabilitation to Scrimsher and Mineni Construction, Inc., and consider authorizing appropriation transfer in the amount of \$45,000 to fully fund the project.

by Scrimsher and Mineni, Inc. is 12.04% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract to Scrimsher and Mineni Construction, Inc. needed, and resolution approving appropriation transfer needed. Estimated cost: \$558,285.71 (contract \$473,123.49; contingencies \$47,312.35; const. admin. \$37,849.87)) Funds are partially budgeted)

ACTION: Res. 94-437 adopted awarding contract.  
Res. 94-438 adopted approving appropriation transfer.  
(P/W, Finance to handle)

CONSENT

10. Consider award of contract for Project No. 20 - replacement of curb and sidewalk to D & L Concrete Pumping.  
(Bids were opened on June 28, 1994. The low bid of \$89,028.21, submitted by D & L Concrete Pumping, is 16.34% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract to D & L Concrete Pumping needed. Estimated cost: \$97,931.03 (contract \$89,028.21; const. admin. & cont. \$8,902.82) Funds are budgeted.)

ACTION: Res. 94-439 adopted awarding contract. (P/W to handle)

CONSENT

11. Consider accepting the contract of Allen A. Waggoner Construction, Inc. as complete for the 12th and "B" Street water line project and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$132,419.50)  
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting work as complete needed. Final cost: \$127,817.70. Funds are budgeted.)

ACTION: Res. 94-440 adopted accepting contract as complete.  
(Clerk to handle)

CONSENT

12. Consider awarding bid to National Linen Service for the purchase of linen services for Fiscal Year 1994-95 for the total cost of \$17,738.76, and authorizing the purchase of linen services for two additional years, up to and including Fiscal Year 1996-97 for the total 3-year cost of \$55,514.16.  
(Report with agenda. Resolution awarding bid to National Linen Service needed. Funds are budgeted for Fiscal Year 94-95 only.)

ACTION: Res. 94-441 adopted awarding bid. (Finance to handle)

NEW BUSINESS

13. Consider designation of voting delegate and voting alternate for the League of California Cities Annual Conference October 23 through October 25, 1994, in Long Beach, California.

ACTION: By motion (Dobbs/Friedman, unan., Muratore and Patterson absent) Mayor Lang and Vice Mayor McClanahan designated as voting delegate and voting alternate respectively. (Clerk to handle)

CONSENT

14. Consider adopting a resolution commending William J. Lyons, Jr. for his accomplishments and contributions to the community during his years of service as a member of the Board of Directors of the Modesto Irrigation District.  
(Resolution commending William J. Lyons, Jr. needed.)

ACTION: Res. 94-442 adopted commending William J. Lyons, Jr. (Manager to handle)

CONSENT

15. Consider establishing a change order approval policy for City of Modesto Capital Improvement construction projects.  
(Report with agenda. A written policy will provide clear guidelines within which the Public Works and Transportation Department can issue contract change orders on Capital Improvement projects. A written policy does not currently exist. Resolution establishing change order approval policy needed.)

ACTION: Res. 94-443 adopted establishing change order approval policy. (P/W to handle)

CONSENT

16. Consider amending the budget to estimate revenues of \$125,000 for the Petroleum Violation Escrow Account Modesto City traffic signal retiming and upgrade project.  
(Report with agenda. The City applied for and received a federal grant of \$125,00 for retiming 98 traffic signals in the City. The revenues need to be estimated and the budget amended before the project can start. Resolution amending budget needed.)

ACTION: Res. 94-444 adopted amending budget. (Finance to handle)

CONSENT

17. Consider approving Dial-A-Ride (DAR) boundary revision and expanding MAX service on Saturdays on Routes 36 and 36.  
(Report with agenda. The DAR boundary revision would eliminate one small remote area from the Modesto DAR service that is also served by County's Center DAR service and would add DAR service to the new County Community Services Center (CSC) on Hackett Road. DAR service addition is mandated by the ADA because the CSC is also served by MAX. Additional MAX service on Saturday would cost about \$16,700 annually. The City Council Transportation Policy Committee has reviewed and approved these items. Motion approving DAR boundary change and additional service on MAX needed. Funds are budgeted.)

ACTION: By motion Dial-A-Ride boundary change and additional service on MAX approved. (P/W to handle)

mileage reimbursement rate for use of personal vehicles on City business. (Report with agenda. The existing rate of \$.23/mile was established by the City Council in May, 1979 and remains at that rate today. A survey of other cities' reimbursement rates shows Modesto's rates are not current and that an adjustment is warranted. The current IRS allowable rate is \$.29/mile. Resolution setting new rate at the IRS allowable rate currently in effect needed.)

ACTION: Res. 94-445 adopted (Friedman/Dobbs, unan., Muratore and Patterson absent) setting new rate and setting the rate to coincide with the rate as set from time to time by the I.R.S.

CONSENT

19. Consider amending the class specifications for Firefighter/Firefighter Trainee; consider creating Wastewater Collection System Crewleader and Wastewater Collection System Operator class specifications; consider amending Salary Schedule to establish salaries. (Report with agenda. Resolution amending Position Classification Plan needed, and resolution amending Salary Schedule needed.)

Dropped from agenda.

ORAL COMMUNICATIONS

20. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Dave Geer spoke about S.B. 1513.

WRITTEN COMMUNICATIONS

CONSENT

21. Resignation of Eldon Larson from the Affirmative Action Commission. (Resolution accepting resignation with regret needed.)

ACTION: Res. 94-446 adopted accepting resignation. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

22. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by

action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

23. CONFERENCE WITH NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Management Association

CONFERENCE WITH NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris

Employee organization: Modesto City Firefighters Association

CONFERENCE WITH NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris

Employee organization: Modesto City Employees Association

CONFERENCE WITH NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Officers Association

ADJOURNMENT

The meeting adjourned to closed session at 8:20 p.m. The City Attorney returned to open session at 10:22 p.m. and announced that no action was taken.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 26, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 10, 11,  
12, 13, 14

ACTION: (Friedman/Dobbs, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 9

Councilmembers Cogdill and McClanahan excused due to conflicts of interest.

ACTION: (Friedman/Muratore, unan., Cogdill, McClanahan, Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of July 19, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2917-C.S. comprehensively rezoning Village One property from P-D(484) to SP-H, from R-1:SP-27 and R-3:SP-27 to SP-0, from C-2 to SP-H located in the City of Modesto. (Planning Commission Initiated.)  
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2917-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

4. Consider approving specifications and authorizing call for proposals for furnishing Police Department Computer Network System.  
(Suggested proposal opening: August 29, 1994, at 11:00 a.m. Report with agenda. Estimated cost: \$350,304. Funds are budgeted.)

ACTION: Res. 94-447 adopted calling for bids. (Finance to handle)

CONSENT

5. Consider declaring Municipal Maintenance Equipment, Inc. low bidder and authorize the purchase of two vacuum sewer cleaning trucks for the total amount of \$408,188, and consider amending the budget.  
(Report with agenda. Resolution awarding bid to Municipal Maintenance Equipment needed, and resolution amending budget needed.)

ACTION: Res. 94-448 adopted awarding bid.  
Res. 94-449 adopted amending budget. (Finance to handle)

CONSENT

- 6. Consider proclaiming Tuesday, August 2, 1994, as "National Night Out" in Modesto.  
(Report with agenda. On Tuesday, August 2, 1994, the National Association Town Watch is sponsoring the "11th Annual National Night Out," a coast-to-coast community crime prevention event. Resolution proclaiming "National Night Out" in Modesto needed.)

ACTION: Res. 94-450 adopted proclaiming date for "National Night out".  
(Police to handle)

CONSENT

- 7. Consider approving agreement with James Lamatis for the acquisition of permanent and temporary sewer easements in excess land for the Lakewood Sewer Trunk Project.  
(Report with agenda. Resolution approving agreement needed. Estimated total cost: \$23,120 (cost \$21,020; est. escrow \$1,500; est. interest \$600) Funds are budgeted.)

ACTION: Res. 94-451 adopted approving agreement. (Attorney to handle)

CONSENT

- 8. Consider approving agreement with Modesto City Schools for compensation for the loss of leach fields because of sewer easements needed for the extension of the Sonoma Sewer Trunk.  
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$25,000. Funds are budgeted.)

ACTION: Res. 94-452 adopted approving agreement. (Attorney to handle)

CONSENT

- 9. Consider approving agreement and accepting real property from Radus L. Bray for the acquisition of the former Rainbo Bakery building needed for the Kansas/Needham overcrossing.  
(Report with agenda. Resolution approving agreement and accepting real property needed. Estimated total cost: \$684,450 (est. cost: \$657,450; est. reloc. ben. \$20,000; est. escrow \$7,000) Funds are budgeted.)

ACTION: Res. 94-453 adopted approving agreement. (Attorney to handle)

CONSENT

- 10. Consider authorizing the City Manager to execute a lease with the State of California-State Lands Commission for the installation of an 18-inch potable water line on the Carpenter Road Bridge over the Tuolumne River.  
(Report with agenda. This lease is needed in order for the State to grant an additional easement within the original bridge easement. Resolution authorizing City Manager to execute lease agreement needed. Estimated cost: \$1,775. Funds are budgeted.)

ACTION: Res. 94-454 adopted approving lease agreement. (P/W to handle)

CONSENT

- 11. Consider abandonment of a 20' wide storm drain easement at the east line of River Bend Estates between Hatch Road and Crater Avenue in Block

ACTION: Res. 94-455 adopted vacating and abandoning. (P/W to handle)

CONSENT

12. Consider approving agreement with Ather Sports Clinic to provide personal fitness instruction for the Fire Fighter Physical Fitness Pilot Project, and consider approving appropriation transfer in the amount of \$25,000.  
(Report with agenda. Resolution approving agreement needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 94-456 adopted approving agreement.  
Res. 94-457 adopted approving appropriation transfer.  
(Personnel to handle)

CONSENT

13. Consider amending the class specification for Firefighter/Firefighter Trainee, and consider creating class specifications for Wastewater Collection System Crewleader and Wastewater Collection System Operator.  
(Report with agenda. Resolution amending the Position Classification Plan needed, and resolution amending the Salary Schedule to establish salaries needed.)

ACTION: Res. 94-458 adopted amending the Position Classification Plan.  
Res. 94-459 adopted amending the Salary Schedule.  
(Personnel to handle)

CONSENT

14. Consider authorizing staff to issue a "Request for Qualifications" to consultants to prepare a grant application to the Federal Transportation Administration for a new bus maintenance facility.  
(Report with agenda. The project is to employ the services of a consultant to: (1) provide a conceptual plan for a new bus maintenance facility to accommodate between 40 and 60 buses; (2) prepare a grant application to the FTA including any follow-up to secure approval; and (3) prepare a financial plan suggesting sources of funding in order to provide the City portion (20%) of the costs of the facility. Motion authorizing staff to issue "Request for Qualifications" needed.)

ACTION: By motion, staff authorized to issue "Request for Qualifications".  
(P/W to handle)

ORAL COMMUNICATIONS

15. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.

- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

MATTERS TOO LATE FOR THE AGENDA

- 16. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

17. CONFERENCE WITH NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Management Association

CONFERENCE WITH NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris

Employee Organization: Modesto City Employees Association

CONFERENCE WITH NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Officers Association

ADJOURNMENT

The meeting adjourned to closed session at 4:04 p.m. The City Attorney returned at 4:17 p.m. and announced no action had been taken.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, August 2, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Community Development and Housing Committee
2. Human Services/Public Safety Committees

Oral Communications:

None

The meeting adjourned at 6:46 p.m.

ATTEST:   
NORRINE COYLE City Clerk

8-2-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street

Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 2, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Tony Jones, Cornerstone Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 9, 10

Removed from consent: 5

ACTION: (Friedman/McClanahan, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 8

Councilmember Friedman excused due to a conflict of interest.

ACTION: (Dobbs/Cogdill, unan., Friedman and Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Assistive listening devices are available upon request to the City Clerk.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of Distinguished Service Award plaque to Connie Harris for her service on the Citizen's Advisory Committee on Recycling.

Mayor Lang presented the award to Ms. Harris.

- b. Presentation of Certificates of Recognition to Rocci LaMantia, Yvonne Miller and Dennis Jackman for coordination of Earth Day in the Park, 1994.

Mayor Lang presented a Certificate to Ms. Miller. Mr. LaMantia, and Mr. Jackman were unable to be present. Ms. Miller presented 1994 Earth Day T-shirts to the Mayor and Councilmembers.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of July 26, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Appeal of Donald H. Lundy to a decision of the Board of Zoning Adjustment concerning a second-story dwelling addition at 321 Northwood Drive on the northeast corner of Northwood Drive and Sherwood Avenue.

ACTION: Res. 94-460 adopted (Friedman/Cogdill, unan., Patterson absent) upholding the appeal. (Com. Develop. Dept. to handle)

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for Airport Hangar No. 1 truss modification.  
(Suggested bid opening: August 18, 1994, at 11:05 a.m. Report with agenda. The roof truss webs are greatly over stressed according to today's Building Code. This project will reinforce those webs to make the trusses meet the Code. The building needs a new roof, and the Chief

Building Official has determined that the reroof project could not be done safely without the truss modification. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$28,250 (contract: \$25,000; eng. & cont. \$3,250). Funds are partially budgeted. When the exact cost is known, a transfer will be requested from the Contingency Reserve.)

ACTION: Res. 94-461 adopted calling for bids. (P/W to handle)

5. Consider award of contract to Continental Transformer Services for the Dryden Golf Course Driving Range Lighting and approving an appropriation transfer to fully fund the project.  
(Bids were opened on July 23, 1994. The low bid of \$40,500, submitted by Continental Transformer Services is 5.8% below the Engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract and resolution approving appropriation transfer needed. Estimated cost: \$45,765 (\$40,500 Contract; \$5,265 Eng. & Cont.) Funds are budgeted.)

ACTION: Res. 94-462 adopted (Muratore/McClanahan, majority, Dobbs-no, Patterson absent) awarding contract.  
Res. 94-463 adopted (same vote) approving appropriation transfer.  
(P/W to handle)

CONSENT

6. Consider award of contract to Ksenco Construction for the waterline and Advanced Traffic Management System (ATMS) interconnect construction on Carpenter Road.  
(Bids were opened on June 9, 1994. The low bid of \$129,469, submitted by Ksenco Construction is 15.56 below the engineer's estimate and considered acceptable. It is, therefore, recommended that the project be awarded to them. Report and bid tabulation with agenda. Resolution awarding contract and resolution approving appropriation transfer of \$76,000 from the "Water Tank No. 5" account needed. Estimated cost: \$146,299.97 (contract \$129,469; eng. & cont. \$16,830.97). Funds are partially budgeted.)

ACTION: Res. 94-464 adopted awarding contract.  
Res. 94-465 adopted approving an appropriation transfer.  
(P/W to handle)

NEW BUSINESS

CONSENT

7. Presentation of monthly Treasurer's Report for June, 1994  
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

8. Consider authorizing the City Manager to sign letters of appointment with Gould Medical Foundation for occupational medicine services and

Memorial Hospital Association for after-hours and inpatient care for the City's workers' compensation program.  
(Report with agenda. Estimated cost: \$212,715 for physicals; \$800,000 for workers compensation. Two resolutions approving letters of appointment needed.)  
Councilmember Friedman excused due to a conflict of interest.

ACTION: Res. 94-466 adopted approving Letter of Appointment with Gould Medical Foundation.  
Res. 94-467 adopted approving Letter of Appointment with Memorial Hospital Association. (Personnel to handle)

CONSENT

9. Consider authorizing the Modesto Police Department to bill its arrestees for booking fees after conviction of the arrestees.  
(Report with agenda. Resolution authorizing billing needed.)

ACTION: Res. 94-468 adopted authorizing billing. (Police to handle)

CONSENT

10. Consider amending the Modesto Municipal Code to modify the section relating to curfew to bring it in line with recent court rulings.  
(Introduction of an ordinance amending the Code needed.)

ACTION: By motion, Ord. No. 2919-C.S. introduced. (Clerk to handle)

11.

ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

13.

CLOSED SESSION

## CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Management Association

## CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris

Employee Organization: Modesto City Firefighters Association

## CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris

Employee Organization: Modesto City Employees Association

## CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Officers Association

ADJOURNMENT

The meeting adjourned to closed session at 8:20 p.m. The City Attorney returned to open session at 9:20 p.m. and announced no action had been taken.

ATTEST:   
NORRINE COYLE, City Clerk

# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 9, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Donny Chandler, Unity Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 11, 12, 13,  
15, 16, 17

ACTION: (Friedman/Dobbs, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 14  
Councilmember Cogdill excused due to a conflict of interest.

ACTION: (Dobbs/Muratore, unan., Cogdill and Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

- 2. Approval of the minutes of the regular and special City Council meetings of August 2, 1994, and the corrected minutes of the regular meeting of July 19, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

- 3. Final adoption of Ord. No. 2918-C.S. amending Section Map 19-3-10 of the Zoning Map to rezone from P-D(456) to R-1 and P-D(504) property located on the south side of Parker Avenue and east of Claus Road. (Redev, Inc.)  
(Motion adopting needed.)

ACTION: A motion to delay action failed to carry (Muratore/Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang-no, Patterson absent)  
By motion (Dobbs/McClanahan, majority, Cogdill and Muratore-no, Patterson absent) adopted Ord. No. 2918-C.S.  
(Clerk to handle)

CONSENT

- 4. Final adoption of Ord. No. 2919-C.S. amending Section 4-7.201 of Article 2 of Chapter 7 of Title IV of the Modesto Municipal Code relating to curfew age limits and hours.  
(Motion adopting needed.)

ACTION: By motion, Ord. 2919-C.S. adopted. (Clerk to handle)

HEARINGS

- 5. Hearing to consider the appeal of Nick J. Trani to a decision of the Board of Zoning Adjustment denying an amendment to a C-3 Conditional Use Permit to allow an egress right-turn-only westbound driveway onto Briggsmore Avenue serving Carl's Jr. restaurant and other commercial uses located at the northeast corner of Oakdale Road and Briggsmore Avenue.  
(Continued from June 28, 1994, City Council meeting. Mr. Trani is withdrawing his appeal and has requested that this hearing be dropped.)

No action taken.

**CONSENT**

6. Consider approving plans and specifications and call for bids for the Orchard Neighborhood Park project.  
(Suggested bid opening: September 8, 1994, at 11:00 a.m. This project consists of constructing Phase I site improvements, including grading, underground utilities, sidewalk, landscaping, irrigation. A baseball field and basketball court are included as bid alternates and will be constructed if bids are favorable enough to include them in the project with available funding. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$499,671.55 (Contract \$434,497; Eng. & Cont. \$65,174.55). Funds are budgeted.)

**ACTION:** Res. 94-469 adopted calling for bids. (P/W to handle)

**CONSENT**

7. Consider awarding a contract for the Water Capital Improvements - 4 alleys, Fairmont/Magnolia to Ksenco Construction.  
(Bids were opened on July 28, 1994. The low bid of \$139,990.00, submitted by Ksenco Construction is 9.8% below the Engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract needed. Estimated Cost: \$158,188.70 (Contract \$139,990; Const. Admin & Contin. \$18,198.70) Funds are budgeted.)

**ACTION:** Res. 94-470 adopted awarding contract. (P/W to handle)

**CONSENT**

8. Consider awarding a contract for the Claus Road sidewalk and landscaping modifications to Grover Landscaping, Inc.  
(Bids were opened on July 28, '94. The low bid of \$45,131.29, submitted by Grover Landscaping, Inc. is 22.3% below the Engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract needed. Estimated Cost: \$51,900.98 (Contract \$45,131.29; Const. Admin. & Contin. \$6,769.69) Funds are budgeted.)

