

MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session at 5:30 p.m. on Tuesday, January 5, 1993 in the Multipurpose Room at City Hall, 801 11th Street, Modesto, California.

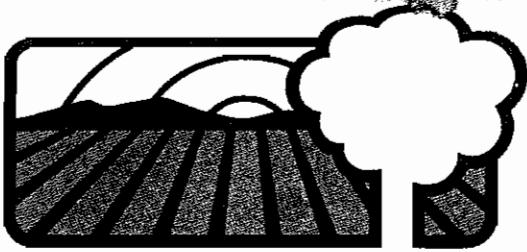
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

The Council met for a presentation by staff members of the San Joaquin Valley Unified Air Pollution Control District. Copies of the District's "1992 Annual Report" were distributed.

The meeting adjourned at 7:20 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 5, 1993, AT 7:30 P.M.

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

Absent: None

Flag ceremony and presentation of the colors by the Shark Patrol of Cub Scout
Pack 30, Martone, Perkins and Paradise Schools.

Pledge of Allegiance to the Flag

Invocation: Rev. Bud LaCore, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 10, 11

ACTION: (Bird/Friedman, unan.)

(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 Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council.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.

1/5/93

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation regarding the opening of the first Police Activities League (P.A.L.) recreation program in Modesto, January 11-16, 1993.

Officer Steve Day spoke about the PAL Program. Mayor Lang presented a proclamation concerning Police Activities League.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of December 18, 1992, the special and regular City Council meetings of December 22, 1992, and the adjourned City Council meeting of December 23, 1992. (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

HEARING

4. Hearing to consider an amendment to P-D(148) to allow C-2 uses and review of a plot plan for the retail commercial portion of the industrial commercial complex known as College West Business Park, property located at the southwest corner of Carpenter Road and Blue Gum Avenue (Westar Associates).

ACTION: By motion (Muratore/Patterson, unan.) Ord. No. 2837-C.S. introduced. Res. 93-1 adopted (same vote) approving plan. Res. 93-2 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

5. Hearing to consider proposed Parks and Recreation Department fees for rental of facilities and equipment and for staff services.

ACTION: Res. 93-3 adopted (Muratore/Patterson, unan.) establishing fees for rental of the McHenry Mansion. Res. 93-4 adopted (same vote) establishing fees for rental of McHenry Museum and for research of McHenry Museum files and photographs. Res. 93-5 adopted (same vote) establishing fees for rental of the Modesto Community Service Center.

1/5/93

Res. 93-6 adopted (same vote) establishing fees for the use of John Thurman Field.
Res. 93-7 adopted (same vote) establishing fees for rental of the portable P.A. system.
Res. 93-8 adopted (same vote) establishing fees for rental of the Senior Citizens Center.
Res. 93-9 adopted (same vote) establishing fees for rental of group picnic shelters.
Res. 93-10 adopted (same vote) establishing fees for permit for sales adjacent to parks.
Res. 93-11 adopted (same vote) establishing fees for use of ballfields and special ballfield services.
Res. 93-12 adopted (same vote) establishing fees for permit for use of parks for commercial filming.
Res. 93-13 adopted (same vote) establishing fees for use of portable stage.
Res. 93-14 adopted (same vote) establishing fees for special use of parks and facilities.
Res. 93-15 adopted (same vote) establishing fees for planting of street trees.

(Parks and Recreation to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the installation of emergency generators at Wells 33 and 39.
(Suggested bid opening: January 26, 1993, at 11:00 a.m. The standby engines at Wells 33 and 39 are old and unreliable. Emergency generators will make wells reliable in case of a power outage. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$134,460 (contract \$17,568; engr. & cont. \$17,568) Funds are budgeted.)

ACTION: Res. 93-16 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approving specifications and authorizing call for bids to be opened February 1, 1993, at 11:00 a.m. for furnishing seven new Police motorcycles.
(Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$60,000. Funds are budgeted.)

ACTION: Res. 93-17 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider rejecting all bids received for the Rumble Road lift station rehabilitation.
(Bids were opened on October 29, 1992. Three bids were received with the low bid being 74.5% above the engineer's estimate. It is recommended that the bids be rejected. Report with agenda. Resolution rejecting bids needed.)

ACTION: Res. 93-18 adopted rejecting all bids. (P/W to handle)

1/5/93

CONSENT

9. Consider authorizing staff to negotiate a 5-year agreement with Storer Transit Systems to operate the Modesto-Stanislaus Dial-A-Ride Service (DAR).
(Report with agenda. The new agreement would replace the one which expires May 1, 1993. Storer's proposal was ranked the highest of the five proposals received. Also, Storer's proposed price was \$173,619 per year lower than the next lowest price proposal and is within budget. Total payments to Storer would be approximately \$970,000 per year. Funds are budgeted. Staff will return to Council at a later date for approval of the agreement. Motion directing staff to negotiate agreement needed.)

ACTION: By motion, staff directed to negotiate agreement. (P/W to handle)

CONSENT

10. Consider acceptance of Joe Martin Pipeline, Inc.'s contract for the annual sewer rehabilitation Block No. 1 - sanitary sewer and storm drain replacement and construction as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$32,352)
(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: \$33,414.50. Funds are budgeted.)

ACTION: Res. 93-19 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

11. Consider recommending that the County of Stanislaus approve Zoning Use Permit No. 92-93 by Martin David for proposed golf driving range without ancillary commercial facilities on the north side of Bangs Avenue east of Dale Road in the City's Urban Reserve area as designated in the General Plan.
(Report with agenda. On November 24, 1992, the City Council recommended denial of the golf driving range which then included a restaurant/retail store, volleyball facility, and a 4,000 square foot patio. The applicant has amended his application deleting all but the golf driving range and a mobile office/restroom. Resolution recommending to County approval of Use Permit 92-23, as revised needed.)

ACTION: Res. 93-20 adopted recommending approval of Use Permit. (Planning to handle)

1/5/93

MISCELLANEOUS

Appointments

12. Culture Commission

ACTION: Res. 93-21 adopted (Friedman/Cogdill, unan.) appointing Peter Smith.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

13. (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.)

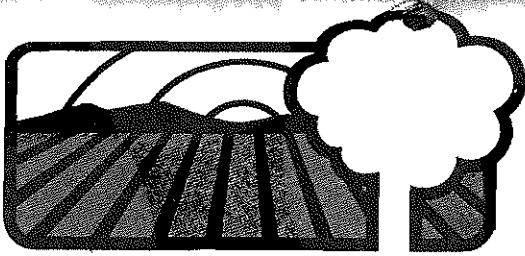
None

ADJOURNMENT

The meeting adjourned at 8:15 p.m. to Friday, January 8, 1993, at 7:30 a.m. at the Red Lion Hotel, 1150 9th Street, Modesto, California, for a meeting with Assemblymember Margaret Snyder.

ATTEST: 
NORRINE COYLE, City Clerk

1/5/93



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, January 8, 1993, at the Red Lion Hotel, 1150 9th Street, Modesto, California.

Present: Councilmembers Dobbs, Friedman, Muratore, Acting Mayor Cogdill

Absent: Councilmembers Bird, Patterson, Mayor Lang

The Council met with Assemblymember Margaret Snyder to discuss state legislation and the needs and problems of cities.

The meeting adjourned at 8:52 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 12, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Lee Heim, Trinity Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 9, 10, 11

ACTION: (Patterson/Bird, unan.)

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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 5, 1993, and the adjourned regular City Council meeting of January 8, 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

CONSENT

4. Final adoption of Ord. No. 2837-C.S. amending P-D(148) to allow C-2 uses and review plot plan for retail commercial portion of College West Business Park located at the southwest corner of Carpenter Road and Blue Gum Avenue (Westar Associates).
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2837-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

5. Consider authorizing the purchase of the service of removing and recycling wastewater biosolids from Brisco Enterprises for the total price of \$195,000. (Report with agenda. Resolution authorizing purchase of services needed. Funds are budgeted.)

ACTION: Res. 93- 22 adopted authorizing purchase of services. (Finance to handle)

CONSENT

6. Consider waiving formal bidding requirement and authorize use of a Request for Proposals process to procure a firm to provide advertising agency services for the City's public transportation system.
(Report with agenda. The new contract would replace the existing three-year contract with Palmer & Associates which expires June 30, 1993. The firm

awarded the new three-year contract would be responsible for providing advertising agency services for Modesto Area Express/MAX and assisting with the publicity for two major transit system projects planned for implementation during Fiscal Year 1993-94. The current contract amount is \$48,000 for FY 1992-93. To gear up for the two major projects, the new contract would become effective this spring and utilize an additional \$10,000 budgeted for this fiscal year for that purpose. Future years' funding is subject to City Council approval during the budget process. Resolution waiving formal bidding requirements and authorizing use of RFP process needed. Funds are budgeted.)

ACTION: Res. 93-23 adopted waiving formal bidding requirements and authorizing use of Request for Proposals.

NEW BUSINESS

7. Status report on General Plan Rewrite.
(The General Plan Citizens Steering Committee was appointed by the City Council in August, 1989. Representatives of the Steering Committee will be present to give a status report on their efforts to date.)

No action taken.

8. Consider authorizing the expenditure of \$85,000 to Del Monte Corporation for the three-way agreement between Del Monte Corporation, The William Lyon Company and the City of Modesto for the relocation of Del Monte's main entrance, or initiating an amendment to Condition No. 24 of the Yosemite Meadows Vesting Tentative Subdivision Map as necessary.
(Report with agenda. The Yosemite Meadows vesting tentative subdivision map has a condition requiring a three-way agreement between The William Lyon Company, Del Monte Corporation, and the City of Modesto to relocate Del Monte's main entrance. Motion directing staff needed.)

ACTION: By motion (Cogdill/Muratore, unan.) staff was directed to prepare an agreement in accordance with conditions stated by Del Monte representative for Council consideration. (Attorney to handle)

CONSENT

9. Consider approving minor revision to "First Responder" Emergency Medical System Program Policy Statement regarding response to medical emergencies in skilled nursing facilities.
(Report with agenda. Resolution approving revised policy needed.)

ACTION: Res. 93-24 adopted approving revised policy. (Fire to handle)

CONSENT

10. Consider approving appropriation transfer in the amount of \$5,000 for the Scenic Drive bicycle lanes.
(Report with agenda. With the construction of Johansen High School, there has been an influx of student ridership along Scenic Drive. This is a necessary safety measure. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-25 adopted approving appropriation transfer.
(P/W and Finance to handle)

CONSENT

11. Consider providing Workers' Compensation for persons performing voluntary service for the City of Modesto.
(Report with agenda. Resolution declaring that a person who performs voluntary services be deemed an employee for workers' compensation purposes needed.)

ACTION: Res. 93-26 adopted providing Workers' Compensation for persons performing voluntary service. (Personnel to handle)

MATTERS TOO LATE FOR THE AGENDA

13. (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

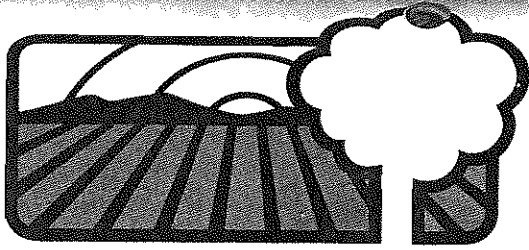
14. Closed session to confer with or receive advice from legal counsel when, based upon existing facts and circumstances, the legislative body has decided to initiate or is deciding whether to initiate litigation, pursuant to Government Section 54956.9(c), and to confer with or receive advice from legal counsel regarding pending litigation when discussion in open session would prejudice the City's position in the litigation, pursuant to Government Code Section 54956.9(a), in the case of City of Modesto, et al. v. Shell Oil, et al.

ADJOURNMENT

The meeting adjourned at 5:30 p.m. to closed session.

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 19, 1993, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, 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, 7, 8, 9, 11, 12, 13,
14, 15, 16, 17, 18, 19, 20

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

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced members of Scout Troop #40.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of January 12, 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

BIDS

CONSENT

4. Consider declaring Ricker Machinery Co. low bidder and authorize the purchase of two street sweepers for the total cost of \$217,289.
(Report with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 93-27 adopted authorizing purchase. (Finance to handle)

CONSENT

5. Consider acceptance of Wingard Engineering's contract for construction of traffic signals and street lighting on Kansas Avenue as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$78,224)
(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: \$80,846. Funds are budgeted.)

ACTION: Res. 93-28 adopted accepting as complete. (Clerk to handle)

CONSENT

6. Consider acceptance of Ragsdale and Son, Inc.'s contract for alley paving project No. 17 as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$66,737.75)
(All work on this project has been completed to the satisfaction of the Public Works 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: \$75,159.30.
Funds are budgeted.)

ACTION: Res. 93-29 adopted accepting as complete. (Clerk to handle)

CONSENT

7. Consider acceptance of Conco West, Inc.'s contract for construction of Pump Station No. 52 as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$138,625)
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, be it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Report with agenda. Final cost: \$139,475. Funds are budgeted.)

ACTION: Res. 93-30 adopted accepting as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of Richard A. Heaps Electrical Contractor, Inc.'s contract for construction of interconnect conduit on Standiford/Sylvan Avenue and Briggsmore Avenue as complete and authorize City Clerk to file the Notice of Completion. (Original contract: \$344,307.50)
(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: \$352,878.14. Funds are budgeted.)

ACTION: Res. 93-31 adopted accepting as complete. (Clerk to handle)

CONSENT

9. Consider rejection of all bids for the water and sewer force main under State Route 99 near Pelandale Avenue project.
(This project was to be a cooperative effort between the City and the developer of a parcel, with the City acting as project proponent. The apparent low bidder has claimed an error in his bid and has requested that he be relieved from his bid. The developer has since approached Caltrans requesting to act as project proponent. Caltrans has agreed. Report with agenda. Resolution rejecting all bids needed.)

ACTION: Res. 93-32 adopted rejecting all bids. (P/W to handle)

NEW BUSINESS

10. Consider revoking the Certificates of Public Convenience and Necessity issue to City Cab Company.
(Report with agenda. Resolution revoking the Certificates of Public Convenience and Necessity for City Cab Company needed.)

ACTION: Res. 93-33 adopted (Dobbs/Muratore, unan., Patterson absent) revoking the Certificates. (P/W to handle)

CONSENT

11. Consider authorizing the City Manager to sign a reimbursement agreement with the Comfort Inn Developer for unusual costs to install sewer and water improvements to the Comfort Inn site on Salida Boulevard at Highway 99, and authorize two appropriation transfers. (Developer: Raman & Usha Patel)
(The developer has requested City to pay 25% of unusual sewer and water improvements. Estimated cost to City is \$48,238. Report with agenda. Resolution approving agreement, and resolutions approving appropriation transfers needed. Funds are budgeted.)

ACTION: Res. 93-34 adopted approving agreement.
Res. 93-35 adopted approving appropriation transfer for sanitary sewer main.
Res. 93-36 adopted approving appropriation transfer for waterlines.
(P/W, Finance to handle)

CONSENT

12. Consider certification of right of way for Advanced Traffic Management System (ATMS) Project.
(The ATMS project is being funded through a federal grant. As part of the requirements, Caltrans, the administering agency, requires that the City submit right of way certification before the funds can be disbursed. Resolution authorizing certification of right of way needed.)

ACTION: Res. 93-37 adopted authorizing certification. (P/W to handle)

CONSENT

13. Consider amending the Position Classification Plan to revise class specifications for Firefighter/Firefighter Trainee, Fire Engineer, Fire Captain, Building Maintenance Supervisor, and Industrial Waste Supervisor and adopting class specifications for Equipment Maintenance Supervisor I and Equipment Maintenance Supervisor II, and consider amending the class range tables of the salary resolution to establish a salary for Equipment Maintenance Supervisor I and Equipment Maintenance Supervisor II.
(Report with agenda. Resolution amending Position Classification Plan and resolution amending salary resolution needed.)

ACTION: Res. 93-38 adopted amending Position Classification Plan.
Res. 93-39 adopted amending salary resolution.
(Personnel to handle)

CONSENT

14. Consider approving financing agreements with property owners John Cunningham, Wendy Lee and Warren Ihrig for the purpose of rehabilitating properties pursuant to the City of Modesto's Housing Rehabilitation Program.
(Report with agenda. The Housing Rehabilitation Loan Committee has reviewed each financing package and recommends approval. Estimated cost: \$72,116 (Community Development Block Grant). Funds are budgeted.)

ACTION: Res. 93-40 adopted approving financing agreements.
(Planning to handle)

CONSENT

15. Consider approval of Annual Claim for Local Transportation Funds.
(Report with agenda. 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 \$3,595,280. Resolution authorizing submission of Annual Transportation Claim needed.)

ACTION: Res. 93-41 adopted authorizing submission of Annual Transportation Claim. (Finance to handle)

CONSENT

16. Monthly Treasurer's Report for December, 1992. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

17. Report on the City's Transportation Funds covering years ending June 30, 1991 and 1992, submitted by Deloitte & Touche, our independent auditors. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

18. Report on the City's Office of Criminal Justice Planning Grant covering years ending June 30, 1991 and 1992, submitted by Deloitte & Touche, our independent auditors. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

19. Consider approving agreement with Evans-Executone to provide maintenance and service coverage for the City's telephone system. (Memorandum with agenda. Resolution approving agreement needed. Estimated cost: \$30,549. Funds are budgeted.)

ACTION: Res. 93-42 adopted approving agreement. (Finance to handle)

WRITTEN COMMUNICATIONS

CONSENT

20. Letter from Harlan Smith, Modesto Camellia Society, requesting the annual Sweepstakes Trophy for the 32nd Camellia Cavalcade March 20 and 21, 1993. (Motion approving request needed.)

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

21. Letter from Tony Guajardo, Cars R Us, 727 McHenry Avenue, regarding a permit for a fence around the car lot.

ACTION: By motion (Muratore/Friedman, unan., Patterson absent) this matter was referred to the Board of Zoning Adjustment.

MISCELLANEOUS

Appointments

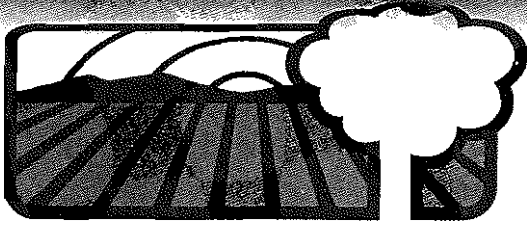
22. Appointment of Chairperson to Housing Rehabilitation Loan Committee.

ACTION: Res. 93-43 adopted (Cogdill/Friedman, unan., Patterson absent)
appointing Steve Franklin as Chairperson.

ADJOURNMENT

The meeting will adjourned at 7:54 p.m. to Friday, January 22, 1993, at 1:00 p.m., at Murphys Historical Hotel and Lodge, 457 Main Street, Murphys, California for a workshop concerning City Council goals and objectives.

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 11:30 a.m. on Friday, January 20, 1993, at the Red Lion Hotel, 1150 9th Street, Modesto, California.

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

Absent: Councilmember Patterson

The Council met with State Senator Dan McCorquodale to discuss state legislation and the needs and problems of cities.

The meeting adjourned at 1:20 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

1-20-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 26, 1993, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson,
Mayor Lang
Councilmember Patterson arrived at 4:13 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. George Telle, Trinity United Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 11, 12, 13,

Removed from consent: 10

Dropped from agenda: 14

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

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of awards to co-sponsors of the City's 1992 Recreation Program.

Mayor Lang presented the awards.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of January 19, 1993 and the special City Council meeting of January 20, 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

HEARINGS

4. Hearing to consider the Draft Airport Master Plan and Draft Environmental Impact Report/Environmental Assessment for the Modesto City-County Airport.

ACTION: By motion (Dobbs/Friedman, unan.) the report was accepted and final action was deferred to February 23, 1993, at 4:00 p.m.

5. Hearing to consider an amendment to P-D(324) to allow a night club expansion in the Valley Plaza Center, property located at the southeast corner of Kansas and Emerald Avenues. (Mejia/Club Suave)

ACTION: By motion (Muratore/Patterson, unan.) Ord. No. 2838-C.S. introduced amending P-D(324). (Clerk to handle)

6. Hearing to consider the annual update of the plan developed by the City of Modesto to ensure that its paratransit system (Modesto-Stanislaus Dial-A-Ride) complies with the requirements of the Americans With Disabilities Act (ADA) of 1990.

ACTION: Res. 93-44 adopted (Patterson/Bird, unan.) (P/W to handle)

BIDS

CONSENT

7. Consider awarding contract for the Linden Street, Martin Luther King Drive and Laurel Avenue storm drain extension to Allen Waggoner Construction.

(Bids were opened January 14, 1993. The low bid of \$53,914.30, submitted by Allen Waggoner Construction is 22.18% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Report with agenda. Resolution awarding contract needed. Estimated cost: \$60,923.16 (contract \$53,914.30; eng. & cont. \$7,008.86) Funds are budgeted.)

ACTION: Res. 93-45 adopted awarding contract. (P/W to handle)

NEW BUSINESS

CONSENT

8. Consider approving the submission of a Modesto City-County Airport preapplication for Federal funds in the amount of \$409,950 to complete the Airport's 1993-94 capital improvements.
(Report with agenda. Preapplication will provide 90% of the required funds for the 1993-94 Capital Improvement Program. The City's 10% share is not yet budgeted. Resolution approving preapplication needed.)

ACTION: Res. 93-46 adopted approving submission of preapplication. (P/W to handle)

CONSENT

9. Consider requests for refunds of overpayment of Business License Tax by Butler Group, Inc., in the amount of \$535.01, and Trophy Works in the amount of \$669.57.
(Two resolutions approving refunds needed.)

ACTION: Res. 93-47 adopted approving refund for Butler Group, Inc.
Res. 93-48 adopted approving refund for Trophy Works. (Finance to handle)

CONSENT

10. Consider excusing Councilmember Patterson for being absent from the January 19, 1993, City Council meeting due to his attendance at the Democratic Municipal Officials Association of the National League of Cities conference in Washington, D.C.
(Motion excusing needed.)

ACTION: By motion (Bird/Dobbs, unan.) Councilmember Patterson's absence was excused. (Clerk to handle)

CONSENT

11. Consider authorizing Request for Qualifications for design services for the widening of Briggsmore Avenue at McHenry Avenue project.
(Report with agenda. Motion authorizing Request for Qualifications needed.)

ACTION: By motion, Request for Qualification authorized. (P/W to handle)

CONSENT

12. Consider approving an agreement with HDR, Inc. for professional engineering services in the design and replacement of the barscreen at the Wastewater Treatment Plant.
(Following the City's consultant selection procedures, staff has negotiated with HDR, Inc. to provide engineering design for the barscreen replacement at the Wastewater Treatment Plant. Report with agenda. Resolution approving agreement needed. Estimated cost: \$72,822 (contract \$66,202; contingency \$6,620) Funds are budgeted.)

ACTION: Res. 93-49 adopted approving agreement. (P/W to handle)

CONSENT

- 13. Consider acceptance of improvements in Muratore Manor subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: John and Maryanne Hasley)
(Report with agenda. Muratore Manor subdivision is located on the south side of Woodland Avenue, west of Diablo 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. 93-50 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

- 14. Consider approving agreement with Del Monte Corporation for the payment of \$100,000 as partial reimbursement of the cost of relocating Del Monte's main entrance.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

Dropped from agenda.

WRITTEN COMMUNICATIONS

- 15. Letter from Lucille L. Jones, Golden State Mobilehome Owners League, Inc., concerning rent stabilization.

No action taken.

- 16. Proposal from James Ludwig, regarding the proposed use of John Thurman Field for a series of concerts, some in conjunction with Modesto A's baseball games, and involving the assistance of the Westside Economic and Minority Alliance, Inc. and JOBY.

ACTION: By motion (Bird/Friedman, unan.) this item was referred to staff for recommendation. (P/R to handle)

MISCELLANEOUS

Appointments

- 17. Downtown Improvement District

ACTION: Res. 93-51 adopted (Patterson/Bird, unan.) appointing Bart Barringer and Mark Jordan. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

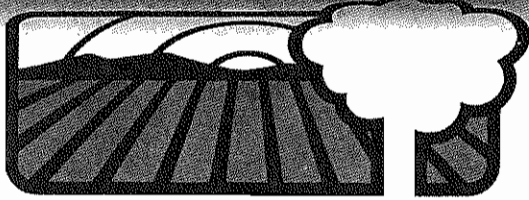
- 18. These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

Meeting adjourned at 4:48 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 7:00 p.m. on Tuesday, February 2, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

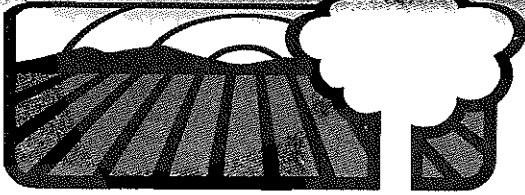
Present: Councilmembers Friedman, Muratore, Mayor Lang

Absent: Councilmembers Bird, Cogdill, Dobbs, Patterson

The meeting adjourned due to lack of a quorum.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

2-2-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 2, 1993, AT 7:30 P.M.

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

Absent: Councilmember Bird

Pledge of Allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 11, 12, 13, 14,
15, 16, 17

ACTION: (Patterson/Friedman, unan., Bird 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.

2/2/93

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang acknowledged the appointment of Mike Milich as City Attorney.
Mayor Lang introduced Veronica Sanchez, Downey High School student.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of January 26, 1993.
(Motion approving needed.)

ACTION: By motion, minutes approved. (City 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.)

Bill Seavy, Executive Director of Chamber of Commerce, spoke about the utility users tax.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord.No. 2838-C.S. amending P-D(324) to allow a night club expansion in the Valley Plaza Center, property located at the southeast corner of Kansas Avenue and Emerald Avenue. (Manuel and Maggie Mejia)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2838-C.S. adopted. (City Clerk to handle)

BIDS

CONSENT

5. Consider certifying Negative Declaration No. 92-71 for the installation of Water Tank No. 5, and consider approving plans and specifications and call for bids for the installation of Water Tank No. 5.
(Suggested bid opening: February 25, 1993, at 11:00 a.m. Report with agenda. Water Tank No. 5 is needed to provide better pressure and fire flows in the northeast area of Modesto. Resolution approving plans and specifications and call for bids and certifying negative declaration needed. Estimated cost: \$1,346,400 (construction \$1,170,720; engineering \$175,680. Funds are budgeted.)

ACTION: Res. 93-52 adopted approving plans and specifications.

(PW & T to handle)

2/2/93

CONSENT

6. Consider acceptance of George Reed, Inc.'s contract for construction of the Claus Road pedestrian access and waterline installation as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$114,766)
(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: \$127,929.37. Funds are budgeted.)

ACTION: Res. 93-53 adopted accepting work as complete.
(City Clerk to handle)

CONSENT

7. Consider acceptance of Teichert Construction's contract for the construction of Kansas Avenue repairs and chip seal as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$46,109.32)
(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: \$49,049.88. Funds are budgeted.)

ACTION: Res. 93-54 adopted accepting work as complete.
(City Clerk to handle)

NEW BUSINESS

8. Consider recommended Economic Development Strategy prepared by the consulting firm of Kreines and Kreines.
(Report with agenda. Motion acknowledging receipt of report needed.)

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

9. Consider approving agreement with Del Monte Corporation for the payment of \$100,000 as partial reimbursement of the cost of relocating Del Monte's main entrance.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

Dropped from agenda.

2/2/93

10. Fiscal Year 1992-93 Annual Budget - Midyear Status Report and proposed adjustments.
(Report with agenda. Resolution amending 1992-93 Budget needed, and resolution authorizing loan to Redevelopment Agency needed.)

ACTION: By motion (Patterson/Friedman, unan., Bird absent) receipt of report acknowledged.
Res. 93-55 adopted (same vote) amending budget.
Res. 93-56 adopted (same vote) authorizing loan.

(Finance to handle)

CONSENT

11. Consider retention of the law firm of Wright and Talisman as outside legal counsel for the City of Modesto in certain matters pending before the California Public Utilities Commission.
(Report with agenda. Resolution ratifying retention and approving agreement needed.)

ACTION: Res. 93-57 adopted ratifying retention and approving agreement.

(Attorney to handle)

CONSENT

12. Consider authorizing grant application for \$72,250 to the State of California Department of Forestry and Fire Protection for funds from the Federal Small Business Administration for planting 1,000 street trees.
(Report with agenda. Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 93-58 adopted authorizing City Manager to sign grant application.

(P & R to handle)

CONSENT

13. Consider approving appointment of Michael D. Milich as City Attorney and approving employment agreement.
(Report with agenda. Resolution appointing Michael D. Milich as City Attorney and approving agreement needed.)

ACTION: Res. 93-59 adopted appointing Michael D. Milich as City Attorney and approving employment agreement.

(Attorney to handle)

2/2/93

CONSENT

14. Consider approving agreement with RRM, Design Group, for professional engineering services in the design of the Hetch Hetchy Bike Path. (Following the City's consultant selection procedures, staff has negotiated with RRM Design Group to provide engineering design for the Hetch Hetchy Bike Path. Report with agenda. Resolution approving agreement needed. Estimated cost: \$44,800 (contract \$40,800; contingency \$4,000) Funds are budgeted.)

ACTION: Res. 93-60 adopted approving agreement. (P W & T to handle)

CONSENT

15. Consider retention of the law firm of Meyers, Nave, Riback and Silver for the purpose of representing and advising the City regarding potential litigation. (Report with agenda. Resolution ratifying retention and approving agreement needed.)

ACTION: Res. 93-61 adopted ratifying retention and approving agreement.

(Attorney to handle)

CONSENT

16. Consider authorizing the City to join in an Amicus Brief regarding City's real property transfer tax in Fisher v. County of Alameda and City of Berkeley. (Report with agenda. Motion authorizing joining in Amicus Brief needed.)

ACTION: By motion, joining in Amicus Brief authorized.(Attorney to handle)

WRITTEN COMMUNICATIONS

CONSENT

17. Letter from Jack R. Jones, Attorney representing Modesto Garbage Company, Inc., requesting a three-year extension of their franchise for the collection of garbage, industrial garbage and salvageable waste. (Resolution setting hearing Tuesday, March 2, 1993, at 7:30 p.m. needed.)

ACTION: Res. 93-62 adopted setting hearing. (Clerk to handle)

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

2/2/93

CLOSED SESSION

19. Closed session to confer with or receive advice from its legal counsel regarding pending litigation (Hackett Environmental Systems, Inc. v. City of Modesto) when discussion open session would prejudice the position of the City in litigation, pursuant to Section 54956.9(a) of the Government Code.

ADJOURNMENT

The meeting adjourned to Closed Session at 9:02 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

2/2/93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 9, 1993, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
Councilmember Patterson arrived at 4:25 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Jim Benedict, Prescott Evangelical Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23A

Removed from consent: 23

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

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2/9/93

ACKNOWLEDGEMENTS AND PRESENTATIONS

- 1a. Presentation of plaque by Mayor to Parks and Recreation Employee, Mr. Walter Woodley for his heroic efforts during a fire.

Plaque was presented to Mr. Woodley by Mayor Lang.

- 1b. Recognition of Gretchen Kinder, Tamika Haley and Theoung Min as Outstanding Youth for 1992 and presentation of plaques.

Mayor Lang and Barbara Roll, Chairman of the Youth Commission, presented the plaque.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of February 2, 1993.
(Motion approving needed.)

ACTION: By motion, the minutes were 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

BIDS

CONSENT

4. Consider authorizing call for bids for furnishing total surveying station equipment.
(Suggested bid opening: March 1, 1993, at 11:00 a.m. Report with agenda. Resolution authorizing bid call needed. Estimated cost: \$18,000. Funds are budgeted.)

ACTION: Res. 93-63 adopted calling for bids. (Finance to handle)

5. Consider authorizing the purchase of a Supervisory Control and Data Acquisition System for the Water Quality Control Plant from HSQ Technology for the total price of \$2,104,924, and consider authorizing two appropriation transfers in the amount of \$975,692 and \$94,500.
(Report with agenda. Resolution authorizing purchase needed, and resolutions approving appropriation transfers needed.)

ACTION: Res. 93-64 adopted authorizing purchase.
Res. 93-65 adopted approving appropriation transfer from GAC Well Filter Relocation and other accounts.
Res. 93-65A adopted approving appropriation transfer from Sewer Contingency Reserve and other accounts. (Finance to handle)

2/9/93

CONSENT

6. Consider award of contract to Tri Technic, Inc. for the installation of emergency generators at Wells 33 and 39.
(Bids were opened on January 26, 1993. The low bid of \$92,161, submitted by Tri Technic, Inc., is 21.28% 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 needed. Estimated cost: \$105,063.54 (contract \$92,161; eng. & cont. \$12,902.54) Funds are budgeted.)

ACTION: Res. 93-66 adopted awarding contract. (P/W to handle)

CONSENT

7. Consider acceptance of Joe Martin Pipeline, Inc.'s contract for miscellaneous sewer repairs - Orangeburg Avenue and Buena Vista Avenue as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$73,000.75)
(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: \$78,942.69. Funds are budgeted.)

ACTION: Res. 93-67 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

8. Consider recommending that the County deny Parcel Map Application No. 92-46, General Plan Amendment Application No. 92-09 and Rezone Application No. 92-12 by Vintage Faire Christian Center to allow a 30,500-square foot commercial television station at the northeast corner of Dale Road and Pelandale Avenue in the City's Urban Reserve Area as designated in the General Plan.
(Report with agenda. Resolution recommending that the County deny the parcel map, the General Plan Amending, and rezoning needed.)

ACTION: Res. 93-68 adopted (Cogdill/Friedman, majority, Dobbs and Patterson-no) recommending approval of the parcel map, General Plan amendment and rezoning. (Planning to handle)

9. Consider recommending that the County adopt General Plan Amendment No. 92-12 and Rezone Application No. 92-16 by Ross Briles (Putt Putt Golf) for an 18-acre P-D Zone to accommodate a six-acre family recreation center at the northwest corner of Claratina Avenue and Coffee Road in the City's Urban Reserve Area as designated in the General Plan.
(Report with agenda. Resolution recommending that the County adopt the General Plan amendment and rezoning needed.)

ACTION: Res. 93-69 adopted (Muratore/Bird, unan.) recommending that the County adopt the General Plan amendment and rezoning. (Planning to handle)

2/9/93

10. Staff report on Utility Users Tax administration.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Dobbs/Bird, unan.) receipt of report acknowledged and the matter referred to the Council Financial Policy Committee.
(Manager to handle)

12. Staff report on Graffiti USA, 1993.
(Report with agenda. Motion acknowledging receipt of staff report and accepting recommendations needed.)

Dropped from agenda

CONSENT

13. Consider amending Municipal Code to create a City/public partnership in reporting and repairing sidewalk defects.
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2839-C.S. introduced. (Clerk to handle)

CONSENT

14. Consider approving agreement with Wayne M. and Kathy A. Gladney for the acquisition of 1,844± square feet of their property needed to widen Scenic Avenue for the appraised value of \$9,400.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 93-70 adopted approving agreement. (Attorney to handle)

CONSENT

15. Consider approving agreement with Robert W. Crabtree for the acquisition of 1,663± s.f. of his property needed to widen Scenic Avenue for the appraised value of \$10,300.
(Report with agenda. Resolution approving agreement needed. Estimated total cost: \$12,100 (cost \$10,300; est. escrow \$1,800) Funds are budgeted.)