**ACTION:** Res. 94-471 adopted awarding contract. (P/W to handle)

**CONSENT**

9. Consider approving a reduction in the retention amount on the Claus Road bridge widening project from 10% to 5% of the total contract amount.  
(Under Section 9203 of the Public Contract Code, a reduction in the retention to 5% is permissible when it is deemed that satisfactory progress is being made on the work. Report with agenda. Resolution approving reduction in retention needed.)

**ACTION:** Res. 94-472 adopted approving a reduction in retention. (P/W to handle)

10. Consider declaring Artistic Printing, Inc., low bidder and authorizing purchase of printing of monthly utility bill inserts, and declaring Seeger's Printing low bidder and authorizing purchase of employees' newsletter.

(Report with agenda. Total 3-year cost is \$73,692.97 for printing the insert and the newsletter. Estimated cost for 1994-95: \$30,000. Resolutions awarding bids to Artistic Printing, Inc. and Seeger's Printing needed.)

ACTION: Res. 94-473 (McClanahan/Muratore, majority, Cogdill and Lang-no, Patterson absent) awarding bid to Artistic Printing, Inc.  
Res. 94-474 adopted (same vote) awarding bid to Seeger's Printing.  
(Finance to handle)

#### NEW BUSINESS

##### CONSENT

11. Consider supporting "STAND UP . . . and be counted," a 1994 Election High School Outreach program.  
(Report with agenda. Resolution endorsing program needed.)

ACTION: Res. 94-475 adopted endorsing program. (Manager to handle)

##### CONSENT

12. Presentation of monitoring reports for five of the eleven organizations funded with Community Development Block Grant funds during 1993-94.  
(Report with agenda. Motion acknowledging receipt of reports needed.)

ACTION: By motion, receipt of report acknowledged.

##### CONSENT

13. Consider approving lease agreement with Terry Abst, dba Abst Aviation, for an air taxi operation at the Modesto City/County Airport.  
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 94-476 adopted approving agreement. (Atty to handle)

##### CONSENT

14. Consider authorizing the City Manager to sign an agreement accepting the McClatchy park site and naming the site at the corner of 15th and I Street "McClatchy Square", and amending the budget to appropriate \$11,000 from Redevelopment Agency funds to pay for the City's share of a statue and additional expenses.  
(Report with agenda. Resolution accepting and naming park site and resolution amending the budget needed.)

ACTION: Res. 94-477 adopted accepting McClatchy park site and naming the site.

(P/R, Finance to handle)

Consider declaring Artistic Printing, Inc. low bidder and authorizing purchase of printing of monthly utility bill inserts, and declaring Seeger's Printing low bidder and authorizing purchase of employees' newsletter.

(Report with agenda. Total 3-year cost is \$73,692.97 for printing the insert and the newsletter. Estimated cost for 1994-95: \$30,000. Resolutions awarding bids to Artistic Printing, Inc. and Seeger's Printing needed.)

ACTION: Res. 94-473 (McClanahan/Muratore, majority, Cogdill and Lang-no, Patterson absent) awarding bid to Artistic Printing, Inc.  
Res. 94-474 adopted (same vote) awarding bid to Seeger's Printing.  
(Finance to handle)

NEW BUSINESS

CONSENT

11. Consider supporting "STAND UP . . . and be counted," a 1994 Election High School Outreach program.  
(Report with agenda. Resolution endorsing program needed.)

ACTION: Res. 94-475 adopted endorsing program. (Manager to handle)

CONSENT

12. Presentation of monitoring reports for five of the eleven organizations funded with Community Development Block Grant funds during 1993-94.  
(Report with agenda. Motion acknowledging receipt of reports needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

13. Consider approving lease agreement with Terry Abst, dba Abst Aviation, for an air taxi operation at the Modesto City/County Airport.  
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 94-476 adopted approving agreement. (Atty to handle)

CONSENT

14. Consider authorizing the City Manager to sign an agreement accepting the McClatchy park site and naming the site at the corner of 15th and I Street "McClatchy Square", and amending the budget to appropriate \$11,000 from Redevelopment Agency funds to pay for the City's share of a statue and additional expenses.  
(Report with agenda. Resolution accepting and naming park site and resolution amending the budget needed.)

ACTION: Res. 94-477 adopted accepting McClatchy park site and naming the site.  
Res. 94-478 adopted amending the budget.  
(P/R, Finance to handle)

CONSENT  
15. Consider approval of responses to the 1993-94 Grand Jury Report and authorize submittal to presiding judge. (Report with agenda. Motion approving needed.)

ACTION: By motion, responses approved. (Manager to handle)

CONSENT

16. Consider joining in an amicus brief regarding Knott v. State. (Report with agenda. Motion authorizing The City of Modesto to support the amicus brief and directing the City Attorney to execute and forward an authorization of representation to counsel preparing the amicus brief.)

ACTION: By motion, supported amicus brief. (Atty to handle)

CONSENT

17. Consider joining in an amicus brief regarding Stewart, et al. v. City and County of San Francisco, et al. (Report with agenda. Motion authorizing the City of Modesto to support the amicus brief and directing the City Attorney to forward a letter of support to counsel preparing the amicus brief by August 19, 1994.)

ACTION: By motion, supported amicus brief. (Attorney to handle)

18. Presentation of Redevelopment Agency report on Plaza Project. (Report with agenda. Motion acknowledging receipt of report needed.) Councilmember McClanahan excused due to a conflict of interest.

ACTION: By motion (Friedman/Muratore, unan., McClanahan and Patterson absent) receipt of report acknowledged.

ORAL COMMUNICATIONS

18. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris

Employee Organization: Modesto City Employees Association

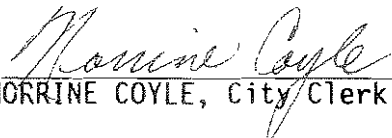
CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Paul Baxter

Employee organization: Modesto Police Officers Association

ADJOURNMENT

The meeting adjourned to closed session at 5:02 p.m. The City Attorney returned to open session at 5:23 p.m. and reported no action was taken.

ATTEST:   
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, August 16, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Councilmember McClanahan arrived at 6:45 p.m.

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

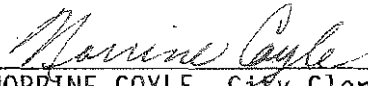
1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Relations Committee
3. Human Services/Public Safety Committees

#### Oral Communications:

Councilmember Muratore discussed information he learned at a regional governments organization meeting regarding economic development.

The meeting adjourned at 6:50 p.m.

ATTEST:

  
NORRINE COYLE, City Clerk

<sup>16</sup>  
8-2-94

# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 16, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Steve Jackson, Grace Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9, 10, 11,  
12, 13, 14, 15, 16A

Removed from consent: 16

ACTION: (Friedman/Dobbs, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Introduction of 10 students and three chaperons from Kurume, Japan.

The students and chaperons were introduced.

- b. Presentation of plaque to North American Title and Certificates of Recognition to volunteers who assisted with the Community Policy Telephone Survey June 20 - 23, 1994.

Mayor Lang presented the plaque and certificates to the volunteers.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 9, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider an amendment to Section 24-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(486), for an elderly housing project, to Low Density Residential Zone, R-1, property located on the north side of East Orangeburg Avenue, west of Claus Road. (Glen Holt Corporation)

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent) Ord. No. 2920-C.S. introduced.  
Res. 94-478A adopted (same vote) certifying review of Environmental Assessment. (Clerk to handle)

BIDS

CONSENT

4. Report regarding substantial completion of the Sonoma Trunk Sewer Project from Floyd Avenue to Sylvan Avenue and of the Lakewood Trunk Sewer Project from Briggsmore Avenue to Sylvan Avenue.  
(Report with agenda. Council awarded a \$508,936 contract to Delta Excavating, Inc. for the construction of the Sonoma Trunk Sewer on February 1, 1994, and a \$828,661 contract for the Lakewood Trunk Sewer on March 15, 1994. Both projects are now substantially completed and can be placed into service. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

5. Consider awarding contract to B. G. Pipeline for the Lateral No. 6 water line from Prescott to Carver Road.  
(Report with agenda. Bids were opened on July 28, 1994. The low bid of \$109,421, submitted by B. G. Pipeline Construction, is 3.58% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to B. G. Pipeline Construction needed. Estimated cost: \$123,645.73 (contract \$109,421; const. admin. & contingencies \$14,224.73) Funds are budgeted.)

ACTION: Res. 94-479 adopted awarding contract. (P/W to handle)

CONSENT

6. Consider awarding contract to Allen A. Waggoner Construction for the Neece water line.  
(Report with agenda. Bids were opened on August 4, 1994. The low bid of \$412,936.10, submitted by Allen A. Waggoner Construction, is 1.40% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Allen A. Waggoner Construction needed. Estimated cost: \$466,617.79 (contract \$412,936.10; const. admin. & contingencies \$53,681.73) Funds are budgeted.)

ACTION: Res. 94-480 adopted awarding contract. (P/W to handle)

CONSENT

7. Consider awarding contract to Rolfe Construction for the McHenry water line.  
(Report with agenda. Bids were opened on August 4, 1994. The low bid of \$78,260, submitted by Rolfe Construction, is 6.16% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Rolfe Construction needed. Estimated cost: \$88,433.80 (contract \$78,260; const. admin. & contingencies \$10,173.80) Funds are budgeted.)

ACTION: Res. 94-481 adopted awarding contract. (P/W to handle)

CONSENT

8. Consider awarding contract to Teichert Construction for the 1994/95 rockwell replacement/addition project, and consider approving appropriation transfer in the amount of \$12,400.  
(Report with agenda. Bids were opened on August 4, 1994. The low bid of \$253,581, submitted by Teichert Construction, is 7.14% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Teichert Construction needed, and resolution approving appropriation transfer needed. Estimated cost: \$286,546.53 (contract \$253,581; const. admin. & contingencies \$32,965.53) Funds are budgeted.)

ACTION: Res. 94-482 adopted awarding contract.  
Res. 94-483 adopted approving appropriation transfer.  
(P/W to handle)

CONSENT

9. Consider declaring David W. Vaughn Mechanical low bidder and authorizing purchase of heating, ventilating and air conditioning services for the Fiscal Year 1994-1995 for the total price of \$16,454.16, and authorizing the purchase of the services for two additional years, for a total 3-year cost of \$49,362.48.  
(Report with agenda. Resolution declaring David W. Vaughn Mechanical low bidder and authorizing purchase needed. Funds are budgeted for Fiscal Year 1994-95 only.)

ACTION: Res. 94-484 adopted awarding bid. (Finance to handle)

CONSENT

10. Consider declaring Central Janitors Supply, Modesto Janitorial Supply, National Sanitary Supply Company, Randik Paper Company, Rayban Supply Company, Inc. and San Joaquin Supply low bidders and authorizing the purchase of various janitorial supplies and recycled janitorial paper products under a one-year cooperative local government agency bid.  
(Report with agenda. Resolution declaring above named vendors low bidders and authorizing purchase needed. Estimated cost for the period of February 1994 - January 1995: \$34,000. Funds are budgeted.)

ACTION: Res. 94-485 adopted awarding bid. (Finance to handle)

CONSENT

11. Consider declaring C. B. Scoto Jr. Custom Farming sole bidder and authorizing the purchase of discing services for Fiscal Year 1994-1995 for the total cost of \$26,400.  
(Report with agenda. Resolution declaring C.B. Scoto Jr. Custom Farming sole bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 94-486 adopted awarding bid. (Finance to handle)

CONSENT

12. Consider declaring Prototype, Inc. low proposer on the purchase of Fleet Maintenance Management System for the total amount of \$74,429.  
(Report with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 94-487 adopted awarding bid. (Finance to handle)

NEW BUSINESS

CONSENT

13. Consider granting Pacific Bell's request to have the City of Modesto execute a subpoena in order to obtain their Utility User Tax business records.  
(Report with agenda. Resolution authorizing execution of subpoena needed.)

ACTION: Res. 94-488 adopted authorizing execution of subpoena. (Finance to handle)

CONSENT

14. Consider authorizing the City Manager to execute financing agreement with Curtis E. Beery for the purpose of rehabilitating property at 440 Yosemite Avenue pursuant to the City's Housing Rehabilitation Program. (Report with agenda. Estimated cost (CDBG): not to exceed \$23,905. Funds are budgeted.)

ACTION: Res. 94-489 adopted approving agreement. (Com. Devel. to handle)

CONSENT

15. Consider approving agreement with CERTIFIED Engineering and Testing Company to prepare resource maps and environmental assessment forms to meet HUD requirements. (Report with agenda. HUD monitoring has identified the need for resource maps to assist in environmental review for projects using CDBG or HOME funds. Resolution approving agreement needed. Estimated cost: \$16,725. Funds are budgeted.)

ACTION: Res. 94-490 adopted approving agreement. (Com. Devel. to handle)

16. Consider amending the Position Classification Plan to create job specifications for Business Development Division Manager, Development Services Division Manager, Housing and Neighborhoods Division Manager, and Strategic Planning Division Manager; and consider amending the class range tables to establish salaries. (Report with agenda. Resolution amending Position Classification Plan needed, and resolution amending the class specifications needed.)

ACTION: Res. 94-491 adopted (Dobbs/Cogdill, unan., Patterson absent) amending the Position Classification Plan.  
Res. 94-492 adopted (same vote) amending the Salary schedule. (Personnel to handle)

CONSENT

- 16A. Consider approving Memorandum of Understanding between the City of Modesto and the Modesto Police Management Association, covering Fiscal Year 1994-95 and Fiscal Year 1995-96. (Report with agenda. Resolution approving the Memorandum of Understanding needed, and resolution approving changes in City-paid and employee-paid retirement contributions needed. Estimated cost: FY 94-95 \$74,000; FY 95-96 \$77,000. Funds are budgeted.)

ACTION: Res. 94-493 adopted approving the Memorandum of Understanding.  
Res. 94-494 adopted approving changes in City-paid and employee-paid retirement contributions. (Personnel to handle)

ORAL COMMUNICATIONS

17. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

(a) Briefly respond to statements made or questions raised.

- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

### WRITTEN COMMUNICATIONS

#### CONSENT

18. Consider accepting resignation of M. Victor Hollingshead from the Modesto Airport Advisory Committee.  
(Resolution accepting resignation with regret needed.)

ACTION: Res. 94-495 adopted accepting resignation. (Clerk to handle)

### MATTERS TOO LATE FOR THE AGENDA

19. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

ACTION: By motion (McClanahan/Friedman, unan., Patterson absent) it was determined that there was a need to take immediate action on a Memorandum of Understanding and to hold a closed session, and that the need arose after posting of the agenda.

Res. 94-496 adopted (McClanahan/Friedman, unan., Patterson absent) approving the Memorandum of Understanding with the Modesto City Fire Fighters Association.

Res. 94-497 adopted (same vote) amending the amount that the City will report to PERS as special compensation.  
(Personnel to handle)

### Closed Session

#### CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris  
Employee organization: Modesto City Employees Association

#### CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators:

Robin Renwick and Paul Baxter

Employee organization:

Modesto Police Officers Association

ADJOURNMENT

Meeting adjourned to closed session at 7:40 p.m. The City Attorney returned to open session at 8:01 p.m. and announced that no action had been taken.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 23, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Friedman, Muratore, Mayor  
Lang

Absent: Councilmembers Dobbs, McClanahan and Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Dave Shackelford, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, 7, 8, 9, 10, 11,  
12, 13, 14, 15, 18, 19, 20

Dropped from agenda: 16

ACTION: (Friedman/Cogdill, unan., Dobbs, McClanahan and Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation of a Certificate of Recognition to Janelle Jordan for her work with the "First Step" Perinatal Substance Abuse Program.  
Mayor Lang presented the certificate to Ms. Jordan.
- b. Presentation of Certificates to Tae Kwon Do competitors.  
Mayor Lang presented certificates to the competitors and their leader.

MINUTES

CONSENT

2. Approval of the corrected minutes of the regular City council meeting of August 9, 1994, and the minutes of the special and regular City Council meeting of August 16, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2920-C.S. rezoning from P-D(486) to R-1, property located on the north side of East Orangeburg Avenue, west of Claus Road.  
(Motion adopting needed.)

ACTION: By motion, Ord. 2920-C.S. adopted. (Clerk to handle)

HEARINGS

4. Hearing to consider a development agreement with developers/owners of the Charleston Place Vesting Tentative Subdivision as designated in Area 27 of the Village One Specific Plan, located on the east side of Roselle Avenue between Merle Avenue and Belharbour Drive; and consider establishing fees in lieu of the Village One Finance Plan School Fees.  
(Developer: Art Martin)

ACTION: By motion (Muratore/Friedman, unan., Dobbs, McClanahan, Patterson absent) Ord. No. 2921-C.S. introduced.

Res. 94-498 adopted (same vote) approving development agreement.

Res. 94-499 adopted (same vote) establishing fees.  
(Com. Develop. to handle)

CONSENT

5. Consider approving plans and specifications and call for bids for the McHenry Museum reroof project.  
(Suggested bid opening: September 6, 1994 at 11:00 a.m. The Museum roof is old and badly weathered. Leaks have damaged ceilings, walls, floors and contents below them. The project will install a new cold-applied built-up roof. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$82,490 (Contr. \$73,000; Eng. & Cont. \$9,490). Funds and budgeted.)

ACTION: Res. 94-500 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider acceptance of Scrimsher & Mineni Construction, Inc.'s contract for the Mechanical Bar Screen Replacement project and request the City Clerk to file Notice of Completion. Original contract: \$570,878.00  
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting work as complete needed. Final Cost: \$570,038.73. Funds are budgeted.)

ACTION: Res. 94-501 adopted accepting as complete. (Clerk to handle)

CONSENT

7. Consider authorizing the purchase of a cashiering software system from Quadrant Systems, Incorporated, for \$50,491.  
(Report with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 94-502 adopted authorizing purchase. (Finance to handle)

NEW BUSINESS

CONSENT

8. Consider approving an agreement with the Chamber of Commerce to provide \$198,030.00 in funding to the Convention and Visitors Bureau for Fiscal Year 1994-95, and accepting the year-end report for Fiscal Year 1993-94 from the Convention and Visitors Bureau.  
(Report with agenda. Resolution approving agreement and motion accepting year-end report needed.)

ACTION: Res. 94-503 adopted approving agreement.  
By motion, receipt of report acknowledged. (P/R to handle)

CONSENT

9. Consider approving financing agreements with Esteban Sanchez and Leland Prouty, owners of properties at 136 Fresno Avenue and 1205 Tuolumne Blvd., for the purpose of rehabilitating their properties pursuant to

The City of Modesto Housing Rehabilitation Program  
(Report with agenda. Two resolutions approving financing agreements  
needed. Estimated cost (CDBG): not to exceed \$55,343.00. Funds are  
budgeted.)

ACTION: Res. 94-504 adopted approving agreement with Esteban Sanchez.  
Res. 94-505 adopted approving agreement with Leland Prouty.  
(Com. Develop. to handle)

CONSENT

10. Consider changing the name of Courtney Way to Bobs Way.  
(Courtney Way runs north-south just east of Oakdale Road, from Sylvan  
Avenue to Post Office Drive, in the northwest corner of Village One.  
There is already a street named Courtney Way in Modesto; in order to  
avoid confusion between the two streets it is necessary to change the  
street name. Resolution changing the street name from Courtney Way to  
Bobs Way needed.)

ACTION: Res. 94-506 adopted changing street name.  
(Com. Develop. to handle)

CONSENT

11. Report of loans approved during June and July, 1994, under the Emergency  
Home Repair Program.  
(Report with agenda. Motion acknowledging receipt of report.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

12. Consider approving an agreement with Pubic Resources Advisory Group to  
provide special financial advisory services for the Waste-to-Energy  
Project.  
(Report with agenda. Resolution approving an agreement needed.  
Estimated cost: \$17,000. Funds are budgeted.)

ACTION: Res. 94-507 adopted approving agreement. (P/W to handle)

CONSENT

13. Consider approving an agreement with Scenic Road Properties for the  
acquisition of a temporary construction sewer easement for Thousand Oaks  
Sewer Lift Station Rehabilitation project, and certifying Environmental  
Assessment No. 93-98.  
(Report with agenda. Resolution approving agreement needed. Estimated  
cost: \$1,000; funds are budgeted.)

ACTION: Res. 94-508 adopted approving agreement. (Atty to handle)

CONSENT

14. Consider approving an agreement with the County of Stanislaus, Sheriff's  
aero squadron, for the lease of Suite B, Office Building No. 2, at the  
Modesto City/County Airport.  
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-509 adopted approving agreement. (Atty to handle)

CONSENT

15. Consider approving an agreement with McElroy Marital Trust for the least of 5,640 square feet of office space for the Police Department. (Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 94-510 adopted approving agreement. (Atty to handle)

CONSENT

16. Consider introducing an ordinance to amend Section 4-4.302 of the Modesto Municipal Code to prohibit the installation of electrical transformers above ground in residential subdivisions. (Report with agenda. The Modesto Municipal Code currently allows this practice, and an ordinance is needed to change the Code. Introduction of ordinance needed.)

Dropped from agenda.

17. Consider designating Voting and two Alternate Voting Delegates to the Annual Congress of Cities in Minneapolis, Minnesota, December 1-4, 1994. (Motion designating Voting and two Alternate Voting Delegates needed.)

ACTION: By motion (Friedman/Cogdill, unan., Dobbs, McClanahan, Patterson absent) Vice Mayor McClanahan was designated as voting delegate and Councilmembers Muratore and Dobbs designated as alternates. (Clerk to handle)

CONSENT

18. Consider authorizing the City Manager to sign the Memorandum of Understanding with Stanislaus County for disbursement of funds held in the AB939 - Source Reduction and Recycling Account. (Report with agenda. Resolution authorizing City Manager to sign MOU needed.)

ACTION: Res. 94-511 adopted approving Memorandum of Understanding. (P/W to handle)

CONSENT

19. Consider acceptance of improvement in Newport West II Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: Florsheim Bros. (Report with agenda. Newport West II Subdivision is located on the north side of Whitmore Avenue, west of Guthrie Avenue. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 94-512 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

20. Consider acceptance of improvement in Newport West III Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: Florsheim Bros. (Report with agenda. Newport West III Subdivision is located on the north side of Marin Avenue, west of Guthrie Avenue. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 94-513 adopted accepting improvements as complete. (Clerk to handle)

ORAL COMMUNICATIONS

21. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

WRITTEN COMMUNICATIONS

CONSENT

22. Letter of resignation from Richard Barhite from the Landmark Preservation Commission.  
(Resolution accepting resignation with regret needed.)

ACTION: Res. 94-514 adopted accepting resignation. (Clerk to handle)

CLOSED SESSION

23. a. CONFERENCE WITH LABOR NEGOTIATORS
- Agency negotiators: Robin Renwick and Don Norris
- Employee organization: Modesto City Employees Association
- b. CONFERENCE WITH LABOR NEGOTIATORS
- Agency negotiators: Robin Renwick and Paul Baxter
- Employee organization: Modesto Police Officers Association
- c. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case:

CITY of Modesto vs. Del Este Water Company and  
California Water Service Company, Superior Court  
case No. 296508

MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned to closed session at 4:30 p.m. The City Attorney returned at \_\_\_\_\_ p.m. and announced that no action had been taken.

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 2:00 p.m. on Tuesday, August 30, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,  
Mayor Lang

Absent: Councilmember Patterson

The staff of the Public Works and Transportation Department made a presentation concerning co-composting of garden refuse, yard waste, leaves, and sludge.

Oral Communications: None

The meeting adjourned at 3:23 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

8-30-94



# MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, September 6, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,  
Mayor Lang

Absent: Councilmember Patterson


Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Community Development and Housing Committee
2. Financial Policy Committee
3. Transportation Policy Committee
4. Utility Services and Franchises Committee

Oral Communications:

None

The meeting adjourned at 6:50 p.m.

ATTEST:   
NORRINE COYLE, City Clerk

9-6-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 6, 1994, 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 11, 12, 13, 14,  
16, 17, 18, 20, 21, 22, 23, 24, 25,  
26, 27, 30, 31

ACTION: (Muratore/McClanahan, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 19  
Councilmember Dobbs excused due to a conflict of interest.

ACTION: (Friedman/McClanahan, unan., Dobbs and Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 23, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 2921-C.S. approving the development agreement with Charleston Place, a California Limited Partnership, (Art Martin) relating to the development of Charleston Place, located at the southeast corner of Belharbour Drive and Roselle Avenue.  
(Motion adopting needed.)

ACTION: By motion (Friedman/McClanahan, unan., Patterson absent) Ord. No. 2931-C.S. adopted. (Clerk to handle)

HEARINGS

4. Hearing to consider ordering the improvement of the safety lighting, including engineering design, labor, pull boxes, conduit, foundation, wire, luminaries, lamps, ballasts, photoelectric cells, fuse holders and fuses, in Blocks 619, 620 and 621. (Helen Avenue/Ila Way)

ACTION: Res. 94-515 adopted (Dobbs/Friedman, unan., Patterson absent) ordering the work to be done.  
Res. 94-516 adopted (same vote) amending budget. (P/W to handle)

5. Hearing to consider the application of Waterford Community Ambulance for a license for provider service/ambulance transport and to determine whether the public convenience and necessity require the operation of an additional ambulance service in the City of Modesto.

ACTION: A motion to approve failed to carry (Friedman/Lang, Cogdill, Dobbs, and McClanahan - no, Patterson absent)  
Res. 94-517 adopted (Cogdill/McClanahan, unan., Patterson absent)

Hearings No. 6 and 7 were conducted jointly.

6. Hearing to consider the amendments to Chapters 1 and 2 of Title X of the Modesto Municipal Code to correct, update and streamline certain portions identified for consideration (Omni 13).
7. Hearing to consider amendments to the Building Regulations and Zoning Regulations of the Modesto Municipal Code to allow internally illuminated wall signs, P-O Zone, require more prominent display of street addresses on freestanding signs; permit freestanding, combined business identification signs in the C-3 Zone; permit higher freestanding signs otherwise visually blocked by trees and vegetation for tourist-oriented gas, food, or lodging establishments along Freeway 99; permit signs on bus shelters; permit reintroduction of historic signs.

ACTION: By motion (McClanahan/Friedman, unan., Patterson absent)  
Ord. No. 2922-C.S. was introduced amending Sections 10-1.101, 10-1.102, 10-1.104, and 10-1.204 of Chapter 1 of Title X of the Municipal Code relating to Zoning Regulations (OMNI 13).

By motion (same vote) Ord. No. 2923-C.S. was introduced amending Section 9-5.01 of Chapter 5 of Title IX of the Municipal Code relating to numbering system (sign issues).

By motion (Muratore/McClanahan, majority, Dobbs and Lang-no, Patterson absent) #5 in the recommended Council action in the report on Item 7 regarding signs on bus shelters was deleted.

By motion (McClanahan/Friedman, unan., Patterson absent)  
Ord. No. 2924-C.S. was introduced amending sections of Title X of the Municipal Code relating to zoning regulations (sign issues and OMNI 13).

(Clerk to handle)

### BIDS

#### CONSENT

8. Consider approval of plans and specifications and call for bids for the general aviation area cape seal and taxiways C and E slurry seal project.  
(Suggested bid opening: October 6, 1994, at 11:00 a.m. Report with agenda. This project will rehabilitate deteriorating pavement in the general aviation area (T-hangar area) and existing Taxiways C and E. The project is 90% funded by the FAA. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$72,327.35 (contract \$64,006.50; const. admin. & cont. \$8,320.85) Funds are budgeted.)

ACTION: Res. 94-518 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for the general aviation area water system upgrade.  
(Suggested bid opening: October 13, 1994, at 11:00 a.m. Report with agenda. This is the second and final portion of a project which will provide water for fire fighting for the general aviation portion of the Modesto City-County Airport. This portion will tie into an existing water line, extend the pipe and install hydrants to protect all structures and aircraft on the general aviation side of the airport. Resolution approving plans and specifications and call for bid needed. Estimated cost: \$128,719.20 (contract \$195,285; contract admin. & cont. \$23,434.20. Funds are budgeted.)

ACTION: Res. 94-519 adopted calling for bids. (P/W to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for upgrading signs at the airport.  
(Suggested bid opening: October 13, 1994, at 11:05 a.m. Report with agenda. The FAA has updated standards for runway and taxiway marking and is now mandating that these standards be installed at all airports. The project is 90% funded by the FAA. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$318,046.30 (contract \$276,562; const. admin. & cont. \$41,484.30) Funds are partially budgeted. An appropriation transfer will be requested after bids are opened and the exact amount needed to construct project is known.)

ACTION: Res. 94-520 adopted calling for bids. (P/W to handle)

CONSENT

11. Consider awarding contract for the sewer lift station rehabilitation project - Trask/Encina and College/Orangeburg to Conco-West, Inc., and consider approving appropriation transfer in the amount of \$118,000 to fully fund the project.  
(Report with agenda. Bids were opened on August 4, 1994. The low bid of \$243,700, submitted by Conco-West, Inc. is 1.05% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Conco-West, Inc. needed, and resolution approving appropriation transfer needed. Estimated cost \$275,381 (contract \$243,700; const. admin. & cont. \$31,681) Funds are budgeted.)

ACTION: Res. 94-521 adopted awarding contract.  
Res. 94-522 adopted approving appropriation transfer.  
(P/W to handle)

CONSENT

12. Consider awarding contract for the reconstruction of the Thousand Oaks Park sewer lift station GSE Construction, Inc., and consider approving appropriation transfers in the amount of \$317,340 to fully fund the project.  
(Report with agenda. Bids were opened on August 18, 1994. The low bid of \$1,818,000, submitted by GSE Construction Co., Inc. is 7.09% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to

USE Construction, Inc. needed, and resolution approving appropriation transfers needed. Estimated cost \$2,054,340 (contract \$1,818,000; const. admin. & cont. \$236,340) Funds are budgeted.)

ACTION: Res. 94-523 adopted awarding contract.  
Res. 94-524 adopted approving appropriation transfer.  
(P/W to handle)

CONSENT

13. Consider acceptance of Teichert Construction's contract for the rip rap project at the storage ponds on Jennings Road and authorize the City Clerk to file Notice of Completion. (Original contract: \$33,710) (Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$32,974.45. Funds are budgeted.)

ACTION: Res. 94-525 adopted accepting as complete. (Clerk to handle)

CONSENT

14. Consider waiving formal bid procedures and authorizing the purchase of seven used late model sedans and one used late model mini van from Golden Gate Auto Auction and/or Bay Cities Auto Auction and authorizing the purchase of the van by formal sealed bid if it is not available through the auction process. (Report with agenda. Resolution waiving formal bid procedures (five affirmative votes needed) and authorizing purchase needed. Estimated cost: \$109,500. Funds are budgeted.)

ACTION: Res. 94-526 adopted waiving formal bid procedures.  
(Finance to handle)

NEW BUSINESS

15. Consider introducing an ordinance to amend Section 4-4.302 of the Modesto Municipal Code to prohibit the installation of electrical transformers above ground in residential subdivisions. (Report with agenda. The Modesto Municipal Code currently allows this practice and an ordinance is needed to change the Code. Introduction of ordinance needed.)

ACTION: By motion (Cogdill/Friedman, unan., Patterson absent) this item was referred back to the committee for further study of aesthetic issues.  
(P/W to handle)

CONSENT

16. Consider supporting Discharge Petition Number 25 (Condit) to attempt to force consideration of H.R. 140, the "no money, no mandate" bill. (Report with agenda. Resolution supporting Discharge Petition Number 25 needed.)

ACTION: Res. 94-527 adopted supporting Discharge Petition Number 25.  
(Manager to handle)

CONSENT

17. Staff report on custodial services.  
(Report with agenda. Parks and Recreation staff recommends that in-house forces continue to be used for custodial services. Motion accepting recommendations needed.)

ACTION: By motion, recommendations accepted. (P/R to handle)

CONSENT

18. Consider approving lease agreement with Basic Resources for the lease of 1,100 square feet of office space in the Beaty building for the Neighborhood Preservation Unit; and consider approving appropriation transfer in the amount of \$6,500 for the lease of the real property.  
(Report with agenda. Resolution approving lease agreement needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 94-528 adopted approving lease agreement.  
Res. 94-529 adopted approving appropriation transfer.  
(Com. Dev. to handle)

CONSENT

19. Consider approving amended joint powers agreement with Sylvan Union School District regarding the Merle Neighborhood Park Site, and consider amending the budget to appropriate \$21,477 for final cost of acquisition.  
(Report with agenda. Resolution approving amendment to agreement needed, and resolution approving budget amendment needed.)  
Councilmember Dobbs excused due to a conflict of interest.

ACTION: Res. 94-530 adopted (Friedman/McClanahan, unan., Dobbs and Patterson absent) approving amendment to agreement.  
Res. 94-531 adopted (same vote) approving budget amendment.  
(Com. Dev. to handle)

CONSENT

20. Consider approving amendment to lease agreement with Modesto Executive Air Charter for the lease of Corporate Hangar Plots 1 and 2 at the Modesto City/County Airport.  
(Report with agenda. Resolution approving amendment to lease agreement needed.)

ACTION: Res. 94-532 adopted approving amended agreement.  
(Com. Dev. to handle)

CONSENT

21. Consider approving agreement with Project Sentinel for a grant of \$27,000 under the Community Development Block Grant Program for Fiscal Year 94-95.  
(Report with agenda. Project Sentinel will provide overall training, management and legal expertise for fair housing and housing discrimination complaints. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 94-533 adopted approving agreement. (Com. Dev. to handle)

CONSENT

22. Consider approving agreement with Center for Senior Employment for a grant of \$10,000 under the Community Development Block Grant Program for

Fiscal Year 94-95.

(Report with agenda. Center for Senior Employment will provide employment for low-income seniors. Funds are budgeted.)

ACTION: Res. 94-534 adopted approving agreement. (Com. Dev. to handle)

CONSENT

23. Consider parking lot operational change at the 10th and K Streets parking lot.  
(Report with agenda. A minor operation change to install fourteen 25 cents per hour parking meters at the 10th and K Streets parking lot is recommended. The change is recommended in the interest of better service to short-term parkers. Resolution approving operational change needed. Estimated cost; \$1,000. Funds are budgeted.)

ACTION: Res. 94-535 adopted approving operational change. (P/W to handle)

CONSENT

24. Consider accepting improvements in Las Brisas No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: Busby Development Corporation)  
(Report with agenda. Las Brisas No. 1 subdivision is located on the east side of Rosemore Avenue, north of Shaddox Avenue. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 94-536 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

25. Consider approving Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association (MPOA) for Fiscal Year 1994-94 and Fiscal Year 1995-96.  
(Report with agenda. Resolution approving Memorandum of Understanding needed, and resolution amending City-paid and employee-paid retirement contributions needed. Estimated cost FY 94-95 \$256,000; FY 95-96 \$310,000.)

ACTION: Res. 94-537 adopted approving Memorandum of Understanding.  
Res. 94-538 adopted amending City-paid and employee-paid retirement contributions. (Personnel to handle)

CONSENT

26. Consider amending the budget to appropriate \$3,000 to provide additional funding for the International Festival.  
(Report with agenda. Resolution amending budget needed.)

ACTION: Res. 94-539 adopted amending budget. (Finance to handle)

CONSENT

27. Consider amending the Position classification Plan to adopt class specification for Business Development Officer and to delete class specifications for Property Agent, Project Manager, Economic Development Manager, Planning and Community Development Director; and consider

amending the class range tables to establish salary for Business Development Officer and to delete salaries for Property Agent, Project Manager, Economic Development Manager, Planning and Community Development Director.

(Report with agenda. Resolution amending Position Classification Plan needed; and resolution amending class range tables needed.)

ACTION: Res. 94-540 adopted amending Position Classification Plan.  
Res. 94-541 adopted amending salary schedule.  
(Personnel to handle)

28. Consider approving the 1994 Village One Financing Plan prepared by Vail Engineering subject to amendments and corrections, and consider directing staff to implement the plan by creation of an Area of Benefit, landscaping lighting district and other financing mechanisms as appropriate.

(Report with agenda. Resolution approving the 1994 Village One Financing Plan needed, and motion directing staff needed.)

ACTION: Res. 94-542 adopted (Cogdill/Friedman, majority, McClanahan-no, Patterson absent) approving the 1994 Village One Financing Plan. By motion (same vote) staff was directed to take steps to implement the plan.  
(Manager to handle)

29. Consider approving amendment to agreement with Vail Engineering for consultant's services for Village One, and consider amending the budget.  
(Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 94-543 adopted (McClanahan/Cogdill, unan., Patterson absent) approving amendment to agreement.  
Res. 94-543A (same vote) amending budget.  
(Manager to handle)

CONSENT

30. Consider amending the Fiscal Year 1994-95 Operating Budget to provide \$27,100 for the purchase, transport, and training of five new police canines.  
(Report with agenda. Resolution amending budget needed.)

ACTION: Res. 94-544 adopted amending budget.  
(Police to handle)

CONSENT

31. Consider approving an amendment to an agreement with Stanislaus Area Association of Governments (SAAG) for the provision of abandoned vehicle abatement services.  
(Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 94-545 adopted approving amended agreement.  
(Police to handle)

32. Report on proposal to provide a new Police Headquarters and City Hall.  
(Report with agenda. Motion referring to Financial Policy Committee needed.)

ACTION: By motion (Cogdill/Muratore, unan., Patterson absent) the report

was referred to the Financial Policy Committee and the Committee was directed to hold a public hearing on the proposal on September 12, 1994, 5:00 to 7:00 p.m. in the Council Chambers.

#### ORAL COMMUNICATIONS

33. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

#### WRITTEN COMMUNICATIONS

34. Letter from Sharon Proctor requesting a letter of support for Court Appointed Special Advocate (CASA) Association.

Dropped from agenda.

#### MATTERS TOO LATE FOR THE AGENDA

35. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

36. CLOSED SESSION

#### CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Robin Renwick and Don Norris

Employee organization: Modesto City Employees Association

Not needed.

ADJOURNMENT

The meeting adjourned at 9:37 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 13, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Mr. Marty Villa, Youth for Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 7, 8, 9, 10, 11, 12, 13,  
14, 15, 16, 18

ACTION: (Friedman/Dobbs, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 6  
Councilmember McClanahan excused due to a conflict of interest.

ACTION: (Dobbs/Cogdill, unan., McClanahan & Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of August 30, 1994, and the special and regular City Council meetings of September 6, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved.

UNFINISHED BUSINESS

CONSENT

3. Final adoption of:
- a. Ord. No. 2922-C.S. amending the Modesto Municipal Code relating to Zoning Regulations. (Omni 13)
  - b. Ord. No. 2923-C.S. amending Section 9-5.01 of Chapter 5 of Title IX of the Modesto Municipal Code relating to number system. (Sign Issues)
  - c. Ord. No. 2924-C.S. amending the Modesto Municipal Code relating to Zoning Regulations. (Sign Issues and Omni 13)
- (Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

4. Hearing to consider the issuance of refunding revenue bonds in the amount of \$8,970,000 for the purpose of assisting in financing the acquisition, construction and development of a multifamily rental housing development in the City of Modesto (Live Oak Apartments)

ACTION: Res. 94-546 adopted (Friedman/McClanahan, unan., Patterson absent) approving issuance of bonds. (finance to handle)

5. Consider request by Uncle Charlie's Group Home for exemption/deferral of Capital Facilities Fees (CFF) for the proposed construction of a forty-two unit elderly rental apartment complex on Vine Street.