ACTION: Res. 93-71 adopted approving agreement. (Attorney to handle)

CONSENT

16. Consider authorizing City Manager and City Clerk to execute Grant Deed to Sylvan School District for street right of way conveyed as part of the Merle Park acquisition.
(Report with agenda. Resolution authorizing City Manager and City Clerk to execute Grant Deed needed.)

ACTION: Res. 93-72 adopted approving grant deed. (Attorney to handle)

2/9/93

CONSENT

18. Consider authorizing Request for Proposals for professional services for conducting a long range master plan of radio and phone systems.
(Report with agenda. Motion authorizing Request for Proposals needed.)

ACTION: By motion, staff authorized to proceed with a Request for Proposals.
(Manager to handle)

CONSENT

19. Consider authorizing the City to join in Amicus Brief in the following cases: Freedom Newspapers v. Board of Directors of the Orange County Employees Retirement System, City of San Diego v. Neumann, and Billester v. City of Corona.
(Report with agenda. The cases regard the Brown Act, severance damages and the police pursuit policy. Motion authorizing joinder in Amicus Briefs needed.)

ACTION: By motion, authorization given to join in Amicus Brief.
(Attorney to handle)

CONSENT

20. Consider acceptance of improvements in Stone Leaf Hollow subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: Self Help Enterprises)
(Report with agenda. Stone Leaf Hollow subdivision is located at the southeast corner of Hatch Road and Boise 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. 93-73 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

21. Consider approving agreement with Copper Creek Homeowners Association for the sale of 4,443± s.f. of property needed for the Claus Road bridge widening.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$1,100. Funds are budgeted.)

ACTION: Res. 93-74 adopted approving agreement. (Attorney to handle)

CONSENT

22. Consider approving agreement with Yosemite Community College District for use of facilities at Modesto Junior College for recreation activities during 1993.
(Report with agenda. Resolution approving hold harmless agreement needed.)

ACTION: Res. 93-75 adopted approving agreement. (P/R to handle)

23. Consider approving agreements with the law firms of Barlupo & Fielder; Herr & Cleveland; and Mullen & Fillipi to represent City in Workers' Compensation matters.
(Report with agenda. Resolutions approving agreements needed.)

2/9/93

ACTION: Res. 93-76 adopted (Patterson/Dobbs, unan., Muratore absent) approving agreement with Barlupo & Fielder.
Res. 93-77 adopted (same vote) approving agreement with Herr & Cleveland.
Res. 93-78 adopted (same vote) approving agreement with Mullen & Fillipi. (Personnel to handle)

CONSENT

23A. Consider approving an agreement with Certified-Earth Metrics, Inc., to perform professional environmental consulting services.
(Report with agenda. The Public Works Department has an ongoing need to prepare environmental analysis documents under CEQA. Resolution approving agreement needed. Estimated cost: \$80,000.)

ACTION: Res. 93-79 adopted approving agreement. (Planning to handle)

WRITTEN COMMUNICATIONS

24. Letter from Shan-Lyn Construction, Inc. regarding paying balance of funds for construction of airport terminal.

Dropped from agenda.

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

CLOSED SESSION

26. Closed session regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of represented and unrepresented employees, pursuant to Section 54957.6 of the Government Code.

ADJOURNMENT

The meeting adjourned to closed session at 6:15 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

2/9/93



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session at 4:00 p.m. on Tuesday, February 16, 1993 in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California, for a study session.

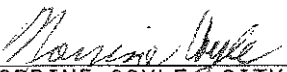
Present: Councilmembers Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

Absent: Councilmember Dobbs

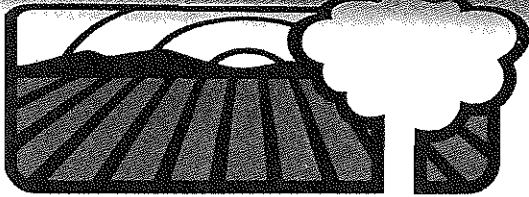
The Council held a study session and to consider the proposed Economic Development Strategy.

Harlan Westenberg, Brian Smith, Marshall Elizer, and Mike Herrero spoke about the ten programs, out of the twenty-one "Recommended Modesto Economic Development Strategy," that have a connection to the General Plan Committee's study.

The meeting adjourned at 5:50 p.m.

ATTEST: 
NORRINE COYLE, CITY CLERK

216-93



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

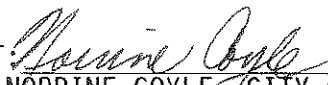
The Council of the City of Modesto met in an special session at 7:00 p.m. on Tuesday, February 16, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

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

The meeting adjourned at 7:27 p.m.

ATTEST: 
NORRINE COYLE, CITY CLERK

2-16-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 16, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Tony Jones, Cornerstone Church of Praise

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9, 11, 12,
13, 14, 15

Removed from consent: 10

ACTION: (Muratore/Friedman, unan.)

(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 February 9, 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.)

Loretta Carhart spoke about difficulty in contacting Dial-a-Ride by phone.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2839-C.S. adding Section 7-1.304 to Article 3 of Chapter 1 of Title VII of the Modesto Municipal Code relating to Notice of Sidewalk Defects.
(Motion adopting needed)

ACTION: By motion, Ord. No. 2839-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for rip rap repair at storage ponds on Jennings Road - 1993.
(Suggested bid opening: March 11, 1993, at 11:00 a.m. This project will install additional erosion protection rock on the levees of the ponds. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$34,578 (contract \$30,600; eng. & cont. \$3,978) Funds are budgeted.)

ACTION: Res. 93-80 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider acceptance of Scrimsher & Mineni Construction, Inc.'s contract to update submersible sewage lift stations - Coldwell Avenue, Fairmont Avenue and Athens Avenue as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$208,273)

(All work on this project has been completed to the satisfaction of the Public Work 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: \$209,830.06. Funds are budgeted.)

ACTION: Res. 93-81 adopted accepting as complete. (Clerk to handle)

CONSENT

7. Consider acceptance of Rolfe Construction's contract for the installation of waterlines in Scenic Drive, Graphics Drive and Parklawn Avenue as complete and authorize City Clerk to file Notice of Completion. Original contract: \$147,738.
(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: \$152,017.50. Funds are budgeted.)

ACTION: Res. 93-82 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

8. Staff report on Graffiti USA.
(Report with agenda. Motion acknowledging receipt of staff report and accepting recommendations needed.)

ACTION: By motion (Muratore/Friedman, majority, Patterson-no), the recommendations in the January 19, 1993, report signed by Douglas Gaynor were approved and the matter was referred to the newly-formed Community Qualities Forum to suggest alternative activities, with future approval of the Chamber of Commerce's Graffiti USA dependent on a reduction of undesirable activities during the function and a reduction of the cost of City services; and the costs for City services be reviewed and reported to the City Council within 60-90 days after the event.
(P/R, Police to handle)

CONSENT

9. Consider approving agreement with Mathis & Associates for a Fire Department management audit, and consider approving agreement with Arroyo Seco Associates for a Finance Department Audit.
(Report with agenda. Resolutions approving agreements needed. Estimated cost: \$58,025. Funds are budgeted.)

ACTION: Res. 93-83 adopted approving agreement with Mathis & Associates.
Res. 93-83A adopted approving agreement with Arroyo Seco Associates.
(Manager to handle)

10. Consider amendments to Affirmative Action Commission Rules of Procedure.
(Report with agenda. Resolution amending Rules of Procedures needed.)

ACTION: Res. 93-84 adopted (Dobbs/Friedman, unan.) amending the Rules of Procedures.
(Personnel to handle)

CONSENT

11. Consider authorizing City Manager to write a Letter to Modesto Irrigation District accepting the final design plans of the terminal reservoir/pump station and authorizing the MID to proceed to the bid phase and contractor selection for the terminal reservoir/pump station. (The Treatment and Delivery Agreement defines acceptance of Final Design Plans and Specifications as a project milestone. Resolution authorizing written acceptance and authorization to proceed needed.)

ACTION: Res. 93-85 adopted authorizing written acceptance and authorizing to proceed. (Manager to handle)

CONSENT

12. Consider amending Municipal Code to increase the Finance Director's business license tax refund authority from \$500 to \$5,000. (Report with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2840-C.S. introduced. (Clerk to handle)

CONSENT

13. Consider authorizing the City Manager to execute a request for reconveyance of note and deed of trust on P-D(451), located at Carver Road and Standiford Avenue intersection. (Report with agenda. Resolution authorizing City Manager to execute request for reconveyance needed.)

ACTION: Res. 93-86 adopted authorizing request for reconveyance. (Attorney to handle)

CONSENT

14. Consider authorizing joining in an amicus brief, Oden v. Public Employees Retirement System, regarding employer contributions to PERS. (Report with agenda. Motion authorizing joining in amicus brief needed.)

ACTION: By motion, joining in amicus brief authorized. (Attorney to handle)

CONSENT

15. Consider changing the date of "Earth Day in the Park 1993" from April 4, 1993, to April 24, 1993, and rescinding Resolution No. 92-674. (Report with agenda. Resolution changing date and rescinding Resolution No. 92-674 needed.)

ACTION: Res. 93-87 adopted changing date and rescinding Res. No. 92-674. (P/W to handle)

MISCELLANEOUS

Appointments

16. a. Board of Building Appeals
b. Citizens Advisory Committee on Recycling
c. International Friendship Committee

Dropped from agenda.

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 (Lorayne Collette v. City of Modesto), pursuant to Section 54956.9(a) of the Government Code.

ADJOURNMENT

The meeting adjourned to closed session at 9:00 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, FEBRUARY 23, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Dave Shackelford, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 9, 10, 11, 12, 13, 14

ACTION: (Muratore/Friedman, unan.)

(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 February 16, 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.)

Loretta Carhart spoke about Dial-A-Ride problems.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2840-C.S. amending the Municipal Code relating to business license tax refunds.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2840-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the Draft Airport Master Plan and Draft Environmental Impact Report/Environmental Assessment for the Modesto City-County Airport.
(Continued from January 16, 1993, City Council meeting.)

ACTION: By order of the Chair, this hearing was continued to March 23, 1993, at 4:00 p.m.

(Clerk to handle)

2/23/93

BIDS

CONSENT

6. Consider waiving formal bid procedures and authorizing the purchase of twelve patrol sedans through the County of Sacramento bid for a total of \$165,930.65, and consider authorizing an appropriation transfer in the amount of \$22,000.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed (Five affirmative votes needed.), and resolution authorizing appropriation transfer needed.)

ACTION: Res. 93-88 adopted waiving bid procedures and authorizing purchase.
Res. 93-89 adopted authorizing appropriation transfer.

(Finance to handle)

NEW BUSINESS

7. Status report of repayment of Utility Users' Tax.

No action taken

8. Consider endorsing the updated water system Revenue and Financing Program strategy, and consider adopting a 30% increase in metered and unmetered water rates, effective March 1, 1993.
(Report with agenda. The City Council Utility Services Franchising Committee reviewed the proposed rate increase and unanimously recommends a 30% rate increase. Motion endorsing updated water system Revenue and Financing Program strategy needed, and resolution revising water rates needed.)

ACTION: By motion, (Muratore/Lang, majority, Bird, no) updated strategy endorsed.
Res. 93-90 adopted (same vote) revising water rates.

(P W & T to handle)

CONSENT

9. Consider authorizing the Director of Public Works and Transportation or his designee to abandon the State Safe Drinking Water Bond Law Loan.
(The selling of certificates of participation to finance five years of the Water Capital Improvement Program has provided an alternate source of funds to complete projects authorized by the Bond Law Loan. Resolution authorizing abandonment of loan by Director of Public Works or designee needed.)

ACTION: 93-91 adopted authorizing abandonment of loan. (P W & T to handle)

2/23/93

CONSENT

10. Consider designating Vijayawada, India as a Sister City.
(Report with agenda. Resolution designating Vijayawada, India as Sister City needed.)

ACTION: Res. 93-92 adopted designating Sister City. (P & R to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

12. Consider appropriation transfer of project savings in the amount of \$263,538 to current CIP accounts budgeted with Gas Tax Funds.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-93 adopted approving appropriation transfer.
(Finance to handle)

CONSENT

13. Consider amending Modesto Municipal Code regarding landscape and irrigation standards.
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2841-C.S. introduced. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

14. Letter of resignation from the International Friendship Committee from Alberta Martone.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-94 adopted accepting resignation. (Clerk to handle)

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

2/23/93

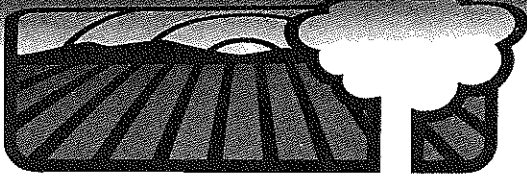
CLOSED SESSION

16. Closed session to confer with or receive advice from legal counsel when the legislative body has decided to initiate or is deciding whether to initiate litigation, pursuant to Section 54956.9(c) of the Government Code.

ADJOURNMENT

The meeting adjourned to closed session at 4:35 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

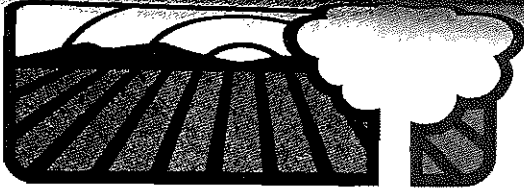
The Council of the City of Modesto met in an special session at 3:00 p.m. on Thursday, February 25, 1993, in the Mayor's Office at City Hall, 801 11th Street, Modesto, California, for a closed session.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

The Council held a closed session pursuant to Government Code Section 54957.

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 7:00 p.m. on Tuesday, March 2, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

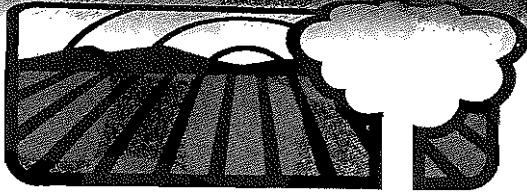
Absent: None

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

The meeting adjourned at 7:26 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

3-2-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 2, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Ted Ness, Bethel Retirement Community

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 11, 13,
14, 15, 16

Removed from consent: 16

ACTION: (Muratore/Patterson, unan.)

{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

Members of Boy Scout Troop 30, sponsored by Woodland Fire Department, were introduced.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of February 23, 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

CONSENT

4. Final adoption of Ord. No. 2841-C.S. regarding landscape and irrigation standards.
(Motion adopting needed.)

ACTION: By motion, Ord. no. 2841-C.S. was adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the request of Modesto Garbage Company, Inc. for a three-year extension of their franchise for the collection of garbage, industrial garbage and salvageable waste.
(Motion continuing to City Council meeting of July 6, 1993, at 7:30 p.m. needed.)

ACTION: By motion (Bird/Friedman, unan.) the hearing was continued to July 6, 1993. (Clerk to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the Claus Road bridge widening.
(Suggested bid opening: April 1, 1993 at 11:00 a.m. This project will widen Claus Road including the existing bridge over Dry Creek between Scenic Drive and Gomes to six-lane expressway standards. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$2,499,317 (contract \$2,251,638; 6% const. admin. \$135,098; 5% contingencies \$112,581) Funds are budgeted.)

ACTION: Res. 93-95 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approving specifications and authorizing call for bids to be opened March 22, 1993, at 11:00 a.m. for furnishing lawn and turf equipment.
(Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$259,631. Funds are budgeted.)

ACTION: Res. 93-96 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider award of bid for the purchase of seven new police motorcycles from Mitchell's Modesto Harley Davidson for the total cost of \$59,850.
(Report with agenda. Resolution awarding bid needed. Funds are budgeted.)

ACTION: Res. 93-97 adopted awarding bid. (Finance to handle)

CONSENT

9. Consider approving agreement with Storer Transit Services (Storer) to operate the Modesto-Stanislaus Dial-A-Rode service for five years.
(Report with agenda. In January, 1993, the City Council authorized staff to negotiate an agreement with Storer. Storer received the highest ranking of five proposals submitted. Payments to Storer under this new agreement, which takes effect May 2, 1993, are anticipated to be approximately \$1 million annually and are about \$200,000 per year lower than the next highest ranked proposal. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 93-98 adopted approving agreement. (P/W to handle)

CONSENT

10. Consider acceptance of Marine 88, Inc.'s contract to remove and replace underground tanks at Dryden Golf Course Maintenance Facility as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$24,955).
(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: \$36,116.57. Funds are budgeted.)

ACTION: Res. 93-99 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider acceptance of Champion Industrial Contractors contract for the McHenry Mansion Restoration Phase III project as complete and authorize City Clerk to file Notice of Completion. (Original contract and final cost: \$96,072)
(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. 93-100 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

12. Consider approving school fee collection agreements with Hart Ransom Union, Sylvan Union, Empire Union, Stanislaus Union and Salida School Districts.
(Report with agenda. Resolutions approving agreements needed.)

ACTION: Res. 93-101 adopted (Cogdill/Muratore, unan.) approving agreement with Hart Ransom Union School District.
Res. 93-102 adopted (same vote) approving agreement with Sylvan Union School District.
Res. 93-103 adopted (same vote) approving agreement with Empire Union School District.
Res. 93-104 adopted (same vote) approving agreement with Stanislaus Union School District.
Res. 93-105 adopted (same vote) approving agreement with Salida School District.
Res. 93-105A adopted (same vote) approving agreement with Modesto City School District. (Attorney to handle)

- 12A. Report of Utility User's Tax Ad Hoc Committee and direction to staff regarding modification of Utility User's Tax Ordinance.
Councilmembers Bird, Cogdill and Friedman were excused due to conflicts of interest.

ACTION: By motion (Dobbs/Patterson, unan., Bird, Cogdill and Friedman absent) staff was directed to prepare an ordinance extending the refund to January 1, 1990, and the cap to be deleted effective July 1, 1993.

CONSENT

13. Consider approving agreement with the Riverdale Community Service District to provide water service.
(Report with agenda. This agreement would provide a back-up water service to Riverdale Community Service District by an extension of a water line on Hatch Road. The majority of the cost will be paid by the Riverdale Community Service District. Resolution approving agreement needed. Estimated City cost: \$27,600. Funds are budgeted.)

ACTION: Res. 93-106 adopted approving agreement. (P/W to handle)

CONSENT

11. Consider acceptance of Champion Industrial Contractors contract for the McHenry Mansion Restoration Phase III project as complete and authorize City Clerk to file Notice of Completion. (Original contract and final cost: \$96,072)
(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. 93-100 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

12. Consider approving school fee collection agreements with Hart Ransom Union, Sylvan Union, Empire Union, Stanislaus Union and Salida School Districts.
(Report with agenda. Resolutions approving agreements needed.)

ACTION: Res. 93-101 adopted (Cogdill/Muratore, unan.) approving agreement with Hart Ransom Union School District.
Res. 93-102 adopted (same vote) approving agreement with Sylvan Union School District.
Res. 93-103 adopted (same vote) approving agreement with Empire Union School District.
Res. 93-104 adopted (same vote) approving agreement with Stanislaus Union School District.
Res. 93-105 adopted (same vote) approving agreement with Salida School District. (Attorney to handle)

- 12A. Report of Utility User's Tax Ad Hoc Committee and direction to staff regarding modification of Utility User's Tax Ordinance.
Councilmembers Bird, Cogdill and Friedman were excused due to conflicts of interest.

ACTION: By motion (Dobbs/Patterson, unan., Bird, Cogdill and Friedman absent) staff was directed to prepare an ordinance extending the refund to January 1, 1990, and the cap to be deleted effective July 1, 1993.

CONSENT

13. Consider approving agreement with the Riverdale Community Service District to provide water service.
(Report with agenda. This agreement would provide a back-up water service to Riverdale Community Service District by an extension of a water line on Hatch Road. The majority of the cost will be paid by the Riverdale Community Service District. Resolution approving agreement needed. Estimated City cost: \$27,600. Funds are budgeted.)

ACTION: Res. 93-106 adopted approving agreement. (P/W to handle)

CONSENT

14. Consider appointing Councilmember Frank Muratore as member of the Joint Powers Authority (JPA) for the Turlock Irrigation District area surface water project and appointing Councilmember Richard Patterson as alternate member.

(Report with agenda. The joint powers agreement has been executed by all parties. It is now appropriate to appoint members to the JPA and begin the business of the JPA. Resolution appointing members needed.)

ACTION: Res. 93-107 adopted appointing members. (P/W to handle)

CONSENT

15. Consider approving financing agreements with Russell L. Miller and Richard M. Guerra for the purpose of rehabilitating properties pursuant to the City's Housing Rehabilitation Program.

(Report with agenda. Resolution approving agreements needed. Estimated cost not to exceed: \$40,730 (CDBG); \$35,951 (HOME). Funds are budgeted.)

ACTION: Res. 93-108 adopted approving agreement with Russell L. Miller.
Res. 93-109 adopted approving agreement with Richard N. Guerra.
(Planning to handle)

16. Consider approving agreement with Wise Consulting Services for development of an Information Systems Master Plan, and consider amending the budget to transfer \$27,500 to the City Manager Department Budget.

(Report with agenda. Resolution approving agreement needed, and resolution approving budget amendment needed.)

ACTION: Res. 93-110 adopted (Patterson/Dobbs, unan.) approving agreement.
Res. 93-111 adopted (same vote) approving budget amendment.
(Manager to handle)

MISCELLANEOUS

Appointments

17. a. Planning Commission

ACTION: Res. 93-112 adopted (Muratore/Bird, unan.) appointing Holly Berrett.

- b. Airport Advisory Committee

ACTION: Res. 93-113 adopted (Muratore/Bird, unan.) appointing Don Monaco.

- c. Citizens Advisory Committee on Recycling

ACTION: Res. 93-114 adopted (Muratore/Bird, unan.) appointing Yvonne Miller.

- d. International Friendship Committee

ACTION: Res. 93-115 adopted (Muratore/Bird, unan.) appointing Hannah Parris.

e. Economic Development Loan Committee

ACTION: Res. 93-116 adopted appointing Linda Reese.

Reappointments

f. Culture Commission

ACTION: Res. 93-117 adopted reappointing Marjorie Baker.

g. Downtown Improvement District Advisory Board

ACTION: Res. 93-118 adopted reappointing Frank Ruggieri and Dennis Wilson.

h. Landmark Preservation Commission

ACTION: Res. 93-119 adopted reappointing Corrine Rowe and Martha Cowdrey.
(Clerk to handle)

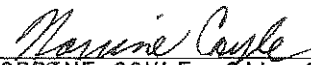
MATTERS TOO LATE FOR THE AGENDA

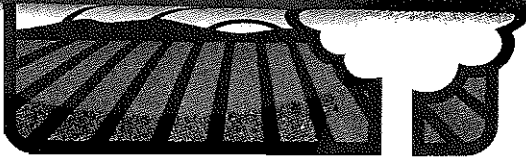
18. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 8:38 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 9, 1993 , AT 4:00 P.M.

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

Absent: Councilmembers Bird, Dobbs, Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. John Blakeley, Neighborhood Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 9, 10, 11, 12,
13, 14, 15, 16, 17

Dropped from agenda: 3

ACTION: (Friedman/Muratore, unan., Bird, 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.

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

3/9/93



1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor introduced Boy Scout Troop 3, our Lady of Fatima School.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of Thursday, February of the regular City Council meeting of March 2, 1993. (Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed or acted upon by the City Council at this meeting.)

Loretta Carhart spoke about busing.

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for the annual sewer rehabilitation project - Coldwell Avenue between Hackberry Avenue and Enslin Avenue and Helen Avenue between McHenry Avenue and Ila Way.
(Suggested bid opening: April 1, 1993, at 11:05 a.m. This project will replace deteriorated sanitary sewer lines that are creating a maintenance problem. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$74,667.49 (contract \$64,928.25; eng. & cont. \$9,739.24). Funds are budgeted.)

Dropped from agenda.

CONSENT

4. Consider approving specifications and authorizing call for bids for one new sewer rodding truck.
(Suggested bid opening: March 29, 1993, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$74,900. Funds are budgeted.)

ACTION: Res. 93-120 adopted calling for bids. (Finance to handle)

3/9/93

CONSENT

5. Consider award of contract for the installation of Water Tank No. 5 to Scrimsher and Mineni Construction.
(Bids were opened on February 25, 1993. The low bid of \$615,184, submitted by Scrimsher and Mineni Construction is 47.45% 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 needed. Estimated total cost: \$676,702 (contract \$615,184; eng. & cont. \$61,518). Funds are budgeted.)

ACTION: Res. 93-121 adopted awarding contract. (P/W to handle)

CONSENT

6. Consider accepting the contract of Stanislaus Roofing for reroofing the downtown shop at 621 11th Street as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$24,575.) (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: \$25,075. Funds are budgeted.)

ACTION: Res. 93-122 adopted accepting as complete. (Clerk to handle)

CONSENT

7. Consider acceptance of Pollock and Denico, Inc.'s contract for the Johansen High School pedestrian overcrossing as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$1,003,395)
(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: \$985,591.28. Funds are budgeted.)

ACTION: Res. 93-123 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

8. Progress report regarding potential Del Este Water Company acquisition. (Report with agenda. Motion acknowledging receipt of report needed.)

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

CONSENT

9. Consider approving proposed program description for Fiscal Year 1993-94 HOME Entitlement.

3/9/93

(Report with agenda. The program description is a prerequisite of HUD for receipt of HOME funds in the amount of \$470,000 for F.Y. 1993-94. Resolution approving proposed program description and authorizing City Manager to sign grant application needed.)

ACTION: Res. 93-124 adopted approving program description. (Planning to handle)

CONSENT

10. Consider approving appropriation transfer in the amount of \$200,000 to provide funding to pay for outside legal services pertaining to the Water Fund.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-125 adopted approving appropriation transfer. (Finance to handle)

CONSENT

11. Consider adopting class specification for Neighborhood Preservation Supervisor and deleting class specification for Zoning Inspector.
(Report with agenda. Resolution amending Position Classification Plan needed, and resolution amending the Class Range Tables to establish salary needed. Estimated cost per year: \$2,400. Funds are budgeted.)

ACTION: Res. 93-126 adopted amending Position Classification Plan.
Res. 93-127 adopted amending Class Range Tables. (Personnel to handle)

CONSENT

12. Consider approving agreement with William G., Elena A. and Raymond F. Rifenburg for the acquisition of 1,489± square feet of the property needed to widen Scenic Avenue for the appraised value of \$8,800.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 93-128 adopted approving agreement. (Attorney to handle)

CONSENT

13. Consider approving agreement with William G., Elena A. and Raymond F. Rifenburg for the acquisition of 2,600± square feet of the property needed to widen Scenic Avenue for the appraised value of \$17,275.
(Report with agenda. Resolution approving agreement needed. Estimated total cost: \$19,075 (cost \$17,275; est. escrow \$1,800) Funds are budgeted.)

ACTION: Res. 93-129 adopted approving agreement. (Attorney to handle)

CONSENT

14. Consider acceptance of improvements in Manchester Court subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: Lyon/Resource Development)

(Report with agenda. Manchester Court subdivision is located on the south side of Standiford Avenue, west of Prescott. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Resolution accepting as complete needed.)

ACTION: Res. 93-130 adopted accepting as complete. P/W, Clerk to handle)

CONSENT

15. Consider approving agreement with the City of Lathrop for the use of City of Modesto's Property Agent.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-131 adopted approving agreement. (Attorney to handle)

CONSENT

16. Consider approving agreement with Pro Sports Marketing for a youth summer football camp.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-132 adopted approving agreement. (P/R to handle)

CONSENT

17. Consider accepting \$46,710 in State grant funding for urban forestry activities and authorizing City Manager to sign project agreement, and consider amending the budget to estimate and appropriate grant funding.
(Report with agenda. Resolution approving grant agreement needed, and resolution amending budget needed.)

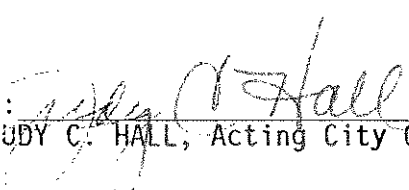
ACTION: Res. 93-133 adopted approving grant agreement.
Res. 93-134 adopted amending budget. (P/R to handle)

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

The meeting adjourned at 4:06 p.m.

ATTEST: 
JUDY C. HALL, Acting City Clerk

3/9/93



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session at 7:00 p.m. on Tuesday, March 16, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

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

Absent: Councilmember Patterson

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

The meeting adjourned at 7:25 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

3-16-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 16, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Jeffrey Norman, Modesto Covenant Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 9, 11, 12, 13, 14,
15, 16, 17, 18, 20

Dropped from agenda: 5

ACTION: (Muratore/Friedman, unan.)

(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

Acknowledgement of the grand prize winners of the "Citizens for Sober Driving" Poster Contest.

Mayor Lang and Dr. Michael Rossini presented bikes and dictionarys to Jason Tramel, Teel Middle School, and Rommel Munoz, Beyer High School.

Chief Jefferson presented certificates of appreciation to members of the Citizens for Sober Drivers Committee.

MINUTES

CONSENT

2. Approval of the minutes of the special meeting of March 2, and regular City Council meeting of March 9, 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

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for the annual sewer rehabilitation project - Coldwell Avenue between Hackberry Avenue and Enslin Avenue and Helen Avenue between McHenry Avenue and Ila Way.
(This project will replace deteriorated sanitary sewer lines that are creating a maintenance problem. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated total cost: \$74,667.49 (contract \$64,928.25; eng. & cont. \$9,739.24) Funds are budgeted.)

ACTION: Res. 93-135 adopted calling for bids. (P/W to handle)

CONSENT

5. Consider authorizing the purchase of one fire apparatus for the Fire Department from Golden State Fire Apparatus for \$278,027.29, and consider authorizing the City Manager to sign a lease purchase agreement with Transocean Funding, Inc. for \$318,940 for the financing of the vehicle; and consider amending the budget.
(Report with agenda. Resolution authorizing purchase of Fire Apparatus from Golden State Fire Apparatus needed; and resolution authorizing the City Manager to sign a lease purchase agreement needed; and resolution amending budget needed.)

Dropped from agenda.

CONSENT

6. Consider declaring California Surveying and Drafting Supply low bidder on and authorize the purchase of total surveying station equipment. (Report with agenda. Resolution awarding bid and authorizing purchase needed. Estimated cost: \$10,929. Funds are budgeted.)

ACTION: Res. 93-136 adopted awarding bid. (Finance to handle)

CONSENT

7. Consider acceptance of Western Stone Products, Inc.'s contract for the construction of Improvement District No. 29 as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$464,090.00)
(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: \$490,817.57. Funds are budgeted.)

ACTION: Res. 93-137 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

8. Community Development and Housing Committee Update on Mobile Home Owners/Tenant Issues.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Friedman/Bird, unan.) receipt of report acknowledged.

CONSENT

9. Consider authorizing an informal selection process for consultant services, and consider approving appropriation transfer in the amount \$268,000 to provide funds to proceed with preparation of construction plans, specifications and bid documents and to provide for services preliminary to easement acquisition for the Extension of Sonoma/Lakewood Sewer Trunks through Village One.
(Report with agenda. Resolution approving appropriation transfer needed, and resolution authorizing informal selection process for consultant services needed. Estimated cost: \$268,000.00.)

ACTION: Res. 93-138 adopted approving appropriation transfer.
Res. 93-139 adopted authorizing informal selection process for consultant services. (P/W to handle)

10. Consider repealing Article 9 of Chapter 7 of Title IV of the Modesto Municipal Code relating to smoking in theaters, and Chapter 8 of Title V relating to smoking pollution control and introducing new ordinance adding Chapter 8, entitled "Smoking Pollution Control to Title V of the Modesto Municipal Code.
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion (Cogdill/Friedman, unan.) ord. No. 2842-C.S. introduced. (Clerk to handle)

CONSENT

11. Consider request of C.M. (Mel) Pace, Inc. for variance to the Downtown Exposed Aggregate Standard at 1720 "G" Street.
(The contractor replaced a portion of deteriorating sidewalk unaware that an exposed aggregate pattern was the standard in this area. Public Works and Transportation and the Downtown Improvement District support approval of the variance. Report with agenda. Resolution approving variance needed.)

ACTION: Res. 93-140 adopted approving variance. (P/W to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

13. City Council Financial Policy Statement for Fiscal Year 1993-94.
(Motion accepting report needed.)

ACTION: By motion, report accepted.

CONSENT

14. Management letter from auditors Deloitte & Touche submitted as a result of the FY 1991-92 audit of the City's Comprehensive Annual Financial Report (CAFR).
(Report with agenda. Motion acknowledging receipt of Management Letter needed.)

ACTION: By motion, receipt of Management Letter acknowledged.

CONSENT

15. Report on State Controller's examination of the City's Section 2105(c) Maintenance of Effort Match Requirement of the California Streets and Highways Code for Fiscal Year ended June 30, 1992.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

16. Consider excusing Councilmembers Bird, Dobbs and Patterson from the City Council meeting of March 9, 1993, due to their attendance at the National League of Cities Conference in Washington, D.C. March 6 - 9, 1993.
(Motion excusing needed.)

ACTION: By motion, Councilmembers excused. (Clerk to handle)

CONSENT

17. Annual staff report on the City of Modesto Recycling Program.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

18. Report on policy for the Youth Recreation Financial Assistance Program. (Report with agenda. Motion acknowledging receipt of report and supporting proposed policy needed.)

ACTION: By motion, acknowledged receipt of report and supported proposed policy. (P/R to handle)

19. Consider conceptual approval of the refinancing of the golf course, airport, and Centre Plaza projects. (Report with agenda. Motion acknowledging receipt of report and conceptual approval of the refinancing needed.)

ACTION: By motion (Bird/Muratore, unan.) receipt of report acknowledged and refinancing approved.

WRITTEN COMMUNICATIONS

CONSENT

20. Letter of resignation from the Planning Commission from Holly E. Berrett. (Resolution accepting resignation needed.)

ACTION: Res. 93-191 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Legislation

21. Consider adopting official position urging Legislature and Governor to extend the 1/2 cent sales tax scheduled to expire on June 30, 1993, and allocate the proceeds of the tax to meet local government responsibilities. (Report with agenda. Motion adopting Council's official position needed.)

ACTION: By motion (Friedman/Cogdill, unan.) Council's official position adopted. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

22. (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

23. Closed session for the following purposes:
- a. To confer with or receive advice from legal counsel, when based upon existing facts and circumstances, it has been decided to initiate or will be decided whether to initiate litigation, pursuant to Government Code Section 54956.9(c).
 - b. To confer with or receive advice from legal counsel regarding pending litigation because discussion in open session would prejudice the position of the City in litigation, pursuant to Government Code Section 54956.9(a), in the following cases:
 1. George & Lucinda Jacobs v. City of Modesto
 2. Looney/Greenhaw v. City of Modesto
 3. V. O. & Associates v. City of Modesto
 4. Golden State Homebuilding v. City of Modesto
 - c. To confer with 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 to closed session at 8:29 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

3/16/93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 23, 1993, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
Councilmember Patterson arrived at 4:25 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Ed Echevarria, Neighborhood Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 10, 11, 16, 18,
19, 20, 21, 22, 23, 24

Removed from Consent: 4

ACTION: Dobbs/Cogdill, unan., Patterson absent

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 17

Councilmember Friedman excused due to a conflict of interest

ACTION: Muratore/Dobbs, 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.)