(Report with agenda. Staff recommends that the Council find that Uncle Charlie's Group Home is a non-profit corporation eligible for a CFF exemption for 10 very low income housing units (\$19,200) and deferral of \$61,440 for 32 low income housing units which requires a 20% down payment (\$12,288) and 80% (\$49,152) payable in equal installments over five years. Resolution approving request for exemption needed, and resolution approving agreement needed.)  
Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 94-547 adopted (Dobbs/Muratore, unan., Cogdill and Patterson absent) approving request for fees deferral.  
Res. 94-548 adopted (same vote) approving agreement.  
(Community Dev. to handle)

### BIDS

#### CONSENT

6. Consider approval of plans and specifications and call for bids for the construction of a parking lot in Block 56 near the northern corner of 9th and I Streets.  
(Suggested bid opening: September 29, 1994, at 11:00 a.m. Report with agenda. The proposed McDonalds Restaurant will be built on an existing public parking lot. To mitigate the loss of parking, the City is in the process of leasing vacant property directly across the alley for the purpose of constructing a temporary parking lot. The parking lot will have 24 parking spaces, landscaping facing "I" Street and positive storm drainage. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$39,758.94 (contract \$33,982; const. admin. & cont. \$5,776.94) Funds are budgeted.)

ACTION: Res. 94-549 adopted (Dobbs/Cogdill, unan., McClanahan and Patterson absent) calling for bids. (P/W to handle)

#### CONSENT

7. Consider approval of plans and specifications and call for bids for the water line to Water Tank No. 3 and Well No. 30.  
(Suggested bid opening: October 13, 1994, at 11:10 a.m. A 12-inch diameter water line be installed to mix water from Well No. 29 and Well No. 30 at Water Tank No. 3. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated total cost: \$143,849 (contract \$127,300; contract admin. & cont. \$16,549) Funds are partially budgeted. An appropriation transfer will be requested after bids are received and the exact amount needed to construct the project is known.)

ACTION: Res. 94-550 adopted calling for bids. (P/W to handle)

#### CONSENT

8. Consider acceptance of Granite Construction's contract as complete for the street overlay project on Oakdale Road and Sylvan Avenue and authorize the City Clerk to file Notice of Completion. (Original contract: \$474,985)  
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department.)

Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$472,181.82. Funds are budgeted.)

ACTION: Res. 94-551 adopted accepting as complete. (Clerk to handle)

#### NEW BUSINESS

#### CONSENT

9. Consider introducing an ordinance requiring that as part of the normal disclosures required by the seller prior to the sale of real property, the existence of the City's mandatory Housing Rehabilitation Program in the Target Areas also be disclosed to any potential purchaser. (Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2925-C.S. introduced. (Clerk to handle)

#### CONSENT

10. Consider approving agreement with Pacific Bell to lease pole and conduit space for installing the communication lines for the Advanced Traffic Management System (ATMS) project. (Report with agenda. As part of the ATMS project, the traffic signals need to be interconnected. Staff proposes to lease pole and conduit space from Pacific Bell at locations where it is cost-effective to do so. Resolution approving agreement needed. Estimated cost: \$2,500. Funds are budgeted.)

ACTION: Res. 94-552 adopted approving agreement. (P/W to handle)

#### CONSENT

11. Consider authorizing the transfer of ownership of two 1964 Van Pelt Custom 300 pumpers to the Yosemite Community College District for use in the Modesto Junior College Fire Science Program. (Report with agenda. Resolution finding the transfer of ownership accomplishes a public purpose for the City of Modesto and authorizing the transfer needed.)

ACTION: Res. 94-553 adopted authorizing transfer of ownership. (Fire to handle)

#### CONSENT

12. Consider authorizing filing a grant application with the Federal Transit Administration (FTA) to help offset the cost of operating Modesto's public transit system. (Report with agenda. A total of \$3,194,943 in FTA funds are being requested from the FTA for Fiscal Year 1994-95, including \$1,142,143 in operating assistance and \$2,052,800 in capital assistance. The local match of \$3,828,449 comes from the City's and Stanislaus County's Local Transportation Fund and State Transit Assistance Fund. SAAG, as the Designated Recipient of FTA funds, also held a public hearing on the grant application as required by the FTA and approved the program of projects. Resolution authorizing filing a grant application needed.)

ACTION: Res. 94-554 adopted authorizing filing of grant application. (P/W to handle)

CONSENT

13. Consider approving financing agreements with Gary Gundlach and Estrela Rodrigues for the purpose of rehabilitating their properties pursuant to the City of Modesto's Housing Rehabilitation Program.  
(Report with agenda. Resolution approving financing agreements needed. Estimated cost: Not to exceed \$57,842 (CDBG) Funds are budgeted.)

ACTION: Res. 94-555 adopted approving agreement with Gary Gundlach.  
Res. 94-556 adopted approving agreement with Estrella Rodrigues.  
(Com. Develop.to handle)

CONSENT

14. Consider amending the Municipal Code relating to radar enforcement of speed limits.  
(Report with agenda. Several of our speed surveys that allow radar enforcement are about to expire. Staff has conducted new surveys and recommends changes to the speed limits on some streets based on these surveys. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2926-C.S. introduced. (P/W, Police to handle)

CONSENT

15. Consider appropriation transfer in the amount of \$75,000 to cover costs of creating space for new Community Development Department.  
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 94-557 adopted approving appropriation transfer.  
(Com.Develop/Finance to handle)

CONSENT

16. Consider appropriation transfer in the amount of \$13,116 for the project to replace the airport electrical regulator on the instrument runway.  
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 94-558 adopted approving appropriation transfer.  
(P/W to handle)

ORAL COMMUNICATIONS

17. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

WRITTEN COMMUNICATIONS

CONSENT

18. Application for direct City assistance for a United Nations Day Celebration on October 24, 1994.  
(Motion approving needed.)

ACTION: By motion, request approved. (P/R, P/W to handle)

MATTERS TOO LATE FOR THE AGENDA

19. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

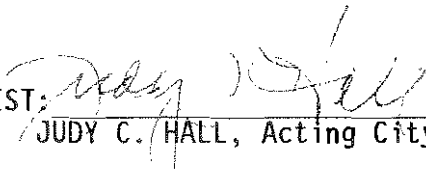
20. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

A significant exposure to litigation against the City of Modesto exists based on the following facts and circumstances: A potential plaintiff is contending that Sections 4-12.403 (first paragraph), 4-12.404, and 4-12.405 of the Modesto Municipal Code are preempted by State law.

ADJOURNMENT

The meeting adjourned to closed session at 4:09 p.m. The City Attorney returned at 4:40 p.m. and announced that no action had been taken.

ATTEST:   
JUDY C. HALL, Acting City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, September 20, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,

Absent: Councilmember Patterson, Mayor Lang

Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Relations
3. Financial Policy Committee
4. Human Services Committee/Public Safety Committee
4. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:57 p.m.

ATTEST:   
JUDY C. HALL, Acting City Clerk

9-20-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 20, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Patterson  
Mayor Lang arrived at 8:28p.m.

Pledge of Allegiance to the Flag

Invocation: Councilmember Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 7, 8, 10, 11

ACTION: (Dobbs/Friedman, unan., Patterson, Mayor Lang absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

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Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of September 13, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of:
- a. Ord. No. 2925-C.S. amending the Municipal Code relating to disclosures upon transfer of residential property in Target Areas.
  - b. Ord. No. 2926-C.S. amending the Municipal Code relating to speed limits.  
(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for the Rumble Road lift station rehabilitation - Phase 2.  
(Suggested bid opening: October 20, 1994, at 11:00 a.m. Report with agenda. This project will replace a deteriorated chain link fence with a concrete block wall and additional asphalt concrete surfacing will be installed to move storm water away from the lift station manhole and toward the curb and gutter. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$31,895.25 (contract \$27,735; const. admin. & contingencies \$4,160.25) Funds are budgeted.)

ACTION: Res. 94-539 adopted calling for bids. (P/W to handle)

NEW BUSINESS

Item 6 considered before Item 5.

Returned from closed session at 8:28 p.m.

5. Consider proposal for Police Headquarters and City Hall.  
(Report with agenda. The Council's Financial Policy Committee will be

making a recommendation regarding the Wilmore/Regent proposal. Motion directing staff needed.)  
Vice Mayor McClanahan excused due to a conflict of interest.

ACTION: By motion (Friedman, Cogdill, majority, Dobbs-no, McClanahan and Patterson absent) staff directed to work with Redevelopment Agency to include a new City Hall in the development agreement for the Plaza Project and to proceed with revisions to the CFF program.  
(Com. Devel. to handle)

6. Consider endorsing development of a biosolids co-composting program, amending the Fiscal Year 1995 budget to transfer garden refuse collection costs to the Sewer Fund, effective September 1, 1994, and consider directing staff to further study and recommend the specific actions necessary to this program.  
(Report with agenda. Resolution endorsing development of a biosolids co-composting program needed, resolution amending budget needed, and motion directing staff needed.)

ACTION: Res. 94-560 adopted (Muratore/Friedman, unan., Patterson and Mayor Lang absent) endorsing development.  
Res. 94-561 adopted (same vote) amending budget.  
By motion (same vote) staff directed to study further.  
(P/W to handle)

CONSENT

7. Consider approving revised wording for Capital Facilities Fees Administrative Guideline 25 regarding a 2% cap for residential deferral/exemptions.  
(Report with agenda. Refocuses 2% cap of Capital Facilities Fees exemptions only. Resolution approving revised wording needed.)

ACTION: Res. 94-562 adopted approving revised wording.  
(Com. Develop. to handle)

CONSENT

8. Report of loans approved during August 1994 under Emergency Home Repair Program.  
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, acknowledged receipt of report.  
(Com. Develop. to handle)

CONSENT

9. Consider approving agreement with Lew, Garcia, and Davis Consulting Engineers for general plan mapping services.  
(Report with agenda. The contract will provide needed computer-aided drafting capacity for the mapping for the General Plan rewrite. Resolution approving agreement needed. Estimated cost: \$10,000. Funds are budgeted.)

ACTION: Res. 94-563 adopted approving agreement. (Attorney to handle)

CONSENT

10. Consider joining in amicus briefs regarding Knott v. State of California, Mamaux v. City of Oceanside, et al., Thomas v. City of Richmond, and Water Quality Association and Coastal Cities Water Treatment, Inc. v. City of Escondido.

(Report with agenda. Motion authorizing the City to support the four amicus briefs and directing the City Attorney to forward a letter of support to counsel preparing the amicus briefs in each case needed.)

ACTION: By motion, City authorized to support four amicus briefs.  
(Attorney to handle)

CONSENT

11. Consider granting permission to the Stanislaus County Citizens Committee Against Substance Abuse to hold an annual Red Ribbon Celebration at Graceada Park, with activities to include amplified music at Mancini Bowl, Modesto Police and Stanislaus County Sheriff mounted patrols in the park, a children's petting zoo, display of Highway Patrol and other crime prevention vehicles in the park, and food concessions in the park, and consider waiving all park usage fees.  
(Report with agenda. Resolution granting permission and waiving fees needed.)

ACTION: Res. 94-564 adopted granting permission and waiving fees.  
(P/R to handle)

MISCELLANEOUS

Appointments

12. Neighborhood Advisory Committee/Airport District

ACTION: Res. 94-565 adopted (Dobbs/Cogdill, unan., Patterson and Mayor Lang absent) appointing Marlene Valdez, Amy Laney, Adair Simmons, Christina Carbajal, James Abeytia, Neal Griffin, and Lewis Wood).

Airport Advisory Committee

ACTION: Res. 94-566 adopted (Dobbs/Cogdill, unan., Patterson and Mayor Lang absent) appointing Jeff Hill.

Appointment and Reappointment

Downtown Improvement District Advisory Board

ACTION: Res. 94-567 adopted (Dobbs/Cogdill, unan., Patterson and Mayor Lang absent) reappointing Bart Barringer and appointing Romy Angle.

MATTERS TOO LATE FOR THE AGENDA

13. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

CLOSED SESSION

Adjourned to closed session at 7:56 p.m.

14. a. CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris


Employee organization: Modesto City Employees Association

b. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Kaufman & Broad v. City of Modesto

ADJOURNMENT

The meeting adjourned at 8:52 p.m.

ATTEST:  \_\_\_\_\_  
JUDY C. HALL, Acting City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 27, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 8, 9, 10, 11, 13

ACTION: (McClanahan/Friedman, unan., Patterson absent)

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A copy of this agenda may be obtained in the City Clerk's Office.)

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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of September 20, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider the adoption of the Final Draft Non-Disposal Facility element required by the California Integrated Waste Management Act of 1989 (AB939), and approval of the Negative Declaration for the City of Modesto Waste Management Plan.

ACTION: Res. 94-568 adopted (Friedman/Muratore, unan., Patterson absent) approving the Final Draft Non-Disposal Facility element.  
Res. 94-569 adopted (same vote) certifying the Negative Declaration. for the Modesto Waste Management Plan.  
(P/W to handle)

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for Target (Sisk Road) Neighborhood Traffic Control Improvements (speed hump construction); and consider amending the budget to increase the estimated revenue and to appropriate the developer contribution for Target's Traffic Control Plan.  
(Suggested bid opening: October 11, 1994, at 11:00 a.m. Report with agenda. The project will help reduce traffic impacts in the residential neighborhood adjacent to the new Target store. As part of traffic mitigation requirements for development of the Target store on Sisk Road the developer was required to pay for traffic controls in the adjacent residential area. Speed humps and all-way stops will be provided at numerous locations to discourage cut through traffic. The Target developer has deposited \$48,000 with the Finance Department. The total project cost is estimated to be \$48,000. The budget needs to be amended to recognize the revenue and to establish this new CIP project. Resolution approving plans and specification and call for bids needed; and resolution amending the budget needed.)

ACTION: Res. 94-570 adopted calling for bids.  
Res. 94-571 adopted amending the budget. (P/W to handle)

CONSENT

5. Consider award of contract to A.V. & C. Construction, Inc. for the Orchard Neighborhood Park Phase I.

submitted by A.V.C. Construction, Inc. is 4.86% below the engineer's estimate and considered acceptable. It is recommended the project be awarded to them. Report and bid tabulation with agenda. Resolution awarding contract to A.V. & C. Construction, Inc. needed. Estimated total cost: \$490,545.77 (contract \$434,111.30; const. admin. & contingencies \$56,434.47). Funds are budgeted.)

ACTION: Res. 94-572 adopted awarding contract. (P/W to handle)

CONSENT

6. Consider declaring Pedcom, Inc. low bidder on a portion of the computer network system for the Police Department - Item I - cabling Infrastructure.  
(Report with agenda. Resolution declaring low bidder and authorizing purchase needed. Estimated cost: \$26,559. Funds are budgeted.)

ACTION: Res. 94-573 adopted awarding bid. (Finance to handle)

NEW BUSINESS

7. Consider approving Land Use Alternatives and Draft Project Objectives for the General Plan.  
(Report with agenda. Motion endorsing Draft Project Objectives, endorsing the General Plan Steering Committee's proposal as the Primary Land Use Alternative, and establishing Land Use Alternatives to be studied concurrently with the Primary Land Use Alternatives needed.)

ACTION: By motion (McClanahan/Cogdill, unan., Patterson absent) Draft project Objectives endorsed. (Com.Dev. to handle)

CONSENT

8. Capital Facilities Fee Annual Summary Report.  
(Report with agenda. The City Council is required to review certain items in the Capital Facilities Fee Funds pursuant to the Government Code Section 66006(b). This report is a listing of those items. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

9. Consider adoption of the Public Transit Section's Disadvantaged Business Enterprise (DBE) Fiscal Year 1994-95 goal of 13% participation in federally funded transit contract awards.  
(Report with agenda. The Federal Transit Administration (FTA) requires adoption of an annual DBE goal. For FY 1994-95 the City's Transit Division has programmed \$180,797 in FTA funds to be awarded to DBEs with an overall DBE participation of 13%. Resolution adopting a goal of 13% DBE participation for FY 1994-95 needed.)

ACTION: Res. 94-574 adopted approving a goal of 13% DBE participation. (P/W to handle)

CONSENT

10. Consider approving amendment to Modesto City-County Airport Project AIP 3-06-0153-12 grant for improvements to the passenger terminal air carrier apron, increasing federal participation by \$1,616.35 and authorize the City Manager to sign the Grant amendment on behalf of the City.  
(Report with agenda. Resolution approving amendment to grant agreement needed.)

ACTION: Res. 94-575 adopted approving amended agreement. (P/W to handle)

CONSENT

11. Consider authorizing the City Manager to sign an agreement with the Senior Opportunity Service Program for a grant of \$39,125 under the Community Development Block Grant Program for Fiscal Year 1994-95 for its Senior Nutrition Program.  
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 94-576 adopted approving agreement. (Com. Dev. to handle)

ORAL COMMUNICATIONS

12. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Lily Dalton spoke about placement of bus stops.

WRITTEN COMMUNICATIONS

CONSENT

13. Letter from Nancy M. Young, Executive Director, Downtown Improvement District, requesting the use of downtown sidewalks for the selling of merchandise on Thursday, Friday, Saturday and Sunday, October 13, 14, 15 and 16, 1994.  
(Motion approving needed.)

ACTION: By motion, request approved. (Finance to handle)



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, October 4, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,  
Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Human Services Committee/Public Safety Committee
2. Transportation Policy Committee

Oral Communications: None

The meeting adjourned at 6:53 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

10-4-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 4, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Bud LaCore, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 7A, 9, 10, 11, 12

ACTION: (Muratore/Friedman, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 8  
Councilmember McClanahan excused due to a conflict of interest.

ACTION: (Friedman/Cogdill, unan., McClanahan and Patterson absent)

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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of September 27, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

3. Golf Fees and Study Report.  
(Report with agenda. Motion accepting National Golf Foundation report, referring report back to Human Services Committee for further study with recommendations to be presented within thirty days, and extending current green fees until final recommendation of the Human Services Committee needed.)

ACTION: By motion (McClanahan/Friedman, unan., Patterson absent) receipt of the report was acknowledged and referred to the Human Services Committee for study with recommendations to be presented to the Council in 45 days. (P/R to handle)

HEARINGS

4. Hearing to consider introduction and adoption of an emergency interim ordinance extending for a period of one year Emergency Interim Ord. No. 2916-C.S. prohibiting any new land uses in the City of Modesto for the purpose of operating adult-oriented businesses.  
(Report with agenda. Introduction and adoption of an emergency ordinance needed, and motion directing the Community Development Department and the City Attorney to work with the Community Qualities Forum to study and propose a land use or other regulatory scheme applicable to such businesses needed.)

ACTION: By motion (Muratore/Friedman, unan., Patterson absent) Emergency Ord. No. 2927-C.S. introduced.  
By motion (same vote) directed the Community Development Department and City Attorney to work with the Community Qualities Forum to study and propose a land use or other regulatory scheme applicable to such businesses. (Clerk/Atty to handle)

5. Public hearing to consider accepting the Fiscal Year 1993-94 Community Development Block Grant, Annual Grantee Performance Report and to consider authorizing the City Manager to sign and submit the report to the Department of Housing & Urban Development.

ACTION: Res. 94-577 adopted (Dobbs/Lang, unan., Patterson absent) accepting the Report and authorizing submittal to the Department of Housing & Urban Development. (Com. Dev. to handle)

### BIDS

#### CONSENT

6. Consider approval of plans and specifications and call for bids for the electrical improvements at Graceada Park.  
(Suggested bid opening: October 27, 1994, at 11:00 a.m. This project will combine two existing electrical services to the park into one service that will meet all current and projected park needs, replace pole and light fixture for more efficient and effective park lighting; install emergency lighting system for large more efficient and effective park lighting; install emergency lighting system for large public assemblies, provide electrical service for performances at Mancini Bowl and upgrade theatrical lighting on the stage. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated total cost: \$203,500; contract \$179,500; const. admin. & cont. \$24,000) Funds are budgeted.)

ACTION: Res. 94-578 adopted calling for bids. (P/W to handle)

#### CONSENT

7. Consider acceptance of C.E. Green Corporation's contract to remove and replace fuel tanks at the wastewater treatment facility and authorizing the City Clerk to file the Notice of Completion, and consider approving appropriation transfer in the amount of \$2,000 to fully fund the project. (Original contract: \$40,601)  
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed, and resolution approving appropriation transfer needed. Final cost: \$45,847.07. Funds are partially budgeted.)

ACTION: Res. 94-579 adopted accepting as complete.  
Res. 94-580 adopted approving an appropriation transfer.  
(Clerk to handle)

### NEW BUSINESS

#### CONSENT

- 7A Consider amending the Community Development Block Grant Policy and Procedures Manual, Small Business Loan Program Operating Procedures, to

allow loans to industrial businesses located within the City's sphere of influence.  
(Report with agenda. Resolution amending CDBG Policy and Procedures Manual needed.)

ACTION: Res. 94-581 adopted amending CDBG Policy and Procedures Manual. (Com. Dev. to handle)

CONSENT

8. Consider approving a loan agreement with Patrick D. Murray and Nicholas A. Lemmo, dba Creteseal Contract Services under the Community Development Block Grant Small Business Loan Program.  
(Report with agenda. Resolution approving loan agreement needed. Estimated cost: Not to exceed \$35,000 Community Development Block Grant Funds. Funds are budgeted.)  
Councilmember McClanahan excused due to a conflict of interest.

ACTION: Res. 94-582 adopted approving agreement. (Com. Dev. to handle)

CONSENT

9. Consider approving financing agreements with property owners Mario Campos, Patrick Tittle, and Durval Estrela for the purpose of rehabilitating their properties pursuant to the City of Modesto's Housing Rehabilitation Program.  
(Report with agenda. Resolution approving financing agreements needed. Estimated total cost: Not to exceed \$46,560 Community Development Block Grant Funds. Funds are budgeted.)

ACTION: Res. 94-583 adopted approving agreement with Mario Campos.  
Res. 94-584 adopted approving agreement with Patrick Tittle.  
Res. 94-585 adopted approving agreement with Durval Estrela. (Com. Dev. to handle)

CONSENT

10. Consider approving agreement with County of Stanislaus, Dayton Hudson Corporation and George and Dianne Gagos to address the impact on County roads and facilities due to the phased development of Target/Mervyns near Pelandale Avenue and the Highway 99 Interchange.  
(Report with agenda. This agreement clarifies the method of payment based upon traffic generation as development occurs. Resolution approving agreement needed.)

ACTION: Res. 94-586 adopted approving agreement. (Com. Dev. to handle)

CONSENT

11. Consider approving lease agreement with Cleveland J. Stockton for the lease of Assessor's Parcel Nos. 105-41-08 and 105-41-17, at the corner of I Street and the alley between 9th Street and 10th Street, for use as a public parking lot, and consider amending the budget to appropriate additional funds from parking fund contingency reserve for the lease payment.  
(Report with agenda. Resolution approving lease agreement needed, and resolution amending the budget needed. Estimated cost for the rest of this year: \$4,500.)

ACTION: Res. 94-587 adopted approving agreement.  
Res. 94-588 adopted amending the budget. (Com. Dev. to handle)

CONSENT

12. Consider approving agreement with G. S. Dodson & Associates, Inc. to provide construction services for the reconstruction of the Thousand Oaks lift station.  
(Report with agenda. G. S. Dodson & Associates was the design consultant for the Thousand Oaks lift station reconstruction project. To provide consistency during project construction, it is requested that they be retained to review submittals, answer design questions and provide construction administration support when requested by the City. Resolution approving agreement needed. \$38,714 (contract \$35,214; contingency \$3,500) Funds are budgeted.)

ACTION: Res. 94-589 adopted approving agreement. (P/W to handle)

13. Consider approving the application of Waterford Community Ambulance for a permit to operate limited ambulance service in the City of Modesto; and consider amending Chapter 9 of Title III of the Modesto Municipal Code relating to licensing and regulation of nonemergency transport.  
(Report with agenda. Resolution approving application needed, and introduction of an ordinance amending the Municipal Code needed.)

ACTION: By motion (McClanahan/Muratore, unan., Patterson absent) Ord. No. 2928-C.S. introduced.  
Res. 94-590 adopted (same vote) approving application.  
(Finance/Clerk to handle)

ORAL COMMUNICATIONS

14. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

15. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate

action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

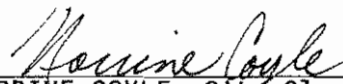
16. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

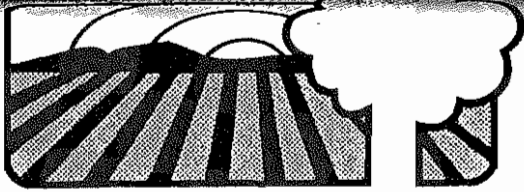
Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

ADJOURNMENT

The meeting adjourned at 8:12 p.m. to closed session. The City Attorney returned to open session at 8:55 p.m. and announced that no action had been taken.

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk



## MODESTO CITY COUNCIL

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 2:00 p.m. on Tuesday, October 11, 1994, in the Multipurpose Room, Court Floor at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, Muratore, Acting Mayor McClanahan

Absent: Councilmember Patterson, Mayor Lang

The purpose of the meeting was to hold a workshop concerning the proposed Wastewater Master Plan.

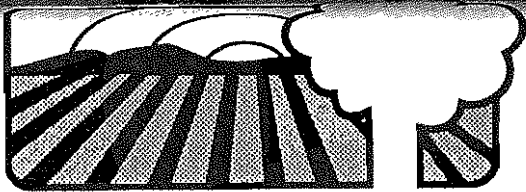
Alice Tulloch, Public Works & Transportation Department, and representatives of Black and Veatch consulting firm reviewed their process of studying the City's wastewater treatment problems and discussed possible solutions.

Oral Communications: None

The meeting adjourned at 3:35 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

10-11-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 11, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, Muratore,  
Vice Mayor McClanahan

Absent: Councilmember Patterson, Mayor Lang

Pledge of Allegiance to the Flag

Invocation: Rev. Donny Chandler, Unity Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 7, 8, 9, 12, 13

ACTION: (Friedman/Muratore, unan., Patterson and Lang absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 6  
Councilmember McClanahan excused due to a conflict of interest.

ACTION: (Friedman/Dobbs, unan., McClanahan, Patterson and Lang absent)

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assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Acknowledgement of Michael Reece and Robert Wilkinson, City of Modesto employees, for their heroic actions in halting a felony assault on May 17, 1994.

Acting Mayor McClanahan presented Certificates of Commendation to Michael Reece and Robert Wilkinson.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meeting of October 4, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2928-C.S. amending the Modesto Municipal Code relating to licensing and regulation of non-emergency transport.  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2928-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

4. Consider approving call for bids for two compressed natural gas (CNG) buses.  
(Suggested bid opening: December 8, at 11:00 a.m. Report with agenda. Resolution approving call for bids needed. Estimated cost: \$300,000. Funds are budgeted.)

ACTION: Res. 94-591 adopted calling for bids. (Finance to handle)

CONSENT

5. Consider approving appropriation transfer in the amount of \$31,500 to add nine additional rockwells at six locations where rejuvenation was not successful and in two locations where flooding occurs to the rockwell replacement/addition 1994/95 project.  
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 94-592 adopted approving appropriation transfer.  
(P/W, Finance to handle)

CONSENT

6. Consider award of contract for the parking lot construction project in Block 56, 9th and I Streets.  
(Bids were opened on September 29, 1994. The low bid of \$30,311.38, submitted by Fagundes & Son, Inc., is 10.80% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract to Fagundes & Son, Inc. needed. Estimated cost: \$35,463.31 (contract \$30,311.38; const. admin. & cont. \$5,151.93) Funds are budgeted.)  
Councilmember McClanahan excused due to a conflict of interest.

ACTION: Res. 94-593 adopted awarding contract. (P/W to handle)

CONSENT

7. Consider rejecting bids for the McHenry Museum reroofing project and authorizing staff to request proposals from consultants to design the reroofing project.  
(Report with agenda. Several written protests to the award of this project were received. The primary concern raised was that the project specifications do not allow the possibility of a Modesto based contract being the successful low bidder. Staff has determined that while the specifications were legally and technically correct, the City may benefit from having an independent third party reevaluate and design the project. Resolution rejecting all bids needed, and motion authorizing staff to request proposals needed.)

ACTION: Res. 94-594 adopted rejecting all bids.  
By motion, staff authorized to request proposals. (P/W to handle)

CONSENT

8. Consider waiving formal bid procedures and authorizing the Purchasing Officer to purchase computer equipment for Fiscal Year 1994-95 from the best available competitively bid or cooperative contract source.  
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase of computer equipment needed. (Five affirmative votes needed.) Estimated cost: To be determined. Funds are budgeted.)

ACTION: Res. 94-595 adopted waiving formal bid procedures.  
(Finance to handle)

CONSENT

9. Consider declaring as surplus stolen, unclaimed and/or seized property and authorize sale at public auctions on December 3, 1994, and December 5, 1994; consider declaring 19 vehicles surplus and authorizing sale by sealed bid, auction, or sell as scrap; consider declaring one bus and 24 fareboxes surplus and authorize donation to the Pacific Bus Museum.  
(Report with agenda. Three resolutions needed.)

ACTION: Res. 94-596 adopted declaring stolen, unclaimed, and/or seized property as surplus and authorizing sale.  
Res. 94-597 adopted declaring 19 vehicles surplus and authorizing sale.  
Res. 94-598 adopted declaring bus and fareboxes surplus and authorizing donation.  
(Finance to handle)

NEW BUSINESS

10. Consider an increase in sewer user rates for Empire Sanitary District and consider a provision that any future citywide sewer rate increases also apply to the Empire Sanitary Sewer District contract.  
(Report with agenda. Resolution increasing sewer rates and providing that any future citywide sewer rate increase also apply to the Empire Sanitary District needed.)

ACTION: Res. 94-599 adopted (Dobbs/Muratore, unan., Patterson absent)  
increasing rates. (P/W to handle)

11. Consider adjusting the fines schedule for industries violating their waste discharge permit limits.  
(Report with agenda. Resolution adjusting fines needed.)

ACTION: Res. 94-600 adopted (Cogdill/Friedman, unan., Patterson absent)  
adjusting fines schedule. (P/W to handle)

CONSENT

12. Consider approving amendment to agreement with Bissell & Karn, Inc. for engineering services related to the widening of the Claus Road Bridge over Dry Creek.  
(Report with agenda. Bissell & Karn, Inc. provided design services for the widening of the Claus Road Bridge. Resolution approving amendment to agreement needed. Estimated cost: \$14,000. Funds are budgeted.)

ACTION: Res. 94-601 adopted approving amended agreement. (P/W to handle)

CONSENT

13. Monitoring reports of the final agencies funded with Community Development Block Grant funds during Fiscal Year 1993-94.  
(Report with agenda. The Community Development Block Grant Program regulations require that organizations funded with CDBG funds must be monitored for performance in services and in cash management. Monitoring reports for Center for Senior Employment, Community Temporary Shelter Service, Modesto Community Housing Resources Board, Community Temporary Shelter Service, Project Sentinel, and Senior Opportunity Service Program with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

ORAL COMMUNICATIONS

14. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.

- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Frank Coyote spoke about the homeless.  
Bill Cameron spoke about cottonwood trees and requested the Council to consider not allowing fireworks in Modesto.

MATTERS TOO LATE FOR THE AGENDA

15. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

16. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Sullivan v. City of Modesto

ADJOURNMENT

The meeting adjourned at 4:20 p.m. to closed session. The City Attorney returned at 4:35 p.m. and announced that no action had been taken.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, October 18, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

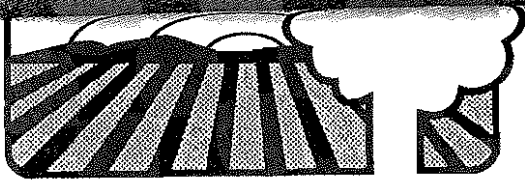
1. Community Development and Housing Committee
2. Economic Development, Community and Intergovernmental Relations Committee
3. Financial Polity Committee

Oral Communications: None

The meeting adjourned at 6:45 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

10-18-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 18, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 9

ACTION: (Muratore/Friedman, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- 1a. Request from the National League of Cities to proclaim October 24-30, 1994, National Unfunded Mandates Week.  
(Report with agenda. Resolution proclaiming October 24-30, 1994, National Unfunded Mandates Week needed.)

ACTION: Res. 94-602 adopted (Friedman/Dobbs, unan., Patterson absent)  
proclaiming October 24-30, 1994, National Unfunded Mandates Week.  
(Manager to handle)

- 1b. Mayor Lang introduced members and Scoutmaster of Boy Scout Troop 113 of the Latter Day Saints Church.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of October 11, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for the Johansen pool support building.  
(Suggested bid opening: November 8, 1994, at 11:00 a.m. Report with agenda. This project will provide a pool support building that is required in an agreement between the City and the Modesto School District concerning the use and operation of the Johansen High School pool. Johansen High School is located on the southeast corner of Claus Road and Norseman Drive. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$526,590 (const. contract \$404,000; contingency \$84,590; const. admin \$30,000; Parks and Recreation admin. \$8,000. Funds are budgeted.)

ACTION: Res. 94-603 adopted calling for bids. (P/W to handle)

CONSENT

4. Consider waiving formal bid procedures and authorizing the purchase of one new street sweeper from Ricker Machinery Company for the total cost of \$108,794.  
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 94-604 adopted waiving formal bids. (Finance to handle)

NEW BUSINESS

CONSENT

5. Consider amending the Municipal Code relating to radar enforcement of speed limits.  
(Report with agenda. Several of our speed surveys that allow radar enforcement are about to expire. Staff has conducted new surveys and recommends changes to the speed limits on some streets based on these surveys. Estimated cost to change signs: \$2,000. Funds are budgeted. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2929-C.S. introduced. (Clerk to handle)

CONSENT

6. Report of loans approved under the Emergency Home Repair Program during September, 1994.  
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

7. Consider approving financing agreements with property owners Gregory Say and Arthur Cuevas, Sr. for the purpose of rehabilitating their properties pursuant to the City of Modesto's Housing Rehabilitation Program.  
(Report with agenda. Resolutions approving financing agreements needed. Estimated cost not to exceed \$63,153 CDBG funds.)

ACTION: Res. 94-605 adopted approving agreement with Gregory Say.  
Res. 94-606 adopted approving agreement with Arthur Cuevas, Sr.  
(Com. Dev. to handle)

ORAL COMMUNICATIONS

8. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Audrey Johnson presented a copy of her "Voter Rescue Handbook".

Carmen Sabatino discussed the Red Lion's golf discount program.

WRITTEN COMMUNICATIONS

CONSENT

9. Letter from Mr. Lekh Ram requesting refund of Building Permit fees for a building he has not been able to construct.  
(Motion referring to staff needed.)

ACTION: By motion, request referred to staff. (Com. Devel. to handle)

10. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

ACTION: By motion (Cogdill/McClanahan, unan., Patterson absent) it was determined that the need to take action arose after the agenda was posted.

Res. 94-607 adopted (Muratore/McClanahan, unan., Patterson absent) approving a temporary license agreement with Empire School District for use of a private driveway.

11. CLOSED SESSION

a. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: City of Modesto vs. Del Este Water Company and California Water Service Company, Superior Court case No. 296508.

b. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

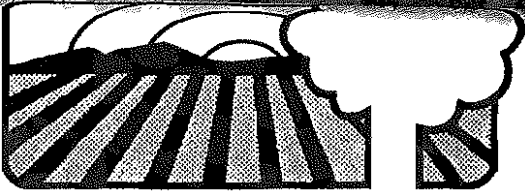
c. CONFERENCE WITH LABOR NEGOTIATORS  
Agency Negotiators: Robin Renwick and Don Norris

Employee organization: Modesto City Employee Association

ADJOURNMENT

The meeting adjourned to closed session at 7:30 p.m. The City Attorney returned to open session at 7:59 p.m. and reported no action had been taken.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



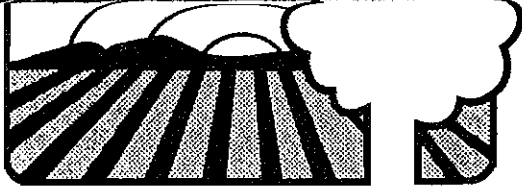
# MODESTO CITY COUNCIL

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 25, 1994, AT 4:00 P.M.

## NOTICE

THERE WILL BE NO MEETING OF THE CITY COUNCIL  
ON TUESDAY, OCTOBER 25, 1994,  
DUE TO LACK OF A QUORUM

THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON  
TUESDAY, NOVEMBER 1, 1994, AT 7:00 P.M.



# MODESTO CITY COUNCIL

## MINUTES

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, October 18, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Community Development and Housing Committee
2. Economic Development, Community and Intergovernmental Relations Committee
3. Financial Policy Committee
4. Human Services and Public Safety Committee
5. Transportation Policy Committee
6. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:57 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

11-1-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 1, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Stan Lubeck, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, 7, 8, 9, 10, 11,  
12, 13, 14, 15, 16, 17, 19, 20, 22,  
23, 24, 25, 26, 27, 28, 29, 30, 33

Dropped from agenda: 21

Removed from consent: 31

ACTION: (Friedman/Dobbs, unan., Patterson absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced members and leaders of the Pack 8 Webelos from Sipherd School.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meeting of October 11, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2929-C.S. relating to speed limits (radar).  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2929-C.S. adopted. (Clerk to handle)

HEARINGS

4. Hearing to consider application of Hughson Paramedic Ambulance Company, Inc. for a license for provider service/ambulance transport and to determine whether the public convenience and necessity require the operation of an additional ambulance service in the City of Modesto.

ACTION: Res. 94-608 adopted (Muratore/Friedman, unan., Patterson absent)  
approving license. (Finance to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for the Woodman Way waterline.  
(Suggested bid opening: November 22, 1994, at 11:00 a.m. Report with agenda. The proposed waterline will replace an existing line that is undersized and clogged with rust and scale, thus increasing the water pressure to the neighborhood. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$80,550.70 (contract \$70,658.50; eng. & cont. \$9,892.20) Funds are partially budgeted. An appropriation transfer will be requested after the bids are received and the exact amount needed to construct the project is known.)

ACTION: Res. 94-609 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider approving specifications and authorizing request for bids for furnishing pump check valves.  
(Suggested bid opening: November 22, 1994, at 11:05 a.m. Report with agenda. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$35,000. Funds are budgeted.)

ACTION: Res. 94-610 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider approving specifications and authorizing request for bids for furnishing above ground fuel tanks.  
(Suggested bid opening: November 22, 1994, at 11:10 a.m. Report with agenda. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$24,000. Funds are budgeted.)