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

3/23/93

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced members of Troop 3, Our Lady of Fatima Church.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of March 16, 1993.
(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

CONSENT

4. Final adoption of Ord. No. 2842-C.S. relating to smoking pollution control.
(Motion adopting needed.)

ACTION: By motion (Dobbs/Friedman, unan., Patterson absent) the implementation date was changed to June 1, 1993 to coincide with implementation date of other Stanislaus County agencies.
(Clerk/Atty to handle)

HEARINGS

5. Hearing to consider the Draft Airport Master Plan and Draft Environmental Impact Report/Environmental Assessment for the Modesto City-County Airport.
(Continued from January 16, and February 23, 1993, City Council meetings.)

ACTION: By motion (Dobbs/Bird, unan., Patterson absent) recognized that comment period for the Modesto City-County Airport Master Plan and EIR/EA is closed, accepted any additional public comments, and closed the public hearing. Directed staff to prepare findings regarding environmental impacts, mitigation monitoring plan and any necessary Statements of Overriding Consideration.

3/23/93

BIDS

CONSENT

6. Consider approving specifications and authorizing call for bids for furnishing one new gondola dump truck.
(Suggested bid opening: April 12, 1993, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$36,700. Funds are budgeted.)

ACTION: Res. 93-142 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider award of contract for installation of additional rip rap at storage ponds on Jennings Road.
(Bids were opened on March 11, 1993. The low bid of \$24,979.50, submitted by Glen Wilson Trucking, Inc., is 18.37% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the project be awarded to him. Report and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$28,226.84 (contract \$24,979.50; eng. & cont. \$3,247.34). Funds are budgeted.)

ACTION: Res. 93-143 adopted awarding contract. (P/W to handle)

CONSENT

8. Consider acceptance of Ragsdale & Son, Inc.'s contract for the Pelton Avenue improvements as complete and authorize City Clerk to file Notice of Completion, and approval of an appropriation transfer of \$2,500.
(Original contract: \$26,111.75)
(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 as complete and resolution approving appropriation transfer needed. Final cost: \$29,878.50 . Funds are partially budgeted.)

ACTION: Res. 93-144 adopted accepting as complete.
Res. 93-145 adopted approving appropriation transfer.
(Clerk to handle)

CONSENT

9. Consider acceptance of Western Stone Products, Inc.'s contract for the secondary wastewater treatment plant roads as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$113,315.58)
(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 as complete needed. Final cost: \$128,957.80 . Funds are budgeted.)

ACTION: Res. 93-146 adopted accepting as complete. (Clerk to handle)

3/23/93

CONSENT

10. Consider acceptance of George Reed, Inc.'s contract for construction of Carpenter Road from Maze Boulevard to Kansas Avenue as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$933,837.70)
(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 as complete needed. Final cost: \$986,106.24 . Funds are budgeted.)

ACTION: Res. 93-147 adopted accepting as complete. (Clerk to handle)

CONSENT

11. Consider waiving formal bid procedures by and authorizing the purchase of sixteen trucks of various size through the State of California Cooperative Purchasing Contract for \$205,062.12.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 93-148 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

12. Consider setting the priorities for the projects to be included in the City's submittal for Transportation Enhancement Activities (TEA) projects and commits to providing the local match as necessary.
(Report with agenda. Resolution setting the priorities for TEA projects needed.)

ACTION: Res. 93-149 adopted (Dobbs/Friedman, unan., Patterson absent) setting priorities.
(P/W to handle)

13. Consider water supply status report.
(Report with agenda. Motion accepting report needed.)

ACTION: By motion (Bird/Friedman, unan., Patterson absent) report accepted.

14. Consider directing the County Clerk to conduct the City of Modesto's regular election in November, 1993, and the run-off, if required, by mail.
(Report with agenda. Resolution directing the County Clerk needed.)

ACTION: Res. 93-150 adopted (Friedman/Lang, unan.) approving regular election by mail in November, 1993. (Clerk to handle)

15. Consider staff recommendations to remove the late notice charge from the delinquent bill and apply it to the Late Notice (Notice of Delinquency).
(Report with agenda. Motion approving recommendation needed.)

ACTION: By motion (Dobbs/Patterson, unan.) recommendation approved.
(Finance to handle)

3/23/93

CONSENT

16. Consider approving appropriation transfer of \$10,500 to complete the removal and replacement of underground tanks at Dryden Golf Course.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-151 adopted approving appropriation transfer.
(Finance to handle)

CONSENT

17. Consider approving agreement with David E. and Mary C. Gallo, Trustee, for the acquisition of 0.65± acres of right of way from them for the Claus Road bridge project, and accepting right of entry from David E. and Mary C. Gallo.
(Report with agenda. Resolution approving agreement and resolution accepting right of entry needed.)
Councilmember Friedman excused due to a conflict of interest.

ACTION: Res. 93-152 adopted approving agreement.
Res. 93-153 adopted accepting right of entry. (Attorney to handle)

CONSENT

18. Consider approving agreement with ISCO Homes, Inc. for the acquisition of a well site consisting of 27,721± square feet and an access easement along the southerly 30 feet of the property, which is approximately 1.64 acres.
(Report with agenda. Resolution approving agreement needed. Estimated total cost: \$58,000 (cost \$54,000; est. escrow \$4,000). Funds are budgeted.)

ACTION: Res. 93-154 adopted approving agreement. (Attorney to handle)

CONSENT

19. Consider approving agreement and accepting right of entry from David A. and Pamela S. Basmajian.
(Report with agenda. Resolution approving agreement and resolution accepting right of entry needed. Estimated cost: \$1,000. Funds are budgeted.)

ACTION: Res. 93-155 adopted approving agreement.
Res. 93-156 adopted accepting right of entry.
(Attorney to handle)

CONSENT

20. Consider request of Norma J. Jussell, et al, to amend collection of costs for the installation of sidewalk at 1231 Mills Avenue. The ten year payment plan is requested. Res. 91-746, which confirmed a one year collection of \$780, would be rescinded.
(Report with agenda. Ms. Jussell did not request time payments when offered but now realizes it is a hardship to pay the City's special assessment lien on her property tax bill. Resolution directing method of collection in ten annual installments and rescinding Res. 91-746 needed.)

ACTION: Res. 93-157 adopted directing method of collection in ten annual installments.
(Attorney to handle)

3/23/93

CONSENT

21. Consider cooperative agreement (No. 10-874) between City of Modesto and State of California for a curb and sidewalk project along the south side of Kansas Avenue from the 99 Highway on-ramp west to the overpass structure.
(Report with agenda. The City and State will share equal costs of \$6,650 each for the installation of approximately 300 feet of curb and sidewalk with a final contract cost of \$13,300. The City handled bidding, engineering and administration of the project. Resolution approving cooperative agreement No. 10-874 and authorizing the City Manager to execute the agreement needed. Funds are budgeted.)

ACTION: Res. 93-158 adopted approving agreement. (Attorney to handle)

CONSENT

22. Consider approving agreement with Modesto Irrigation District to discharge storm water from Briggsmore Avenue to M.I.D. Lateral No. 3.
(Report with agenda. Resolution approving agreement and authorizing the City Manager to sign agreement needed.)

ACTION: Res. 93-159 adopted approving agreement. (P/W to handle)

CONSENT

23. Consider introducing an ordinance amending the Modesto Municipal Code to provide for temporary closure of city streets.
(Report with agenda. Motion introducing an ordinance needed.)

ACTION: By motion, Ord. No. 2843-C.S. introduced. (Clerk to handle)

CONSENT

24. Consider modifying speed limits on various streets in Modesto.
(Report with agenda. Staff proposes to amend the Modesto Municipal Code in order to update the revise a number of radar-enforceable speed limits. Motion introducing an ordinance needed.)

ACTION: By motion, Ord. No. 2844-C.S. introduced. (Clerk to handle)

WRITTEN COMMUNICATIONS

25. Letter from Rev. Mike Dillman, Vintage Faire Christian Center regarding City's recommendation to the County regarding a rezoning at Dale and Pelandale.

ACTION: Res. 93-160 adopted (Dobbs/Patterson, unan.) reaffirming the previous position but allowing the applicant to return to Council with further options. (Planning to handle)

3/23/93

26.

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

CLOSED SESSION

27. Closed session to confer with or receive advice from legal counsel regarding pending litigation because discussion in open session would prejudice the position of the City in litigation, pursuant to Government Code Section 54956.9(a) in the case of City of Modesto v. Dow Chemical, et al.

Closed session to confer with or receive advice from legal counsel regarding pending litigation because discussion in open session would prejudice the position of the City in litigation, pursuant to Government Code Section 54956.9(a), in the case of Reucher vs. City of Modesto.

ADJOURNMENT

The meeting adjourned to closed session at 5:15 p.m.

ATTEST: 
MORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

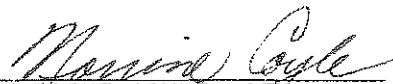
The Council of the City of Modesto met in an special session at 7:00 p.m. on Tuesday, April 6, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

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

The meeting adjourned at 7:26 p.m.

ATTEST: 
NORRINE COYLE, CITY CLERK

4-6-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 6, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Mel Turner, Christian Berets

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 10, 11, 12, 13, 14, 15, 16, 17,
18, 19, 20, 21, 23, 24

Removed from consent: 22

ACTION: (Bird/Muratore, unan.)

(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.

4/6/93

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of March 23, 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.)

Bruce Frohman, Lew Mayhew, and Megan Gowan spoke about the General Plan and growth.

Ann Miller spoke about the Police Department.

Steve Burke spoke about air quality and lack of Federal funds for transportation projects.

Diane Moyer spoke about possible purchase of Del Este Water Company.

UNFINISHED BUSINESS

4. Final adoption of Ord. No. 2842-C.S. relating to smoking pollution control.
(Motion adopting needed.)

ACTION: By motion (Muratore/Patterson, unan.) Ord. No. 2842-C.S. was adopted with the understanding that it will be revised to address problems of certain restaurants. (Clerk/Attorney to handle)

CONSENT

5. Final adoption of:
- a. Ord. No. 2843-C.S. amending Municipal Code relating to authority of Police and Fire Department officials.
 - b. Ord. No. 2844-C.S. amending Municipal Code relating to speed limits.
- (Motion adopting needed.)

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

6. Hearing to consider the appeal of Sign Designs, on behalf of P V Financial, to a Board of Zoning Adjustment decision regarding a requirement for a signed covenant for a conditional use permit to allow a wall sign higher than 35 feet and a variance from sign location in relation to use or occupancy, property located at 1524 McHenry Avenue.

Dropped from agenda at appellant's request.

7. Hearing to consider an amendment to the sign regulations to extend some of the qualifications for freeway signs for certain tourist-oriented businesses.

ACTION: By motion (Patterson/Bird, unan.) Ord. No. 2845-C.S. introduced approving staff recommendation. (Clerk to handle)

8. Hearing to consider changes to Modesto Area Express (MAX) bus routes.

ACTION: Res. 93-161 adopted (Dobbs/Patterson, unan.) approving recommendations. (P/W to handle)

9. Hearing to confirm report of work and cost of construction of improvements along certain streets in the City of Modesto and to direct method of collection of assessments for the following:

- a. Sidewalk at 130 Colfax Ave. (Gill, Harpal S., et ux - \$843.00)

ACTION: Res. 93-162 adopted (Patterson/Bird, unan.) confirming report, assessing costs, and directing method of payment. (Finance to handle)

- b. Sidewalk at 214 Colfax Ave. (Best, John S., et ux - \$843.00)

ACTION: Res. 93-163 adopted (Patterson/Bird, unan.) confirming report, assessing costs, and directing method of payment. (Finance to handle)

- c. Sidewalk along Haddon Ave. at 310 El Vista Ave. (Rosenke, Michael A., et ux - \$443.00)

ACTION: Res. 93-164 adopted (Patterson/Bird, unan.) confirming report, assessing costs, and directing method of payment. (Finance to handle)

- d. Sidewalk at 2036 Encina Ave. (Arenas, Maria G. - \$507.00)

ACTION: Res. 93-164-A adopted (Patterson/Bird, unan.) confirming report, assessing costs, and directing method of payment. (Finance to handle)

- e. Sidewalk at 2320 Encina Ave. (Deffley, Richard P., et al - \$602.00)

ACTION: Res. 93-165 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

- f. Sidewalk at 2309 Haddon Ave. (Sillas, Carlos C. - \$533.00)

ACTION: Res. 93-166 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

4/6/93

- g. Sidewalk at 2313 Haddon Ave. (Martinez, Olga - \$533.00)
ACTION: Res. 93-167 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- h. Sidewalk at 2400 Haddon Ave. (Kirland, Craig B., et us - \$1,024)
ACTION: Res. 93-168 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- i. Sidewalk along Haddon Ave. at 233 Renee Dr. (Hertel, R.T., et al -\$723.00)
ACTION: Res. 93-169 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- j. Sidewalk at 1700 Tonilane (Rico, Martin L., et ux - \$1,043.00)
ACTION: Res. 93-170 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- k. Sidewalk at 619-25 Kansas Ave. (Varni Bros. - \$5,300.00)
Dropped from agenda.
- l. Sidewalk at 837 Kansas Ave. (U-Haul Real Estate Co. - \$3,022.00)
ACTION: Res. 93-171 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- m. Sidewalk at 842-48 Kansas Ave. (Read Investments - \$6,468.00)
ACTION: Res. 93-172 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- n. Sidewalk at 236 E. Coolidge Ave. (Gus Constantinou - \$1,843.00)
ACTION: Res. 93-173 adopted (Patterson/Muratore, majority, Cogdill-no) confirming report, assessing costs, and directing method of payment. (Finance to handle)
- o. Sidewalk at 320 E. Coolidge Ave. (Anne C. Hughes - \$2,143.00)
ACTION: Res. 93-174 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- p. Sidewalk along E. Coolidge Ave. at 1444 Casa Blanca (Wendell L. Thompson, et ux - \$958.00)
ACTION: Res. 93-175 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

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- q. Sidewalk at 600 E. Coolidge Ave. (Charles E. Weaver, et ux - \$1,407.00)
ACTION: Res. 93-176 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- r. Sidewalk at 608 E. Coolidge Ave. (Wendell L. Thompson, et ux - \$2,043.00)
ACTION: Res. 93-177 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- s. Sidewalk at 316 E. Coolidge Ave. (Orangeburg Avenue Baptist Church - \$1,580.00)
ACTION: Res. 93-178 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- t. Sidewalk at 2316 Encina Ave. (Singh, Jagender, et ux - \$887.99)
ACTION: Res. 93-179 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- u. Sidewalk at 2312 Encina Ave. (Morgan, Steven A., et ux - \$632.00)
ACTION: Res. 93-180 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- v. Sidewalk at 2308 Encina Ave. (Goad, Bob C. - \$932.00)
ACTION: Res. 93-181 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- w. Sidewalk at 2220 Roble Ave. (Bauman, Herbert E., et ux - \$1,324.00)
ACTION: Res. 93-182 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- x. Curb at 717 El Vecino Ave. (Cook, Kenneth M., et al - \$2,043.00)
ACTION: Res. 93-183 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)
- y. Curb and sidewalk at 909 El Vecino Avenue (Cozzo, Dominic, et ux -\$2,361)
Dropped from agenda.
- z. Curb at 931-35 El Vecino Ave. (White, R. Scott - \$3,194.00)
ACTION: Res. 93-184 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

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- aa. Curb and sidewalk at 941 El Vecino Ave. (Steely, Randall) \$1,850.00

ACTION: Res. 93-185 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

- bb. Sidewalk at 2309 Bellamy St. (Tillion, J. B. - \$842.00)

ACTION: Res. 93-186 adopted (Patterson/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BIDS

CONSENT

10. Consider approval of plans and specifications and call for bids for installation of a generator at Well No. 44.
(Suggested bid opening: April 29, 1993, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$60,000 (contract \$55,000; eng. & cont. \$5,500. Funds are budgeted.)

ACTION: Res. 93-187 adopted calling for bids. (P/W to handle)

CONSENT

11. Consider approving specifications and authorizing call for bids for furnishing one new van with aerial lift.
(Suggested bid opening: April 26, 1993, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$34,235. Funds are budgeted.)

ACTION: Res. 93-188 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider approving specifications and authorizing call for bids for furnishing one new suburban vehicle.
(Suggested bid opening: April 26, 1993, at 11:15 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$25,000. Funds are budgeted.)

ACTION: Res. 93-189 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider approving specifications and authorizing call for bids for furnishing and installing four automatic valve actuators.
(Suggested bid opening: May 3, 1993, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$24,000. Funds are budgeted.)

ACTION: Res. 93-190 adopted calling for bids. (Finance to handle)

CONSENT

14. Consider waiving formal procedures and authorize the purchase and installation of one telephone system from Evans-Executone for the total purchase price of \$37,552.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 93-191 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

15. Consider acceptance of the contract of Ross F. Carroll, Inc. for the rockwell storm drain replacement - 1993 project as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$198,714.50)
(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: \$235,242.02. Funds are budgeted.)

ACTION: Res. 93-192 adopted accepting as complete. (Clerk to handle)

CONSENT

16. Consider acceptance of Collins Electrical Company's contract for the modification of traffic signals at Briggsmore Avenue and Claus Road and at Mitchell Road and Finch Road as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$70,300)
(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: \$71,455.68. Funds are budgeted.)

ACTION: Res. 93-193 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

17. Consider amending budget to estimate revenues and appropriate funds in the amount of \$93,984 for the Office of Traffic Safety (OTS) grant project.
(Report with agenda. The Traffic Division had applied for and received a grant for \$93,984 to inventory traffic control devices. The budget needs to be amended to estimate these revenues and appropriate the funds so that staff can start the project. Resolution amending budget needed.)

ACTION: Res. 93-194 adopted amending budget. (Finance to handle)

CONSENT

18. Consider modification of dedication procedures for street dedication and improvement and filing of parcel maps.
(Report with agenda. Introduction of two ordinances needed, and resolution rescinding Res. No. 57-566 needed.)

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ACTION: By motion, Ord. No. 2846-C.S. introduced relating to street dedicating and improvements.
By motion, Ord. No. 2847-C.S. introduced relating to filing of parcel maps. Res. 93-195 rescinding resolution authorizing the City Clerk to accept any conveyance of deeds or grants upon the written consent of the City Attorney and City Manager. (Clerk to handle)

CONSENT

19. Consider adopting resolution of intention to change the street name of Franzia Court to Reno Avenue and setting hearing May 4, 1993, at 7:30 p.m. (Report with agenda. Resolution of intention needed.)

ACTION: Res. 93-196 adopted, adopting a resolution of intention to change the street name. (Clerk to handle)

CONSENT

20. Consider amending the Fiscal Year 1992-93 Program of Projects for use of Federal Transit Administration Section 9 funds to include Economic Stimulus funds proposed by the Clinton Administration. (Report with agenda. Modesto would receive an additional \$465,816 in FTA Section 9 funds if the Administration's proposal is approved by Congress. To be eligible for the funds, grant applications must receive approval 60 days after the legislation is enacted and the funds must be encumbered by 9/30/93. The local 20% match of \$119,870 would come from savings in the Dial-A-Ride (DAR) budget. Proposed projects include two new buses, new seats for two existing buses, computerized dispatch equipment for DAR and a photocopy machine for the Transportation Division. Resolution approving amended Program of Projects. Appropriation transfer to be requested later when amount of federal funds available is known.)

ACTION: Res. 93-197 adopted approving amended Program of Projects. (Finance to handle)

CONSENT

21. Consider approving an appropriation transfer in the amount of \$717,195 from the Sewer Fund Contingency Reserve to the project account for the Wastewater Treatment Plan Expansion Project, Unit 2/3. (Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-198 adopted approving appropriation transfer. (Finance to handle)

22. Consider amending the Modesto Municipal Code relating to General Regulations Governing Use of Parks to make it unlawful to ride a bicycle in a City park unless on trails or pathways designated for bicycle use. (Report with agenda. Introduction of ordinance needed.)

ACTION: By motion (Muratore/Patterson, unan.) Ord. No. 2848-C.S. introduced. (Clerk to handle)

CONSENT

23. Consider approving appropriation transfer of \$14,554 to complete the McClure House site improvement Capital Project. (Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-199 adopted approving appropriation transfer. (Finance to handle)

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CONSENT

24. Consider approving appropriation transfer of \$15,000 to complete the Dry Creek Park trail Capital Project.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-200 adopted approving appropriation transfer.(Finance to handle)

WRITTEN COMMUNICATIONS

25. Letter from Linda Joseph, Metros Dance Klub/Cafe, at 950 10th Street, requesting permission to manage the parking garage on Friday and Saturday nights from 9:00 p.m. to 2:00 a.m. to provide better security and safe parking for patrons.

ACTION: By motion (Dobbs/Cogdill, unan.) continued to April 20, 1993, at the request of Ms. Joseph. (Clerk to handle)

26. Letter from Dr. Jerold Ford, President, Modesto Junior Chamber of Commerce, Inc., requesting permission to hang a banner from the Modesto Arch from April 19th through April 25th to publicize Earth Day on April 24, 1993.

ACTION: By motion (Muratore/Friedman, unan.) request approved.

MISCELLANEOUS

Appointments

27. a. Community Qualities Forum

ACTION: Res. 93-201 adopted (Dobbs/Patterson, unan.) appointing Chico Roberts to the Community Qualities Forum.

- b. Citizens Housing and Community Development Committee

ACTION: Res. 93-202 adopted (Dobbs/Patterson, unan.) appointing Bob Dunbar as the Planning Commission representative.

- c. Planning Commission

ACTION: Res. 93-203 adopted (Dobbs/Patterson, unan.) appointing Becky Ward to the Planning Commission.

- d. Affirmative Action Commission

ACTION: Res. 93-204 adopted (Dobbs/Patterson, unan.) appointing Howard Mallory to the Affirmative Action Commission as liaison from the Human Relations Commission.

(Clerk to handle)

4/6/93

MATTERS TOO LATE FOR THE AGENDA

28. 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

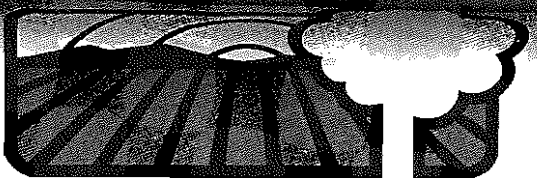
CLOSED SESSION

29. a. 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 regarding Application No. 92-11-045 Before the California Public Utilities Commission Re: The Application of California Water Service Company and Del Este Water Company, pursuant to Government Code Section 54956.9(a).
- b. To confer with or receive advice from legal counsel, based upon existing facts and circumstances when the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation, pursuant to Government Code Section 54956.9(c).
- c. To receive 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 to closed session at 9:47 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, APRIL 13, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Bud LaCore, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 9, 10, 12, 13, 14, 15,
16, 17, 18

Dropped from agenda: 7

ACTION: (Bird/Friedman, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: ITEM 8

Councilmember Muratore excused due to a conflict of interest.

ACTION: (Patterson/Friedman, unan., Muratore 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 April 6, 1993.
(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

CONSENT

4. Final adoption of:

- a. Ord. No. 2845-C.S. amending the Modesto Municipal Code relating to sign regulations.
- b. Ord. No. 2846-C.S. amending the Modesto Municipal Code relating to street dedication and improvement.
- c. Ord. No. 2847-C.S. amending the Modesto Municipal Code relating to parcel maps.
- d. Ord. No. 2848-C.S. amending the Modesto Municipal Code relating to general regulations governing use of parks.

(Motion adopting needed.)

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

HEARINGS

5. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from R-3 to P-D(492) to allow development of a professional office, property located at 337 Burney Street, on the west side of Burney Street between 18th Street and 17th Street. (Great Valley Adjusters)

ACTION: By motion (Dobbs/Cogdill, unan.) Ord. No. 2849-C.S. introduced.
Res. 93-205 adopted (same vote) approving plan.
Res. 93-206 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

6. Consider approving specifications and authorizing a call for bids for furnishing elevator maintenance service.
(Suggested bid opening: May 17, 1993, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$26,408. Funds are budgeted.)

ACTION: Res. 93-207 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider authorizing staff to issue a "Request for Qualifications" for professional surveying services to establish a Geographic Information System (GIS) control network.
(Report with agenda. An independent firm is needed for the highly specialized work needed to establish the control network. Therefore, it is in order to direct staff to issue the "Request for Qualifications." Motion directing issuance of "Request for Qualifications" needed. Estimated cost: \$65,000. Funds are budgeted.)

Dropped from agenda.

CONSENT

8. Consider award of contract for the annual sewer rehabilitation project - Coldwell Avenue between Hackberry Avenue and Enslin Avenue and Helen Avenue between McHenry Avenue and Ila Way to Allen A. Waggoner Construction.
(Report with agenda. Bids were opened on April 1, 1993. The low bid of \$64,895.98, submitted by Allen A. Waggoner Construction, is .05% below the engineer's estimate and considered acceptable. It is recommended that the project be awarded to him. Resolution awarding contract needed. Estimated cost: \$74,630.38 (contract \$64,895.98; eng. & cont. \$9,734.40) Funds are budgeted.)
Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 93-208 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider acceptance of Ranchwood Contractors' contract for the construction of Riverside Park as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$461,963.15)

(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department and the Parks and Recreation 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: \$467,568.34. Funds are budgeted.)

ACTION: Res. 93-209 adopted accepting work as complete.(Finance to handle)

CONSENT

10. Consider authorizing the purchase of one fire apparatus from Golden State Fire Apparatus, Inc. for \$278,027.29, authorizing the City Manager to sign a lease purchase agreement with Transocean Funds, Inc. for \$320,260 for financing of the fire apparatus, and amending the budget.
(Report with agenda. Resolution authorizing the purchase, resolution approving lease agreement, and resolution amending budget needed. \$65,000 budgeted in FY '92-'93 for first year's debt service.)

ACTION: Res. 93-210 adopted awarding bid to Golden State Fire Apparatus, Inc.
Res. 93-211 adopted approving a lease/purchase agreement with Transocean Funds, Inc.
Res. 93-212 adopted amending the budget. (Finance to handle)

NEW BUSINESS

CONSENT

12. Consider approving easement agreement with Modesto Irrigation District and accepting easement from M.I.D. to allow the City to install water filters on Well No. 50.
(Report with agenda. Resolution approving easement agreement and accepting easement from M.I.D. needed.)

ACTION: Res. 93-213 adopted approving agreement and accepting easement.
(Attorney to handle)

CONSENT

13. Consider approving agreement with Esther G. Rifenburg for the acquisition of 1,712± square feet of her property needed to widen Scenic Avenue for the appraised value of \$9,000.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$9,000. Funds are budgeted.)

ACTION: Res. 93-214 adopted approving agreement. (Attorney to handle)

CONSENT

14. Consider approving agreement with Darrell J. and Judy I. Names for the acquisition of 1,225± square feet of their property needed to widen Scenic Avenue for the appraised value of \$5,900.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$7,700 (cost \$5,900; est. escrow \$1,800) Funds are budgeted.)

ACTION: Res. 93-215 adopted approving agreement. (Attorney to handle)

CONSENT

15. Consider approving agreement with Helen C. Allison for the acquisition of 686± square feet of her property needed to widen Scenic Avenue for the appraised value of \$3,200.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$3,200. Funds are budgeted.)

ACTION: Res. 93-216 adopted approving agreement. (Attorney to handle)

CONSENT

16. Consider approving agreement with Sanders Construction Company to compensate them for items missed in the original acquisition of property needed for the Improvement District No. 29 project.
(Report with agenda. Resolution agreement needed. Estimated cost: \$4,118. Funds are budgeted.)

ACTION: Res. 93-217 adopted approving agreement. (Attorney to handle)

CONSENT

17. Consider allowing a public service billboard sign announcing the Gang Hotline, to be located at the corner of Maze and Carpenter on the grounds of St. Stanislaus School.
(Report with agenda. Resolution allowing public service billboard sign needed.)

ACTION: Res. 93-218 adopted allowing billboard sign. (Police to handle)

CONSENT

18. Consider amending the budget to estimate \$4,413 in revenue and to appropriate revenue to fund renovations of the heating/ventilation/air conditioning system at the Senior Citizens Center.
(Report with agenda. Resolution amending budget needed.)

ACTION: Res. 93-219 adopted amending budget. (Finance to handle)

MATTERS TOO LATE FOR THE AGENDA

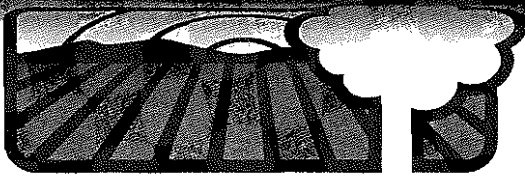
19. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 4:10 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 upon the adjournment of its regular meeting at 4:10 p.m. on Tuesday, April 13, 1993, in the Mayor's Office at City Hall, 801 11th Street, Modesto, California, for a closed session.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

The Council held a closed session regarding the salaries, salary schedules, or compensaton paid in the form of fringe benefits of its represented and unrepresented employees, pursuant to Government Code Section 54957.6.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK



MODESTO CITY COUNCIL

King-Kennedy Center
601 N. Martin Luther King Drive
Modesto, California

AGENDA FOR SPECIAL JOINT COUNCIL/PLANNING COMMISSION/GENERAL PLAN STEERING COMMITTEE MEETING OF TUESDAY, APRIL 13, 1993, CONVENED AT 6:00 P.M.

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

Absent: None

Roll Call - Present: Commissioners Cruz, Dunbar, Fisher, Gonzalez, Ward, Chairman Alexander

Absent: Commissioner Grover

Roll Call - Present: Committee Members Boyle, DeCristofaro, Evans, Johnson, Hollis, Maurice, Murray, Oliver, Petrulakis, Roberts, Robinson, Schneider, Taczanowsky, Co-Chairman Alexander, Co-Chairman McGrath

Absent: Committee Members Contreras and Parks

BUSINESS

1. The General Plan Steering Committee will update the City Council and Planning Commission on its efforts to date. The Steering Committee will also share with the Council and Commission four land use options for the future, which will be presented to the public at a series of three community meetings beginning April 22, 1993.

Mayor Lang introduced Becky Ward, newly appointed Planning Commissioner. He then asked Committee Co-Chair Jesse Alexander to begin the Committee's report.

Co-Chair Alexander asked some of the Committee members to describe their backgrounds and thoughts about the Committee's process. Brian Smith, Principal Planner for the Planning & Community Development Department, reviewed the

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Committee's process and schedule for receiving public input.

Co-Chairs Alexander and McGrath talked about the Committee's study and planning ideas, and displayed draft maps that have been prepared for study purposes.

The Mayor and Councilmembers expressed their appreciation to the Committee members for their efforts.

2.

ORAL COMMUNICATIONS

(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

ADJOURNMENT

The meeting adjourned at 7:35 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 7:00 p.m. on Tuesday, April 20, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

The meeting convened at 7:07 p.m.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman,

Absent: Councilmembers Muratore, Patterson, Mayor Lang

Reports of activities and studies were made by the Chairs of the Community Development and Housing Committee; Financial Policy Committee; and the Human Services Committee.

The meeting adjourned at 7:21 p.m.

ATTEST:

A handwritten signature in cursive script, appearing to read "Judy C. Hall", written over a horizontal line.

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 20, 1993, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman,
Absent: Councilmembers Muratore, Patterson, Mayor Lang

Pledge of Allegiance to the Flag

Invocation: Rev. Rick Fritzmeier, Youth for Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 9, 10, 11, 12, 14, 15

ACTION: (Friedman/Bird, 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.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the corrected minutes of the regular City Council meeting of March 2, 1993, and the minutes of the regular and special City Council meetings of April 13, 1993.
(Motion approving needed.)

ACTION: By motion, minutes approved.

3.

ORAL COMMUNICATIONS

(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.)

Susan Loveless, SPCA, spoke about a former Police dog.
Bruce Frohman spoke about police department responses and Village One.
Susan Evans spoke about City and County transit.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2849-C.S. rezoning from R-3 to P-D(492), property located on the west side of Burney Street, south of 18th Street (Great Valley Adjusters).
(Motion adopting needed.)

ACTION: By motion, ordinance No. 2849-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the adoption of an ordinance eliminating the \$1,500 annual cap on the telephone user tax, the electricity user tax, the gas user tax, the water user tax, and the cable television user tax.
(To be continued to April 27, 1993, City Council meeting at 4:00 p.m.)
6. Hearing to consider the Johansen High School Site Reorganization to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Empire Fire Protection District.

ACTION: Res. 93-220 adopted (Dobbs/Bird, unan., Muratore, Patterson and Mayor Lang absent) annexing. (Clerk to handle)

7. Hearing to consider an amendment to Planned Development Zone, P-D(451), to allow development of two additional restaurants in lieu of an approved second three-story office building and to allow Neighborhood Commercial Zone, C-1, uses, on property located at the southwest corner of Standiford Avenue and Carver Road.

ACTION: By motion (Friedman/Dobbs, unan., Muratore, Patterson, Mayor Lang absent) Ord. No. 2850-C.S. introduced.
Res. 93-221 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

8. Hearing to consider an amendment to Section 21-3-9 of the Zoning Map to rezone from P-0 to P-D(493) to allow the creation of five airspace condominiums, property located on the south side of East Orangeburg Avenue between Nelson and Melrose Avenues.

ACTION: By motion (Dobbs/Friedman, unan., Muratore, Patterson, Mayor Lang absent) Ord. 2851-C.S. introduced.
Res. 93-222 adopted (same vote) approving development plan.
Res. 93-223 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

BIDS

CONSENT

9. Consider approving specifications and authorize call for bids for furnishing three new pickup trucks, extended cab, midsize.
(Suggested bid opening: May 17, 1993, at 11:05 a.m. Report with agenda. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$39,000. Funds are budgeted.)

ACTION: Res. 93-224 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider approving specifications and authorize call for bids for furnishing one new pickup truck, extended cab, cab and chassis.
(Suggested bid opening: May 17, 1993, at 11:10 a.m. Report with agenda. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$22,000. Funds are budgeted.)

ACTION: Res. 93-225 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider approving specifications and authorize call for bids for furnishing two new pickup trucks, 3/4 ton with dumps, and one new pickup truck, 3/4 ton.
(Suggested bid opening: May 17, 1993, at 11:15 a.m. Report with agenda. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$64,453. Funds are budgeted.)

ACTION: Res. 93-226 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider finding that repair work is of urgent necessity for the preservation of life, health, or property; waiving formal bid procedures and authorizing emergency repair work of the Emerald trunk sewer by Conco West for \$34,642.01; and authorizing appropriation transfer.
(Report with agenda. Resolution finding that repair work is of urgent necessity, waiving formal bid procedures (five affirmative votes needed), and authorizing purchase order needed; and resolution authorizing appropriation transfer needed.)

ACTION: Res. 93-227 adopted waiving formal bid procedures.
Res. 93-228 adopted authorizing appropriation transfer.
(P/W to handle)

NEW BUSINESS

13. Consider approving the Modesto City-County Airport Master Plan, certifying the Environmental Impact Report/Environmental Assessment, and approving the Overriding Consideration Statement of the Airport's impact on air quality and the Mitigation Monitoring Plan.
(Report with agenda. Resolution approving Environmental Impact Report, making findings and adopting a Mitigation Monitoring Plan needed, and resolution adopting Airport Master Plan and a Statement of Overriding Considerations needed.)

ACTION: Res. 93-229 adopted (Dobbs/Bird, unan., Muratore, Patterson, Mayor Lang absent) approving Environmental Impact Report.
Res. 93-230 adopted (same vote) Adopting Airport Master Plan and Statement of Overriding Considerations.
(P/W to handle)

CONSENT

14. Consider amending the Modesto Municipal Code to allow the extension of the vesting period for tentative subdivision maps.
(Report with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2852-C.S. introduced. (Clerk to handle)

CONSENT

15. Consider approving appropriation transfer in the amount of \$30,400 to complete implementation of Phase I recommendations of the heating, ventilation, air conditioning (HVAC) study at the Centre Plaza.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-231 adopted approving appropriation transfer.
(Finance to handle)

16. Consider approval of the issuance of refunding Certificates of Participation for the purpose of refinancing the acquisition, construction and development of the Centre Plaza and Creekside Golf Course projects.
(Report with agenda. Resolutions approving the refunding and authorizing the execution and delivery of related documents and approving related actions with respect thereto for both projects needed; resolution approving agreement with Jones Hall Hill & White for legal services needed; and

financial advisor services needed.)

- ACTION: Res. 93-232 adopted (Bird/Friedman, unan., Muratore, Patterson, Mayor Lang absent) approving refunding Certificates regarding Creekside Golf Course.
Res. 93-233 adopted (same vote) approving refunding Certificates regarding Modesto Centre Plaza.
Res. 93-234 adopted (same vote) approving an agreement with Jones Hall Hill & White.
Res. 93-235 adopted (same vote) approving an agreement with Rauscher, Pierce, Refsnes, Inc. (Finance to handle)

WRITTEN COMMUNICATIONS

17. Letter from Linda Joseph, Metros Dance Klub/Cafe, at 950 10th Street, requesting permission to manage the parking garage on Friday and Saturday nights from 9:00 p.m. to 2:00 a.m. to provide better security and safe parking for patrons.
(Continued from the April 6, 1993, City Council meeting.)

Dropped from agenda

18. MATTERS TOO LATE FOR THE AGENDA

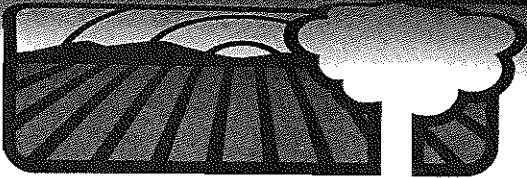
(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 8:09 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 an special session at 3:00 p.m. on Tuesday, April 27, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California, for a closed session.

Present: Councilmembers Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

Absent: Councilmember Dobbs

The Council held a closed session regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, pursuant to Section 54957.6 of the Government Code.

The meeting recessed at 3:55 p.m. and reconvened upon the adjournment of the regular City Council meeting at 4:30 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

4-27-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 27, 1993, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Friedman, Muratore,
Patterson, Mayor Lang

Absent: Councilmember Dobbs

Pledge of Allegiance to the Flag

Invocation: Rev. Tim Anderson, Modesto Free Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 9, 10, 11, 12, 13, 15,
16, 17, 18, 19, 20, 21, 22, 23, 24,
25

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 7
Councilmember Cogdill excused due to a conflict of interest

ACTION: (Friedman/Patterson, unan., Cogdill and Dobbs 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 April 20, 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

CONSENT

4. Final adoption of:
- a. Ord. No. 2850-C.S. amending P-D(451), to allow development of two additional restaurants, and to allow C-1 uses on property located at the southwest corner of Standiford Avenue and Carver Road. (Graham Development)
 - b. Ord. No. 2851-C.S. rezoning from P-0 to P-D(493), property located on the south side of East Orangeburg Avenue between Nelson and Melrose Avenues (Dr. Greg Tesluk).
 - c. Ord. No. 2852-C.S. amending Section 4-4.405 of Article 4 of Chapter 4 of Title IV relating to vesting tentative maps.

(Motion adopting needed.)

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

The Council recessed at 4:20 p.m. in anticipation of the arrival of Councilmember Dobbs in order to have a quorum of the Council to consider items 5 and 13.

HEARINGS

5. Hearing to consider the adoption of an ordinance eliminating the \$1,500 annual cap on the telephone user tax, the electricity user tax, the gas user tax, the water user tax, and the cable television user tax. (Continued from April 20, 1993, City Council meeting.)

Due to a lack of a quorum on this item, the hearing could not be held and the City Clerk will place it on the next Council agenda.

6. Hearing to consider proposed fee increase for fireworks booths permits.

ACTION: Res. 93-236 adopted (Cogdill/Bird, unan., Dobbs absent) approving fee increase. (Finance to handle)

BIDS

CONSENT

7. Consider approving plans and specifications and call for bids and certifying Environmental Review for widening Briggsmore Avenue - State Route 99 to Tully Road, and consider amending the budget to estimate revenue from the State of California Department of Transportation. (Suggested bid opening: May 25, 1993, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and call for bids and certifying Environmental Review needed, and resolution amending the budget to estimate revenue from State needed. Estimated cost: \$3,459,870 (contract \$3,117,000; eng. & cont. \$342,870) Funds are partially budgeted.)

ACTION: Res. 93-237 adopted calling for bids.
Res. 93-238 adopted amending the budget. (P/W, Finance to handle)

CONSENT

8. Consider approving specifications and authorize call for bids for furnishing water meters. (Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$1,296,178.99. Funds are budgeted.)

ACTION: Res. 93-239 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider approving specifications and authorizing call for bids for furnishing janitorial services to Centre Plaza, Centre Plaza Garage and the Community Development Division Office. (Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$66,412; funds are budgeted.)

ACTION: Res. 93-240 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider awarding contract for the Claus Road bridge widening project to Agee Construction Company, Inc.
(Bids were opened on April 15, 1993. The low bid \$1,922,003, submitted by Agee Construction Company, Inc., is 14.64% 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 total cost: \$2,267,963.54 (contract \$1,922,003; eng. & cont. \$345,960.54) Funds are budgeted.)

ACTION: Res. 93-241 adopted awarding contract. (P/W to handle)

CONSENT

11. Consider declaring Country Ford Trucks low bidder and authorize the purchase of one new sewer rodding truck for the total cost of \$58,148.
(Report with agenda. Resolution awarding contract to Country Ford Trucks needed. Funds are budgeted.)

ACTION: Res. 93-242 adopted awarding bid. (Finance to handle)

CONSENT

12. Consider authorizing "Request for Qualifications" for professional surveying services to establish a Geographic Information System (GIS) network.
(An independent firm is needed for the highly specialized work needed to establish the control network. Therefore, it is in order to authorize "Request for Qualifications." Report with agenda. Estimated cost: \$65,000. Funds are budgeted.)

ACTION: By motion, request for qualifications approved. (P/W to handle)

NEW BUSINESS

13. Utility Users Tax Update - April 12, 1993.
(Report with agenda. Motion acknowledging receipt of report needed.)

Due to lack of a quorum on this item, it could not be discussed and the City Clerk will place it on the next Council agenda.

CONSENT

14. Consider adoption of a resolution commending Modesto Police Reserves for their 1992 contributions to the community welfare and safety.
(Report with agenda. In 1992, Modesto Police Reserves contributed a total of 19,372 hours to the City. Their duties included enforcing laws and helping with various community activities. Resolution commending Modesto Police Reserves needed.)

ACTION: Res. 93-243 adopted commending Police Reserves. (Police to handle)

CONSENT

15. Consider excusing Councilmembers Muratore and Patterson from the Council meeting of April 20, 1993, due to their attendance as City representatives of the Stanislaus Waste to Energy Financing Agency at the Ogden Martin Partners Conference in Fort Myers, Florida.

(Motion excusing needed.)

ACTION: By motion, Councilmembers excused. (Clerk to handle)

CONSENT

16. Consider authorizing City Manager to sign an application for \$40,000 in funding from the State Department of Forestry and Fire Protection for the Modesto Reforestation Project of 1993.
(Report with agenda. Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 93-244 adopted approving grant application. (P/R to handle)

CONSENT

17. Consider amending the Modesto Municipal Code relating to removal of animal defecation.
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2853-C.S. introduced. (Clerk to handle)

CONSENT

18. Consider amending the 1992-93 Fiscal Year Budget by \$21,865 from the Police Asset Forfeiture Trust Account to purchase a hostage phone for \$3,016; a phone system modification for \$10,706; camera equipment for \$2,764; computer for \$2,000; and gang software for \$3,379.
(Report with agenda. Resolution amending budget needed.)

ACTION: Res. 93-245 adopted amending the budget. (Finance to handle)

CONSENT

19. Consider approving agreement with Helen Powell, Sabrina Davis and John Saxon Hulbert regarding the acquisition of 1,589± square feet of their property for the Scenic widening project.
(Report with agenda. Resolution approving agreement needed. Estimated total cost: \$12,860 (cost \$11,060; est. escrow \$1,800) Funds are budgeted.)

ACTION: Res. 93-246 adopted approving agreement. (Attorney to handle)

CONSENT

20. Consider approving agreement and accepting Right of Entry from the Margaret R. Sahlman Trust for the Scenic widening project.
(Report with agenda. Resolution approving agreement and accepting Right of Entry needed.)

ACTION: Res. 93-247 adopted approving agreement. (Attorney to handle)

CONSENT

21. Consider approving lease agreement with Charles J. Boggeri, Trustee, and Dorothy Boggeri and Robert Boggeri for the lease of 940 11th Street for the Housing Program Office.
(Report with agenda. Resolution approving lease agreement needed. Estimated cost: \$67,196. Funds are budgeted.)

ACTION: Res. 93-248 adopted approving agreement. (Attorney to handle)

CONSENT

22. Monthly Treasurer's Report for March, 1993.
(Report with agenda. Motion adopting needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

23. Consider approving agreement with Vail Engineering to assist City staff in finalizing the Village One Facilities Financing Plan.
(Report with agenda. Resolution approving agreement needed, and resolution amending the budget needed. Estimated cost: \$40,000.)

ACTION: Res. 93-249 adopted approving agreement.
Res. 93-250 adopted amending the budget. (Planning to handle)

CONSENT

24. Consider approving appropriation transfer of \$15,000 to fund activities of the Mayor's Baseball Stadium Committee.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-251 adopted approving appropriation transfer.
(Finance to handle)

CONSENT

25. Consider approving an agreement with Macias and Miranda, CPA's, to provide professional audit services beginning with Fiscal Year ending June 30, 1993, and optional four subsequent fiscal years.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-252 adopted approving agreement. (Finance to handle)

26. Fiscal Year 1992-93 Annual Budget - Third Quarter Report on Status of the Budget and proposed adjustments.
(Report with agenda. Resolution amending the 1992-93 Budget needed, and resolution authorizing staff to release PERS rebate needed.)

ACTION: Res. 93-253 adopted (Patterson/Friedman, unan., Dobbs absent) amending the 1992-93 budget.
Res. 93-254 adopted (same vote) authorizing release of PERS rebate.
(Finance to handle)

MISCELLANEOUS

Appointments

27. Consider approving Human Services Committee recommendation appoint City's Risk Manager and Chief Building Official as the two other members of the Smoking Pollution Control Ordinance Compliance Committee.
(Report with agenda. Resolution appointing needed.)

ACTION: Res. 93-255 adopted (Friedman/Bird, unan., Dobbs absent) appointing Risk Manager and Chief Building Official to committee.

MATTERS TOO LATE FOR THE AGENDA

28. (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 4:30 p.m. to the McHenry Mansion, 906 15th Street, Modesto, California, at 6:00 p.m., Tuesday, April 27, 1993, for a joint meeting with the Modesto City Schools Board for informal discussions of items of mutual concern.

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 adjourned regular meeting at 6:00 p.m. on Tuesday, April 27, 1993, at the McHenry Mansion, 906 15th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

Present: Boardmembers Altman, Hedberg, Hollis, Uhl, President Jeans

Absent: Boardmembers Johnson, Neumann

The Modesto City Council members met with the Modesto Board of Education members to discuss items of mutual concern.

The meeting adjourned at 7:45 p.m.

ATTEST: 
NORRINE COYLE, CITY CLERK



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

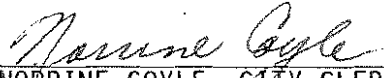
The Council of the City of Modesto met in an special session at 7:00 p.m. on Tuesday, May 4, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

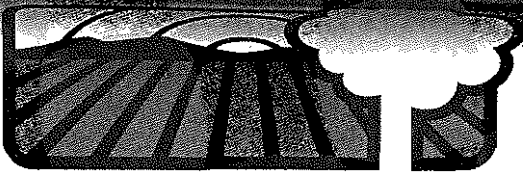
Absent: Councilmember Muratore

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

The meeting adjourned at 7:25 p.m.

ATTEST: 
NORRINE COYLE, CITY CLERK

5-4-93



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session at 6:00 p.m. on Tuesday, May 4, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California, for a closed session.

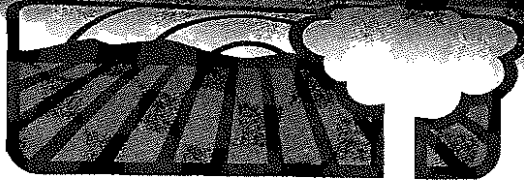
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

Absent: Councilmember Muratore

The Council held a closed session regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, pursuant to Government Code Section 54957.6.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

5-4-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 4, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. John Krueger, Grace Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 9, 10, 11, 12, 13, 14,
15, 16, 17, 21, 22, 23, 24, 25, 26,
26A

Removed from consent: 20

ACTION: (Friedman/Muratore, unan.)

(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. Introduction of participants in Youth-Government Day.

Participants in Youth in Government Day were introduced.
Mayor Lang presented a 5-year service pin to Mike Milich, City Attorney.

MINUTES

CONSENT

2. Approval of the minutes of the special regular City Council meetings of April 27, 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.)

Ora Scruggs requested that an item concerning monitoring the Community Development Block Grant Program be placed on a Council agenda.

Paul Rigmaiden, Pastor of the Liberation Baptist Church, spoke about Tommie Ware's position.

Carmen Sabatino spoke about letters that have been sent to the Fair Political Practices Commission and Modesto Bee editorials.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2853-C.S. relating to removal of animal defecation.
(Motion adopting needed.)

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

HEARINGS

Item 18 was taken up prior to item 5.

5. Hearing to consider the adoption of an ordinance eliminating the \$1,500 annual cap on the telephone user tax, the electricity user tax, the gas user tax, the water user tax, and the cable television user tax. (Held over from April 20, and April 27, 1993, City Council meetings due to the lack of a quorum.)
Councilmembers Bird, Cogdill, and Friedman excused due to conflicts of interest.

No action taken.

6. Hearing to consider changing the name of Franzia Court to Reno Avenue.

ACTION: Res. 93-256 adopted (Friedman/Cogdill, unan.) changing name, effective January 1, 1994. (Planning to handle)

7. Hearing to consider proposed fee revisions for the Public Works and Transportation Department. All fee revisions effective July 5, 1993.

Res. 93-257 adopted (Bird/Cogdill, unan.) fixing certain rates for supplying water and stand-by service to the County of Stanislaus.

Res. 93-258 adopted (same vote) revising fees for a permit for monitoring wells or emergency extraction wells.

Res. 93-259 adopted (same vote) revising sewer lateral connection fee.

Res. 93-260 adopted (same vote) revising charges for water used during building construction.

Res. 93-261 adopted (same vote) revising fees and charges for water service in the City of Modesto.

Res. 93-262 adopted (same vote) revising fees in connection with encroachment permits and inspections required by the City of Modesto.

Res. 93-263 adopted (same vote) revising investigation and permit fees relating to moving of buildings.

Res. 93-264 adopted (same vote) revising filing fees for subdivision and parcel maps.

Res. 93-265 adopted (same vote) establishing sewer bond redemption charges and sewer subtrunk extension charges.

Res. 93-266 adopted (same vote) revising fees for dumping of septic waste at the sewage treatment plant.

Res. 93-267 adopted (same vote) revising fees and charges for copies of various maps and prints obtained from the City of Modesto.

BIDS

CONSENT

8. Consider authorizing call for bids for furnishing digester cleaning services.

(Suggested bid opening: May 24, 1993, at 11:00 a.m. Resolution authorizing call for bids needed. Estimated cost: \$29,688. Funds are being requested in F.Y. 93-94 Budget.)

ACTION: Res. 93-268 adopted calling for bids. (Finance to handle)

6. Hearing to consider changing the name of Franzia Court to Reno Avenue.

ACTION: Res. 93-256 adopted (Friedman/Cogdill, unan.) changing name, effective January 1, 1994. (Planning to handle)

7. Hearing to consider proposed fee revisions for the Public Works and Transportation Department. All fee revisions effective July 5, 1993.

Res. 93-257 adopted (Friedman/Muratore, unan.) fixing certain rates for supplying water and stand-by service to the County of Stanislaus.

Res. 93-258 adopted (same vote) revising fees for a permit for monitoring wells or emergency extraction wells.

Res. 93-259 adopted (same vote) revising sewer lateral connection fee.

Res. 93-260 adopted (same vote) revising charges for water used during building construction.

Res. 93-261 adopted (same vote) revising fees and charges for water service in the City of Modesto.

Res. 93-262 adopted (same vote) revising fees in connection with encroachment permits and inspections required by the City of Modesto.

Res. 93-263 adopted (same vote) revising investigation and permit fees relating to moving of buildings.

Res. 93-264 adopted (same vote) revising filing fees for subdivision and parcel maps.

Res. 93-265 adopted (same vote) revising certain rates for supplying water and stand-by service to the County of Stanislaus.

Res. 93-266 adopted (same vote) revising fees for dumping of septic waste at the sewage treatment plant.

Res. 93-267 adopted (same vote) revising fees and charges for copies of various maps and prints obtained from the City of Modesto.

BIDS

CONSENT

8. Consider authorizing call for bids for furnishing digester cleaning services.

(Suggested bid opening: May 24, 1993, at 11:00 a.m. Resolution authorizing call for bids needed. Estimated cost: \$29,688. Funds are being requested in F.Y. 93-94 Budget.)

ACTION: Res. 93-268 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider authorizing call for bids for furnishing liquid chlorine.
(Suggested bid opening: May 24, 1993, at 11:05 a.m. Report with agenda.
Resolution authorizing call for bids needed. Estimated cost: \$330,151.
Funds are being requested in F.Y. 93-94 Budget.)

ACTION: Res. 93-269 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider authorizing call for bids for furnishing one melter applicator
for sealing cracks in streets.
(Suggested bid opening: May 24, 1993, at 11:10 a.m. Report with agenda.
Resolution authorizing call for bids needed. Estimated cost: \$20,000.
Funds are budgeted.)

ACTION: Res. 93-270 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for street
overlays - Oakdale Road and Sylvan Avenue.
(Suggested bid opening: May 27, 1993, at 11:00 a.m. Report with agenda.
Resolution approving plans and specifications and call for bids needed.
Estimated cost: \$551,966.50 (contract \$475,834.50; contract admin.
\$38,066; contingencies \$38,066) Funds are budgeted.)

ACTION: Res. 93-271 adopted calling for bids. (P/W to handle)

CONSENT

12. Consider declaring lowest responsible bidders and authorizing the purchase
of lawn and turf equipment as follows: Country Club for \$9,522; H. V.
Carter for \$93,712; Duke Equipment for \$75,182; and Ramacher Manufacturing
for \$13,398.
(Report with agenda. Resolution declaring low bidders and authorizing
purchases needed. Estimated cost: \$191,812. Funds are budgeted.)

ACTION: Res. 93-272 adopted awarding bid. (Finance to handle)

CONSENT

13. Consider acceptance of Bowden Electric, Inc.'s contract for the
modification of traffic signals at Maze Boulevard and Emerald Avenue as
complete and authorize City Clerk to file Notice of Completion. (Original
contract and final cost: \$39,195).
(Report with agenda. All work on this project has been completed to the
satisfaction of the Public Works 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. 93-273 adopted accepting as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of the contract of Hackett Environmental Systems, Inc. for the Modesto Municipal Golf Course Project as complete and authorize the City Clerk to file Notice of Completion. (Original contract: \$3,550,102)
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department and the Parks and Recreation 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: \$3,562,889.44. Funds are budgeted.)

ACTION: Res. 93-274 adopted accepting as complete. (Clerk to handle)

CONSENT

15. Consider acceptance of the contract of Hackett Environmental Systems, Inc. for the Modesto Municipal Golf Course Clubhouse Project as complete and authorize the City Clerk to file Notice of Completion. (Original contract: \$612,000)
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department and the Parks and Recreation 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: \$625,861. Funds are budgeted.)

ACTION: Res. 93-275 adopted accepting as complete. (Clerk to handle)

CONSENT

16. Consider declaring F. B. Hart/Allstate low bidder and authorize the purchase of one new gondola dump truck for \$28,260.
(Report with agenda. Resolution declaring low bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 93-276 adopted awarding bid. (Finance to handle)

CONSENT

17. Consider authorizing the execution of a contract change order in the amount of \$19,000 for additional rip rap repair at the storage ponds on Jennings Road - 1993.
(Report with agenda. The proposed change order will allow rip rap rock to be placed in additional newly exposed areas at the pond site. Resolution authorizing issuance of contract change order needed. Estimated total cost: \$21,500 (change order \$19,000; eng. & cont. \$2,500) Funds are budgeted.)

ACTION: Res. 93-277 approving contract change order. (P/W to handle)

NEW BUSINESS

Item 18 was taken up prior to item 5.

18. Utility Users Tax update.
(Held over from April 20, and April 27, 1993 City Council meetings due to lack of a quorum. Report with agenda. Motion acknowledging receipt of report needed.)
Councilmembers Bird, Cogdill, Friedman excused due to conflicts of interest.

ACTION: By motion (Dobbs/Muratore, unan., Bird, Cogdill and Friedman absent) acknowledged receipt of report.

19. Consider authorizing staff to submit Part 2 of the National Pollutant Discharge Elimination System Municipal Stormwater Permit to the Central Valley Regional Water Quality Control Board by May 17, 1993.

(Report with agenda. Resolution authorizing submittal of Part 2 of the Permit needed.)

ACTION: Res. 93-278 adopted (Friedman/Patterson, unan.) authorizing submittal of Part 2 of the permit and directing that a letter of protest to this federal mandate be sent to the proper agency.
(P/W and Manager to handle)

20. Consider approving the Statement of Community Development Objectives and use of Community Development Block Grant Funds for Fiscal Year 1993-94, and authorizing the City Manager to submit an application to the U.S. Department of Housing & Urban Development for a \$1,959,000 Community Development Block Grant for the City's Community Development Division.
(Report with agenda. Resolution approving CDBG Program and authorizing application needed.)

ACTION: Res. 93-279 adopted (Friedman/Dobbs, unan.) approving objectives.
(Planning to handle)

CONSENT

21. Consider authorizing staff to enter into negotiations with G. S. Dodson and Associates, Inc. for the design of the Thousand Oaks lift station reconstruction project.
(Report with agenda. Motion authorizing staff to proceed with negotiations needed.)

ACTION: By motion, staff authorized to proceed with negotiations.
(P/W to handle)

CONSENT

22. Consider approving agreement consenting to common use with Post Newsweek Cable for a 24-inch steel casing being installed under State Route 99 south of Pelandale Avenue.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-280 adopted approving agreement. (P/W to handle)

CONSENT

23. Consider acceptance of City Managers Annual Report on CATV Franchise.
(Report with agenda. Motion accepting report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

24. Consider approving supplemental agreement with Caltrans to accept an additional \$31,600 in State funding for the Morton Boulevard underpass grade separation project.
(Report with agenda. The original grant was for \$240,000. The supplemental grant will increase the total to \$271,600. On April 7, 1992, the City Council authorized staff to submit an application for a \$31,600 supplemental grant which has been approved, and now authorization to execute the supplemental agreement to accept the additional funds is needed. Resolution authorizing the City Manager to sign agreement needed.)

ACTION: Res. 93-281 adopted approving supplemental agreement.
(P/W to handle)

CONSENT

25. Consider approving agreement with Raman V. and Usha R. Patel for installation of traffic improvements and partial reimbursement from Capital Facilities Streets Fees.
(City Council Resolution No. 91-564 granted approval for a motel, restaurant and convenience market development located between Salida Boulevard and Freeway 99, south of Pelandale Avenue. That resolution included a condition requiring the developer to enter into an agreement with the City for reimbursement of some or all of the off-site road improvement costs. This agreement complies with that condition. Resolution approving agreement needed.)

ACTION: Res. 93-282 adopted approving agreement. (P/W to handle)

CONSENT

26. Consider joining in an amicus brief regarding Black Property Owners Assoc. v. City of Berkeley.
(Report with agenda. Motion authorizing the City Attorney to have the City of Modesto added as supporter of the League position in an amicus brief needed.)

ACTION: By motion, support of the League position authorized.
(Attorney to handle)

CONSENT

- 26A. Consider approving an agreement with David M. Griffith & Associates for State mandated costs claiming services.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-283 adopted approving agreement. (Finance to handle)

MATTERS TOO LATE FOR THE AGENDA

27. (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

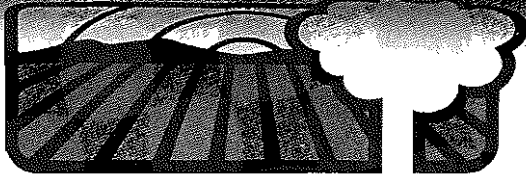
CLOSED SESSION

28. Closed session to consider the following:
- a. The purchase, sale, exchange, or lease of real property by or for the local agency to give instruction to the negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of the Del Este Water Company, pursuant to Government Code Section 54956.8.
 - b. To confer with or receive advise from legal counsel, when based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation, pursuant to Government Code Section 54956.9(c).
 - c. To confer with or receive advise from legal counsel regarding pending litigation because discussion in open session would prejudice the position of the City in litigation, pursuant to Government Code Section 54956.9(a), in the case of Cromwell vs. City of Modesto

ADJOURNMENT

The meeting adjourned in memory of Julio Gallo, to closed session at 10:08 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, MAY 11, 1993, AT 4:00 P.M.

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

Absent: Councilmember Muratore

Pledge of Allegiance to the Flag

Invocation: Rev. Vern Deatherage, Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 9, 10, 11, 12, 13,
14, 17

ACTION: (Friedman/Bird, unan., Muratore 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 J 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.

5/11/93

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation by the Board of Directors of the McHenry Mansion Foundation.
Report made by Jerry Kopp, Foundation President.
- b. Presentation regarding National Public Works and Transportation Week,
May 16 - 22, 1993.
Mayor Lang presented a proclamation to Marshall Elizer.
- c. Mayor Lang introduced members of the Standiford School Student Council.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings
of May 4, 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.)

Randy Langley spoke about funding for the Chamber's Convention and
Visitor's Bureau.
Susan Evans spoke about the transit system.

HEARINGS

4. Hearing to consider the adoption of an ordinance eliminating the \$1,500
annual cap on the telephone user tax, the electricity user tax, the gas
user tax, the water user tax, and the cable television user tax.

This item will be heard on May 18, 1993, at 7:30 p.m.

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for
widening the south side of Scenic Drive from Coffee to Rose.

5/11/93

(Suggested bid opening: June 10, 1993, at 11:00 a.m. Report with agenda. The project widens Scenic from three lanes of vehicular traffic to four lanes. In addition to widening, there will be improvements to storm drainage, street lighting and curb and sidewalks. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$316,400 (contract \$280,000; eng. & cont. \$36,400) Funds are budgeted.)

ACTION: Res. 93-284 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider approving specifications and authorizing call for bids for furnishing annual pump repair for the City's ground water pumping stations. (Suggested bid opening: June 1, 1993, at 10:00 a.m. Report with agenda. Resolution approving specifications and call for bids needed. Estimated cost: \$100,000. Funds are being requested in the FY 93/94 budget.)

ACTION: Res. 93-285 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider approving specifications and authorizing call for bids for furnishing annual tire recapping and service requirements. (Suggested bid opening: June 7, 1993, at 11:10 a.m. Report with agenda. Resolution approving specifications and call for bids needed. Estimated cost: \$33,000. Funds are being requested in the FY 93/94 budget.)

ACTION: Res. 93-286 adopted calling for bids. (Finance to handle)

NEW BUSINESS

8. Consider Community Qualities Forum recommendations on large pruned refuse collection program. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Friedman/Bird, unan., Muratore absent) receipt of report acknowledged. (Manager to handle)

CONSENT

9. Consider adopting an ordinance granting citation authority to Code enforcement personnel of the Neighborhood Preservation Unit. (Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ordinance No. 2854-C.S. introduced. (Clerk to handle)

CONSENT

10. Consider approving dissolution of joint powers agreement with seven other cities in Stanislaus County for Municipal Court Fines and Forfeitures (DUI-Probation). (Report with agenda. Motion approving dissolution needed.)

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

5/11/93

CONSENT

11. Consider certifying environmental review for the 60" parallel outfall line, secondary treatment plant to STA 122+62 project.
(Report with agenda. Resolution certifying negative declaration needed.)

ACTION: Res. 93-287 adopted certifying negative declaration. (P/W to handle)

CONSENT

12. Consider approving agreements with V. H. McReynolds, et al.; Harold D. Snow, Trustee of the Harold D. Snow Revocable Trust; and Snow Properties, a California Limited Partnership for easements needed to serve a new well and future tank site.
(Report with agenda. Three resolutions approving agreements needed. Estimated total cost: \$11,950 (est. cost \$10,150; est. escrow \$1,800) Funds are budgeted.)

ACTION: Res. 93-288 adopted approving agreement with V.H. McReynolds.
Res. 93-289 adopted approving agreement with Harold D. Snow.
Res. 93-290 adopted approving agreement with Snow Properties.
(Attorney to handle)

CONSENT

13. Consider confirming procedures for Right of Way Acquisition through the Public Facilities District (PFD) process.
(Report with agenda. Motion confirming procedures needed.)

ACTION: By motion, procedures confirmed. (P/W to handle)

CONSENT

14. Consider authorizing City Manager to sign FAA grant amendment to accept an additional \$33,130.30 for AIP Project No. 3-06-0153-06, Terminal Apron Expansion, Runway 10L Blast Pad, Taxiway C and E.
(Report with agenda. Resolution authorizing City Manager to sign grant amendment accepting funds needed.)

ACTION: Res. 93-291 adopted approved grant amendment. (P/W to handle)

15. Consideration of dates for review of the 1993-94 proposed Operating Budget and the Four-Year Capital Improvement Program.
(Report with agenda. Motion directing staff needed.)

Dropped from agenda.

16. Consider setting hearing for the presentation of the 1993-94 Proposed Operating Budget and the 1993-94 through 1996-97 Proposed Capital Improvement Program.
(Documents will be presented at the meeting. Resolution setting public hearing needed.)

Dropped from agenda.

5/11/93

WRITTEN COMMUNICATIONS

CONSENT

17. Letter of resignation from the International Friendship Committee from Maridale Smith.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-292 adopted accepting resignation. (Clerk to handle)

- 17a. Letter from Marjorie Lipsky requesting permission to use funds donated by friends and collected by the Greater Modesto Community Foundation to redesign a raised planter area in the courtyard of City Hall in remembrance of her husband, Garth Lipsky.

ACTION: By motion (Patterson/Friedman, unan., Muratore absent) the donation was accepted and City staff was authorized to make improvements to the area where the benches are to be installed.
(P/R to handle)

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. Closed session to consider the following:
- a. The purchase, sale, exchange, or lease of real property by or for the local agency to give instruction to the negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of the Del Este Water Company, pursuant to Government Code Section 54956.8.
 - b. To confer with or receive advice from legal counsel, when based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation, pursuant to Government Code Section 54956.9(c).
 - c. On advice of legal counsel, based on existing facts and circumstances, 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 4:48 p.m.

ATTEST: 
NORRINE COYLE, City Clerk
5/11/93



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session at 7:00 p.m. on Tuesday, May 18, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

Absent: Councilmember Muratore

Reports of activities and studies were made by the Chairs of the Community Development and Housing Committee; Economic Development, Community & Intergovernmental Relations Committee, Financial Policy Committee; Financial "Ad Hoc" Policy Committee, and Transportation Policy Committee.

The meeting adjourned at 7:23 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

5-18-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 18, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 7, 8, 9, 10, 14, 15

ACTION: (Dobbs/Friedman, unan.)

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

5/18/93

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of May 11, 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.)

Harvey Merckeson, Paul Rigmaiden and Jim Higgs spoke about Tommie Ware's position.

UNFINISHED BUSINESS

- 3A. Oral report by Vail Engineering regarding Village I.

Report was made by Jerry Slinkard, Vail Engineering.

ACTION: By motion (Friedman/Bird, unan.) receipt of report acknowledged.

CONSENT

4. Final adoption of Ordinance No. 2854-C.S. granting citation authority to Code Enforcement personnel of the Neighborhood Preservation Unit.
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2854-C.S. was adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the adoption of an ordinance eliminating the \$1,500 annual cap on the telephone user tax, the electricity user tax, the gas user tax, and water user tax, and the cable television user tax.
(Continued from the May 11, 1993, City Council Meeting.)
Councilmembers Bird, Cogdill and Friedman were excused due to conflicts of interest.

ACTION: By motion (Dobbs/Muratore, unan., Bird, Cogdill and Friedman absent) the hearing was continued to June 8, 1993, at 4:00 p.m.

5/18/93

6. Hearing to consider the appeal of DeLaMare-Fultz on behalf of Everett R. Stedman to a Planning Commission decision denying a plot plan for two flag lots in the R-1 Zone, and the vesting tentative parcel map, property located at the northwest corner of Village Road.

ACTION: Res. 93-293 adopted (Cogdill/Dobbs, unan.) granting appeal.
Res. 93-294 adopted (same vote) approving vesting tentative parcel map. (Clerk to handle)

BIDS

CONSENT

7. Consider approval of specifications and call for bids for purchase of street name sign assemblies.
(Suggested bid opening: June 8, 1993, at 11:00 a.m. Report with agenda. Resolution approving specifications and calling for bids needed. Estimated cost: \$26,000. Funds are budgeted.)

ACTION: Res. 93-295 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider approval of specifications and call for bids for purchase of annual ready-mix concrete requirements for up to three years.
(Suggested bid opening: June 7, 1993, at 11:00 a.m. Report with agenda. Resolution approving specifications and calling for bids needed. Estimated cost: \$15,000. Funds are budgeted.)