ACTION: Res. 94-611 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider awarding contract for the airport sign upgrade project to Mer-Cal Electric, Inc.  
(Report with agenda. Resolution awarding contract to Mer-Cal Electric, Inc. needed. Estimated cost: \$99,814.25. (contract \$86,795; const. admin. and cont. \$13,019.25) Funds are budgeted.)

ACTION: Res. 94-612 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider awarding contract for the water line construction on Crows Landing and Zeff Road project to Floyd Johnston Construction, and consider approving an appropriation transfer in the amount of \$80,000.  
(Report with agenda. Resolution awarding contract to Floyd Johnston Construction needed, and resolution approving appropriation transfer needed. Estimated cost: \$122,083.79 (contract \$108,038.75; const. admin & contingencies \$3,566.25) Funds are partially budgeted.)

ACTION: Res. 94-613 adopted awarding contract.  
Res. 94-614 adopted approving appropriation transfer.  
(P/W to handle)

CONSENT

10. Consider awarding contract for reroofing Hangar No. 1 at the Modesto City-County Airport to King's Roofing, and consider amending the budget to provide an additional \$21,306 from the airport Contingency Fund.  
(Report with agenda. Resolution awarding contract to King's Roofing needed, and resolution amending the budget needed. Estimated cost: \$58,368.90 (contract \$51,368.90; const. admin. & contingencies \$6,677.96) Funds are partially budgeted.)

ACTION: Res. 94-615 adopted awarding contract.  
Res. 94-616 adopted amending the budget. (P/W to handle)

CONSENT

11. Consider awarding contract for the general aviation area water system upgrade project at Modesto City-County Airport to Allen A. Waggoner Construction, Inc.

(Report with agenda. Resolution awarding contract to Allen A. Waggoner Construction, Inc. needed. Estimated cost: \$170,123.52 (contract \$151,896.90; const. admin. & contingencies \$18,227.52) Funds are budgeted.)

ACTION: Res. 94-617 adopted awarding contract. (P/W to handle)

CONSENT

12. Consider awarding contract for the Rumble Road Lift Station Rehabilitation - Phase 2 project to Ross F. Carroll, Inc. (Report with agenda. Resolution awarding contract to Ross F. Carroll, Inc. needed. Estimated cost: \$27,341.25 (contract \$23,775; const. admin. & contingencies \$3,566.25) Funds are budgeted.)

ACTION: Res. 94-618 adopted awarding contract. (P/W to handle)

CONSENT

13. Consider accepting contract of Rolfe Construction Company as complete for the annual sewer rehabilitation project - Coleman Court/Helms Lane, and authorizing the City Clerk to file the Notice of Completion. (Original contract \$64,395) (Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting as complete needed. Final cost: \$72,819. Funds are budgeted.)

ACTION: Res. 94-619 adopted accepting as complete. (Clerk to handle)

CONSENT

14. Consider accepting contract of Scrimsher & Mineni Construction as complete for the sewer lift station rehabilitation project - Muriel Avenue, Maze Boulevard and Mark Randy Place, and authorizing the City Clerk to file the Notice of Completion. (Original contract \$437,152.72) (Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting as complete needed. Final cost: \$440,152.72. Funds are budgeted.)

ACTION: Res. 94-620 adopted accepting as complete. (Clerk to handle)

CONSENT

15. Consider accepting contract of Collins Electrical Company as complete for upgrading the electrical system at the bus yard, and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$26,065) (Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting as complete needed. Final cost: \$27,361.47. Funds are budgeted.)

ACTION: Res. 94-621 adopted accepting as complete. (Clerk to handle)

CONSENT

16. Consider accepting contract of Allen A. Waggoner Construction Company as complete the Yosemite Boulevard water line project, and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$56,212.60)  
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting as complete needed. Final cost: \$41,127.27. Funds are budgeted.)

ACTION: Res. 94-622 adopted accepting as complete. (Clerk to handle)

CONSENT

17. Consider accepting contract of Mountain Cascade, Inc. as complete for the parallel outfall sewer construction project, and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$2,879,840)  
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting as complete needed. Final cost: \$2,895,980.57. Funds are budgeted.)

ACTION: Res. 94-623 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

18. First Quarter Status Report and proposed adjustments - Fiscal Year 1994-95 Annual Budget.  
(Report with agenda. Motion acknowledging receipt of report needed, and resolution amending the F.Y. 94-95 Budget and re-estimating revenue for F.Y. 94-95 needed.)

ACTION: By motion (Cogdill/Dobbs, unan., Patterson absent) acknowledged receipt of report.  
Res. 94-624 adopted (same vote) amending the budget and re-estimating revenue for FY 1994-95. (Finance to handle)

CONSENT

19. Consider excusing Mayor Lang from the October 11, 1994, City Council meeting due to his attendance of the announcement of Crime Bill Grants in Washington, D.C.  
(Motion excusing needed.)

ACTION: By motion, Mayor Lang excused. (Clerk to handle)

CONSENT

20. Consider excusing Mayor Lang and Councilmembers Dobbs, Friedman, McClanahan, and Muratore from the October 25, 1994, City Council meeting due to their attendance at the Annual League of California Cities Conference in Long Beach, California October 22 - 26, 1994.  
(Motion excusing needed.)

ACTION: By motion, Mayor and Councilmembers excused. (Clerk to handle)

CONSENT

21. Consider amending Section 3-2.808 of Article 8 of Chapter 2 of Title III of the Modesto Municipal Code relating to use of coasters, roller skates and similar devices.  
(Report with agenda. Empire Union School District has requested that their respective school properties located in the City of Modesto be included in the ordinance. Introduction of an ordinance needed.)

Dropped from agenda.

CONSENT

22. Consider approving agreement with Tony and Delfina R. Morris for property rights needed for the Parallel Outfall Project.  
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$18,000. Funds are budgeted.)

ACTION: Res. 94-625 adopted approving agreement. (Com. Dev. to handle)

CONSENT

23. Consider approving agreement with Grace A. Souza for property rights needed for the Parallel Outfall Project.  
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$7,500. Funds are budgeted.)

ACTION: Res. 94-626 adopted approving agreement. (Com. Dev. to handle)

CONSENT

24. Consider approving agreement with Alfred S. Pelucca for the lease of parking lot at the northwest corner of Tenth and F Streets.  
(Report with agenda. Resolution approving agreement needed. Estimated cost for the rest of this year: \$3,600. Funds are budgeted.)

ACTION: Res. 94-627 adopted approving agreement. (Com. Dev. to handle)

CONSENT

25. Consider amending the budget to transfer \$18,746 from the General Fund Reserve to Sewer Fund Reserve to provide the Sewer Fund with the City's component of sewer connection charges associated with the County's Public Safety Center.  
(Report with agenda. Resolution amending the 1994-95 Operating Budget needed.)

ACTION: Res. 94-628 adopted amending the budget. (P/W, Finance to handle)

CONSENT

26. Consider starting Modesto Area Dial-A-Ride (DAR) one hour earlier on Sundays, effective November 6, 1994.  
(Report with agenda. If approved, DAR would begin Sunday service at 8:00 a.m. instead of the current starting time of 9:00 a.m. The cost to the City for the remainder of the fiscal year is estimated at \$2,000 and can be funded within the current DAR budget. The City-County Joint

Transportation Committee recommends approval. Motion authorizing Sunday DAR operation to begin at 8:00 a.m. needed. Funds are budgeted.)

ACTION: By motion, Sunday operation of Dial-A-Ride was changed to 8:00 a.m. (P/W to handle)

CONSENT

27. Consider approving a request by the San Joaquin Regional Transit District (SJRTD) to operate bus route(s) within Modesto on the condition that the SJRTD not claim for its bus service Local Transportation fund money apportioned to the City of Modesto. (Report with agenda. The routes will serve San Joaquin residents commuting to jobs in Modesto. The Public Utilities Code requires that operators providing service in another bus systems' area receive the approval of the system in whose area the service is provided. The condition approval is simply a precaution because the Public Utilities Code allows claims for LTF funds to be filed by operators that provide service to other jurisdictions. There is no reason to believe that SJRTD has any intention of filing such a claim. Motion authorizing City Manager to give conditional consent to SJRTD to operate service within Modesto needed.)

ACTION: By motion, City Manager was authorized to give conditional consent to SJRTD to operate service within Modesto. (P/W to handle)

CONSENT

28. Consider vacating and abandoning a portion of excess street right of way on Akeby Drive, located west of Ashfield Way in the City of Modesto. (Report with agenda. Resolution vacating and abandoning a portion of excess street right of way needed.)

ACTION: Res. 94-629 adopted abandoning right of way. (P/W to handle)

CONSENT

29. Consider approving agreements with Check Express, Inc. dba Check-X-Change to receive utility bill payments from customers at 2508 Oakdale Road, #C3 and at 1320 Standiford Avenue. (Report with agenda. By approving these two new locations as remote pay stations, the geographic locations of remote pay stations through the City will again be in balance. Resolutions approving agreements needed. Estimated cost: \$1,000; funds are budgeted.)

ACTION: Res. 94-631 adopted approving agreement with Check Express at 2508 Oakdale Road.  
Res. 94-632 adopted approving agreement with Check Express at 1320 Standiford Avenue. (Finance to handle)

CONSENT

30. Consider termination of September 24, 1994 contract with Recon Environmental Corp. (previously known as Earth Metrics) and consider approval of a new agreement with Recon Environmental Corp. to complete a General Plan Draft EIR. (Report with agenda. A new contract is needed to complete the draft EIR as a Master EIR reflecting the work of the General Plan Steering Committee and the simultaneous study of additional land use alternatives. Resolution termination 9/24/92 contract needed, resolution approving agreement with Recon Environmental needed, and

resolution amending budget needed. Estimated cost: \$169,600. Funds are budgeted.)

ACTION: Res. 94-632 adopted terminating the 9/24/92 contract.  
Res. 94-633 adopted approving agreement with Recon Environmental.  
Res. 94-634 adopted amending the budget. (Com. Dev. to handle)

31. Consider opposing Proposition 188 - "California Uniform Tobacco Control Act."  
(Report with agenda. Resolution opposing Proposition 188 needed.)

ACTION: Res. 94-635 adopted (Cogdill/Muratore, unan., Patterson absent)  
opposing proposition 188. (Manager to handle)

#### ORAL COMMUNICATIONS

32. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Bill Winger spoke about the Neighborhood Preservation Unit being overworked.

#### WRITTEN COMMUNICATIONS

##### CONSENT

33. Application for leave to present late claim from Dale H. Thayer, on behalf of Cassandra Pitts.  
(Resolution denying late claim needed.)

ACTION: Res. 94-636 adopted denying claim. (Clerk to handle)

#### MISCELLANEOUS

##### Appointments

34. Affirmative Action Commission

ACTION: Res. 94-637 adopted (McClanahan/Dobbs, unan., Patterson absent)  
appointing Dwight Bateman to the Affirmative Action Commission.  
(Clerk to handle)

CLOSED SESSION

35. CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Robin Renwick and Don Norris

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: City of Modesto v. Bearden  
Superior Court Case No. 302043

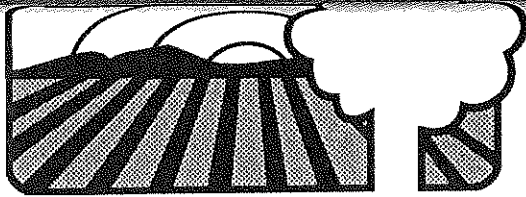
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

ADJOURNMENT

The meeting adjourned to closed session at 7:25 p.m. The City Attorney returned to open session at 8:55 p.m. and announced that no action was taken.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 8, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Vern Deatherage, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 11, 12,  
13, 14, 15, 16

Dropped from agenda: 5

ACTION: (Friedman/McClanahan, unan., Patterson absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

none

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of November 1, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider establishing a non-refundable filing fee of \$1,000 to operate non-emergency transport vehicles.

ACTION: Res. 94-638 adopted (McClanahan/Friedman, unan., Patterson absent) establishing a filing fee. (Finance to handle)

BIDS

CONSENT

4. Consider authorizing a call for bids for the replacement of wheelchair lifts on eleven Modesto Area Express buses.  
(Suggested bid opening: December 5, 1994, at 11:00 a.m. Estimated cost: \$229,900. Funds are budgeted.)

ACTION: Res. 94-639 adopted calling for bids. (Finance to handle)

CONSENT

5. Consider rejecting all bids for the general aviation area taxiway C and E project and authorizing a new call for bids.  
(Suggested bid opening: December 13, 1994, at 11:00 a.m. Resolution rejecting bids and authorizing new call for bids needed. Estimated cost: \$72,327.35 (contract \$64,006.50; other \$8,320.85) Funds are budgeted.)

Dropped from agenda

CONSENT

6. Consider awarding contract for electrical improvements at Graceada Park to Collins Electrical Company, Inc.  
(Resolution awarding contract to Collins Electrical Company needed. Estimated cost: \$196,347.90 (contract \$172,235; other \$24,112.90) Funds are budgeted.)

ACTION: Res. 94-640 adopted awarding contract. (P/W to handle)

NEW BUSINESS

CONSENT

7. Consider amending the Modesto Municipal Code to provide that in the month of December, regular City Council meetings will be held on the first and second Tuesdays only.  
(Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2930-C.S. introduced. (Clerk to handle)

CONSENT

8. Consider approving a lease agreement with Jerry L. Wedel and the Prescott Estates Homeowner's Association for a substation located at 2309 Prescott Road, Apartment #1.  
(Resolution approving agreement needed. Estimated cost: \$4,000. Funds are budgeted.)

ACTION: Res. 94-641 adopted approving agreement. (Police to handle)

CONSENT

9. Consider approving free special public transit service, identical to that which was provided last year, to and from the free Thanksgiving Dinner held at Modesto Centre Plaza, for this year and for all subsequent years that the special dinner is offered at the Centre Plaza.  
(Motion approving special service needed. Total estimated cost: \$650. Funds are budgeted.)

ACTION: By motion, public transit service approved. (P/W to handle)

CONSENT

10. Consider authorizing the City Manager to execute a loan agreement with Richard H. Redner, dba R. B. & F., Inc. (Togo's Eatery), under the Community Development Block Grant Small Business Loan Program.  
(Resolution approving financing agreement needed. Estimated cost: \$50,000. Funds are budgeted.)

ACTION: Res. 94-642 adopted approving agreement. (Com. Dev. to handle)

CONSENT

11. Consider amending the criteria for honoring outstanding youth to combine Community Service and Volunteerism categories, add Team or Group Service category, and to change the age requirement to include all students enrolled in high schools within the City of Modesto.  
(Resolution approving changes needed.)

ACTION: Res. 94-643 adopted approving changes. (P/R to handle)

CONSENT

12. Consider authorizing the City Manager to sign a contract with the State Department of Forestry and Fire Protection for a tree planting grant funded through the Federal Small Business Administration, and consider amending the budget to estimate \$50,000 in revenue and to appropriate \$60,000 in expenditures.  
(Resolution approving contract and resolution amending the budget

needed. Total estimated cost: \$60,000.)

ACTION: Res. 94-644 adopted approving contract.  
Res. 94-645 adopted amending the budget. (P/R to handle)

CONSENT

13. Consider recommendation that the City co-sponsor "Earth Day in the Park 1995," authorize the City Manager to enter into a contract with a Special Events Coordinator, authorize the Purchasing Officer to assist the Earth Day Steering Committee with selection of Special Events Coordinator, and allow the sale of merchandise in the park during the event.  
(Resolution approving recommendation needed.)

ACTION: Res. 94-646 adopted approving recommendation. (P/W to handle)

CONSENT

14. Consider authorizing the City Manager to sign a bid proposal to the City of Ceres for the City of Modesto tree crews to perform tree planting. If the City of Ceres accepts Modesto's bid, a contract automatically exists.  
(Resolution approving bid proposal needed.)

ACTION: Res. 94-647 adopted approving bid proposal. P/R to handle)

CONSENT

15. Consider approval of the final map of the revised Orangeburg Terrace Subdivision of the City of Modesto and accepting the improvements.  
(Subdivider: David B. Konecny and Sherri E. Konecny)  
(Resolution approving final map and authorizing City Manager to sign agreement needed.)

ACTION: Res. 94-648 adopted approving final map. (Clerk to handle)

CONSENT

16. Consider amending the Citizen Participation Plan and adopting the Consolidated Plan application process and calendar, to conform to newly issued U. S. Department of Housing and Urban Development regulations.  
(Resolution amending the plan and adopting application process and calendar needed.)

ACTION: Res. 94-649 adopted amending the plan and adopting application process and calendar. (Com. Dev. to handle)

WRITTEN COMMUNICATIONS

17. Letter from Tom Solomon, CoSol Commercial Real Estate, concerning capital facilities fees in connection with a building at 715 14th Street.  
Councilmember Cogdill excused due to a conflict of interest.

ACTION: A motion to accept staff recommendation of a compromise, failed to carry (Dobbs/Lang, Friedman and McClanahan-no, Cogdill and Patterson absent)

By motion (Friedman/McClanahan, majority, Dobbs-no, Cogdill and Patterson absent) the fees were reduced to 50% of the scheduled fees.

ORAL COMMUNICATIONS

18. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

19. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

20. CLOSED SESSION

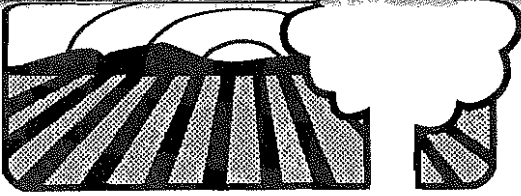
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

ADJOURNMENT

The meeting adjourned to closed session at 4:35 p.m. The City Attorney returned at 4:40 p.m. and announced no action was taken.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, November 15, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

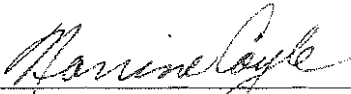
Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

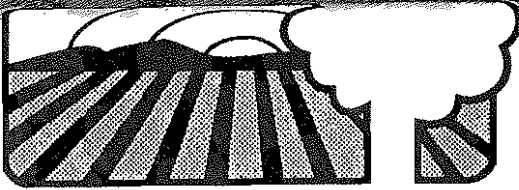
1. Community Development and Housing Committee
2. Economic Development, Community and Intergovernmental Relations Committee
3. Financial Polity Committee
4. Human Services and Public Safety Committee

Oral Communications: None

The meeting adjourned at 6:53 p.m.

ATTEST:   
NORRINE COYLE, City Clerk

11-15-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 15, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, 7, 8, 9, 10, 11,  
12, 14, 15, 16, 18

Removed from consent: 13

ACTION: (Muratore/Dobbs, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of November 8, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2930-C.S. amending the Modesto Municipal Code relating to regular City Council meetings.  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2930-C.S. adopted. (Clerk to handle)

HEARINGS

4. Hearing to consider establishing new green fee rates at Muni, Dryden and Creekside Golf Courses, effective January 1, 1995.  
(Recommendations to be considered also include redefining the mission of the golf fund; upgrading the maintenance to focus on standards recommended by the United States Golf Association (USGA) and the National Golf Foundation (NGF); formation of a citizens' golf advisory committee; authorizing staff to develop a Request for Qualifications for a maintenance contract for all three golf courses; development of a CIP plan for inclusion in the FY 1995-96 Budget; development of a five year strategic plan for the golf program; and amending the budget to estimate revenue and appropriate expenditures. Resolution establishing green fees needed, resolution amending budget needed, and motion approving recommendations needed.)

ACTION: Res. 94-650 adopted (McClanahan/Cogdill, unan., Patterson absent) establishing green fees.  
Res. 94-651 adopted (same vote) amending budget.  
By motion (same vote) recommendations approved. (P/R to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for the Rosemore Avenue water line.  
(Suggested bid opening: December 6, 1994, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Total est.

cost: \$61,647.15 (\$contract amt. \$54,555; const. admin. & contingency \$7,092.15) Appropriation transfer to be requested at time of award of contract when exact amount needed to construct the project is known.)

ACTION: Res. 94-652 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for the Creekside Golf Course cart paths.  
(Suggested bid opening: December 6, 1994, at 11:05 a.m. Resolution approving plans and specifications and call for bids needed. Total est. cost: \$20,700 (contract amt. \$18,000; const. admin. & contingency \$2,700) Funds are budgeted.)

ACTION: Res. 94-653 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider award of contract to George Reed, Inc. for Target Neighborhood traffic control improvements project in the amount of \$37,250.  
(Resolution awarding to George Reed, Inc. needed. Total est. cost: \$40,975 (contract amt. \$37,250; eng. & cont. \$3,725) Funds are budgeted.)

ACTION: Res. 94-654 adopted awarding contract. (P/W to handle)

CONSENT

8. Consider authorizing call for bids for furnishing a Fire Department computer network system.  
(Suggested bid opening: December 12, 1994, at 11:00 a.m. Resolution authorizing call for bids needed. Total est. cost: \$65,000. Funds are budgeted.)

ACTION: Res. 94-655 adopted call for bids. (Finance to handle)

NEW BUSINESS

CONSENT

9. Consider amending the Redevelopment Plan for the Modesto Redevelopment Project to comply with time limits in new State law.  
(Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2931-C.S. introduced. (Clerk to handle)

CONSENT

10. Consider approving an agreement with the Building Industry Association of Central California (BIA), the Sylvan Union School District, and the Modesto High School District providing for Village One School impact fees.  
(Resolution approving agreement needed.)

ACTION: Res. 94-656 adopted approving agreement. (Attorney to handle)

CONSENT

11. Consider approving lease agreement with Constantine Scoto, Jr. for lease of the former Hogin property in Dry Creek Park.  
(Resolution approving lease agreement needed.)

ACTION: Res. 94-657 adopted approving agreement. (Com. Dev. to handle)

CONSENT

12. Consider approving the Celebration of Lights, the Christmas Parade and the Cinco de Mayo Parade as annual events for the purpose of obtaining Caltrans encroachment permits for street closures.  
(Resolution approving annual events needed.)

ACTION: Res. 94-658 adopted approving annual events. (P/R to handle)

13. Consider implementation of new legislation affecting graffiti cleanup and curfew violations by introducing an ordinance to authorize the City to make the expense of graffiti abatement a lien against property of the minor or the parent of a minor, and by adopting a resolution granting the Modesto Police Department authority to temporarily detain and transport any minor reasonably believed to be in violation of the City's curfew ordinance and to charge a fee for the cost of transportation.  
(Introduction of an ordinance and adoption of a resolution needed.)

ACTION: By motion (MuratoreCogdill, unan., Patterson absent) Ord. No. 2932-C.S. introduced.  
Res. 94-659 adopted (same vote) granting the Police Department authority to temporarily detain and transport any minor.  
(Atty/Police to handle)

CONSENT

14. Consider authorizing the City Manager to sign an application for \$500,000 in grant funding under the State Environmental Enhancement and Mitigation Program to assist with acquisition costs for approximately 75 acres of land as part of the Tuolumne River Regional Park.  
(Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 94-660 adopted approving grant application. (P/R to handle)

CONSENT

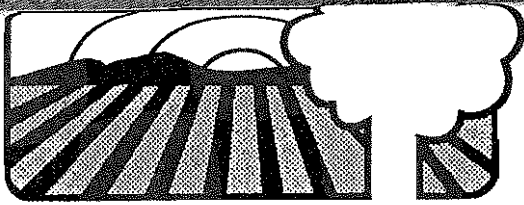
15. Consider approving agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project.  
(Resolution approving agreement needed. Estimated cost: \$67,056. Funds are budgeted.)

ACTION: Res. 94-661 adopted approving agreement. (Police to handle)

CONSENT

16. Consider approving FY 1994-95 and FY 1995-96 Memorandum of Understanding between the City of Modesto and the Modesto City Employee's Association.  
(Resolution approving MOU and amending Res. No. 94-386 needed.)

ACTION: Res. 94-662 adopted approving Memorandum of Understanding.  
(Personnel to handle)



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 Ith Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 22, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Lonnie Skiles, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, 7, 8, 9, 10, 11,  
12, 13

ACTION: (Friedman/Muratore, unan., Patterson absent)

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## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgement of The Solid Waste Association of North America award as a System Excellence Award winner in the 1994 Waste-to-Energy Excellence Awards Program to the Stanislaus Resource Recovery Facility, owned and operated by Ogden Martin Systems of Stanislaus.

Amy Wolf, Ogden Martin of Stanislaus, described the application process and the criteria for the award. She presented a plaque to the council for the City of Modesto, a partner in the waste to energy project.

## MINUTES

### CONSENT

2. Approval of the minutes of the special and regular City Council meeting of November 15, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

## UNFINISHED BUSINESS

### CONSENT

3. Final adoption of:
  - a. Ord. No. 2931-C.S. establishing and amending certain limitations with respect to the Redevelopment Plan for the Modesto Redevelopment Project.
  - b. Ord. No. 2932-C.S. amending the Modesto Municipal Code relating to graffiti.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

## HEARINGS

4. Hearing to consider an amendment to Chapter 2 of Title X of the Modesto Municipal Code pertaining to shopping center signs along Freeway 99, freestanding signs for schools, area allowances for decorative sign enhancement, and a reorganization of portions of the sign regulations.

ACTION: By motion (Cogdill/Lang, majority, Friedman-no, Patterson absent) Ord. No. 2933-C.S. introduced approving school signs, decorative signs, and administrative changes.  
By motion (Cogdill/Lang, majority, Friedman and Muratore-no, Patterson absent) Ord. No. 2934-C.S. introduced allowing freestanding signs along the freeway. (Clerk to handle)

## BIDS

### CONSENT

5. Consider approval of plans and specifications and call for bids for the Electrical Division shop modifications.  
(Suggested bid opening: December 13, 1994, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Total est. cost: \$39,040 (contract \$32,000; contract admin. & contingencies \$7,040) Funds are budgeted.)

ACTION: Res. 94-664 adopted calling for bids. (P/W to handle)

### CONSENT

6. Consider approval of plans and specifications and call for bids for the gate modification for Clarifier Nos. 1 and 2 at the Water Quality Control Plant.  
(Suggested bid opening: December 20, 1994, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Total est. cost: \$96,778 (contract \$84,155; contract admin. & contingencies \$12,263) Funds are budgeted.)

ACTION: Res. 94-665 adopted calling for bids. (P/W to handle)

### CONSENT

7. Consider rejecting all bids for the Johansen pool support building project and authorize new bid call.  
(Suggested bid opening: December 13, 1994, at 11:05 a.m. Resolution rejecting bids and authorizing new call for bids needed. Total est. cost: \$544,604 (contract \$404,000; other amt. \$140,604) Funds are budgeted.)

ACTION: Res. 94-666 adopted rejecting bids and setting new bid date.  
(P/W to handle)

## NEW BUSINESS

### CONSENT

8. Consider approving agreement with the State Department of Alcoholic Beverage Control for a special one-year law enforcement grant project to conduct a special program targeting problem ABC establishments for special enforcement action.  
(Resolution approving agreement needed, and resolution amending budget and estimating revenue needed.)

ACTION: Res. 94-667 adopted approving agreement.  
Res. 94-668 adopted amending the budget.  
(Police/Finance to handle)

### CONSENT

9. Consider approving agreement with STANCO to manage the City of Modesto's Transitional Housing Program.  
(Resolution approving agreement needed. Estimated cost: \$44,550. CDBG funds are budgeted.)

ACTION: Res. 94-669 adopted approving agreement. (Com. Dev. to handle)

CONSENT

10. Consider approving agreement with Calvary Temple Assembly of God for the acquisition of an easement needed for sewer purposes.  
(Resolution approving agreement needed.)

ACTION: Res. 94-670 adopted approving agreement. (P/W to handle)

CONSENT

11. Report of loans approved under the Emergency Home Repair Program (EHRP) during October, 1994.  
(Motion acknowledging receipt of report needed. Total estimated cost: \$19,610. CDBG funds are budgeted.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

12. Consider increase in monthly expense allowance for Mayor at \$250 per month, Vice Mayor at \$150 per month, and other Councilmembers at \$100 per month, effective January 1, 1995.  
(Resolution increasing City Council monthly expense allowance. Estimated cost for 1994-95: \$5,400. Funds are budgeted.)

ACTION: Res. 94-671 adopted increasing monthly expense allowance.  
(Clerk to handle)

CONSENT

13. Consider authorizing City Manager to sign an application for \$91,465 in grant funding under the Federal Land and Water Conservation Fund for the Tuolumne River Regional Park Trail project, which consists of construction of approximately two miles of hiking trail.  
(Resolution authorizing City Manager sign grant application needed.)

ACTION: Res. 94-672 adopted authorizing signing of grant application.  
(P/R to handle)

ORAL COMMUNICATIONS

14. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Paul Sessa spoke about traffic problems.

MATTERS TOO LATE FOR THE AGENDA

15. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

16. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: City of Modesto v. LDS Church  
Superior Court Case No. 303549

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: FMC Corp. v. California Regional Water Quality Control Board, Central Valley Region, and State Water Resources Control Board; City of Modesto as Real Party in Interest. Superior Court Case No. 305751.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

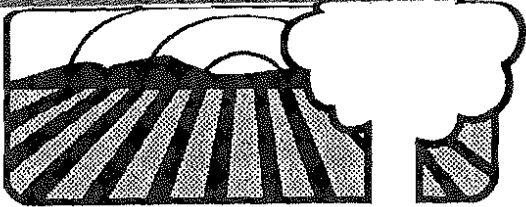
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case.

A significant exposure to litigation against the City of Modesto exists based on the following facts and circumstances: One of the unions representing a group of City employees has threatened litigation to collect additional overtime that it contends is due its members.

ADJOURNMENT

The meeting adjourned at 4:40 p.m. to closed session. The City Attorney returned at 5:50 p.m. and announced no action had been taken.

ATTEST: Norrine Coyle  
NORRINE COYLE, City clerk



# MODESTO CITY COUNCIL

## MINUTES

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, December 6, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

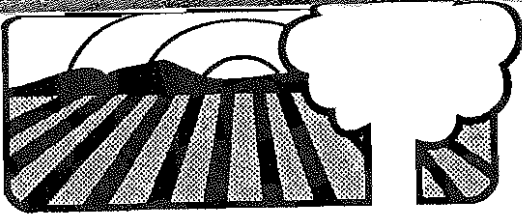
1. Community Development and Housing Committee
2. Economic Development, Community and Intergovernmental Relations Committee
3. Financial Policy Committee
4. Transportation Policy Committee
5. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:53 p.m.

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

12-6-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 6, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items: 2, 5, 6, 7, 8, 9, 10, 11, 12,  
13, 14, 15, 18, 19,

Dropped from agenda: 16  
Removed from consent: 20

ACTION: (Friedman/Dobbs, unan., Patterson absent)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of November 22, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider an amendment to Section 24-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(449), to Planned Development Zone, P-D(505), property located on the southeast corner of Oakdale Road and Manor Oak Drive. (Noralco, Inc.)

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent)  
Ord. No. 2935-C.S. introduced.  
Res. 94-673 adopted (same vote) approving plan.  
Res. 94-674 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Com.Dev. to handle)

4. Hearing to consider increasing Unscheduled Commercial Aircraft Landing Fees and establishing rates for temporary use of City-owned buildings on Modesto City-County Airport, advertisement call board displays and telephone service located in the passenger terminal and use of the Airport FAX machine.

ACTION: Res. 94-675 adopted (McClanahan/Dobbs, majority, Cogdill-no, Patterson absent) approving changes. (P/W to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for the Claratina Avenue water line and consider certifying the Negative Declaration.  
(Suggested bid opening: December 27, 1994, at 11:00 a.m. Resolution approving plans and specifications and call for bids and certifying the Negative Declaration needed. Estimated cost: \$993,224.80 (contract \$878,960; other \$114,264.80) Funds are partially budgeted. An appropriation transfer will be requested after bids are opened and the exact amount needed to construct the project is known.)

ACTION: Res. 94-676 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for the Maze lift station - influent line.

(Suggested bid open: January 3, 1994, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$63,370.40 (contract \$56,080; other \$7,290.40) Funds are partially budgeted. An appropriation transfer will be requested after bids are opened and the exact amount needed to construct the project is known.)

ACTION: Res. 94-677 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider award of contract for the Woodman Way water line to EBC Integrated Solutions.  
(Resolution awarding contract to EBC Integrated Solutions needed. Estimated cost: \$59,394.11 (contract \$52,100.10; other \$7,294.10) Funds are budgeted.)

ACTION: Res. 94-678 adopted awarding contract. (P/W to handle)

CONSENT

8. Consider rejecting all bids for the General Aviation Area Taxiway C and E project.  
(Resolution rejecting bids needed.)

ACTION: Res. 94-679 adopted rejecting bids. (P/W to handle)

CONSENT

9. Consider authorizing a 5% reduction in the retention amount on the reconstruction of "H" and "I" Streets project, as permitted under Section 9203 of the Public Contract Code.  
(Resolution authorizing reduction in retention needed.)

ACTION: Res. 94-680 adopted authorizing reduction in retention. (P/W to handle)

NEW BUSINESS

CONSENT

10. Consider designation of Councilmember Frank Muratore to serve as Vice Mayor for the ensuing year, pursuant to Section 603 of the Charter of the City of Modesto.  
(Resolution designating Frank Muratore as Vice Mayor needed.)

ACTION: Res. 94-681 adopted designating Frank Muratore as Vice Mayor. (Clerk to handle)

CONSENT

11. Consider amending Section 3-2.808 of Article 8 of Chapter 2 of Title III of the Modesto Municipal Code relating to use of coasters, roller skates, and similar devices.  
(City of Modesto Transportation Center and Empire Union School District have requested that their respective properties located in the City of Modesto be included in the ordinance. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2936-C.S. introduced. (Clerk to handle)

CONSENT

12. Consider amending the Municipal Code relating to rebates on water connection charges, building inspection fees, and plan check fees for new and expanding industries and extending the eligible period to three years for industry to meet requirements for rebates.  
(Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2937-C.S. introduced. (Clerk to handle)

CONSENT

13. Consider approving agreement with the Community Temporary Shelter Service for the Housing Counseling Program.  
(Resolution approving agreement needed. Estimated cost: \$12,000. Funds are budgeted.)

ACTION: Res. 94-682 adopted approving agreement. (Com. Devel. to handle)

CONSENT

14. Consider approving agreement with the Community Temporary Shelter Service for the Transitional Housing Program.  
(Resolution approving agreement needed. Estimated cost: \$13,750. Funds are budgeted.)

ACTION: Res. 94-683 adopted approving agreement. (Com. Devel. to handle)

CONSENT

15. Consider approval of final map of Laurel Heights subdivision - Phase 3 and accepting the improvements and approving agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code (Owners: David and Susan Schwartz, Raymond and Audrey Maddelena).  
(Resolution approving final map and approving agreement and accepting improvements needed.)

ACTION: Res. 94-684 adopted approving final map. (Com. Devel. to handle)

16. Consider an appropriation transfer to fund a Laser Alignment System for motor and driven equipment alignments.  
(Resolution approving an appropriation transfer needed. Estimated cost: \$12,000. Funds are budgeted.)

Dropped from agenda.

ORAL COMMUNICATIONS

17. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual

information.

- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

#### WRITTEN COMMUNICATIONS

##### CONSENT

18. Letter from residents of Encina Avenue neighborhood near La Loma Junior High School regarding the present dangerous condition of Encina Avenue and La Loma Junior High School.  
(Motion referring to staff needed.)

ACTION: By motion, letter referred to staff. (Police, P/W. to handle)

##### CONSENT

19. Letter of resignation from the Modesto Advisory Redevelopment Commission from Leonard J. Soranno.  
(Resolution accepting resignation with regret needed.)

ACTION: Res. 94-685 adopted accepting resignation. (Clerk to handle)

#### MISCELLANEOUS

##### Appointments

##### CONSENT

20. a. Highway Village Neighborhood Advisory Committee

ACTION: Res. 94-686 adopted appointing April Boland, Penny Hampton, and Conni-Lynne Yandell. (Clerk to handle)

- b. Citizens Housing and Community Development Committee

ACTION: Res. 94-687 adopted appointing Richard Cordova. (Clerk to handle)

- c. Economic Development Loan Committee

ACTION: Res. 94-688 adopted appointing Marvin Evans. (Clerk to handle)

#### MATTERS TOO LATE FOR THE AGENDA

21. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

22.

CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Name of case: City of Modesto vs. Ernie Halsey

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Name of case: City of Modesto vs. Del Este Water Company and  
California Water Service Company  
Superior Court case No. 296508

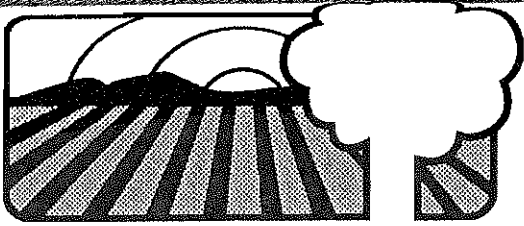
**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

ADJOURNMENT

The meeting adjourned to closed session at 7:14 p.m. At 8:28 p.m. the  
City Attorney returned to open session and announced that no action had  
been taken.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 13, 1994, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Friedman, McClanahan,  
Muratore, Mayor Lang

Absent: Councilmembers Dobbs, Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Thomas M. Mello, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 12,  
13, 14, 14, 16, 17, 18, 19, 20, 21,  
22, 24

ACTION: (McClanahan/Friedman, unan., Dobbs and Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meeting of December 6, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 2933-C.S. amending the Municipal Code relating to Sign Regulations (school signs, decorative signs, and administrative changes).  
(Motion adopting needed.)

ACTION: By motion (Cogdill/McClanahan, majority, Friedman-no, Dobbs and Patterson absent) Ord. No. 2933-C.S. adopted. (Clerk to handle)

4. Final adoption of Ord. No. 2934-C.S. amending the Municipal Code relating to Sign Regulations (freestanding signs along the freeway).  
(Motion adopting needed.)

ACTION: A motion to adopt failed to carry (McClanahan/Cogdill, Friedman and Muratore-no, Dobbs and Patterson absent) (Clerk to handle)

CONSENT

5. Final adoption of:

- a. Ord. No. 2935-C.S. rezoning from P-D(449) to P-D(505), property located on the southeast corner of Manor Oak Drive and Oakdale Road (Noralco, Inc.)
- b. Ord. No. 2936-C.S. amending the Municipal Code relating to roller skates and similar devices restricted.
- c. Ord. No. 2937-C.S. amending the Municipal Code relating to qualifications for rebate for Enterprise Zone.  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2935-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the Mildred Perkins Park Ballfield improvements.  
(Suggested bid opening: January 3, 1995 at 11:05 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$38,241 (contract \$32,518; contract admin. \$4,097; contingency \$1,626) Funds are budgeted.)

ACTION: Res. 94-689 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the handicap restroom remodel at Roosevelt, Downey and Davis Parks.  
(Suggested bid opening: January 10, 1994, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$138,836 (contract \$113,800; const. admin. & cont. \$25,036 Funds are budgeted.)