ACTION: Res. 93-296 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider approval of specifications and call for bids for purchase of annual rock, sand and gravel requirements for up to three years.
(Suggested bid opening: June 7, 1993, at 11:05 a.m. Report with agenda. Resolution approving specifications and calling for bids needed. Estimated cost: \$15,628. Funds are budgeted.)

ACTION: Res. 93-297 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider award of contract for installation of generator at well No. 44 to Conco West, Inc.
(Bids were opened on April 29, 1993. The low bid of \$47,900, submitted by Conco West, Inc., is 12.91% 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 needed. Estimated cost: \$52,690 (contract \$47,900; eng. & cont. \$4,790). Funds are budgeted.)

ACTION: Res. 93-298 adopted awarding contract. (P/W to handle)

5/18/93

NEW BUSINESS

11. Presentation of the proposed 1993-94 Operating Budget and the proposed 1993-94 through 1996-97 Capital Improvement Program.
(Documents with agenda. Resolution setting public hearing needed.)

ACTION: Res. 93-299 adopted (Bird/Friedman, unan.) setting hearing.
(Clerk to handle)

12. Consider dates for review of the proposed 1993-94 operating budget and Four-Year Capital Improvement Program.
(Report with agenda. Motion directing staff needed.)
Councilmember Patterson was excused for 5 minutes.

ACTION: By motion (Bird/Lang, unan., Patterson absent) the proposed schedule was approved.
(Manager to handle)

13. Consider granting approval to the Chamber of Commerce to hold Graffiti USA on June 12 and 13, 1993.
(Report with agenda. Resolution granting approval needed.)

ACTION: Res. 93-300 adopted (Cogdill/Bird, majority, Patterson-no) granting approval.
(P/R to handle)

CONSENT

14. Consider approval of an appropriation transfer to create a new capital improvement project to design the widening of Claus Road from Gomes Road to MID Lateral No. 2, and direct staff to enter into negotiations with a local engineering firm to provide design services for the project.
(Report with agenda. This project will reduce the bottleneck effect created by the widening of the Claus Road Bridge. Resolution approving appropriation transfer and motion directing staff to enter into negotiations needed. Estimated cost: \$48,000 (design contract -\$32,000; contract admin/support - \$6,000; right of way - \$10,000).

ACTION: Res. 93-301 adopted approving an appropriation transfer.
By motion, staff directed to enter into negotiations.
(Finance/P.W. to handle)

WRITTEN COMMUNICATIONS

CONSENT

15. Letter from B. W. Groesbeck resigning from the Citizens Redevelopment Advisory Commission.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-302 adopted accepting resignation. (Clerk to handle)

5/18/93

16.

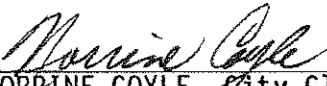
MATTERS TOO LATE FOR THE AGENDA

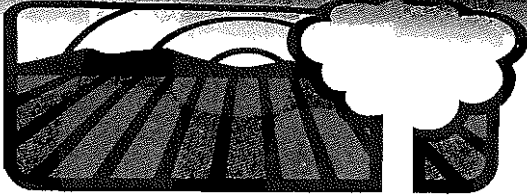
These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 9:37 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 Monday, May 24, 1993, at the Red Lion Hotel, 1150 9th Street, Modesto, California.

Present: Councilmembers Bird, Friedman, Muratore, Patterson, Acting Mayor Cogdill

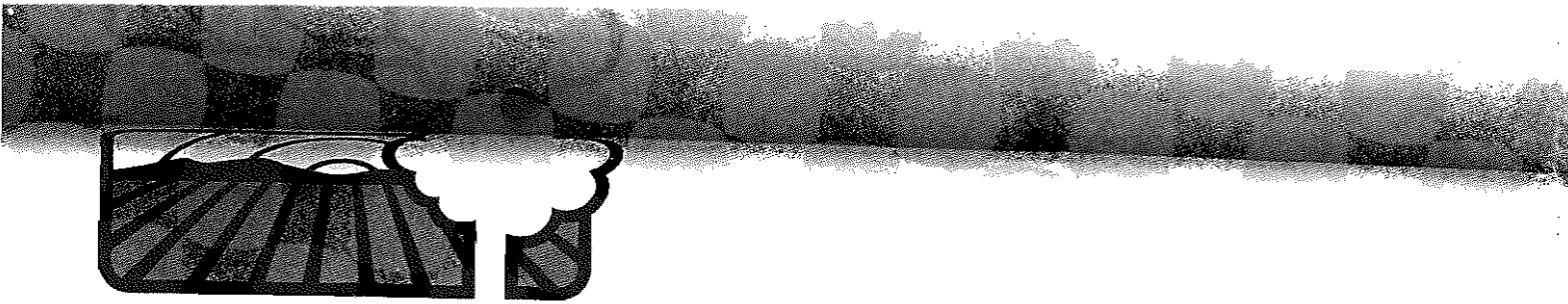
Absent: Councilmember Dobbs, Mayor Lang

The Council met with Senator Dan McCorquodale to discuss the status of the State budget and sales tax legislation. Councilmembers and staff provided information to the Senator concerning reductions in the City of Modesto revenues, spending, and number of employees over the past years inspite of increasing population.

The meeting adjourned at 9:25 p.m.

ATTEST: 
NORRINE COYLE, CITY CLERK

5-16-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 25, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 8, 9, 10, 11, 12, 13,
18, 20

Dropped from agenda: 14, 15

Removed from consent: 7

ACTION: (Friedman/Dobbs, unan.)

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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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5/25/93



ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgement and acceptance of donation by Kiwanis Club of sidewalk providing handicap access at Graceada Park.
(Report with agenda. Motion acknowledging and accepting donation needed.)

Mayor Lang thanked the Kiwanis Club representative, John Beyers, for the donation.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of May 18, 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

HEARINGS

4. Hearing to consider increasing rates and charges for aircraft hangars, tiedowns, and office space at the Modesto City-County Airport, to be effective July 1, 1993.

ACTION: Res. 93-303 adopted increasing rates. (P/W to handle)

BIDS

CONSENT

5. Consider accepting as complete the contract of Grover Landscaping, Inc. for the construction of Aqueduct Park and authorize City Clerk to file Notice of Completion. (Original contract: \$278,363.60)
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department and the Parks and Recreation 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: \$286,811.08. Funds are budgeted.)

ACTION: Res. 93-304 adopted accepting work as complete. (P/W to handle)

5/25/93

CONSENT

6. Consider accepting as complete the contract of Howell Construction, Inc. for McClure Caretaker's Cottage and authorize City Clerk to file Notice of Completion. (Original contract: \$41,281.11)
(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department and the Parks and Recreation 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: \$47,662.26. Funds are budgeted.)

ACTION: Res. 93-305 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

7. Consider requesting the California Air Resources Board to consider revision to air pollution transport mitigation regulations to allow emission parity between San Francisco Bay Area/Sacramento Area and the San Joaquin Valley Area.
(Report with agenda. Resolution requesting air emission parity needed.)

ACTION: Res. 93-306 adopted (Cogdill/Bird, unan.) requesting parity, supporting AB-1254 and AB-1062, and directing that copies of the resolution be sent to the County Board of Supervisors and all of the City Councils in the County. (Econ. Develop. Dir. to handle)

CONSENT

8. Consider approving agreement with Modesto Irrigation District to relocate overhead power lines on Claus Road to accommodate widening of the bridge over Dry Creek.
(Report with agenda. A contract to widen the Claus Road bridge over Dry Creek to six lanes has been awarded. This requires relocation of existing M.I.D. overhead lines. The agreement reimburses M.I.D. for their costs to relocate lines. Resolution approving agreement needed. Estimated cost: \$29,015.31. Funds are budgeted.)

ACTION: Res. 93-307 adopted approving agreement. (P/W to handle)

CONSENT

9. Consider vacating and abandoning an Access Easement and a Public Utility Easement located within a parcel situated on the west side of Reno Avenue, north of Kansas Avenue in the City of Modesto.
(Report with agenda. Resolution vacating and abandoning needed.)

ACTION: Res. 93-308 adopted abandoning easements. (P/W to handle)

CONSENT

10. Consider introduction of an ordinance amending the Modesto Municipal Code as it relates to the administration of the Sidewalk Food Vendors program, and consider adopting resolution amending the rules and regulations relating to Sidewalk Vendors.

5/25/93

(Report with agenda. Introduction of ordinance needed, and resolution amending rules and regulations needed.)

ACTION: By motion, Ord. No. 2855-C.S. introduced amending Code.
Res. 93-309 adopted amending Rules and Regulations.
(Clerk/Finance to handle)

CONSENT

11. Consider approval of the final map of Doker Drive Industrial Park subdivision and consider accepting the improvements. (Subdivider: Don L. and Annette Baker, and Zora R. Zipser, Trustee)
(Report with agenda. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Doker Drive Industrial Park is located on the east side of Reno Avenue, north of Kansas Avenue. It contains 4.14 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 93-310 adopted approving final map. (Clerk to handle)

CONSENT

12. Consider approving the submittal of a Modesto City-County Airport application for federal funds in the amount of \$409,950 to complete the airport's Fiscal Year 1993-94 Capital Improvements.
(Report with agenda. Resolution approving application needed.)

ACTION: Res. 93-311 adopted approving application. (P/W to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

14. Consider certifying environmental review for Claus Road Pedestrian/Bicycle Undercrossing.
(Report with agenda. Resolution certifying environmental review needed.)

Dropped from agenda

CONSENT

15. Consider authorizing Public Works and Transportation Department staff to negotiate a contract with Pacific Media Group to provide advertising services for the City's public transit system.
(Report with agenda. The City/County joint Transportation Committee interviewed finalists for the contract and recommends that Pacific Media Group be awarded a one-year contract with two one-year renewal options. This is to be a joint contract with Stanislaus County (Transit). If approved by the Council, staff will prepare an agreement with Pacific Media Group and return for Council approval at a later date. The contract amount is anticipated to be about \$50,000 annually from the City and about \$65,000 annually from the County. Motion authorizing staff to negotiate agreement needed. Funds are budgeted.)

Dropped from agenda

5/25/93

16. Consider recommending that the County deny rezoning application 93-02 by Mid-Valley Engineering for LSB Development to construct a three-story, 172 unit (344 beds), extended care facility for the elderly at the northeast corner of Coffee Road and Mable Avenue in the City's Urban Reserve Area as designated in the General Plan.
(Report with agenda. The City Council is to review rezonings for proposed developments in Modesto's Sphere of Influence per Modesto-County agreement dated March 13, 1990. Resolution recommending denial of rezoning needed.)

ACTION: By motion (Bird/Cogdill, unan.) this item was continued for two weeks. (Planning to handle)

17. Consider authorizing application for a National Institute of Justice Evaluation Grant in the amount of \$250,000 for two years for quantitative and qualitative evaluation of the City of Modesto's planned Community Oriented Policing.
(Report with agenda. Resolution authorizing grant application needed.)

ACTION: Res. 93-312 adopted (Bird/Muratore, unan.) authorizing grant application. (Police to handle)

CONSENT

18. Consider approving agreement with Brown, Vence and Associates to perform an efficiency study of the two City-licensed garbage companies.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$25,000. Funds are budgeted.)

ACTION: Res. 93-313 adopted approving agreement. (P/W to handle)

WRITTEN COMMUNICATIONS

19. Letter from Regina Olsen, on behalf of Central Valley Roofing Contractors Association, regarding the organization's activities in the community.

ACTION: By order of the Chair, this item was referred to the staff for recommendation. (P/W to handle)

CONSENT

20. Letter of resignation from the Human Relations Commission from Barbariae Boyette.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-314 adopted accepting resignation. (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 confer with or receive advice from legal counsel regarding pending litigation when discussion in open session concerning the matter would prejudice the position of the City in the litigation regarding the V. O. Associates v. City of Modesto, et al case, pursuant to Section 54956.9(a) of the Government Code.

ADJOURNMENT

The meeting adjourned at 5:37 p.m. to a budget study session in the Council Chambers, City Hall, 801 11th Street, Modesto, California, which will be continued to June 1, 1993, at 4:00 p.m. in the Council Chambers for further study of the budget.

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 adjourned session at 5:50 p.m. on Tuesday, May 25, 1993, in the Council Chambers at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
Mayor Lang was excused at 6:50 p.m.

Absent: Councilmember Patterson

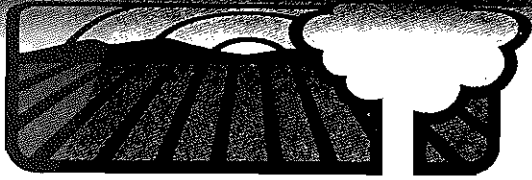
The City Council reviewed budgets of the following departments:

Police Department
Fire Department
Planning and Community Development Department
Office of Economic Development
Finance Department
Personnel Department

The meeting adjourned at 7:25 p.m. to June 1, 1993, at 4:00 p.m. in the Council Chambers at City Hall, 801 11th Street, Modesto, to continue review of the budget.

The meeting adjourned at 7:23 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 12:30 p.m. on Friday, May 28, 1993, in the Magnolia Room, Modesto Centre Plaza, 1000 L Street, Modesto, California.

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

Absent: Councilmembers Dobbs, Patterson

The Council met with Assembly Member Margaret Snyder and representatives from the Cities of Chowchilla, Hughson, Madera, Turlock and Waterford to discuss State budget impacts, City budget options, and pending legislation, including sales tax legislation and property tax shift.

The meeting adjourned at 2:38 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 an adjourned regular meeting at 4:00 p.m. on Tuesday, June 1, 1993, in the Council Chambers at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Councilmember Patterson arrived at 4:30 p.m.

Absent: None

The City Council reviewed the following budgets:

Office of City Manager
Redevelopment Agency
Public Works and Transportation Department
Parks and Recreation Department
Office of City Clerk & Auditor
Office of City Attorney
Personnel Department
Capital Improvement Program

The meeting adjourned at 6:40 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, JUNE 1, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 10, 11, 12,
13

ACTION: (Patterson/Friedman, unan.)

(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 May 24, 1993 and the regular and adjourned City Council meeting of May 25, 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.)

Paul Sessa spoke about traffic on West Union Street.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2855-C.S. relating to Sidewalk Food Vendors. (Motion adopting needed.)

ACTION: By motion, Ordinance No. 2855-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for Beyer Park parking area rehabilitation. (Suggested bid opening: June 24, 1993, at 11:00 a.m. Report with agenda. The project will replace the deteriorated asphalt in the parking area with new concrete. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$29,429.77 (contract \$26,044.05; eng. & cont. \$3,385.72) Funds are budgeted.)

ACTION: Res. 93-315 adopted approving plans and specifications and calling for bids for Beyer Park parking area rehabilitation. (P.W. & T to handle)

CONSENT

6. Consider acceptance of the contract of Western Stone Products, Inc. for the Coffee and Sylvan intersection reconstruction and traffic signal modifications as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$299,449.50) (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: \$296,244.10. Funds are budgeted.)

ACTION: Res. 93-316 adopted accepting contract and authorizing City Clerk to file Notice of Completion. (Clerk to handle)

CONSENT

7. Consider acceptance of the contract of George Reed, Inc. for the Dry Creek bike trail under El Vista bridge as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$68,722) (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: \$75,749.68. Funds are budgeted.)

ACTION: Res. 93-317 adopted accepting contract and authorizing City Clerk to file Notice of Completion. (Clerk to handle)

NEW BUSINESS

CONSENT

8. Consider amending the Fiscal Year 1992-93 Budget by \$11,372 from the Police Asset Forfeiture Trust Account to purchase one Apple Computer System (\$8,813) and two portable radio battery analyzer/conditioners (\$2,559). (Report with agenda. Resolution amending budget needed.)

ACTION: Res. 93-318 adopted amending the budget. (Finance to handle)

CONSENT

10. Consider joining in an amicus brief regarding Locklin v. City of Lafayette, Morehart v. County of Santa Barbara and Berry v. Sonoma County. (Report with agenda. Motion authorizing joinder in amicus brief needed.)

ACTION: By motion, joining in amicus brief authorized. (Attorney to handle)

CONSENT

11. Consider amending agreement with Arroyo Seco Associates for Finance Department Audit. (Report with agenda. Resolution approving amendment to agreement needed. Estimated cost: \$1,360. Funds are budgeted.)

ACTION: Res. 93-319 adopted approving amendment. (Finance to handle)

CONSENT

12. Consider approving amendment to agreement with Municipal Code Corporation for codification of City ordinances. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$5,800. Funds are budgeted.)

ACTION: Res. 93-320 adopted approving amendment. (Clerk to handle)

CONSENT

13. Consider approval of final map of Fairway Homes subdivision of the City of Modesto and consider accepting the improvements. (Owners: Hartford Development)
(Report with agenda. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Fairway Homes subdivision is located on the south side of Dry Creek Drive between Blue Canyon Drive and N. McClure Road. It contains 0.9622 acre. Resolution approving the final map needed.)

ACTION: Res. 93-321 adopted approving final map. (Clerk to handle)

WRITTEN COMMUNICATIONS

14. Letter from Carlos Reyes Roman, representing the International Tournament of Tae Kwon Do, requesting permission to place a banner on the pedestrian bridge on Claus Road on June 5, 1993.

ACTION: By motion (Muratore/Dobbs, unan.), request denied.

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

ADJOURNMENT

Meeting adjourned at 7:47 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 8, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Ed Shakespeare, Stanislaus Medical Center

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 10, 11, 12, 14, 15, 16,
17, 19, 23,

Removed from consent: 21, 24

Delayed for two weeks: 18

ACTION: (Friedman/Patterson, unan.)

(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 regarding the Arbor Day celebration by the Student Council of Agnes Baptist School.

Presentations were made by Jessica Carlson and Roy Rodriguez who thanked the City for participating in the celebration.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of May 28, 1993, and the adjourned regular and regular City Council meetings of June 1, 1993.
(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.)

Carmen Sabatino reminded the City Council of the State laws concerning the agenda's "Oral Communications" item.

UNFINISHED BUSINESS

4. Consider recommending that the County deny rezoning application 93-02 by Mid-Valley Engineering for LSB Development to construct a three-story, 172 unit (344) beds), extended care facility for the elderly at the northeast corner of Coffee Road and Mable Avenue in the City's urban Reserve Area as designated in the General Plan.
(Continued from the May 25, 1993, City Council meeting. The City Council is to review rezonings for proposed developments in Modesto's Sphere of Influence per Modesto-County agreement dated March 13, 1990. Resolution recommending denial of rezoning needed.)

ACTION: Res. 93-322 adopted (Cogdill/Bird, unan.) recommending approval.
(Planning to handle)

HEARINGS

5. Hearing to consider the adoption of an ordinance eliminating the \$1,500 annual cap on the telephone user tax, the electricity user tax, the gas user tax, the water user tax, and the cable television user tax.
(Continued from the May 18, 1993, City Council meeting.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation regarding the Arbor Day celebration by the Student Council of Agnes Baptist School.

Presentations were made by Jessica Carlson and Roy Rodriguez who thanked the City for participating in the celebration.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of May 28, 1993, and the adjourned regular and regular City Council meetings of June 1, 1993.
(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.)

Carmen Sabatino reminded the City Council of the State laws concerning the agenda's "Oral Communications" item.

UNFINISHED BUSINESS

4. Consider recommending that the County deny rezoning application 93-02 by Mid-Valley Engineering for LSB Development to construct a three-story, 172 unit (344 beds), extended care facility for the elderly at the northeast corner of Coffee Road and Mable Avenue in the City's urban Reserve Area as designated in the General Plan.
(Continued from the May 25, 1993, City Council meeting. The City Council is to review rezonings for proposed developments in Modesto's Sphere of Influence per Modesto-County agreement dated March 13, 1990. Resolution recommending denial of rezoning needed.)

ACTION: Res. 93-322 adopted (Cogdill/Bird, unan.) recommending denial.
(Planning to handle)

HEARINGS

5. Hearing to consider the adoption of an ordinance eliminating the \$1,500 annual cap on the telephone user tax, the electricity user tax, the gas user tax, the water user tax, and the cable television user tax.
(Continued from the May 18, 1993, City Council meeting.)

Councilmembers Bird, Cogdill and Friedman excused due to conflicts of interest.

ACTION: A motion (Patterson/Dobbs, Muratore-no, Bird, Cogdill, Friedman absent) to approve the ad hoc committee's recommendations failed to carry.

6. Hearing to consider assessing a Passenger Facility Charge of \$3.00 on each airline passenger enplaning a flight at the Modesto City-County Airport.

ACTION: By motion (Dobbs/Friedman, unan.) charge approved and staff directed to prepare the necessary documents for Council action.
(Attorney to handle)

7. Hearing to consider the proposed 1993-94 Operating Budget and the proposed Four-Year 1993-94 Capital Improvement Program.

No action taken.

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for a project titled "1993 Street Cape Seals."
(Suggested bid opening: July 1, 1993, at 11:00 a.m. This project is part of the ongoing preventative maintenance program for City streets. A cape seal consists of a chip seal coat followed by a slurry seal to provide a smoother riding surface. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$466,898.72 (contract \$413,184.70; eng. & cont. \$53,714.02) Funds are budgeted.)

ACTION: Res. 93-323 adopted calling for bids. (P/W to handle)

9. Consider award of contract for the Briggsmore widening - State Route 99 to Tully Road project to Ross F. Carroll, Inc. and consider amending the budget to estimate additional revenue and consolidating the two project accounts into a single project account.
(Bids were opened on May 25, 1993. The low bid of \$2,368,384.16, submitted by Ross F. Carroll, Inc. is 24.02% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Report and bid tabulation with agenda. Resolution awarding contract needed, and resolution amending the budget needed. Estimated cost: \$2,628,096.42 (contract \$2,368,384.16; eng. & cont. \$260,522.26) Funds are budgeted.)
Vice Mayor Cogdill excused due to a conflict of interest.

ACTION: Res. 93-324 adopted (Dobbs/Patterson, unan., Cogdill absent) awarding contract.
Res. 93-325 adopted (same vote) amending the budget.
(P/W, Finance to handle)

CONSENT

10. Consider declaring All Pure Chemical low bidder on and authorize the purchase of liquid chlorine for the total cost of \$278,110.
(Report with agenda. Resolution declaring low bidder and authorizing purchase needed. Funds to be included in the 1993-94 F.Y. Budget.)

ACTION: Res. 93-326 adopted awarding bid. (Finance to handle)

CONSENT

11. Consider waiving formal bid procedures and authorize the purchase of 39,000 pounds of Hydrofloc 708H polymer from Western Environmental Services, Inc. for the total cost of \$107,654.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 93-327 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

CONSENT

12. Consider approval and support of newly chartered Modesto Fire Explorer Post #911.
(Report with agenda. Resolution supporting Modesto Fire Explorer Post #911 needed.)

ACTION: Res. 93-328 adopted supporting Modesto Fire Explorer Post #911.
(Fire to handle)

13. Consider authorizing staff to request proposals for a wastewater treatment plant and collection system master plan and for a Wastewater Revenue and Financing Plan.
(Report with agenda. Resolution authorizing request for proposals for a wastewater treatment and collection system master plan, and resolution authorizing request for proposals for a revenue and financing plan. Estimated cost: \$400,000. Funds are budgeted.)

ACTION: Res. 93-329 adopted (Muratore/Friedman, unan.) authorizing Request for Proposals for a wastewater treatment and collection system master plan.
Res. 93-330 adopted (same vote) authorizing Request for Proposals for a revenue and financing plan.
(P/W to handle)

CONSENT

14. Consider approving appropriation transfer in the amount of \$5,200 to purchase a replacement small aircraft firefighting vehicle for the airport.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-331 adopted approving appropriation transfer.
(Finance to handle)

CONSENT

15. Consider certifying environmental review for pedestrian/bicycle undercrossing at Claus Road.
(Report with agenda. Resolution certifying environmental review needed.)

ACTION: Res. 93-332 adopted certifying environmental review. (P/R to handle)

CONSENT

16. Consider acceptance of improvements in Sunridge subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: Bright Development)
(Report with agenda. Sunridge subdivision is located on the north side of Merle Avenue and the south side of Belharbour Drive, west of Boston Way. 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. 93-333 adopted accepting improvements. (Clerk to handle)

CONSENT

17. Consider approving agreement with the law firm of Brown & Wood for legal services in connection with financing issues.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-334 adopted approving agreement. (Attorney to handle)

18. Consider authorizing City Manager to issue an administrative directive concerning use of the City logo.
(Report with agenda. Motion authorizing administrative directive needed.)

Delayed two weeks.

CONSENT

19. Consider accepting grant award from the San Joaquin Valley Unified Air Pollution Control District (SJVUCD) in the amount of \$24,500 for Motor Vehicle Emissions Reduction Projects and authorizing the City Manager to sign letter of acceptance and project agreement and consider amending the budget to account for funding.
(Report with agenda. Resolution accepting grant funding and authorizing City Manager to sign letter of acceptance and project agreements needed, and resolution amending budget needed.)

ACTION: Res. 93-335 adopted accepting grant funding.
Res. 93-336 adopted amending budget. (P/W to handle)

20. Presentation of Finance Department Audit by Arroyo Seco Associates.
(Report with agenda. No action necessary.)

No action taken

21. Consider approving amendment to agreement with Municipal Resource Consultants to include audits for Business License Tax Franchise Fees, Transient Occupancy Tax, Utility User Tax and Documentary Transfer Tax, and consider authorizing Municipal Resource Consultants to access information from the companies responsible for the collection of Utility Users Tax and Franchise Fees.
(Report with agenda. Resolution approving amendment to agreement needed, and resolution authorizing Municipal Resource Consultants to access information needed.)

ACTION: Res. 93-337 adopted (Friedman/Bird, unan.) approving amended agreement.
Res. 93-338 adopted (same vote) authorizing consultants to access information. (Finance to handle)

WRITTEN COMMUNICATIONS

22. Letter from Paul M. Lester, Assistant Pastor, Calvary Chapel of Modesto, requesting permission to have a concert with amplified music in Graceada Park on August 12, 1993.

ACTION: By order of the Chair, this request was referred to staff for recommendation. (P/R to handle)

CONSENT

23. Letter from Ernestine Lopez requesting permission to file a late claim against the City of Modesto.
(Resolution denying request to file late claim needed.)

ACTION: Res. 93-339 adopted denying request. (Clerk to handle)

24. Letter from Nancy M. Young, Executive Director, Downtown Improvement District, requesting the use of downtown sidewalks for the selling of merchandise on June 10 through 13, 1993.
(Motion approving request needed.)

ACTION: By motion (Cogdill/Muratore, unan.) request approved to sell merchandise regularly sold in their businesses. (Manager 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

CLOSED SESSION

26. Closed session to:

- a. Confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning these matters would prejudice the position of the City in litigation regarding the V.O. Associates v. City of Modesto, et al., pursuant to Government Code Section 54956.9(a).
- b. Confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning these matters would prejudice the position of the City in litigation regarding the City of Modesto v. Shell Oil, et al., pursuant to Government Code Section 54956.9(a).
- c. Confer with or receive advice from legal counsel, when based upon existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation, pursuant to Government Code Section 54956.9(c).

ADJOURNMENT

The meeting adjourned at 6:10 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 7:00 p.m. on Tuesday, June 15, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

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

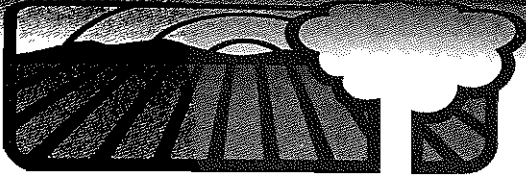
Absent: Councilmembers Muratore, Patterson

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

The meeting adjourned at 7:24 p.m.

ATTEST: 
NORRINE COYLE, CITY CLERK

6-15-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 15, 1993, AT 7:30 P.M.

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

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 10, 11, 13, 14, 15, 16,
17

Removed from consent: 12

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced Judge Don Shaver and the Modesto Junior College sponsored Young Scholars who are studying local government.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of June 8, 1993.
(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

HEARINGS

4. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from P-0 and R-3, to P-D(494), for limited commercial uses in addition to office uses at 121 Downey Avenue on the north side of Downey Avenue, east of McHenry Avenue. (CLS Investments)

ACTION: By motion (Friedman/Muratore, majority, Bird and Cogdill - no, Patterson absent), Ordinance No. 2856-C.S. introduced approving rezoning with conditions recommended by the Planning Commission.

Res. 93-242 (same vote) approving the development plan.

Res. 93-243 (same vote) certifying review of the environmental assessment. (Clerk/Plan. & C.D. to handle)

BIDS

CONSENT

5. Consider waiving formal bid procedures and authorizing the purchase of four police interactive videodisc delivery and satellite systems for the total cost of \$30,344, and consider amending the Fiscal Year 1992-93 Budget. (Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed (Five affirmative votes needed.); and resolution amending budget needed.) City share of cost: \$1,057 (State reimbursement \$29,287).

ACTION: Res. 93-342 adopted waiving formal bid procedures and authorizing purchase.

Res. 93-343 adopted amending the budget. (Finance to handle)

NEW BUSINESS

6. Consider report of City Manager concerning the "June" budget revisions. (Report with agenda.)

No action taken.

7. Staff report concerning West Union Avenue.

No action taken.

8. Consider amending the Municipal Code to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism, including community service and restriction of retail display of Graffiti implements.
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, (Muratore/Friedman, unan., Patterson absent), Ordinance No. 2857-C.S. introduced amending the Municipal Code, to be effective 180 days after adoption.

9. Presentation of Fire Department Audit by Mathis & Associates.
(Report with agenda. No action needed.)

No action taken.

CONSENT

10. Consider approving appropriation transfer in the amount of \$4,400 for the Sisk/Pelandale traffic signal project.
(Report with agenda. The project's original estimate was \$169,000. The project costs exceeded this amount by \$4,400. Therefore, an appropriation transfer from the Kansas/Emerald signal project account is needed. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-344 adopted approving the appropriation transfer.
(Public Works & Trans./Finance to handle)

CONSENT

11. Consider approving agreement with Copper Creek Homeowners Association for the acquisition of a drainage easement needed to widen Claus Road Bridge.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$3,500. Funds are budgeted.)

ACTION: Res. 93-345 adopted approving agreement. (Attorney to handle)

CONSENT

12. Consider approving agreement with Modesto Irrigation District consenting to common use of right of way needed for the widening of Briggsmore between Prescott and Tully.
(Report with agenda. Resolution approving agreement needed.)

Vice Mayor Cogdill excused due to a conflict of interest.

ACTION: Res. 93-346 adopted (Friedman/Dobbs, unan., Cogdill and Patterson absent) approving agreement. (Attorney to handle)

CONSENT

13. Consider approving agreement with Mid-Valley Engineering, Inc. to provide engineering services for the design of the Briggsmore/McHenry Intersection Improvements project.
(This project will improve the traffic flow on Briggsmore as this need was

identified in the 1989 Capital Facility Fee Traffic Study and the SAAG Regional Expressway Study. Report with agenda. Estimated cost: \$78,970 (agreement \$71,795; contingency \$7,180) Funds are budgeted.)

ACTION: Res/ 93-347 adopted approving agreement.
(Public Works & Trans. to handle)

CONSENT

14. Human Services Committee recommendations concerning operation and financing of the McHenry Mansion and McHenry Museum.
(Report with agenda. Motion approving recommendations needed.)

ACTIONS: By motion, recommendations approved.
(Parks & Recreation to handle)

CONSENT

15. Consider amending the Modesto Municipal Code to include Animal Licensing Officers of the Modesto Police Department on the list of Modesto employees empowered to issue citations.
(Report with agenda. Introduction of ordinance needed. Estimated cost: \$6,500. Funds are budgeted.)

ACTION: By motion, Ordinance No. 2858-C.S. was introduced amending the Municipal Code.
(Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

16. Letter of resignation from the Downtown Improvement District from Sheldon Spencer.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-348 adopted accepting resignation with regret.
(Clerk to handle)

CONSENT

17. Letter of appreciation for City Council commitment to Modesto's historical and cultural resources from Gladys Cerutti, President, McHenry Museum & Historical Society.
(No action needed.)

No action taken.

18. Letter from Jean Shoemaker regarding "the smoking ban."

No action taken.

MATTERS TOO LATE FOR THE AGENDA

19. (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

20. a. Closed session to confer with or receive advice from legal counsel, when based upon existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation, pursuant to Government Code Section 54956.9(c)
- b. 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 litigation regarding the case of V.O. Associates v. City of Modesto, et al, pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

Meeting adjourned to closed session at 10:08 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 22, 1993, AT 4:00 P.M.

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

Absent: Councilmember Muratore

Pledge of Allegiance to the Flag

Invocation: Rev. Cornelius Van De Hoef, Church of the Cross

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 13, 14, 15, 16, 17,
18, 19, 20, 21, 22, 23, 24, 25, 26,
27, 28, 29, 30

ACTION: (Patterson, Dobbs, unan., Muratore 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.

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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 June 15, 1993.
(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

CONSENT

5. a. Ord. No. 2857-C.S. amending of the Modesto Municipal Code relating to defacement of property.
- b. Ord. No. 2858-C.S. amending the Modesto Municipal Code relating to designation of employees authorized to issue citations for violations of Code.
(Motion adopting needed.)

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

CONSENT

6. Staff report on request from Calvary Chapel of Modesto for amplified music at Mancini Bowl.
(Report with agenda. Motion denying request needed.)

ACTION: By motion, request denied. (P/R to handle)

6/22/93

HEARINGS

- 7A. Hearing to consider adoption of a resolution certifying review of Environmental Assessment approving the proposed Negative Declaration, and direct a Notice of Determination of the environmental impact relating to the adoption of a Resolution of Necessity regarding the acquisition of a portion of the Del Este Water Company.

ACTION: Res. 93-349 adopted (Patterson/Friedman, unan., Muratore absent) certifying review of Environmental Assessment.

7. Resolution of necessity to acquire certain real property by Eminent Domain, consisting of the assets of the Del Este Water Company water systems in the Modesto Service Area identified by Department of Health Services numbers as follows:

DHS 50-002
DHS 50-003
DHS 50-011
DHS 50-015
That portion of DHS 50-016A west of Highway 99 only
DHS 50-022
DHS 50-024
DHS 50-027
DHS 50-036

ACTION: Res. 93-350 adopted (Patterson/Friedman, majority, Cogdill-no, Muratore absent) adopting Resolution of Necessity.
(P/W, Attorney to handle)

Took a 5 minute recess at 5:55 p.m.

8. Hearing to consider proposed fees for Parks and Recreation Department commercial landscape plan reviews and inspections.

ACTION: Res. 93-351 adopted (Cogdill/Friedman, majority, Bird, Dobbs-no, Muratore absent) adopting fees.
(P/R, Clerk to handle)

9. Hearing to consider updating fees for City Clerk's Department services.

ACTION: Res. 93-352 adopted (Friedman/Lang, majority, Bird-no, Muratore absent) updating fees.
(Clerk to handle)

10. Hearing to consider proposed fees for Police Department false alarm services.

ACTION: By motion (Dobbs/Patterson, unan., Muratore absent) Ord. No. 2859-C.S. introduced adding false alarm services to Code.

ACTION: Res. 93-353 adopted (Dobbs/Patterson, unan., Muratore absent) adopting fees with a re-evaluation by Council in 6 months.
(Police/Clerk to handle)

Councilmember Dobbs excused at 7:10 p.m.

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NEW BUSINESS

11. Consider 3.1% sewer rate increase for all user groups, and consider approving a strategy of using a sewer bond of approximately \$7.66 million for part of FY 93-94 sewer capital improvement program. (Report with agenda. Resolution approving sewer rate increase needed, and resolution authorizing sewer bond strategy needed.)

ACTION: Res. 93-354 adopted (Cogdill/Lang, unan., Dobbs, Muratore absent) approving sewer rate increase.
Res. 93-355 adopted (same vote) authorizing sewer bond strategy.
(P/W, Finance to handle)

12. Consider adoption of the Fiscal Year 1993-94 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 Proposition 4 limit. (Report with agenda. Introduction of ordinance adopting budget needed, and resolution establishing the price and population factors to be used needed.)

ACTION: By order of the Chair, Lincoln/Lakewood Bridge item not to be considered at this time.

By motion (Bird/Patterson, unan., Dobbs, Muratore absent) Ord. No. 2860-C.S. adopted, excluding item relating to restriping of Scenic Avenue, and approving Financial Policy Committee recommendations for procedures for consideration of the budget reduction contingency plan required by State action.

Res. 93-356 adopted (same vote) establishing the price and population factors to be used in calculating the Proposition 4 limit.

Councilmember Cogdill excused due to a conflict of interest.

Res. 93-356A adopted (Bird/Patterson, unan., Cogdill, Dobbs, Muratore absent) supplementing the budget to approve the restriping of Scenic Avenue.

(Finance to handle)

CONSENT

13. Consider amending the 1992-93 Fiscal Year Budget to provide for the establishment of various reserve appropriations prior to closing the City's books for the fiscal year ending June 30, 1993. (Report with agenda. Resolution amending budget needed.)

ACTION: Res. 93-357 adopted amending budget. (Finance to handle)

CONSENT

14. Consider amending the 1992-93 budget to establish three new Capital Improvement Projects for street improvements (H Street reconstruction - 9th to 17th; I Street reconstruction - 6th to SPRR; Street lights Yosemite Blvd. - 14th to Los Flores), and consider approving reappropriating the three projects in the 1993-94 CIP.
(Report with agenda. Approval of three Federally funded street projects has been received. Funding is needed so design work can proceed. Resolution amending budget needed, and motion approving reappropriation of the projects in the 1993-94 CIP needed. Estimated total cost: \$191,000 (\$14,000 - City; \$177,000 - Federal)

ACTION: Res. 93-358 adopted amending budget.
By motion, approved reappropriation of the projects in the 1993-94 CIP. (Finance to handle)

CONSENT

15. Consider amending the 1992-93 budget to estimate and appropriate \$52,098 in grant revenue and to appropriate \$59,222 from the CFF Parks Contingency Reserve for a new CIP project - construction of a group picnic shade structure at East La Loma Neighborhood Park, and consider reappropriation of the project in the 1993-94 CIP, and consider authorizing the City Manager to sign State project agreement.
(Report with agenda. Resolution amending budget and appropriating CFF funding needed, motion approving reappropriation of the project in the 1993-94 CIP needed, and resolution authorizing City Manager to sign project agreement needed. Estimated cost: \$59,222 City CFF; \$52,098 Federal)

ACTION: Res. 93-359 adopted amending the budget and appropriating CFF funding.
Res. 93-360 adopted authorizing City Manager to sign project agreement.
By motion, approved reappropriation of the project in the 1993-94 CIP. (Finance to handle)

CONSENT

16. Consider amending the 1992-93 budget to estimate \$132,795 of Congestion Management and Air Quality (CMAQ) revenues and transfer \$17,205 of funds from the existing project (T/S Central Control System) for the Advanced Traffic Management System (ATMS) Design/System Administration project, and consider reappropriation of the ATMS Design/System Administration project to Fiscal Year 1993-94, and consider approving amending the agreement with Kittelson & Associates, the consultant for the first phase of the ATMS project, to help the City carry out the second phase of the project.
(Report with agenda. Resolution amending budget needed, motion approving reappropriation of the project in the 1993-94 CIP needed, and resolution approving amendment to agreement needed.)

ACTION: Res. 93-361 adopted adopted amending the budget.
Res. 93-362 adopted approving amendment to the agreement.
By motion, approved reappropriation of the project in the 1993-94 CIP. (Finance to handle)

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CONSENT

17. Consider requiring candidates to pay the cost of publishing the candidates' statements in the ballot pamphlet for the November 2, 1993, election.
(Report with agenda. According to a Fair Political Practices Commission ruling, cities cannot legally bear any expense of candidates statements. Resolution requiring candidates to pay statement costs needed.)

ACTION: Res. 93-363 adopted requiring candidates to pay statement costs.
(Clerk to handle)

CONSENT

18. Consider approving agreement with Sidney Earl Carper and Violet Line1 Carper for the acquisition of 450 square feet of their property for the Briggsmore widening project, and consider accepting Right of Entry from the Carpers.
(Report with agenda. Resolution approving agreement and accepting Right of Entry needed. Estimated total cost: \$16,300 (cost \$13,800; est. escrow \$2,500) Funds are budgeted.)

ACTION: Res. 93-364 adopted approving agreement and accepting Right of Entry.
(Attorney to handle)

CONSENT

19. Consider adopting formal hearing procedures for adjudicating parking citations and consider accepting staff report regarding potential funding of hearing operations.
(Report with agenda. Resolution adopting formal hearing procedures needed, and motion accepting staff report regarding potential funding needed. Estimated cost: \$800; funds are budgeted.)

ACTION: Res. 93-365 adopted adopting formal hearing procedures.
By motion, staff report regarding potential funding operations accepted.
(Finance to handle)

CONSENT

20. 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 Nos. 1-6.
(Report with agenda. Resolution ordering Director of Public Works and Transportation to file Annual Report needed.)

ACTION: Res. 93-366 adopted ordering Director to file Annual Report.
(P/W to handle)

CONSENT

21. 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 Nos. 7-10.
(Report with agenda. Resolution ordering Director of Public Works and Transportation to file Annual Report needed.)

ACTION: Res. 93-367 adopted ordering Director to file Annual Report.

(P/W to handle)

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CONSENT

22. Consider acceptance of improvements in Hillview Estates Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: JFK Construction)

(Report with agenda. Hillview Estates Subdivision is located on the north side of Whitmore Avenue, east of Ustick Road. 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. 93-368 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

23. Consider approval of final map of Creekwood Meadows Subdivision of the City of Modesto and consider accepting the improvements. (Owners: Creekwood Meadows Investors)
(Report with agenda. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Creekwood Meadows Subdivision is located on the east side of Creekwood Drive north of Yosemite Boulevard. It contains 16.456 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 93-369 adopted approving final map and accepting improvements.
(Clerk to handle)

CONSENT

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

ACTION: By motion, acknowledged receipt of report.

CONSENT

25. Consider amending the Position Classification Plan to delete job specifications for Data Processing Technician, Fire Supply Specialist, Nursery Propagator and Public Services Supervisor; and consider amending the class range tables to amend the salary for Finance Director.
(Report with agenda. Resolution amending Position Classification Plan needed, and resolution amending Class Range Table to amend salary range needed. Estimated cost: \$2,100. Funds are budgeted.)

ACTION: Res. 93-370 adopted amending Position Classification Plan.
Res. 93-371 adopted amending Class Range Table.
(Personnel to handle)

CONSENT

26. Consider approving an amendment to the agreement with Caltrans to extend the completion date from July 1, 1993, to July 1, 1994 for installing wheelchair ramps and traffic signal modifications on McHenry Avenue (State Highway 108) and Morris Avenue.
(Report with agenda. At its October 20, 1992 meeting, the Council approved an agreement with Caltrans to install wheelchair ramps and modify the traffic signals on McHenry at Morris. Caltrans now requests

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the agreement be amended to extend the contract completion date from July 1, 1993, to July 1, 1994, and to clarify the maintenance

responsibilities once the project is completed. Resolution approving amendment to agreement needed. Estimated cost: \$54,000. Funds are budgeted.)

ACTION: Res. 93-372 adopted amending agreement. (P/W to handle)

BIDS

CONSENT

27. Consider award of contract for widening the south side of Scenic Drive east of Coffee Road to Rose Avenue to George Reed, Inc. (Report with agenda. Bids were opened on June 10, 1993. The low bid of \$180,948, submitted by George Reed, Inc., is 35.38% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Resolution awarding contract needed. Estimated total cost: \$204,471.24 (contract \$180,948; eng. & cont. \$23,523.24) Funds are budgeted.)

ACTION: Res. 93-373 adopted awarding contract. (P/W to handle)

CONSENT

28. Consider accepting as complete the contract of Teichert Construction Co. for the Airport Terminal apron reconstruction and authorize City Clerk to file Notice of Completion, and consider approving appropriation transfer in the amount of \$4,000. (Original contract: \$119,962) (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: \$123,939.88. Funds are budgeted.)

ACTION: Res. 93-374 adopted accepting as complete.
Res. 93-375 adopted approving appropriation transfer. (P/W to handle)

CONSENT

29. Consider declaring Brannon Tire low bidder and authorizing the purchase of tire recapping and service requirements for the total cost of \$27,448. (Report with agenda. Resolution awarding bid to Brannon Tire. Funds are budgeted.)

ACTION: Res. 93-376 adopted awarding bid. (Finance to handle)

WRITTEN COMMUNICATIONS

CONSENT

30. Letter of resignation from the General Plan Steering Committee from Tom Robinson.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-377 adopted accepting resignation.

MATTERS TOO LATE FOR THE AGENDA

31. (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.)

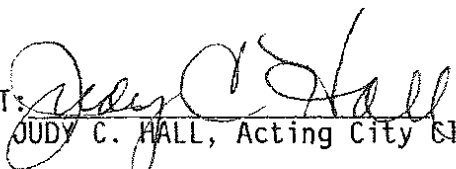
None

CLOSED SESSION

32. Closed session to confer with or receive advice from legal counsel regarding pending litigation when discussion in open session concerning the matter would prejudice the position of the City in the litigation regarding the case of City of Modesto, Redevelopment Agency of the City of Modesto v. Stanislaus County Board of Supervisors, et al., Booking Fees.

ADJOURNMENT

The meeting adjourned at 7:58 p.m. to closed session, then to 7:30 a.m. on Friday, June 25, 1993, in the Ash Room, Modesto Centre Plaza, for a meeting with Assembly Member Sal Cannella to discuss State budget impacts, City budget options, and pending litigation.

ATTEST: 
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

King-Kennedy Center
601 N. Martin Luther King Drive
Modesto, California

AGENDA FOR SPECIAL JOINT COUNCIL/PLANNING COMMISSION MEETING OF TUESDAY,
JUNE 22, 1993, AT 7:30 P.M.

The meeting convened at 8:40 p.m.

Roll Call - Present: Councilmembers Bird, Cogdill, Friedman, Patterson, Mayor
Lang

Absent: Councilmembers Dobbs, Muratore

Roll Call - Present: Commissioners Cruz, Dunbar, Fisher, Gonzalez, Grover,
Ward, Chairman Alexander

Absent: None

BUSINESS

1. The Redevelopment Advisory Commission will present to the City Council and Planning Commission the Redevelopment Area Master Plan.

Members of the Redevelopment Advisory Commission and the consultant presented the draft master plan for the Redevelopment Area and reported on the responses to the Master Plan Questionnaire which were filled out by approximately 600 citizens. The key General Plan/Redevelopment items recommended by the Redevelopment Commission consist of repositioning the center of the community by accentuating growth to the west and southwest; designating the downtown portion of the project areas for major office development; designating regional commercial development along 10th and J Streets and an area along Highway 99; and providing a regional recreational/commercial area adjacent to the Tuolumne River.

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2. The General Plan Steering Committee will present to the City Council and Planning Commission the Primary Land Use Alternative for the General Plan.

The preferred Primary Land Use Alternative was presented and the development process of the alternatives was explained by the Co-Chairs of the Steering Committee.

3. Discussion of the Redevelopment Advisory Commission and General Plan Steering Committee's Plans.

Citizens and representatives of various community organizations as well as Councilmembers and Planning Commissioners presented their viewpoints concerning the plans.

The Mayor and Councilmembers expressed their appreciation to the Commission and Committee members for their efforts.

ORAL COMMUNICATIONS

4. (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

ADJOURNMENT

The meeting adjourned at 10:50 p.m.

ATTEST: 
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

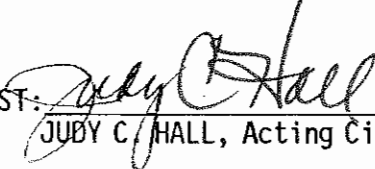
The Council of the City of Modesto met in an adjourned regular session at 7:30 a.m. on Friday, June 25, 1993, in the Ash Room, Modesto Centre Plaza, 1000 L Street, Modesto, California.

Present: Councilmembers Bird, Dobbs, Muratore, Mayor Lang

Absent: Councilmembers Friedman, Patterson

The Council met with Assembly Member Sal Cannella to discuss State budget impacts, City budget options, and pending legislation.

The meeting adjourned at 8:50 a.m.

ATTEST: 
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

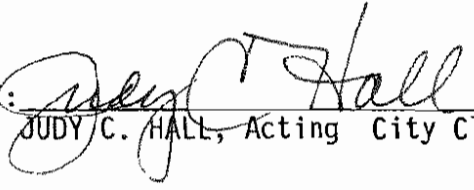
The Council of the City of Modesto met in an special session at 7:00 p.m. on Tuesday, July 6, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

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

The meeting adjourned at 7:22 p.m.

ATTEST: 
JUDY C. HALL, Acting City Clerk

7/6/93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 6, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 9, 10, 11, 12, 14, 15,
19, 20, 21, 22, 23, 24, 25, 26, 27,
28, 29, 30

ACTION: (Friedman/Bird, unan.,)

(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. a. Presentation of donation by Modesto Rotary Club of play equipment and basketball court at Robertson Road Neighborhood Park.

Lou Friedman, Past President, and Randy Jolly, were presented a Certificate of Appreciation and donation was accepted.
- b. Presentation of trophy to most valuable players of 6th, 7th and 8th grade winners of the Free Spirit Social Club, "Danny Reid Memorial Basketball Tournament".

James Hutton, Free Spirit Social Club, presented awards to players and also introduced winners of essay contest "What Does Freedom Mean to Me"?
- c. Presentation of Distinguished Service Award to James Sorensen for service on the Airport Advisory Committee.

Mayor presented award.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of June 22, the Special Joint Council/Planning Commission meeting of June 22, and the adjourned regular session of June 25th, 1993.
(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. Ord. No. 2856-C.S. amending Section Map 28-3-9 of the Zoning Map to rezone from Professional Office Zone, P-O, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(494), property located on the north side of Downey Avenue east of McHenry Avenue (CLS Investments).
(Motion adopting needed.)

ACTION: By motion (Muratore/Friedman, majority; Bird, Cogdill - no) Ordinance No. 2856-C.S. adopted. (Clerk to handle)

CONSENT

5. Ord. No. 2859-C.S. adding Chapter 11 entitled "Security Alarms" to Title III of the Modesto Municipal Code.
(Motion adopting needed.)

ACTION: By motion, Ordinance 2859-C.S. adopted. (Clerk to handle)

At the discretion of the Chair, Items 17 and 18 were considered at this time.

HEARINGS

6. Hearing to consider the request of Modesto Garbage Company, Inc. for a three-year extension of their franchise for the collection of garbage, industrial garbage and salvageable waste.
(Continued from March 2, 1993, City Council meeting. Report with agenda. Motion continuing to October 5, 1993, at 7:30 p.m. needed.)

ACTION: By motion (Friedman/Bird, unan.) hearing continued. (Clerk to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the Senior Citizens Center wall modifications project.
(Suggested bid opening: July 29, 1993, at 11:00 a.m. This project will replace the dilapidated wood fence with a 6' masonry wall and apply a stucco color coat to the new and existing wall to match the building. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$26,093 (\$22,690 contr.; \$3,403 Admin. & cont.) Funds are budgeted.)

ACTION: Res. 93-378 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the Rockwell Replacement/Addition 1993-94 project.
(Suggested bid opening: August 5, 1993 at 11:00 a.m. This project will add 74 rockwells to areas utilizing the existing catch basins where water currently stands in the streets. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$316,999 (\$274,499 contr.; \$42,500 const. admin. & cont.) Funds are budgeted.)

ACTION: Res. 93-379 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider award of contract for the Mellis, Senior Citizens and Beyer parking areas rehabilitation to Graham Contractors, Inc.

(Bids were opened on June 24, 1993. The low bid of \$22,009.02, submitted by Graham Contractors, Inc. is 66.56% 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 needed. Estimated cost: \$24,869.02 (\$22,009.02 contr.; \$2,860.00 const. admin. & cont.) Funds are budgeted.)

ACTION: Res. 93-380 adopted awarding contract. (P/W to handle)

CONSENT

10. Consider award of contract for the street overlays on Oakdale Road and Sylvan Avenue to Granite Construction, Inc. and consider approving appropriation transfer consolidating the two project accounts into a single project account.

(Bids were opened on June 3, 1993. The low bid of \$474,985.00, submitted by Granite Construction is 0.18% 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: \$536,734.00 (\$474,985.00 contr.; \$61,749.00 const. admin. & cont.) Funds are budgeted.)

ACTION: Res. 93-381 adopted awarding contract.
Res. 93-382 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

11. Consider award of contract for the Beyer Park Parking Area Rehabilitation to H. Max Lee, Inc.

(Bids were opened on June 24, 1993. The low bid of \$34,000.20, submitted by H. Max Lee, Inc. is 3.89% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Report and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$38,420.20 (\$34,000.20 contr.; \$4,420.00 const. admin. & cont.) Funds are budgeted.

ACTION: Res. 93-383 adopted awarding contract. (P/W to handle)

CONSENT

12. Consider acceptance of Richard A. Heaps Electrical Contractor, Inc.'s contract for the construction of traffic signals, striping and roadway modifications at Sisk Road and Pelandale. Original contract: \$129,940.00. (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: \$130,864.74. Funds are budgeted.)

ACTION: Res. 93-384 adopted accepting as complete. (P/W to handle)

CONSENT

14. Consider declaring Wastewater Solids Management low bidder and authorizing the purchase of digester cleaning service requirements for the total cost of \$23,790.

(Report with agenda. Resolution awarding bid needed. Funds are budgeted.)

ACTION: Res. 93-385 adopted awarding bid. (Finance to handle)

CONSENT

15. Consider waiving formal bid procedures and authorizing the purchase of volumetric water meter calibration services from Water Specialties Corp. for the total cost of \$38,951.
(Report with agenda. Resolution waiving formal bid procedures and authorizing call for bids needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 93-386 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

16. Consider public input and discuss Budget Reduction Options for 1993-94.
(Report with agenda. Now that the State has adopted the 1993-94 budget and the City has the estimated negative affect on the City's budget, it is appropriate to move to the Phase II budget process which is to consider the budget reduction options.)

No action taken.

17. Consider approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions No. 1-6. Consider adopting a Resolution of Intention setting a hearing July 20, 1993, at 7:30 p.m. on the levy of the proposed assessment.
(Report with agenda. Motion approving Annual Report, and Resolution of Intention setting a hearing on the levy of the proposed assessment needed.)

ACTION: By motion (Friedman/Bird, unan.) Annual Report approved.
Res. 93-387 adopted (same vote) Resolution of Intention setting hearing.
(P/W, Clerk to handle)

18. Consider approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions No. 7-10. Consider adopting a Resolution of Intention setting a hearing July 20, 1993, at 7:30 p.m. on the levy of the proposed assessment.
(Report with agenda. Motion approving the Annual Report, and Resolution of Intention setting a hearing on the levy of the proposed assessment needed.)

ACTION: By motion (Muratore/Dobbs, unan.) Annual Report approved.
Res. 93-388 adopted (same vote) Resolution of Intention setting hearing.
(P/W, Clerk to handle)

CONSENT

19. Consider authorizing City Manager to execute an agreement with Thompson-Hysell, Inc. to provide engineering services for the design of the widening of Claus Road from Gomes Road to MID Lateral No. 2.
(This project will reduce the "bottleneck" effect created by the section of roadway once the Claus Road bridge widening over Dry Creek is completed in the Spring of 1994. Report with agenda. Resolution authorizing City manager to sign agreement needed. Estimated Cost: \$34,650 (\$31,500,

Contr.; \$3,150, Contingency) Funds are budgeted.)

ACTION: Res. 93-389 adopted approving agreement. (P/W to handle)

CONSENT

20. Consider acceptance of improvements in Laurel Heights Phase I Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: David Schwartz)
(Report with agenda. Laurel Heights Phase I Subdivision is located on the north side of Laurel Avenue, West of Martin Luther King Drive. 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. 93-390 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

21. Consider approving agreement with Northwest Professional Center for the acquisition of 2,525 square feet of their property for the Briggsmore widening project, and accepting a Right of Entry from Northwest Professional Center.
(Report with agenda. Resolution approving agreement and accepting Right of Entry needed. Estimated cost: \$54,000. Funds are budgeted.)

ACTION: Res. 93-391 adopted approving agreement and accepting Right of Entry.
(Attorney to handle)

CONSENT

22. Consider accepting Right of Entry from Albert E. and Celeste S. Navarra for widening Briggsmore project.
(Report with agenda. Resolution accepting Right of Entry needed.)

ACTION: Res. 93-392 adopted accepting Right of Entry. (Attorney to handle)

CONSENT

23. Amending Section 7-3.401 of the Municipal Code to add a provision for the collection of a Passenger Facility Charge (PFC) on enplaning flights at Modesto City-/County Airport.
(Report with agenda. Introduction of an ordinance needed; adoption of a resolution establishing a passenger facility charge needed; and adoption of a resolution authorizing City Manager to execute an application for submittal to the FAA needed.)

ACTION: By motion, Ord. No. 2861-C.S. introduced adding Section to Code.
Res. 93-393 adopted establishing a passenger facility charge.
Res. 93-393A adopted authorizing Manager to execute an application for submittal to FAA.
(Atty/Clerk to handle)

CONSENT

24. Consider excusing Councilmember Muratore from the Council meeting of June 22, 1993, due to his attendance at a National Association of Regional Council (NARC) Conference in Portland, Oregon.
(Motion excusing needed.)

ACTION: By motion, Councilmember Muratore excused. (Clerk to handle)

CONSENT

25. Consider joining in an amicus brief regarding Shell California Pipeline Co. v. City of Hawthorne and Waste Resources Technologies v. City and County of San Francisco.
(Report with agenda. Motion authorizing support needed.)

ACTION: By motion, support authorized. (Attorney to handle)

CONSENT

26. Consider authorizing staff to solicit consultant to characterize the occurrence of Dibromochloropropane (DBCP) and Ethylenedibromide (EDB) in the City's groundwater supply.
(Report with agenda. Resolution authorizing solicitation of consultant needed.)

ACTION: Res. 93-394 adopted authorizing solicitation of consultant.
(P/W to handle)

CONSENT

27. Consider certifying review of environmental assessment, approving Negative Declaration for amended M.I.D. Terminal Reservoir project.
(Report with agenda. Resolution certifying Negative Declaration needed.)

ACTION: Res. 93-395 adopted certifying Negative Declaration.
(P/W to handle)

CONSENT

28. Consider amending the Storm Drain rate structure to include a mixed use class for non-residential parcels over 5 acres, which are not fully developed.
(Report with agenda. Resolution amending rate structure needed.)

ACTION: Res. 93-396 adopted amending rate structure. (P/W to handle)

CONSENT

29. 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. 93-397 adopted authorizing Manager to sign Self-Certification.
(City Manager to handle)

CONSENT

30. Consider reaffirming support of AMTRAK service to Modesto on Southern Pacific (SP) Railroad line in the long term and endorsing interim service on the Atchison, Topeka and Santa FE (ATSF) Railroad line subject to certain conditions.
(Report with agenda. Resolution supporting AMTRAK service needed.)

ACTION: Res. 93-398 adopted supporting AMTRAK service. (P/W to handle)

- 30A. Consider adopting the General Plan Steering Committee's draft "Project Objectives" of the General Plan, to be incorporated into the Environmental Impact Report, subject to future change; consider directing staff to proceed with the environmental analysis of the "Primary Land Use Alternative;" consider directing General Plan Steering Committee to develop a "Preferred Land Use Alternative," based upon study results of the City's

Environmental Consultant and City staff, consider approving amendment to agreement with Certified/Earthmetrics to provide additional analysis of the Committee's Primary Alternative.

(Report with agenda. Motion adopting draft "Project Objectives," directing staff to proceed with environmental analysis of the "Primary Land Use Alternative," directing Steering Committee to develop a "Preferred Land Use Alternative," and resolution approving amended agreement needed.)

ACTION: By motion (Patterson/Lang, majority, Dobbs, Friedman-no) recommendations approved.
Res. 93-399 adopted (same vote) amendment to agreement approved.
Res. 93-400 adopted (same vote) approving an appropriation transfer.
(Planning to handle)

MATTERS TOO LATE FOR THE AGENDA

31. 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

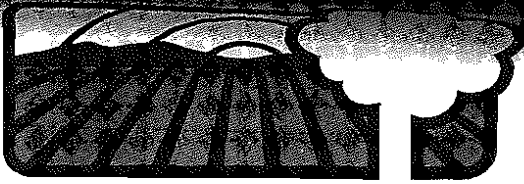
CLOSED SESSION

32. Closed session to confer with or receive advice from legal counsel regarding pending litigation when discussion in open session concerning the matter would prejudice the position of the City in the litigation regarding the worker's compensation case of Tyronne Lee vs. City of Modesto, and in the case of V.O. Associates v. City of Modesto, et al. pursuant to Government Code Section 54956.9(a)
- 32A. Closed session to confer with or receive advice from legal counsel, when based on exiting facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation, pursuant to Government Code Section 54956.9(c).

ADJOURNMENT

The meeting adjourned at 9:20 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 an special session at 2:00 p.m. on Tuesday, July 13, 1993, in the Council Chambers at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

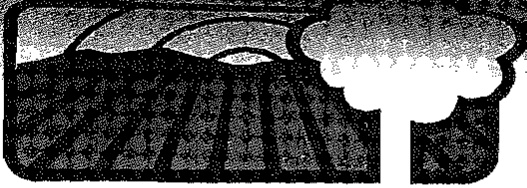
Councilmember Patterson arrived at 2:05 p.m.

Absent: None

The Council met to study proposed budget reduction items.

The meeting adjourned at 3:40 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 special session at 3:45 p.m. on Tuesday, July 13, 1993, in the City Hall Courtyard, 801 11th Street, Modesto, California.

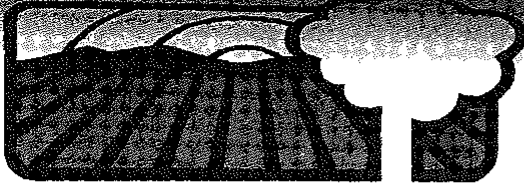
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

The Council met for dedication ceremony for new benches installed in memory of former City Manager Garth Lipsky.

The meeting adjourned at 4:00 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 13, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Rick Thompson, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 9, 10, 11, 12, 14, 15,
16, 17, 19

ACTION: (Patterson/Muratore, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 8
Councilmembers Bird and Cogdill excused due to conflicts of interest.

ACTION: (Patterson/Friedman, unan., Bird and Cogdill 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

Bill Nichols introduced Steve Young, new Community Development Program Officer.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of July 6, 1993.
(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 the Housing Program.
Wylie McAbee spoke about the A.I.D.'s Walk '93.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2861-C.S. relating to Airport fees.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2861-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the proposed designation of the property located at 1027 Enslin Avenue as a Modesto Landmark Preservation Site.

ACTION: Res. 93-401 adopted (Friedman/Patterson, unan.) designating as Modesto Landmark Preservation site. (P/R to handle)

6. Hearing to consider an amendment to Section 21-3-9 of the Code to rezone from R-2 to P-0, property located on the north side of East Orangeburg Avenue between Nelson and Melrose Avenues. (Tim Fisher/Architecture Plus)

ACTION: By motion, (Cogdill/Friedman, unan.) Ord. No. 2862-C.S. introduced.

Res. 93-403 adopted (same vote) certifying review of Environmental Assessment.

BIDS

7. Consider authorizing Public Works and Transportation Department staff to negotiate a contract with Pacific Media Group (PMG) to provide advertising services for the City's public transit systems; and consider Palmer and Associates' protest of the recommended contract. (Report and protest letter with agenda. The City/County Joint Transportation Committee recommends that Pacific Media Group be awarded a one-year contract with two one-year renewal options. This is to be a joint contract with Stanislaus County (Transit). If approved by the City Council, staff will negotiate an agreement with Pacific Media Group and return for Council at a later date. The contract amount is anticipated to be about \$50,000 from the City and \$65,000 from the County on an annual basis. Palmer and Associate, one of the proposers for the contract, is protesting the contract award at the City Council level because its protest was denied at the staff level. Motion authorizing staff to negotiate agreement and denying the protest of Palmer and Associates needed. Funds are budgeted.)

By motion (Bird/Muratore, unan.) this item was (Clerk to handle) continued one week.

CONSENT

8. Consider award of contract for the 1993 Street Cape Seals to Valley Slurry Seal Company. (Bids were opened on July 1, 1993. The low bid of \$350,772.55, submitted by Valley Slurry Seal Company, is 13.99% 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 Valley Slurry Seal Company needed. Estimated cost: \$396,372.98 (contract \$350,772.55; const. admin. & cont. \$45,600.43). Funds are budgeted.)

ACTION: Res. 93-404 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider authorizing the purchase of a second fire apparatus (truck) from Golden State Fire Apparatus, Inc., for a total price of \$255,438.40 and amending Purchase Order 93-65238; and consider authorizing the City Manager to sign a lease purchase agreement with Transocean Funding, Inc., for \$294,688.00 for financing of the fire apparatus.

(Report with agenda. Resolution authorizing purchase of a second fire apparatus; resolution authorizing City Manager to sign lease-purchase agreement; and resolution amending budget needed.)

ACTION: Res. 93-405 adopted authorizing purchase.
Res. 93-406 adopted approving lease-purchase agreement.
Res. 93-407 adopted amending the budget. (Finance to handle)

CONSENT

10. Consider acceptance of Glen Wilson Trucking, Inc.'s contract for the rip rap repair at storage ponds on Jennings Road and authorize City Clerk to file Notice of Completion. (Original contract: \$24,979.50)
(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: \$45,774.49. Funds are budgeted.)

ACTION: Res. 93-408 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

11. Consider approving a request from National Med, Inc., to install a mid-block crosswalk across Ardmor Avenue 205 feet north of Orangeburg. A marked crosswalk and warning signs have been requested to provide notification to Ardmor motorists to expect pedestrians crossing Ardmor Avenue between the main National Med office on the east side and the new office annex on the west side of Ardmor Avenue.
(Report with agenda. A mid-block crosswalk installation is recommended as requested across Ardmor Avenue 205 feet north of Orangeburg. The crosswalk would enhance safety for pedestrians crossing between National Med offices. Resolution authorizing mid-block crosswalk needed.
Estimated cost: \$600. Funds are budgeted.)

ACTION: Res. 93-409 adopted authorizing mid-block crosswalk. (P/W to handle)

CONSENT

12. 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: \$31,072. Funds are budgeted.)

ACTION: Res. 93-410 adopted approving agreement. (Police to handle)

Item 13 was taken up before Item 5.

13. Consider establishing intent to name a park in Village I the Mary E. Grogan Community Park.
(Report with agenda. Resolution establishing intent needed.)

ACTION: Res. 93-411 adopted (Bird/Patterson, unan.) establishing intent. (P/R to handle)

CONSENT

14. Consider Culture Commission recommendation to establish the honorary non-salaried position of "The Poet Laureate of the City of Modesto."
(Report with agenda. Resolution establishing position needed.)

ACTION: Res. 93-412 adopted establishing position. (P/R to handle)

CONSENT

15. Consider authorizing request for proposals for engineering services for grit chamber construction.
(The existing grit removal equipment at the Wastewater Treatment Plant is deteriorated and in need of replacement. The consultant will be required to design an aerated grit collection chamber at the primary treatment facility. Report with agenda. Motion authorizing request for proposals needed. Estimated cost: \$169,000. Funds are budgeted.)

ACTION: By motion, authorized request for proposals. (P/W to handle)

CONSENT

16. Consider approving appropriation transfer in the amount of \$50,000 to fund balance of settlement to Hackett Environmental Systems, Inc., which provided construction of Creekside Golf Course.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-413 adopted approving appropriation transfer. (Finance to handle)

CONSENT

17. Consider accepting the findings of the Environmental Assessment Committee for extension of sanitary sewer trunks through Village One, and consider approving an agreement with DeLaMare-Fultz Engineering and Surveying for engineering design of sewer trunks.
(Report with agenda. Development in Village One may be encouraged if the City proceeds with design and construction of the sewer trunks. Negotiations have been completed with DeLaMare-Fultz and the firm is ready to begin engineering design as soon as the agreement is authorized and executed. Resolution accepting findings of E.A. Committee needed, and resolution approving agreement needed. Estimated cost: \$76,500 (contract \$69,500; contingencies \$7,000). Funds are budgeted.)

ACTION: Res. 93-414 adopted accepting findings of E.A. Committee.
Res. 93-415 adopted approving agreement. (P/W to handle)

CONSENT

18. Consider approval of final map of Laurel Heights - Phase 2 subdivision of the City of Modesto and consider accepting the improvements. (Owners David and Susan Schwartz and T & L Holding, Inc.
(Report with agenda. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Laurel Heights - Phase 2 subdivision is located on the north side of Laurel Street, west of Martin Luther King Drive. It contains 0.373 acre. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 93-416 adopted approving final map. (Clerk to handle)

Councilmember Patterson excused at 4:55 p.m. for 10 minutes.

19. Consider amending agreement with Vail Engineering for consultant services for Village One Financing Plan, and consider approving appropriation transfer in the amount of \$15,000.
(Report with agenda. Resolution approving amendment to agreement needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 93-417 adopted (Cogdill/Lang, unan., Patterson absent) approving amended agreement.
Res. 93-418 adopted (same vote) approving appropriation transfer.
(Planning/Finance to handle)

WRITTEN COMMUNICATIONS

20. Letter from STANCO affordable Housing Corporation and the Maze Boulevard Christian Church requesting a waiver of Capital Facilities Fees for a 38-unit low income senior citizens complex to be developed at 725 Maze Boulevard.

ACTION: By motion (Friedman/Muratore, majority, - Bird-no) request denied.