ACTION: Res. 94-690 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for chipping/grinding services and short-term storage of green waste and/or transportation of same.  
(Suggested bid opening: January 3, 1995, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$185,000)

ACTION: Res. 94-691 adopted calling for bids. (Finance to handle)

NEW BUSINESS

CONSENT

9. Consider accepting the Affirmative Action Commission's Annual Report for FY 1993-94.  
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

10. Consider authorizing submittal of an application for a California Used Motor Oil Recycling Block Grant.  
(Modesto currently meets the eligibility requirements to obtain a maximum grant award of \$56,614 to continue its comprehensive public education program on used oil and other recycling opportunities. Resolution approving submittal of an application for grant needed.)

ACTION: Res. 94-692 adopted approving submittal of an application. (P/W to handle)

CONSENT

11. Consider amending the Municipal Code to exclude source-separated pruned refuse and leaves from the definition of garbage, where such source-separated materials are set out by residents in accordance with the Modesto Municipal Code for collection by the City.  
(Introduction of an ordinance amending the Modesto Municipal Code needed.)

ACTION: By motion, Ord. No. 2938-C.S. introduced. (Clerk to handle)

CONSENT

12. Consider authorizing submittal of an application for a California Department of Conservation Beverage Container Recycling Grant.  
(Funds are available from the Department of Conservation, Division of Recycling for government agencies to establish local programs that encourage recycling of beverage containers. Resolution approving submittal of an application for grant needed.)

ACTION: Res. 94-693 adopted approving submittal of an application.  
(P/W to handle)

CONSENT

13. Consider an agreement with the Salvation Army for a grant of \$70,000 for Comprehensive Emergency Assistance Programs.  
(Resolution approving agreement needed. CDBG funds are budgeted.)

ACTION: Res. 94-694 adopted approving agreement. (Com. Devel. to handle)

CONSENT

14. Consider approving an Alcohol and Drug Testing Policy and Procedure.  
(Federal Regulations were approved on February 15, 1994, mandating the establishment of a testing program by the City, effective January 1, 1995. Resolution approving policy needed.)

ACTION: Res. 94-695 adopted approving Policy and Procedure.  
(Personnel to handle)

CONSENT

15. Consider adopting conflict of interest code for Community Development Department and amended conflict of interest codes for 19 City of Modesto departments, boards, commissions, committees, rescinding the conflict of interest codes for the Office of Economic Development and the Planning & Community Development Department, as required by the Fair Political Practices Commission (FPPC).  
(Resolutions adopting 19 codes needed, and resolutions rescinding two codes needed.)

ACTION: Res. 94-696 adopted amending Conflict of Interest Code for Office of the City Attorney.  
Res. 94-697 adopted amending Conflict of Interest Code for Office of the City Clerk & Auditor.  
Res. 94-698 adopted amending Conflict of Interest Code for Office of the City Manager.

Res. 94-699 adopted, adopting Conflict of Interest Code for Community Development Department.  
Res. 94-700 adopted amending Conflict of Interest Code for Finance Department.  
Res. 94-701 adopted amending Conflict of Interest Code for Fire Department.  
Res. 94-702 adopted amending Conflict of Interest Code for Parks & Recreation Department.  
Res. 94-703 adopted amending Conflict of Interest Code for Personnel Department.  
Res. 94-704 adopted amending Conflict of Interest Code for Police Department.  
Res. 94-705 adopted amending Conflict of Interest Code for Public Works & Transportation Department.  
Res. 94-706 adopted amending Conflict of Interest Code for Board of Building Appeals.  
Res. 94-707 adopted amending Conflict of Interest Code for Board of Zoning Adjustment.  
Res. 94-708 adopted amending Conflict of Interest Code for Citizens Housing and Community Development Committee.  
Res. 94-709 adopted amending Conflict of Interest Code for Disabled Access Appeals Board.  
Res. 94-710 adopted amending Conflict of Interest Code for Economic Development Loan Committee.  
Res. 94-711 adopted amending Conflict of Interest Code for Environmental Assessment Committee.  
Res. 94-712 adopted amending Conflict of Interest Code for Housing Maintenance and Counseling Committee.  
Res. 94-713 adopted amending Conflict of Interest Code for Landmark Preservation Commission.  
Res. 94-714 adopted amending Conflict of Interest Code for License Tax Appeals Board.  
Res. 94-715 adopted rescinding Conflict of Interest Code for the Economic Development Department.  
Res. 94-716 adopted rescinding Conflict of Interest Code for Planning and Community Development Department.

(Clerk to handle)

CONSENT

16. Consider supporting the establishment of a University of California campus at Lake Yosemite site, Merced, California.  
(Resolution supporting needed.)

ACTION: Res. 94-717 adopted supporting. (Manager to handle)

CONSENT

17. Consider amending the Position Classification Plan to create the job specifications for Urban Forestry Superintendent, Parks Operations Superintendent, Parks Planning and Development Manager and General Services Manager; and to delete the specifications for Parks Maintenance Supervisor II, Tree Maintenance Supervisor II, Landscape Designer, Parks Superintendent, and Parks Construction Supervisor II.

(Resolution amending the Position Classification Plan and resolution amending the Class Range Tables needed.)

ACTION: Res. 94-718 adopted amending Position Classification Plan.  
Res. 94-719 adopted amending the Class Range Tables.  
(Personnel to handle)

CONSENT

18. Consider approving a new position of Civil Engineering Technician I in the Public Works and Transportation Department - Utilities Division.  
(Resolution amending the budget needed. Estimated cost: \$22,500.)

ACTION: Res. 94-720 adopted amending the budget. (Finance to handle)

CONSENT

19. Consider a request from the Del Este Water Co. to continue for three months the variable-rate financing for Del Este's portion of the long-term debt related to the Domestic Water Project.  
(Resolution approving request needed.)

ACTION: Res. 94-721 adopted approving request. (Finance to handle)

CONSENT

20. Consider approving a refund to Yosemite Meat Company in the amount of \$25,671.10 for overpayment of business license gross receipt tax.  
(Resolution approving refund needed.)

ACTION: Res. 94-722 approving refund. (Finance to handle)

CONSENT

21. Consider amending the budget to appropriate \$100,000 to assist the County of Stanislaus with election costs for the special election on March 7, 1995, concerning the library sales tax measure.  
(Resolution amending the budget needed.)

ACTION: Res. 94-723 adopted amending the budget. (P/R, Finance to handle)

CONSENT

22. Consider joining in an Amicus Brief in the case of Farmer's Insurance Group v. County of Santa Clara concerning defining an employee's "scope of employment."  
(Motion authorizing joining in the Amicus Brief needed.)

ACTION: By motion, authorization given to join in Amicus Brief.  
(Attorney to handle)

ORAL COMMUNICATIONS

23. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.

- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

#### WRITTEN COMMUNICATIONS

##### CONSENT

24. Letter of resignation from the Affirmative Action Commission from Zana Roberson.  
(Resolution accepting resignation with regret needed.)

ACTION: Res. 94-724 adopted accepting resignation. (Clerk to handle)

#### MISCELLANEOUS

##### Appointments

25. Landmark Preservation Commission

ACTION: Res. 94-725 adopted appointing Alfred Menshew. (Clerk to handle)

#### MATTERS TOO LATE FOR THE AGENDA

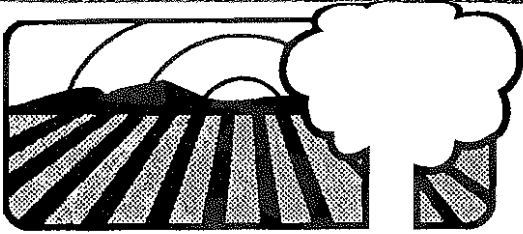
26. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

#### ADJOURNMENT

The meeting adjourned at 4:06 p.m.

ATTEST:   
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES

City Hall  
801 11th Street  
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, December 20, 1994, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

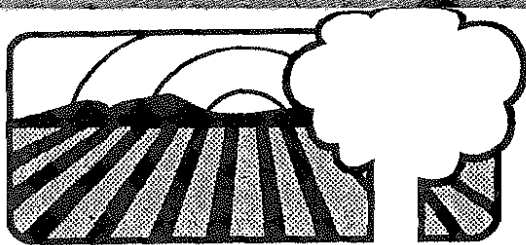
1. Community Development and Housing Committee
2. Financial Policy Committee
3. Human Services/Public Safety Committee
4. Transportation Policy Committee
5. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:54 p.m.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

20  
12-8-94



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR SPECIAL CITY COUNCIL MEETING OF TUESDAY, DECEMBER 20, 1994, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,

Removed from consent: 20, 21

ACTION: (Dobbs/Friedman, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced members of Cub Scout Den of Pack 299 from Sylvan School.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 13, 1994.  
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 2934-C.S. amending the Municipal Code relating to Sign Regulations (freestanding signs along the freeway).  
(Motion adopting needed.)

ACTION: By motion (McClanahan/Cogdill, majority, Friedman and Muratore-no) Ord. No. 2934-C.S. adopted. (Clerk to handle)

CONSENT

4. Final adoption of Ord. No. 2938-C.S. amending the Municipal Code relating to garbage disposal definitions.  
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2938-C.S. adopted. (Clerk to handle)

HEARINGS

5. Joint public hearing with Modesto Redevelopment Agency to consider and act upon the sale and development of certain real property to be acquired by the Agency pursuant to a proposed Disposition and Development Agreement between the Agency and Wilmore/Regent Partnership doing business as Wiljan Modesto Partnership, and certain documents and agreements related thereto; and to consider and act on the approval of the use of tax increment revenues to pay for a portion of the cost of construction of certain School Facilities in accordance with the DDA and a proposed School Facilities Agreement between the Agency, the City of Modesto and the Modesto City School District, the Modesto High School District and the Stanislaus County Office of Education and other documents and agreements pertaining thereto.  
Councilmember McClanahan excused due to a conflict of interest.

ACTION: By motion (Friedman/Cogdill, unan., McClanahan and Patterson absent) hearing continued to December 27, 1994, at 4:00 p.m.  
(Clerk to handle)

BIDS

CONSENT

6. Consider authorizing request for proposals for furnishing a golf management computer system.  
(Suggested proposal opening: January 30, 1995, at 11:00 a.m. Resolution authorizing request for proposals needed. Estimated cost for FY 94-95 \$20,000. Appropriation transfer to be requested at award of contract.)

ACTION: Res. 94-726 adopted authorizing Request for Proposals.  
(Finance to handle)

CONSENT

7. Consider awarding contract for the Rosemore Avenue water line to Midcal Pipeline and Utilities.  
(Resolution awarding contract needed. Total cost: \$50,660.73 (construction cost: \$44,832.50; contingency & const. admin. \$5,828.23) Funds are budgeted.)

ACTION: Res. 94-727 adopted awarding contract. (P/W to handle)

CONSENT

8. Consider awarding contract for the Johansen pool support building to the McDonald Glenn Company, and consider approving appropriation transfer in the amount of \$42,423.  
(Resolution awarding contract to The McDonald Glenn Co. needed, and resolution approving appropriation transfer needed. Total estimated cost: \$485,255.15 (contract amount \$421,961; const. admin. & contingency \$63,294.15) Funds are budgeted.)

ACTION: Res. 94-728 adopted awarding contract.  
Res. 94-729 adopted approving appropriation transfer.  
(P/W, Finance to handle)

CONSENT

9. Consider awarding contract for two compressed natural gas powered buses to El Dorado Bus Sales, Inc. for \$326,061.28.  
(The FTA will cover 80% (\$260,849.02) of the cost. PG & E has committed to providing \$14,500 towards the project, and the City will cover the remaining \$50,712.16. Resolution awarding contract to El Dorado Bus Sales, inc. needed. Funds are budgeted.)

ACTION: Res. 94-730 adopted awarding contract. (Finance to handle)

CONSENT

10. Consider declaring Donlee Pump Co. low bidder on three above ground fuel tanks and authorizing purchase.  
(Resolution awarding bid needed. Estimated cost: \$34,255. Funds are budgeted.)

ACTION: Res. 94-731 adopted awarding bid. (Finance to handle)

CONSENT

11. Consider declaring 100 bicycles in the Police Property Room surplus to the City's need and authorizing the Police Department to donate them to

charitable causes.  
(Resolution declaring bicycles surplus and authorizing donation needed.)

ACTION: Res. 94-732 adopted declaring bicycles surplus.(Finance to handle)

CONSENT

12. Consider waiving formal bid procedures and authorizing the purchase of 13 replacement vehicles for the Police Department through the State contract.  
(Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: \$262,500. Funds are budgeted.)

ACTION: Res. 94-733 adopted waiving formal bid procedures.  
(Finance to handle)

NEW BUSINESS

CONSENT

13. Consider approving agreement with Bank of the West for banking services including payables, payroll, cashiering and investments.  
(Resolution approving agreement needed.)

ACTION: Res. 94-734 adopted approving agreement. (Finance to handle)

CONSENT

14. Consider approving financing agreements with property owners Mario Campos, Curtis E. Beery, David Hernandez and Brenda Fifer for the purpose of rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation Program.  
(Resolution approving agreements needed. Estimated cost: \$77,190. CDBG funds are budgeted.)

ACTION: Res. 94-735 adopted approving agreement with Mario Campos.  
Res. 94-736 adopted approving agreement with Curtis Beery.  
Res. 94-737 adopted approving agreement with David Hernandez.  
Res. 94-738 adopted approving agreement with Brenda Fifer.  
(Com. Devel. to handle)

CONSENT

15. Consider accepting Rights of Entry to allow entry for the Airport clear zone tree trimming project from the following parties:

- a. Donald and Jo Ann Haglund
- b. Kenneth G. Check, Jr. and Joan L. Cardoza
- c. Jewell L. Nail
- d. Gordon D. Stewart and John F. Stewart
- e. Maurae W. and Marcella Mitchell
- f. Robert B. and Helen A. Davis
- g. David H. and Jennifer Vernon

(Resolutions accepting Rights of Entry needed.)

ACTION: Res. 94-739 adopted accepting Right of Entry from Donald and Jo Ann Haglund.

Res. 94-740 adopted accepting Right of Entry from Kenneth Check Jr. and Joan Cardoza.

Res. 94-741 adopted accepting Right of Entry from Jewell Nail.

Res. 94-742 adopted accepting Right of Entry from Gordon and John Stewart.

Res. 94-743 adopted accepting Right of Entry from Maurae and Marcella Mitchell.

Res. 94-744 adopted accepting Right of Entry from Robert and Helen Davis.

Res. 94-745 adopted accepting Right of Entry from David and Jennifer Vernon.

(Com. Devel. to handle)

CONSENT

16. Consider approving lease agreement with Atmospherics, Inc. for the use of a small parcel of land at the airport for weather equipment. (Resolution approving lease agreement needed.)

ACTION: Res. 94-746 adopted approving agreement. (Com. Devel. to handle)

CONSENT

17. Consider terminating Airport concession agreement with Nancy J. Lofano for her operation of the advertising services at the Airport. (Resolution terminating agreement needed.)

ACTION: Res. 94-747 adopted terminating agreement. (Com. Devel. to handle)

CONSENT

18. Consider authorizing the Parks and Recreation Department to execute an agreement setting forth the rental rates of the Senior Citizens Center by the Forever Young Organization from January 1, 1993, through December 31, 1995. (Resolution approving rental agreement needed.)

ACTION: Res. 94-748 adopted approving agreement. (P/R to handle)

CONSENT

19. Report of loans approved under the Emergency Home Repair Program (EHRP) during November 1994, and previously approved loans declined by owners. (Motion acknowledging receipt of report needed. Estimated cost: \$16,409 CDBG funds are budgeted.)

ACTION: By motion, receipt of report acknowledged.

20. Treasurer's Report - July - November 1994. (Motion acknowledging receipt of report needed.)

ACTION: By motion (Friedman/Dobbs, unan., Patterson absent) receipt of report acknowledged.

21. Consider authorizing the solicitation of a financial consultant for Phase 3 of the Wastewater Master Plan, and consider approving an appropriation transfer in the amount of \$50,000 to provide funding for a financial consultant on the Waster Master Plan.

(Motion authorizing solicitation needed, and resolution approving appropriation transfer needed.)

ACTION: By motion (Muratore/Friedman, unan., Patterson absent) solicitation of a financial consultant approved.  
Res. 94-749 adopted (Muratore/Friedman, unan., Patterson absent) approving appropriation transfer. (P/W, Finance to handle)

ORAL COMMUNICATIONS

22. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
  - (b) Ask a question for clarification.
  - (c) Provide a reference to staff or other resources for factual information.
  - (d) Request staff to report back at a subsequent meeting.
  - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

MATTERS TOO LATE FOR THE AGENDA

23. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

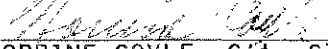
CLOSED SESSION

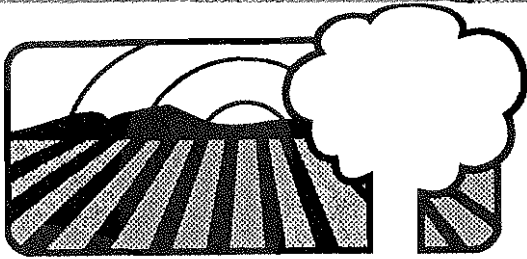
24. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS

- a. Title: City Manager
- b. Title: City Attorney
- c. Title: City Clerk

ADJOURNMENT

The meeting adjourned to closed session at 9:20 p.m. The Mayor returned to open session at 9:50 p.m. and announced that no action had been taken.

ATTEST:   
NORRINE COYLE, City Clerk



# MODESTO CITY COUNCIL

## MINUTES AND ACTION AGENDA

City Council Chambers, City Hall  
801 11th Street  
Modesto, California

AGENDA FOR ADJOURNED SPECIAL COUNCIL MEETING OF TUESDAY, DECEMBER 27, 1994, AT 4:00 P.M.

Invocation: Councilmember Muratore

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

Absent: Councilmembers McClanahan and Patterson

### HEARINGS

Continued joint public hearing with Modesto Redevelopment Agency to consider and act upon the sale and development of certain real property to be acquired by the Agency pursuant to a proposed Disposition and Development Agreement between the Agency and Wilmore/Regent Partnership doing business as Wiljan Modesto Partnership, and certain documents and agreements related thereto; and consider and act upon the approval of the use of tax increment revenues to pay for a portion of the cost of construction of certain School Facilities in accordance with the DDA and a proposed School Facilities Agreement between the Agency, the City of Modesto and the Modesto City School District, the Modesto High School District and the Stanislaus County Office of Education and other documents and agreements pertaining thereto. (Continued from the December 20, 1994, special meeting.)

ACTION: Res. 94-750 adopted (Cogdill/Friedman, unan., McClanahan and Patterson absent) making environmental impact findings and adopting Statement of Overriding Considerations regarding the Plaza Project.

Res. 94-751 adopted (same vote) approving the Disposition and Development agreement between the Redevelopment Agency and Wilmore/Regent Partnership.

12/27/94

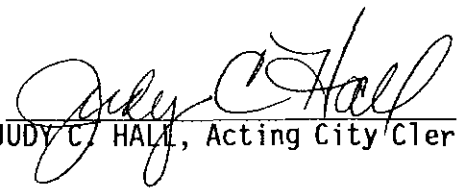
Res. 94-752 adopted (same vote) approving the school facilities agreement between the Redevelopment Agency, the Modesto City School District, the Modesto High School District and the Stanislaus County Office of Education.

Res. 94-753 adopted (same vote) approving the Public Facilities agreement between the City and the Redevelopment Agency and making certain findings related thereto.

(Community Develop. to handle)

ADJOURNMENT

The meeting adjourned to closed session at 4:35 p.m. The Mayor returned to open session at 4:50 p.m. and announced employment agreements with the City Attorney and the City Clerk had been authorized and would be on the January 3, 1995 agenda for approval.

ATTEST:   
JUDY C. HALL, Acting City Clerk

12/27/94