MISCELLANEOUS

Appointments

21. a. Human Relations Commission

ACTION: Res. 93-419 adopted (Muratore/Patterson, unan.) appointing Earl Howard and Susan Middleton Keirn.

- b. Board of Building Appeals

ACTION: Res. 93-420 adopted (Muratore/Patterson, unan.) appointing Fred Satariano and James Aja.

- c. Tuolumne River Regional Park Citizens Advisory Committee

ACTION: Res. 93-421 adopted (Muratore/Patterson, unan.) appointing Margaret Leaman.

Reappointments

- e. Citizens Housing and Community Development Committee

ACTION: Res. 93-422 adopted (Muratore/Patterson, unan.) reappointing Virginia Gleser.

f. Housing Rehabilitation Loan Committee

ACTION: Res. 93-423 adopted (Muratore/Patterson, unan.) reappointing Linda McDaniel.

g. Neighborhood Advisory Committee #3

ACTION: Res. 93-424 adopted (Muratore/Patterson, unan.) reappointing William Covey.

h. Housing Maintenance and Counseling Committee

ACTION: Res. 93-425 adopted (Muratore/Patterson, unan.) reappointing Councilmember Stan Dobbs.

(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

22. (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

23. Closed session regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, pursuant to Government Code Section 54957.6.

ADJOURNMENT

Adjourned to closed session at 5:28 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 2:30 p.m. on Tuesday, July 20, 1993, at Mallard's Inn, 1720 Sisk Road, Modesto, California.

Present: Councilmembers Bird, Friedman, Muratore, Patterson, Mayor Lang

Councilmember Patterson arrived at 2:30 p.m.

Councilmember Bird arrived at 2:50 p.m.

Absent: Councilmembers Cogdill, Dobbs

The Council met with the Board of Directors and members of the Four County Chapter of the California Restaurant Association to discuss the City of Modesto's smoking ordinance.

The meeting adjourned at 4:00 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

7-20-93



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, July 20, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

Absent: Councilmember Dobbs

Reports of activities and studies were made by the Chairs of the Community Development and Housing Committee; Financial Policy Committee; Human Services Committee, and Public Safety Committee.

The meeting adjourned at 7:28 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

7-20-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 20, 1993 , AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
Councilmember Dobbs arrived at 10:30 p.m. during closed session.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. John Krueger, Grace Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 10, 11, 12, 13, 15, 16, 17

ACTION: (Friedman/Bird, unan., Dobbs 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

Exchange students and chaperons being sponsored by the International Friendship Committee on a trip to Kurume, Japan were introduced.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of July 13, 1993.

ACTION: By motion, minutes approved.

3. ORAL COMMUNICATIONS

(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.)

Louis Mace spoke about a wall along Briggsmore.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2862-C.S. amending Section 21-3-9 of the Zoning Map to rezone from R-2, Medium Density Residential Zone, to Professional Office Zone, P-0, property located on the north side of East Orangeburg Avenue between Nelson and Melrose Avenues.

ACTION: By motion, Ord. No. 2862-C.S. adopted. (Clerk to handle)

5. Consider authorizing Public Works and Transportation Department staff to negotiate a contract with Pacific Media Group (PMG) to provide advertising services for the City's public transit systems; and consider Palmer and Associates' protest of the recommended contract.

(Report and protest letter with agenda. The City/County Joint Transportation Committee recommends that Pacific Media Group be awarded a one-year contract with two one-year renewal options. This is to be a joint contract with Stanislaus County (Transit). If approved by the City Council, staff will negotiate an agreement with Pacific Media Group and return for

7/20/93

Council approval at a later date. The contract amount is anticipated to be about \$50,000 from the City and \$65,000 from the County on an annual basis. Palmer and Associates, one of the proposers for the contract, is protesting the contract award at the City Council level because its protest was denied at the staff level. Motion authorizing staff to negotiate agreement and denying the protest of Palmer and Associates is needed. Funds are budgeted. Continued from the July 13, 1993 Council meeting)

ACTION: By motion (Cogdill/Lang, unan., Dobbs absent) staff authorized to negotiate agreement, and protest of Palmer and Associates denied.

HEARINGS

6. Hearing to consider parking fee increases on 17 municipal off-street parking facilities and operational changes on two parking lots.

ACTION: Res. 93-426 adopted (Muratore/Friedman, unan., Dobbs absent) approving recommendations. (P/W to handle)

7. Hearing to consider approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions No. 1-6.

ACTION: Res. 93-427 adopted (Muratore/Friedman, unan., Dobbs absent) confirming the diagram and assessments and levying assessments. (P/W to handle)

8. Hearing to consider approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions No. 7-10.

ACTION: Res. 93-428 adopted (Muratore/Friedman, unan., Dobbs absent) confirming the diagram and assessments and levying assessments. (P/W to handle)

9. Hearing to consider the appeal of Jeffrey and Mary Morey for a variance to allow a fourth-car garage addition to encroach into the 15-foot setback from Floyd Avenue, property located at 2520 Boston Way, on the east side of Boston way, south of Floyd Avenue and west of Roselle Avenue.

ACTION: A motion to approve the variance failed to carry (Cogdill/Lang, Friedman, Muratore and Patterson-no, Dobbs absent).

BIDS

CONSENT

10. Consider approving specifications and authorizing call for bids to be opened August 9, 1993, at 11:00 a.m., for furnishing a maintenance management system.
(Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: \$59,420. Funds are budgeted.)

ACTION: Res. 93-429 adopted calling for bids.
(Finance to handle)

CONSENT

11. Consider awarding contract to Howk Systems for furnishing annual pump repair services for ground water pumping stations for approximately \$100,000 per year, and authorizing the City Manager to sign an agreement for annual pump repair services for up to three years (3) with Howk Systems.
(Report with agenda. Resolution awarding contract, and resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 93-430 adopted awarding contract.
Res. 93-431 adopted approving agreement.
(Finance to handle)

NEW BUSINESS

CONSENT

12. Consider approving Tax and Revenue Anticipation Notes for FY 93-94 in an amount not to exceed \$9 Million and authorizing the City manager to execute agreement with Evensen Dodge Inc. for financial advisory services.
(Report with agenda. Resolution approving Tax and Revenue Anticipation Notes needed, and resolution approving agreement with Evensen Dodge, Inc. needed.)

ACTION: Res. 93-432 adopted approving Tax and Revenue Anticipation Notes.
Res. 93-433 adopted approving agreement.
(Finance to handle)

CONSENT

13. Consider amending Resolution 92-168 for reclassification of Property Tax Assessment Payoff Calculation Fee to include payoff calculations of real property liens not an assessment on the property tax roll.
(Report with agenda. Resolution reclassifying Property Tax Assessment Payoff Calculation Fee and amending Resolution 92-168 needed.)

7/20/93

ACTION: Res. 93-434 adopted reclassifying Property Tax Assessment Payoff Calculation Fee and amending Resolution No. 92-168. (Finance to handle)

14. Consider adoption of Phase II of the Fiscal Year 1993-94 Annual Budget. (Report with agenda. Resolution amending the budget needed.)

ACTION: Res. 93-435 adopted (Patterson/Bird, unan., Dobbs absent) amending the budget. (Finance to handle)

CONSENT

15. Monthly Treasurer's Report for June, 1993. (Report with agenda. Motion accepting report needed.)

ACTION: By motion, report accepted.

CONSENT

16. Consider proclaiming Tuesday, August 3, 1993, as "National Night Out" in Modesto. (Report with agenda. Resolution supporting "National Night Out 1993" needed.)

ACTION: Res. 93-436 adopted supporting "National Night Out". (Police to handle)

CONSENT

17. Consider approving an Interagency agreement with the Stanislaus County Redevelopment Agency for the installation of sanitary sewer collection facilities in the Bret Harte Neighborhood. (The Agency has received a \$3 million loan from the State to construct the project. The agreement details each jurisdictions' responsibility in the project. Report with agenda. Resolution authorizing the City Manager to execute the agreement needed.)

ACTION: Res. 93-437 adopted approving agreement. (P/W to handle)

WRITTEN COMMUNICATIONS

18. Letter from Rickey Hunter regarding traffic problems on Floyd Avenue.

ACTION: By order of the Chair, this matter referred to the Council Transportation Committee. (P/W to handle)

7/20/93

19.

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

CLOSED SESSION

20. a. Closed session pursuant to Government Code Section 594956.9(c) to confer with or receive advice from legal counsel when, based upon existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.
- b. Closed session pursuant to Government Code Section 594956.9(c) to confer with or receive advice from legal counsel when, based upon existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation

ADJOURNMENT

The meeting adjourned to closed session at 10:03 p.m.

ATTEST:


NORRINE COYLE City Clerk

7/20/93



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, July 27, 1993, in the Mayor's Office at City Hall, 801 11th Street, Modesto, California, for a closed session.

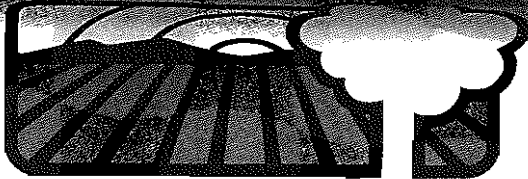
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

The Council held a closed session to consider evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

ATTEST: Norrine Coyle
NORRINE COYLE, CITY CLERK

7-27-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 27, 1993 , AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 5, 6, 7, 8, 9,
10, 11

ACTION: (Dobbs/Bird, unan.)

(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.

7/27/93



1. ACKNOWLEDGEMENTS AND PRESENTATIONS

The City Manager introduced Kevin Riper, newly appointed Director of Finance.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular Council meetings of July 20, 1993.

ACTION: By motion, minutes approved.

3. ORAL COMMUNICATIONS

(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.)

Pete Kolf spoke about disposition of the P.E.R.S. rebate.

4. HEARINGS

Hearing on amendment to Section 26-3-9 of the Zoning Map of the City of Modesto to rezone from R-3, Medium-high Density Residential Zone and C-2, General Commercial Zone, to Planned Development Zone, P-D, to allow expansion of the California Equipment Rental establishment to include a trailer-haul, concrete mixing facility, property located at 2443 Yosemite Boulevard, on the north side of Yosemite Boulevard, west of N. Riverside Drive.

ACTION: By motion (Dobbs/Bird, unan.) Ord. No. 2863-C.S. introduced.
Res. 93-438 adopted (same vote) approving plan.
Res. 93-439 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

5. Consider declaring American Building Maintenance low responsive and responsible bidder on and authorizing the purchase of janitorial services for the Centre Plaza and

7/27/93

Centre Plaza garage.
(Report with agenda. Resolution awarding bid needed.
Estimated Cost: \$34,948. Funds are budgeted.)

ACTION: Res. 93-440 adopted awarding bid. (Finance to handle)

CONSENT

6. Consider declaring Crafc0, Inc. low bidder and authorizing the purchase of one melter applicator.
(Report with agenda. Resolution awarding bid needed.
Estimated cost: \$22,299.08. Funds are budgeted.)

ACTION: Res. 93-441 adopted awarding bid. (Finance to handle)

CONSENT

7. 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 1993-94.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated Cost: \$755,975.00. Funds are budgeted.)

ACTION: Res. 93-442 adopted waiving formal bid procedures.
(finance to handle)

CONSENT

8. Consider declaring as surplus and authorizing the sale of surplus property accumulated by the City of Modesto at two auctions to be conducted by Roger Ernst & Associates, at various locations, on August 7 and 9, 1993.
(Report with agenda. Resolution declaring surplus property and authorizing public auction needed.)

ACTION: Res. 93-443 adopted declaring surplus property and authorizing public auction. (Finance to handle)

NEW BUSINESS

CONSENT

9. Consider amending the 1993-94 FY Budget to estimate and appropriate revenues and expenditures to administer parking citation hearings.
(Report with agenda. Resolution amending the budget needed.)

ACTION: Res. 93-444 adopted amending the budget.
(Finance to handle)

CONSENT

10. Consider approving a grant offer for federal funds in the amount of \$409,950 to complete the Airport's FY 1993-94 Capital Improvement projects, and authorizing the City Manager

7/27/93

to sign the grant offer on behalf of the City.
(Report with agenda. Resolution approving grant offer needed.
City/County cost: \$45,550. Funds are budgeted.)

ACTION: Res. 93-445 adopted approving grant offer.
(P/W to handle)

CONSENT

11. Consider a Request for Proposals for the selection of a system vendor for the Advanced Traffic Management System (ATMS) Project.
(Report with agenda. The selection of the system vendor is part of the ATMS project. The system vendor will install the system hardware and software. Caltrans has authorized \$309,855 of Congestion Management and Air Quality (CMAQ) funds. The City's match of \$40,145 is budgeted. A resolution authorizing staff to request proposals is needed. Estimated Cost: \$350,000.)

ACTION: Res. 93-446 adopted authorizing staff to request proposals.
(P/W to handle)

MISCELLANEOUS

Appointments

12. Appointment to the Redevelopment Advisory Commission.

ACTION: Res. 93-447 adopted (Dobbs/Muratore, unan.) appointing Tom Slater.
(Clerk to handle)

13. 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.)

ACTION: By motion (Patterson/Friedman, unan.) it was determined that the need to hold a closed session concerning Del Este Water Company, pursuant to Government Code Section 54956.9(a) arose after the agenda was printed.

ADJOURNMENT

The meeting adjourned to closed session at 4:25 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

7/27/93



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

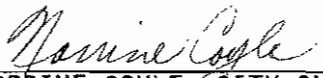
The Council of the City of Modesto met in a special session at 7:00 p.m. on Tuesday, August 3, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

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

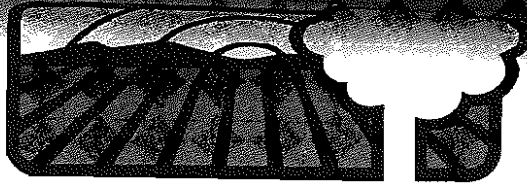
Absent: Councilmember Patterson

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

The meeting adjourned at 7:25 p.m.

ATTEST: 
NORRINE COYLE, CITY CLERK

8-3-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 3, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Guy Grimes, Orangeburg Avenue Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 10, 11, 12,
14, 15

ACTION: (Muratore/Friedman, unan.)

(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 July 27, 1993.
(Motion approving needed.)

ACTION: By motion, minutes approved.

3.

ORAL COMMUNICATIONS

(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.)

Bruce Frohman discussed electric car charging centers.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2863-C.S. amending Section 26-3-9 of the Zoning Map to rezone from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(495), property located on the north side of Yosemite Boulevard, west of North Riverside Drive (California Equipment Rental).
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2863-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for a project entitled "Barscreen Replacement".
(Suggested bid opening: September 2, 1993 at 11:00 a.m. This project replaces the barscreens, motors and electrical service at the primary wastewater treatment facility. Report with agenda. Resolution approving plans and specifications and calling for bids needed.
Estimated Cost: \$779,000 (\$734,00 Contract; \$45,000 Constr. & Admin.)
Funds are budgeted.)

ACTION: Res. 93-448 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider declaring Country Ford Trucks, Inc. and Folsom Lake Ford low bidders and authorizing the purchase of one van with aerial lift and three midsize pickup trucks with extended cab from Country Ford Trucks, Inc.; and one pickup truck with extended cab, cab and chassis, one 3/4 ton pickup truck, and two 3/4 ton pickup trucks with electro-hydraulic dump, from Folsom Lake Ford for a combined total price of \$126,679.42.

(Report with agenda. Resolution awarding bid to Country Ford Trucks, Inc. and resolution awarding bid to Folsom Lake Ford needed. Funds are budgeted.)

ACTION: Res. 93-449 adopted awarding bid to Country Ford Trucks.
Res. 93-450 adopted awarding bid to Folsom Lake Ford.
(Finance to handle)

CONSENT

7. Consider acceptance of Shan-Lyn Construction, Inc.'s contract for the Modesto City-County Airport Terminal Building Expansion as complete and authorize City Clerk to file Notice of Completion. Original contract: \$1,359,000.
(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 as complete needed. Final Cost: \$1,561,305.37. Funds are budgeted.)

ACTION: Res. 93-451 adopted accepting as complete. (Clerk to handle)

CONSENT

8. Consider waiving formal bid requirements and declaring Bibens Nursery Company, Continental Landscape, Inc., Environmental Care, Inc., and Grover Landscaping, Inc. low responsive and responsible bidders on, and authorize the City Manager to sign agreements with the vendors for furnishing landscape maintenance services.
(Report with agenda. Resolution awarding bid needed. Estimated Cost: \$43,212.00. Funds are budgeted.)

ACTION: Res. 93-452 adopted awarding bids. (Finance to handle)

NEW BUSINESS

9. Consider designating voting delegate and voting alternate for League of California Cities Annual Conference to be held October 16 through October 19, in San Francisco, California.
(Motion designating needed.)

ACTION: By motion (Patterson/Dobbs, unan.) Mayor Lang and Vice Mayor Cogdill were designated delegate and alternate.
(Clerk to handle)

CONSENT

10. Consider implementation of Public Works and Transportation Management Audit recommendation relating to Building Services Division.
(Report with agenda. Resolution amending the annual budget for 1993-94 FY needed.)

ACTION: Res. 93-453 adopted amending the budget. (P/R, Finance to handle)

CONSENT

11. Consider adoption of a Hardship Acquisition Policy.
(Report with agenda. The Community Development and Housing Committee has approved a draft policy giving the Council some parameters to use

when evaluating requests for hardship acquisition. Resolution approving policy needed.)

ACTION: Res. 93-454 adopted adopting Hardship Acquisition Policy. (P/R to handle)

CONSENT

12. Consider acquisition of Kilgore property.
(Report with agenda. Motion directing staff to negotiate acquisition of property needed, contingent upon property owner meeting criteria of Hardship Acquisition Policy.)

ACTION: By motion, staff directed to negotiate acquisition of property. (P/R to handle)

13. Consider Honey Bee Estates/County Redevelopment Agency request for exemption/deferral of Capital Facilities Fees for 15 units of very low, low, and moderate-income, single-family housing in Empire (Modesto Sphere).
(The developer of Honey Bee Estates, a proposed low-income subdivision in Modesto's Sphere (Empire) has requested an exemption/deferral of Capital Facilities Fees. The County Redevelopment Agency has granted an exemption and has requested Modesto also grant a low-income housing exemption. Resolution deferring Capital Facilities Fees, a motion setting maximum number of exemptions/deferrals for residential projects at 2%, and resolution approving an agreement with the County Redevelopment Agency needed.)

ACTION: Res. 93-455 adopted (Friedman/Patterson, unan.) deferring Capital Facilities Fees.
By motion (same vote) adopted an administrative guideline regarding maximum number of exemptions/deferrals of Capital Facilities Fees for residential projects.
Res. 93-456 adopted (same vote) authorizing the City Manager to sign an agreement with the County Redevelopment Agency for administration, to include Agency reimbursement of full City Capital Facilities Fees even in the event of foreclosure of any property. (Planning to handle)

CONSENT

14. Consider Fiscal Year 1993-94 Memorandum of Understanding between City of Modesto and the Modesto City Employees' Association.
(Report with agenda. Resolution approving Memorandum of Understanding needed.)

ACTION: Res. 93-457 adopted approving Memorandum of Understanding. (Personnel to handle)

WRITTEN COMMUNICATIONS

CONSENT

15. Letter from Albert L. Thompson, resigning from the International Friendship Committee.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-458 adopted accepting resignation. (Clerk to handle)

16. Letter from Marc Anthony Carter regarding denial of issuance of a dance permit for his 11th Street Lounge.

No action taken.

17. 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

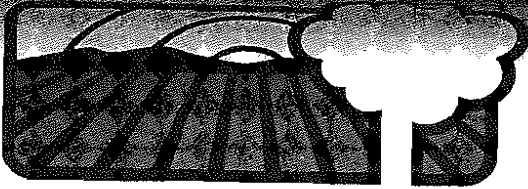
18. CLOSED SESSION

- a. Closed session to consider evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.
- b. Closed session to confer with or receive advice from legal counsel regarding pending litigation regarding the case of City of Modesto vs. LAFCO, pursuant to Section 54956.9(a).
- c. Closed session to confer with or receive advice from legal counsel regarding pending litigation regarding the case of City of Modesto vs. Del Este Water Company and California Water Service Company, pursuant to Section 54956.9(a).
- d. Closed session to confer with or receive advice from legal counsel regarding pending litigation regarding the case of V.O. & Associates vs. City of Modesto, pursuant to Section 54956.9(a).

ADJOURNMENT

The meeting adjourned at 7:57 p.m. to closed session.

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 10, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Wayne Bridegroom, Cental Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9, 10, 15,
16

ACTION: (Bird/Dobbs, unan.)

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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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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation of Distinguished Service Awards to Robert DeGrasse and Sherre Wong for service on the Board of Building Appeals.
Mayor Lang presented the service awards.
- b. John Bree presented gifts from Kuruma, Japan.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of August 3, 1993.
(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

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for Zeff Road street improvements at Tank No. 3.
(Suggested bid opening: September 2, 1993, at 11:05 a.m. This project is needed to fulfill the parcel map requirements for the map filed when the City purchased the property for water storage tank No. 3. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$65,684.85 (contract \$59,713.50; const. admin. & cont. \$5,971.35) Funds are budgeted.)

ACTION: Res. 93-459 adopted calling for bids. (P/W to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for upgrading airport runway 28R-10L electrical regulator.
(Suggested bid opening: September 9, 1993, at 11:05 a.m. This project will replace the regulator that supplies electrical current for the runway 28R-10L high intensity edge lighting, the distance remaining signs, and the holding position signs. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$53,110 (contract \$47,000; const. admin. & cont. \$6,110) Funds are partially budgeted. At the time of award when exact amount needed

ACTION: Res. 93-460 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for installation of waterlines in Teresa-Tebbutt area.
(Suggested bid opening: September 9, 1993, at 11:10 a.m. The waterlines in the Teresa-Tebbutt area are old and too small to meet the current standards. New waterlines will provide better pressure and more reliable service. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$278,024 (contract \$246,154; const. admin. & cont. \$31,870) Funds are partially budgeted. At the time of award when exact amount needed is known, an appropriation transfer will be requested.)

ACTION: Res. 93-461 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for grade crossing improvements at Whitmore Avenue and Union Pacific Railroad Crossing".
(Suggested bid opening: September 9, 1993, at 11:15 a.m. This project will widen the north side of the Whitmore Avenue at the grade crossing with the Union Pacific Railroad. New railroad signalization safety equipment is existing and awaiting the roadway improvements. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$59,800 (contract \$52,000; const. admin. & cont. \$7,800) Funds are budgeted.)

ACTION: Res. 93-462 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider declaring United States Elevator Corporation low bidder for furnishing elevator maintenance service for \$23,856.
(Report with agenda. Resolution declaring United States Elevator Corporation low bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 93-463 adopted awarding bid. (Finance to handle)

CONSENT

9. Consider acceptance of the contract of Allen Waggoner Construction, Inc. for the Linden Avenue, Martin Luther King Boulevard and Laurel Avenue storm drain extension as complete and authorize City Clerk to file Notice of Completion.
(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. Report with agenda. Resolution accepting work as complete needed. Final cost: \$54,191.30. Funds are budgeted.)

ACTION: Res. 93-464 adopted accepting as complete. (Clerk to handle)

CONSENT

10. Consider waiving formal bid procedures and authorize City Manager to sign a renewable annual agreement for Broker of Record services for employee group insurance coverages from A. S. Benz & Associates for the total cost of \$31,000.
(Report with agenda. Resolution waiving formal bid procedures and approving agreement for services needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 93-465 adopted waiving formal bid procedures.
Res. 93-466 adopted approving agreement. (Finance to handle)

NEW BUSINESS

11. Consider accepting a report from the Community Qualities Forum recommendations on Solid Waste Programs as mandated by Assembly Bill 939. (Report with agenda. Motion accepting recommendations needed.)

ACTION: By motion (Friedman/Muratore, unan.) acknowledged receipt of report.

12. Consider authorizing implementation of a pilot program for the collection of residential yard waste/commingled recyclables - refuse.
(Report with agenda. Motion authorizing implementation needed. Estimated cost: \$2,000. Funds are budgeted.)

Dropped from agenda.

13. Consider amending Modesto Municipal Code relating to Landmark Preservation Contracts.
(Report with agenda. The Landmark Preservation Commission has made the recommendation that the Mills Act Ordinance, the only State financial incentive provided for historic preservation, be adopted for the City of Modesto. Introduction of ordinance needed.)

ACTION: By motion (Muratore, Bird, unan.) Ord. No. 2864-C.S. introduced.
(Clerk to handle)

14. Consider authorizing issuance of revenue bonds in an amount not to exceed \$9,000,000 for the purpose of financing the acquisition, construction, and development of 1993 wastewater system improvement projects and authorizing City Manager to execute an agreement with Public Financial Management, Inc., for financial advisory services.
(Resolution authorizing issuance of revenue bonds needed, and resolution approving agreement with Public Financial Management, Inc. needed.)

ACTION: Res. 93-467 adopted (Patterson/Cogdill, unan.) authorizing issuance of revenue bonds.
Res. 93-468 adopted (same vote) approving agreement.
(Finance to handle)

CONSENT

15. Consider approving lease agreement with Modesto Cellular Partnership for the lease of 1,820 square feet of Davis Park to locate a cellular telephone antenna in Davis Park.

(Report with agenda. Resolution approving Lease agreement needed.)

ACTION: Res. 93-469 adopted approving Lease agreement.(Attorney to handle)

WRITTEN COMMUNICATIONS

CONSENT

16. Letter of resignation from the Citizens Advisory Committee on Recycling from Dennis V. Jackman.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-470 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Appointments

17. Citizens Housing and Community Development Committee

ACTION: Res. 93-471 adopted (Patterson/Friedman, unan.) appointing Margie Lee. (Clerk to handle)

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.)

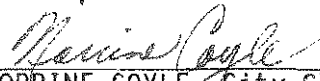
None

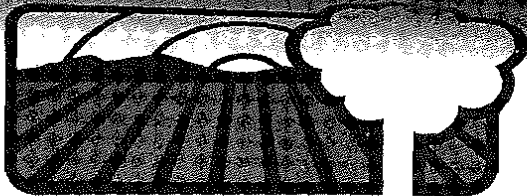
CLOSED SESSION

19. a. Closed session regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of represented and unrepresented employees, pursuant to Section 54957.6 of the Government Code.
- b. Closed session to consider the evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

ADJOURNMENT

The meeting adjourned to closed session at 4:45 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

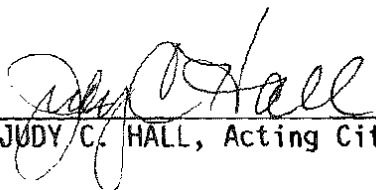
The Council of the City of Modesto met in a special session at 7:00 p.m. on Tuesday, August 17, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

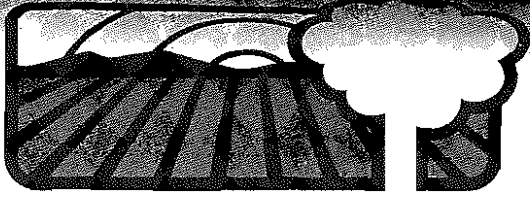
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

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

The meeting adjourned at 7:27 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, AUGUST 17, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 9, 10, 11, 12,
13, 14, 15, 16

ACTION: (Friedman/Dobbs, unan.)

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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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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Item 18 taken up at this time.

ACTION: By motion (Bird/Friedman, unan.) it was established that need to take action arose subsequent to publishing the agenda.

Mayor presented letters of congratulations to members of the Modesto Babe Ruth Baseball Team for becoming Pacific Southwest Regional Champions and their attendance at Babe Ruth World Series in New Jersey; and introduced members of the team.

ACTION: Res. 93-472 adopted (Bird/Friedman, unan.) approving financial assistance in the amount of \$2,000 for the Modesto Babe Ruth Baseball Team to attend series in New Jersey.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 10, 1993.
(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

CONSENT

4. Final adoption of Ordinance No. 2864-C.S. relating to Landmark Preservation Contracts.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2864-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider abandonment of Ruffino Avenue and portion of DeHarro Street right of way. (Modesto Gospel Mission)
(This hearing not to be held. To be rescheduled at a later date.)

No action taken.

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6. Hearing to consider an amendment to Section 30-3-9 of the Zoning Map to rezone from R-1 to P-D(496) to allow a 38-unit elderly housing complex, property located on the north side of Maze Boulevard, west of Modesto Irrigation Lateral No. 5. (Modesto Senior Housing Investors)

ACTION: By motion (Dobbs/Patterson, majority, Cogdill, Muratore-no) Ord. No. 2865-C.S. introduced.
Res. 93-473 adopted (same vote) approving plan.
Res. 93-474 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

7. Hearing to consider report of work and cost of construction of improvements along certain alleys in the City of Modesto as follows:

Commercial

Block 37 6th Street - 7th Street/L Street - M Street

Residential

Block 2130 Rosina Ave. - Severin Ave./Encina Ave. - Roble Avenue

Block 6736 Mt. Vernon Dr. - Durant Street/College Ave. - Katherine Ave.

Block 6828 Northgate Dr. - Fleetwood Dr./Fremont Ave. - Dorrington Ct.

ACTION: Res. 93-475 adopted (Dobbs/Friedman, unan.) confirming report of work and cost of construction of improvements, and directing method of collection of assessments. (Clerk to handle)

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement.
(Suggested bid opening: September 16, 1993, at 11:00 a.m. This existing concrete canal crossing was built in the 1940's. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$249,730 (contract \$221,000; const. admin. & cont. \$28,730) Funds are budgeted.)

ACTION: Res. 93-476 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider accepting the bid of Teichert Construction and award the contract for the rockwell replacement/addition 93/94 project, and consider approving an appropriation transfer in the amount of \$41,732. (Bids were opened August 5, 1993. The low bid of \$257,285, submitted by Teichert Construction is considered acceptable. It is recommended that

8/17/93

the contract be awarded to Teichert. Report with agenda. Resolution awarding contract needed, and resolution approving appropriation transfer needed. Estimated cost: \$290,732 (contract \$257,285; const. admin. & cont. \$33,447); Funds are partially budgeted.)

ACTION: Res. 93-477 adopted awarding contract.
Res. 93-478 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

10. Consider accepting the bid of Howell Construction, Inc. and award the contract for Senior Citizens Center wall modifications project, and consider approving appropriation transfer in the amount of \$2,500. (Bids were opened July 29, 1993. The low bid of \$27,850, submitted by Howell Construction is considered acceptable. It is recommended that the contract be awarded to Howell Construction. Report with agenda. Resolution awarding contract needed, and resolution approving appropriation transfer needed. Estimated cost: \$32,038 (contract \$27,859; const. admin. & cont. \$4,179) Funds are partially budgeted.)

ACTION: Res. 93-479 adopted awarding contract.
Res. 93-480 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

11. Consider awarding bid for furnishing and installing four automatic valve actuators to Bay Valve Service and Engineering, and authorize the purchase and installation of an additional seven valve actuators for a total price of \$38,574.36. (Report with agenda. The purchasing staff negotiated with the low bidder for total automatic valve actuators needed to complete phase 1, 2 and 3 of the project. Resolution awarding bid to Bay Valve Service and Engineering and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 93-481 adopted awarding bid. (Finance to handle)

CONSENT

12. Consider awarding bid for various size water meters to Badger Meter, Inc., Frank Olsen Company, Groeniger and Company, and Kent Meters, Inc. for a total cost of \$564,000. (Report with agenda. Resolution awarding bid needed. Funds are budgeted.)

ACTION: Res. 93-482 adopted awarding bid. (Finance to handle)

NEW BUSINESS

CONSENT

13. Capital Facilities Fee Annual Summary Report. (Report with agenda. Each year the Council is required to review certain items in the Capital Facilities Fee Funds pursuant to 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.

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CONSENT

14. Consider approving implementation of new Modesto Area Express/MAX service to Empire and approving an amendment to the existing City-County agreement for public transit services cost sharing to provide for County funding of this service.
(Report with agenda. The new service would start August 30, 1993, to coincide with the first day of school. Five round trips per day would be provided between the main transfer point downtown and Empire, utilizing a mix of MAX and Stanislaus County Transit buses. The amendment to the City-County transit services cost sharing agreement provides for the County to pay the City's full cost of operating the service. Motion approving implementation of new service to Empire needed, and resolution approving amendment to agreement needed. Estimated cost: \$36,000 fully covered by Stanislaus County.)

ACTION: By motion, approved implementation of new service to Empire.
Res. 93-483 adopted approving amendment to agreement.
(P/W to handle)

CONSENT

15. Consider approving an amendment to an agreement with Empire Union School District relating to the acquisition of the Garst Road school and park site, and consider approving an appropriation transfer in the amount of \$14,897.
(Report with agenda. Resolution approving agreement needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 93-484 adopted approving agreement.
Res. 93-485 adopted approving appropriation transfer.
(P/R to handle)

CONSENT

16. Consider amending and superseding City Council Resolution No. 91-513 ordering the Whitmore-Gutherie Reorganization to now accept Whitmore Avenue into the City street system.
(Report with agenda. Resolution amending and superseding Res. No. 91-513 needed.)

ACTION: Res. 93-486 adopted superseding Res. 91-513 and ordering Reorganization.
(Atty/Clerk to handle)

- 16A. Review of proposed response to Stanislaus County Civil Grand Jury's Final Report for 1992-93.
(Motion authorizing submission of proposed report needed. To be distributed Monday.)

ACTION: By motion (Patterson/Friedman, unan.) submission of report authorized reflecting on page six that the recommendation to modify current Utility Users Tax to extend refund period and delete cap did not pass.
(Manager to handle)

8/17/93

MISCELLANEOUS

Appointments

17. Community Qualities Forum

ACTION: Res. 93-487 adopted (Friedman/Cogdill, unan.) appointing Maria Hatch, Kathleen Morgan, Peter Dutton and Betty Inclan to the Community Qualities Forum.

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.)

Taken up at the beginning of the meeting

ADJOURNMENT

The meeting adjourned at 8:35 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, AUGUST 24, 1993, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Friedman, Muratore,
Patterson

Absent: Dobbs, Mayor Lang

Pledge of Allegiance to the Flag

Invocation: Councilmember Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 9, 11, 12, 13, 14

Removed from consent: 10

Dropped from agenda: 4

ACTION: (Friedman/Bird, unan., Dobbs, Mayor Lang 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 August 17, 1993.
(Motion adopting 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. 2865-C.S. rezoning from R-1 to P-D(496), property located on the north side of Maze Boulevard west of M.I.D. Lateral No. 5 (Modesto Senior Housing Investors).
(Motion adopting needed.)

Dropped from agenda.

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for reroofing Airport Hangar No. 1.
(Suggested bid opening: September 16, 1993, at 11:00 a.m. Airport Hangar No. 1 currently has three layers of roofing on it and leaks badly. This project will replace the existing roof system with a single ply roofing system. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$73,300 (contract \$65,000; const. admin. & cont. \$8,300) Funds are partially budgeted. An appropriation transfer will be requested at time of award of contract when exact amount needed to construct the project is known.)

ACTION: Res. 93-488 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for Scenic Drive street widening east of Oakdale, and consider certifying Negative Declaration findings by the Environmental Assessment Committee. (Suggested bid opening: September 16, 1993, at 11:05 a.m. This project will widen Scenic Drive east of Oakdale to ultimate width. Report with agenda. Resolution approving plans and specifications and call for bids and certifying Negative Declaration needed. Estimated cost: \$80,559.76 (contract \$71,291.83; const. admin. & cont. \$9,267.95) Funds are budgeted.)

ACTION: Res. 93-489 adopted calling for bids. (P/W to handle)
Res. 93-489A adopted certifying Environmental Assessment findings.

CONSENT

7. Consider acceptance of the contract of Allen A. Waggoner Construction, Inc. for the annual sewer rehabilitation project - Coldwell Avenue between Hackberry and Enslin and Helen Avenue between McHenry Avenue and Ila Way and authorize City Clerk to file Notice of Completion. (Original contract \$64,895.98)
(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: \$68,124.22 Funds are budgeted.)

ACTION: Res. 93-490 adopted accepting work as complete.
(P/W, Clerk to handle)

NEW BUSINESS

8. Consider authorizing the implementation of a pilot program for the collection of residential yard waste/commingled recyclable-refuse. (Report with agenda. Motion authorizing implementation needed. Estimated cost: \$3,000. Funds are budgeted.)

ACTION: By motion (Friedman/Patterson, unan., Dobbs, Mayor Lang absent) implementation authorized. (P/W to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

10. Consider approving agreement with Industrial Fire District for providing fire protection and emergency medical first responder service to Industrial Fire District.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-491 adopted (Patterson/Bird, unan., Dobbs, Mayor Lang absent) approving agreement.

By motion (same vote) authorized sending letter of appreciation to the Industrial Fire District and City of Ceres.

(Fire to handle)

CONSENT

11. Consider approving agreement with Pacific Media Group to provide advertising agency services to the City's public transportation services.
(Report with agenda. The agreement is for one year with two one-year extensions possible. It is anticipated that about \$50,000 will be available annually to be expended under the terms of this agreement. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 93-492 adopted approving agreement. (P/W to handle)

CONSENT

12. Consider modifying speed limits on various streets.
(Report with agenda. A total of 21 updated radar-enforceable speed limits are proposed. Introduction of ordinance needed. Estimated cost: \$1,700. Funds are budgeted.)

ACTION: By motion, Ord. No. 2866-C.S. introduced. (P/W, Clerk to handle)

CONSENT

13. Consider vacating and abandoning a portion of the alley in Block 2185 adjacent to 1850 Maria Court.
(Report with agenda. Resolution vacating and abandoning portion of alley needed.)

ACTION: Res. 93-493 adopted abandoning portion of alley. (P/W to handle)

WRITTEN COMMUNICATIONS

CONSENT

14. Letter from Faith Pincus, member of USA Owned/USA Made, sponsors of "Try American Day," requesting a resolution designating Labor Day, September 6, 1993, as "Try American Day."
(Letter and sample resolution with agenda. Resolution designating Labor Day as "Try American Day" needed.)

ACTION: Res. 93-494 adopted designating day as "Try American Day".

15. Letter from Marlene Wilson regarding sewer line problem at her residence.

ACTION: By order of the Chair, policy regarding cost sharing referred to Utility Services Committee.

MATTERS TOO LATE FOR THE AGENDA

16. (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

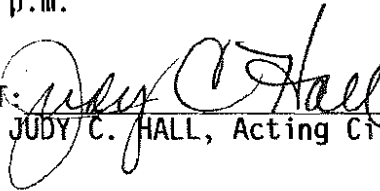
CLOSED SESSION

17. 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 litigation regarding V.O. & Associates v. City of Modesto, et al.

ADJOURNMENT

Adjourned to closed session at 5:28 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, September 7, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

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

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs of the Financial Policy Committee; Human Services Committee, and Utility Services and Franchises Committee.

The meeting adjourned at 7:24 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

9-7-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 7, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 10, 13, 14, 15,
17, 19, 22, 23, 25

Removed from consent: 18,24

ACTION: (Friedman/Bird, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 20, 21
Councilmember Muratore excused due to conflicts of interest.

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

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Acknowledgement of Neighborhood Watch Group that participated in National Night Out, 1993.

Certificates and awards were presented by Chuck Billington, Modesto Irrigation District Director, Police Chief Paul Jefferson, and Corporal David Huckaby.

- b. Acknowledgement of William Cole, Laura Cole and Cheryl Adrian, citizens involved in the rescue of Jacob Powell from Dry Creek on Monday, August 30, 1993.

Certificates were presented by Mayor Lang.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 24, 1993.
(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.)

Bill Nichols presented a 3rd place trophy won by the Modesto Babe Ruth Baseball Team in the Babe Ruth World Series.

UNFINISHED BUSINESS

4. Final adoption of Ord. No. 2865-C.S. rezoning from R-1 to P-D(496), property located on the north side of Maze Boulevard west of M.I.D. Lateral No. 5 (Modesto Senior Housing Investors).
(Motion adopting needed.)

ACTION: By motion (Dobbs/Patterson, majority, Cogdill and Muratore-no)
Ord. No. 2865-C.S. adopted. (Clerk to handle)

CONSENT

5. Final adoption of Ord No. 2866-C.S. amending the Municipal Code relating to speed limits.
(Motion adopting needed.)

ACTION By motion, Ord. No. 2866-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the Hetch Hetchy Bike Path, Phase 1.
(Suggested bid opening: October 7, 1993, at 11:00 a.m. Phase 1 will provide a meandering 8-foot wide path from Sisk Road to Shawnee Drive. Included will be street crossings, trees, and irrigation. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$202,370 (contract \$179,089; const. admin. & cont. \$23,281) Funds are budgeted.)

ACTION: Res. 93-495 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approving specifications and authorizing call for bids to be opened October 4, 1993, at 11:00 a.m. for furnishing two new street sweepers.
(Report with agenda. Resolution approving specification and call for bids needed. Estimated cost: \$262,706. Funds are budgeted.)

ACTION: Res. 93-496 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider waiving formal bid procedures and authorizing the purchase of seventeen used late model sedans and three used late model trucks from Golden Gate Auto Auction and/or Bay Cities Auto Auction or by sealed bid if the trucks are not available through the auction process.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: \$256,000. Funds are budgeted.)

ACTION: Res. 93-497 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

9. Consider designation of voting and two alternate voting delegates to the Annual Congress of Cities, December 2-5, 1993, Orlando, Florida.
(Motion designating voting and alternate voting delegates needed.)

ACTION: By motion (Muratore/Dobbs, unan.) Mayor Lang and Vice Mayor Cogdill were designated. (Clerk to handle)

CONSENT

10. Consider excusing Mayor Lang from the City Council meeting of August 24, 1993, due to his attendance at the 500th Anniversary celebration of Sister City, Khmel'nitsky, Ukraine.
(Motion excusing needed.)

ACTION: By motion, absence excused. (Clerk to handle)

11. Consider approving a list of projects and order of priorities for

submittal to SAAG for the Transportation Enhancement Activities Project (Report with agenda. SAAG will be programming \$1.8 million worth of projects to be submitted to the California Transportation Commission for approval. The City was able to get a grant of \$560,000 last year through this program. Resolution approving list of projects and priorities needed.)

ACTION: Res. 93-498 adopted (Dobbs/Patterson, unan.) approving list. (P/W to handle)

12. Report on the Business License Tax Ordinance and Policy. (Status update on the itinerant vendor business license tax. Motion acknowledging receipt of report needed.)

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

CONSENT

13. Consider authorizing appropriation transfer in the amount of \$42,900 from the Water Fund Reserve to fund new limited-term (two year) Junior Civil Engineer Position. (Report with agenda. Resolution authorizing appropriation transfer needed.)

ACTION: Res. 93-499 adopted authorizing appropriation transfer. (P/W, Finance to handle)

CONSENT

14. Consider approving amendment to Consent to Common Use Agreement with Modesto Irrigation District to allow replacement of the narrow bridge crossing on El Vecino Avenue at M.I.D. Lateral No. 4. (Report with agenda. Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 93-500 adopted approving amended agreement. (P/W to handle)

CONSENT

15. Consider approving a letter of agreement with the Federal Aviation Administration regarding emergency service at the Modesto City-County Airport. (Report with agenda. Resolution approving letter of agreement needed.)

ACTION: Res. 93-501 adopted approving agreement. (P/W to handle)

16. Consider approving the Modesto City-County Airport Noise Compatibility Program (FAR Part 150 Report) for submittal to the Federal Aviation Administration for final approval. (Report with agenda. Resolution approving report needed.)

ACTION: Res. 93-502 adopted (Dobbs/Friedman, unan.) (P/W to handle)

CONSENT

17. Consider authorizing the City Manager to execute financing agreements with property owners Cecelia Mott, Rodney Waring, Rodolfo Sandoval and Lucas Alberto for the purpose of rehabilitating their 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. Estimated cost: \$135,190 CDBG; \$151,094 HOME. Funds are budgeted.)

ACTION: Res. 93-503 adopted approving agreements. (Planning to handle)

18. Consider approving reamortization of the Community Development Block Grant loan in the amount of \$54,552 approved for Uncle Charlie's Group Home.
(Report with agenda. Resolution approving reamortization needed.)

ACTION: Res. 93-504 adopted (Patterson/Dobbs, unan.) approving reamortization. (Planning to handle)

CONSENT

19. Consider approving agreement with Senior Opportunity Service Program/Senior Nutrition Program for a grant of \$36,347 under the Community Development Block Grant Program for Fiscal Year 1993-94.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-505 adopted approving agreement. (Planning to handle)

CONSENT

20. Consider approving agreement with Community Temporary Shelter Service for a grant of \$11,136 under the Community Development Block Grant Program for Fiscal Year 1993-94 for the Housing Counseling Program.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$11,136. Funds are budgeted.)
Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 93-506 adopted (Bird/Friedman, unan., Muratore absent) approving agreement. (Planning to handle)

CONSENT

21. Consider approving agreement with Community Temporary Shelter Service for a grant of \$36,712 under the Community Development Block Grant Program for Fiscal Year 1993-94 for the Transitional Housing Program.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$36,714. Funds are budgeted.)
Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 93-507 adopted approving agreement. (Planning to handle)

CONSENT

22. Consider approving agreements with Modesto City Schools relating to the Johansen High School/Sutton Community Park site; and consider approving appropriation transfer in the amount of \$747,954 to provide for payment to the District.
(Report with agenda. The agreements relate to the following: amending agreement for land acquisition costs providing for reimbursement to District; agreement for ballfields; agreement for swimming pool; agreement for swimming pool support facility; and agreement for tennis courts. Five resolutions approving agreements needed, and resolution approving appropriation transfer needed. Estimated cost: \$2,079,905.

Funds are partially budgeted.)

ACTION: Res. 93-508 adopted amending agreement for land acquisition costs.
Res. 93-509 adopted approving agreement for use of ballfields.
Res. 93-510 adopted approving agreement regarding construction and use of swimming pool.
Res. 93-511 adopted approving agreement for swimming pool support facility.
Res. 93-512 adopted approving agreement for tennis courts.
Res. 93-513 adopted approving an appropriation transfer.
(P/R to handle)

CONSENT

23. Consider approving appropriation transfer in the amount \$75,000 for soil testing and ground survey for the Village One storm drainage system. (Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-514 adopted approving appropriation transfer.
(P/W, Finance to handle)

24. Consider approving agreement with Black & Veatch to prepare a Plant and Sanitary Collection System Master Plan and a Wastewater Revenue and Financing Plan to implement the improvements recommended by the Master Plan, and consider approving appropriation transfer for the completion of the Wastewater Treatment Master Plan, the Collection System Master Plan, the Wastewater Strategic Plan, and finance and revenue program. (Report with agenda. Resolution approving agreement needed, and resolution approving appropriation transfer needed.)

ACTION: By motion (Bird/Cogdill, unan.) this item was referred back to the Council Utilities Services and Franchises Policy Committee.
(P/W to handle)

CONSENT

25. Consider joining in an amicus brief regarding City of Alhambra v. Ikemoto.
(Report with agenda. Motion authorizing support needed.)

ACTION: By motion, support authorized. (Attorney to handle)

MATTERS TOO LATE FOR THE AGENDA

26. (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 9:25 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, SEPTEMBER 14, 1993 , AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang
Councilmember Muratore arrived at 4:06 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Joel Richards, La Loma Grace Brethren

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11

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

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of plaque recognizing heroic efforts during a fire to Marilyn and Robert Sandberg.

Dropped from agenda.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of September 7, 1993.
(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

NEW BUSINESS

4. Consider approving the inclusion of the entire incorporated area of the City of Modesto into the Stanislaus County Recycling Market Development Zone.
(Report with agenda. Resolution approving inclusion needed.)

ACTION: Res. 93-515 adopted (Friedman/Dobbs, unan.) approving inclusion.
(P/W to handle)

5. Consider adopting the Wastewater Treatment Plan Mitigated Negative Declaration and Biosolids (Sludge) Management Plan.
(Report with agenda. Resolution adopting Mitigated Negative Declaration and Biosolids Management Plan needed.)

ACTION: Res. 93-516 adopted (Friedman/Patterson, majority, Dobbs-no) adopting the Negative Declaration.
Res. 93-517 adopted (same vote) adopting plan. (P/W to handle)

6. Consider updating and consolidating the Municipal Code sections relating to billing and collections of utility services into one chapter.
(Report with agenda. Introduction of three ordinances needed.)

Dropped from agenda

CONSENT

7. Consider approving agreement with M.I.D. for the sale of 6.364 acres of land needed to construct the terminal reservoirs for the price of \$215,282.88, and consider approving license with M.I.D. to allow them on the property prior to the close of escrow.
(Report with agenda. Resolution approving agreement needed, and resolution approving license needed.)

ACTION: Res. 93-518 adopted approving agreement.
Res. 93-519 adopted approving license. (Attorney to handle)

CONSENT

8. Consider approving amendment to agreement with Alcorn Farms for the lease of 11.5 acres of City-owned property.
(Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 93-520 adopted approving amended agreement.
(Attorney to handle)

CONSENT

9. Consider authorizing City Manager to write a letter to the Modesto Irrigation District accepting the final Design Plans for the Sedimentation Basin.
(Report with agenda. Resolution authorizing letter of acceptance needed.)

ACTION: Res. 93-521 adopted authorizing letter of acceptance.
(P/W to handle)

CONSENT

10. Consider approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work-Study Program for the 1993-94 (August-June) academic year.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-522 adopted approving agreement. (Personnel to handle)

CONSENT

11. Consider approving appropriation transfer in the amount of \$25,000 for asbestos removal on Control Building Expansion project at the Water Quality Control Plant.
(Report with agenda. When the project was originally budgeted, asbestos abatement was estimated at \$5,000; the actual cost was \$30,000. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-523 adopted approving appropriation transfer.
(P/W, Finance to handle)

WRITTEN COMMUNICATIONS

12. Application from United Nations Association - Stanislaus for direct City Assistance for the use of City Hall Courtyard and supplies and services for a United Nations Day Celebration on October 22, 1993.

ACTION: By motion (Muratore/Dobbs, unan.) request was approved.

13. Letter from Dennis Wilson, Mid-Valley Engineering, Inc., representing a consortium of landowners in the easterly portion of Village One, requesting a supplemental environmental impact report at City's expense to redesignate the area to a Residential/Commercial/Office usage in exchange for the donation of land necessary for the Amtrak Station.

Dropped from agenda at Mr. Wilson's request.

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 litigation, pursuant to Section 54956.9(a) of the Government Code, regarding V.O. & Associates v. City of Modesto, et al, City of Modesto v. Del Este Water Company and California Water Service Company, City of Modesto, Redevelopment Agency of the City of Modesto v. Stanislaus County Board of Supervisors, et a, Booking Fees, and Peter A. Kolf v. City of Modesto, et al.

ADJOURNMENT

The meeting adjourned to closed session at 6:22 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 at 7:00 p.m. on Tuesday, September 21, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Dobbs, Friedman, Patterson, Acting Mayor Cogdill

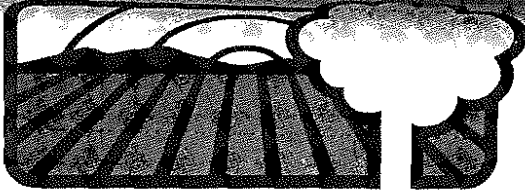
Absent: Councilmember Muratore, Mayor Lang

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

The meeting adjourned at 7:26 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

9-21-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 21, 1993, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang
Mayor Lang arrived at 8:23 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Allen Peters, Central Valley Christian Fellowship

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 7, 8, 9, 10, 11, 14,
15, 16, 19, 20

Dropped from agenda: 6

ACTION: (Patterson/Bird, unan., 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 regular City Council meeting of September 14, 1993.
(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.)

Bruce Frohman spoke about the General Plan and the consultant's report.

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for the installation of waterlines in the Granger-Ardmore Avenue area.
(Suggested bid opening: October 21, 1993, at 11:05 a.m. The waterlines in the Granger-Ardmore area are old and too small to meet current standards. New waterlines will provide better pressure and more reliable service. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$81,893.93 (contract \$72,472.50; const. admin. & contin. \$9,421.43) Funds are partially budgeted. Appropriation transfer will be requested at time of award when exact amount needed to construct the project is known.)

ACTION: Res. 93-524 adopted calling for bids. (P/W to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for the Lakewood sewer trunk extension under Modesto Irrigation District Lateral No. 3.
(Suggested bid opening: October 21, 1993 at 11:00 a.m. The extension of this sewer trunk will serve part of the Village One area. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$91,065 (contract \$73,065; const. admin & cont. \$18,000) Funds are budgeted.)

ACTION: Res. 93-525 adopted calling for bids. (P/W to handle)

6. Consider approving specifications and authorizing call for proposals to be opened October 11, 1993, at 11:00 a.m. for furnishing audit services for utility rates.
(Report with agenda. Resolution approving specifications and authorizing call for proposals needed.)

Dropped from agenda.

CONSENT

7. Consider accepting the bid of Scrimsher & Mineni Construction, Inc. for the mechanical bar screen replacement project.
(Bids were opened September 2, 1993. The low bid of \$570,878, submitted by Scrimsher & Mineni Construction, is considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution accepting bid and awarding contract to Scrimsher & Mineni Construction, Inc. needed. Estimated cost: \$639,383.36 (contract \$570,878 contract; \$68,505.36 const. admin. & cont.) Funds are budgeted.)

ACTION: Res. 93-526 adopted accepting bid. (P/W to handle)

CONSENT

8. Consider accepting the bid of Ross F. Carroll, Inc. for the Zeff Road street improvements project.
(Bids were opened September 2, 1993. The low bid of \$51,000, submitted by Ross F. Carroll, Inc. is considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution accepting bid and awarding contract to Ross F. Carroll, Inc. needed. Estimated cost: \$56,100 (contract \$51,000 contract; \$5,100 const. admin. & cont.) Funds are budgeted.)

ACTION: Res. 93-527 adopted accepting bid. (P/W to handle)

CONSENT

9. Consider accepting the bid of Teichert Construction for the Whitmore Avenue and Union Pacific Railroad crossing project.
(Bids were opened September 9, 1993. The low bid of \$52,642, submitted by Teichert Construction, is considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution accepting bid and awarding contract to Teichert Construction needed. Estimated cost: \$60,538.30 (contract \$52,642; const. admin. & cont. \$7,896.30) Funds are budgeted.)

ACTION: Res. 93-528 adopted accepting bid. (P/W to handle)

CONSENT

10. Consider accepting the bid of Tri-Technic, Inc. for the Runway 28-R-10L regulator upgrade, and consider approving an appropriation transfer in the amount of \$11,252.
(Bids were opened September 9, 1993. The low bid of \$34,541, submitted by Tri-Technic, Inc. is considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution accepting bid and awarding contract to Tri-Technic Construction needed,

and resolution approving appropriation transfer. Estimated cost: \$39,031.33 (contract \$34,541; const. admin. & cont. \$4,490.33) Funds are partially budgeted.)

ACTION: Res. 93-529 adopted accepting the bid.
Res. 93-530 adopted approving appropriation transfer.
(P/W, Finance to handle)

CONSENT

11. Consider declaring American Chevrolet-Geo low bidder for a Suburban vehicle and authorize purchase of a 1994 Suburban vehicle from them for \$25,683.21.
(Report with agenda. Resolution declaring American Chevrolet-Geo low bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 93-531 adopted awarding bid. (Finance to handle)

NEW BUSINESS

12. Consider approving the Personal Computer Acquisition Program.
(Report with agenda. Resolution establishing a Personal Computer Acquisition Program, and resolution amending budget needed. Estimated cost: \$50,000.)

ACTION: Res. 93-532 adopted (Dobbs/Bird, unan, Lang absent) establishing a Personal Computer Acquisition Program.
Res. 93-533 adopted amending the budget. (Finance to handle)

13. Consider response to Grand Jury recommendation that the City of Modesto and Stanislaus County work more closely on hazardous material regulation and hazardous material response issues.
(Report with agenda. Motion authorizing response needed.)

ACTION: By motion (Dobbs/Patterson, unan., Lang absent) response authorized. (Fire to handle)

CONSENT

14. Consider Modesto City Fire Fighters Association request for a resolution supporting AB 1523, a tax income check off to help fund the construction of the California Firefighters Memorial, a structure to be built on State Capitol grounds.
(Report with agenda. Resolution supporting AB1523 needed.)

ACTION: Res. 93-534 adopted supporting AB1523. (Fire to handle)

CONSENT

15. Consider authorizing the City Manager to execute financing agreement with property owner Emilio Real for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program.

(Report with agenda. Agreement will enable the provision of financing to property owner for rehabilitation of property. Resolution authorizing City Manager to execute financing agreement needed. Estimated cost: \$67,116 (CDBG) Funds are budgeted.)

ACTION: Res. 93-535 adopted approving financing agreement. (Planning to handle)

CONSENT

16. Consider approving agreement with Stanislaus Association of Governments (SAAG) for provision of traffic modelling services by City Transportation Division staff on a reimbursable basis. (Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-536 adopted approving agreement. (P/W to handle)

Item 18 was delayed until after the closed session.

18. Consider approving agreement with Black & Veatch to prepare a Plant and Sanitary Collection System Master Plan and a Wastewater Revenue and Financing Plan to implement the improvements recommended by the Master Plan, and consider approving appropriation transfer for the completion of the Wastewater Treatment Plan, the Collection System Master Plan, the Wastewater Strategic Plan, and finance and revenue program. (Report with agenda. Resolution approving agreement needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 93-537 adopted (Dobbs/Muratore, majority, Bird and Patterson-no) approving agreement.
Res. 93-538 adopted (same vote) approving appropriation transfer. (P/W to handle)

WRITTEN COMMUNICATIONS

CONSENT

19. Letter of resignation from the International Friendship Committee from John L. Bree. (Resolution accepting resignation with regret needed.)

ACTION: Res. 93-539 adopted accepting resignation. (Clerk to handle)

CONSENT

20. Consider accepting resignation of Ray Nish from the Tuolumne River Regional Park Citizens Advisory Committee. (Resolution accepting resignation with regret needed.)

ACTION: Res. 93-540 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Appointments

21. a. Community Qualities Forum

ACTION: Res. 93-541 adopted appointing Howard Spivak.

b. Citizens Housing and Community Development Committee

ACTION: Res. 93-542 adopted appointing David Duran . (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

22. (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

23. Closed session regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of represented and unrepresented employees, pursuant to Section 54957.6 of the Government Code.

ADJOURNMENT

The meeting adjourned to closed session at 7:45 p.m.

The Council returned to open session at 8:24 p.m. and took up Item 18.

The meeting adjourned at 8:40 p.m.

ATTEST: 
MORRINE 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 28, 1993, AT 4:00 P.M.

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

Councilmember Patterson arrived at 4:04 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Rick Johnson, Chaplain, Juvenile Hall

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18, 19, 20, 21,
22, 23, 24, 25, 26, 27

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.

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meeting of September 21, 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.)

Debbe Bailey, Modesto City Schools Office, and Ed Taczanowsky, Building Industry Association, asked that an item be placed on the October 5 City Council agenda concerning support of State Proposition 170.

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for the John Muir Court storm drain repair.
(Suggested bid opening: October 21, 1993, at 11:10 a.m. This project will replace root damaged storm drain line, thereby reducing the maintenance required and improving drainage in the area. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$23,578 (contract \$20,865; contract admin. & cont. \$2,713) Funds are budgeted.)

ACTION: Res. 93-543 adopted calling for bids. (P.W. & T. to handle)

CONSENT

5. Consider accepting the bid of Ksenco Construction and awarding contract for waterlines in the Teresa-Tebbutt area, and consider approving appropriation transfer in the amount of \$116,015 to fully fund the project.
(Bids were opened September 9, 1993. The low bid of \$214,990, submitted by Ksenco Construction is considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution accepting bid and awarding contract needed, and resolution approving appropriation transfer needed. Estimated cost: \$242,938 (contract \$214,990; const. admin. & cont. \$27,948) Funds are partially budgeted.)

ACTION: Res. 93-544 adopted accepting bid and awarding contract.
Res. 93-545 adopted approving an appropriation transfer.
(P.W. & T/Finance to handle)

CONSENT

6. Consider acceptance of the contract of Ross F. Carroll, Inc. for the reconstruction of Coffee Road from Floyd Avenue to Rumble Road and authorizing City Clerk to file Notice of Completion. (Original contract: \$378,465)
(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: \$382,900.23. Funds are budgeted.)

ACTION: Res. 93-546 adopted accepting work as complete. (Clerk to handle)

CONSENT

7. Consider declaring one lot of traffic signal equipment and four pickup truck boxes surplus and authorizing the Purchasing Office to sell the equipment and pickup truck boxes by sealed bid, or by auction. (Report with agenda. Resolution declaring equipment and pickup boxes surplus and authorizing Purchasing Officer to sell by sealed bid or auction needed.)

ACTION: Res. 93-547 adopted declaring equipment and boxes surplus and authorizing Purchasing Officer to sell.
(Finance to handle)

NEW BUSINESS

8. a. Consider supporting Proposition 172 - California Local Public Safety and Improvement Act of 1993, which will appear on the November 1993 ballot. (Report with agenda. Resolution supporting Proposition 172 needed.)
b. Letter from Nick W. Blom, Chairman of the Stanislaus County Board of Supervisors, requesting City Council support of Proposition 172.

ACTION: Res. 93-548 (Dobbs/Muratore, unan.) adopted supporting Proposition 172. (Manager to handle)

CONSENT

9. Consider authorizing the Chief of Police to allow on-duty police personnel to work on the activities of the Police Athletics League which provides recreation and athletic activities for young people. (Report with agenda. Resolution authorizing Police Chief to allow on-duty police personnel to work on PAL activities needed.)

ACTION: Res. 93-549 adopted allowing on-duty Police personnel to work on PAL activities. (Police to handle)

CONSENT

10. Consider approving the request of the Stanislaus-Ceres Redevelopment Commission (SCRC) for a loan of the sewer connection charges in the amount of \$29,000 that would normally be due when Broad Acres Mobilehome Park connects to the sewer system.
(The SCRC has no funds at this time to assist the low and moderate-income residents with connection charges. The loan will allow residents to hook up to the sewer system solving an existing sewerage problem. Report with agenda. Resolution approving request needed.)

ACTION: Res. 93-550 adopted approving request. (P.W. & T. to handle)

CONSENT

11. Consider amending the Modesto Municipal Code to provide that public works projects consisting of traffic signal modification or improvements of \$200,000 or less are not subject to the competitive bidding requirement and several clean-up changes which concern City contracts.
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ordinance No. 2867-C.S. was introduced amending the Modesto Municipal Code. (Clerk to handle)

CONSENT

12. Consider authorizing acceptance of \$40,000 in grant funding from the San Joaquin Valley Unified Air Pollution Control District, and consider amending the budget to account for new revenue.
(Report with agenda. Resolution authorizing City Manager to sign grant acceptance letter and project agreements needed, and resolution amending budget needed.)

ACTION: Res. 93-551 adopted authorizing City Manager to sign grant acceptance letter and project agreements.
Res. 93-552 adopted amending the budget.
(Economic Dev./Finance to handle)

CONSENT

13. Consider authorizing submittal of application for a California Used Motor Oil Recycling Block Grant in the amount of \$56,573.28.
(Report with agenda. Resolution authorizing grant application needed.)

ACTION: Res. 93-553 adopted authorizing grant agreement.
(P.W. & T. to handle)

CONSENT

14. Consider authorizing City co-sponsorship of "Earth Day in the Park, 1994," and authorizing the City Manager to enter into a contract with a Special Events Coordinator, and allow the sale of merchandise in the park during the event.
(Report with agenda. Resolution authorizing co-sponsorship, contract with Special Events Coordinator, and sale of merchandise needed.)

ACTION: Res. 93-554 adopted authorizing co-sponsorship, contract with Special Events Coordinator, and sale of merchandise.
(P.W. & T. to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

16. Consider approving Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association.
(Report with agenda. Resolution approving Memorandum of Understanding needed.)

ACTION: Res. 93-555 adopted approving Memorandum of Understanding.
(Personnel to handle)

CONSENT

17. Report on Target Area Selection Strategy.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

18. Consider request from HOMEPAC for City endorsement of SCA 17, a constitutional amendment to reverse the thrust of Article 34 and require that opponents of affordable housing development circulate petitions and collect signatures to force a vote on housing developments they oppose.
(Report with agenda. Resolution endorsing SCA 17 needed.)

ACTION: Res. 93-556 adopted endorsing SCA 17. (Plan. & C.D. to handle)

CONSENT

19. Consider designating Self Help Enterprises as a Community Housing Development (CHDO) for the HOME Program.
(Report with agenda. Motion designating Self Help Enterprises as a Community Development Organization needed.)

ACTION: By motion, Self Help Enterprises designated as a Community Development Organization. (Plan. & C.D. to handle)

CONSENT

20. Consider amending the Community Development Program Office Policy and Procedures Manual regarding Delinquent Loan Policy.
(Report with agenda. Resolution amending Policy and Procedures Manual needed.)

ACTION: Res. 93-557 adopted amending Policy and Procedures Manual.
(Plan. & C. D. to handle)

CONSENT

21. Consider authorizing negotiation of an agreement with Housing Authority of Stanislaus County regarding use of HOME funds to enhance housing opportunities for low income households.
(Report with agenda. After negotiation and prior to execution, approval of agreement will return to Council for approval. Motion authorizing negotiation of agreement needed, and resolution amending budget needed. Estimated cost: \$600,000.)

ACTION: By motion, negotiation of agreement was authorized.
Res. 93-558 adopted amending the budget.
(Plan. & C.D./Finance to handle)

CONSENT

22. Consider approving agreement with Center for Senior Employment/Senior Aides Program for a grant of \$15,000 under the Community Development Block Grant Program for Fiscal Year 1993-94.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$15,000. Funds are budgeted.)

ACTION: Res. 93-559 adopted approving agreement. (Plan. & C.D. to handle)

CONSENT

23. Consider approving agreement with Family Service Agency First Step Program for a grant of \$20,000 under the Community Development Block Grant Program for Fiscal Year 1993-94.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$20,000. Funds are budgeted.)

ACTION: Res. 93-560 adopted approving agreement. (Plan. & C.D. to handle)

CONSENT

24. Consider approving agreement with Haven Women's Center of Stanislaus County for a grant of \$20,727 under the Community Development Block Grant Program for Fiscal Year 1993-94.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$20,727. Funds are budgeted.)

ACTION: Res. 93-561 adopted approving agreement. (Plan. & C.D. to handle)

CONSENT

25. Consider authorizing application to FCC to be certified to regulate basic cable rates.
(Report with agenda. Resolution authorizing application needed.)

ACTION: Res. 93-562 adopted authorizing application. (Manager to handle)

CONSENT

26. Consider approving lease agreements with Jerry L. Wedel and the Prescott Estates Homeowners' Association for a Modesto Police Department substation at 2309 Prescott Road, and with Yosemite Boulevard Partners for a Modesto Police Department substation at 3121 Yosemite Boulevard. (Report with agenda. The Police Department has begun implementation of Community Oriented Policing and problem solving. There is no cost to the City for these leases. Resolutions approving agreements needed.)

ACTION: Res. 93-563 adopted approving agreement with Jerry L. Wedel and Prescott Estates Homeowners' Association.
Res. 93-564 adopted approving agreement with Yosemite Boulevard Partners. (Police to handle)

CONSENT

27. Consider establishing a Policy for Art in Public Places. (The Culture Commission recommends that a policy for "Art In Public Places" in Modesto be established. Report with agenda. Resolution establishing policy needed.)

ACTION: Res. 93-565 adopted establishing policy. (P. & R. to handle)

MATTERS TOO LATE FOR THE AGENDA

28. (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 4:40 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 upon the adjournment at the close of the regular City Council meeting at 4:40 p.m. on Tuesday, September 28, 1993, in the Mayor's Office at City Hall, 801 11th Street, Modesto, California, for a closed session.

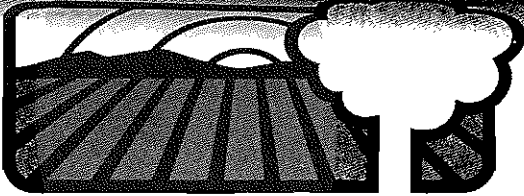
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

The Council held 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 litigation regarding 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 Section 54956.9(a) of the Government Code.

ATTEST: 
NORRINE COYLE, CITY CLERK

9-28-93



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, October **5**, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California

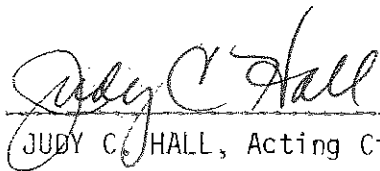
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

Absent: None

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

The meeting adjourned at 7:30 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, OCTOBER 5, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Jeffrey Norman, Modesto Covenant Church

CONSENT ITEMS.- ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 10, 12

Removed from consent: 7, 11

ACTION: (Friedman/Bird, unan.)

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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.

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced Boy Scout Troup #12 from the Latter Day Saints Church on Dale Road.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of September 28, 1993.
(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

CONSENT

4. Final adoption of Ord. No. 2867-C.S. amending the Municipal Code relating to City contracts.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2867-C.S. adopted. (Clerk to handle)

5. Consider accepting the Garbage Company Efficiency Study conducted by Brown, Vence and Associates and directing staff to follow up on the recommendations contained in the report.
(Report with agenda. Motion accepting report and directing staff needed.)

ACTION: By motion (Patterson/Muratore, unan.) report accepted, staff directed to follow up on recommendations.
(P/W to handle)

HEARINGS

6. Hearing to consider the request of Modesto Garbage Company, Inc. for an extension of their franchise for the collection of garbage, industrial garbage and salvageable waste. (Continued from March 2, 1993, and July 6, 1993, City Council meetings.)

ACTION: By motion (Muratore/Dobbs, unan.) Ord. No. 2868-C.S. introduced.
(Clerk to handle)

BIDS

7. Consider approving plans and specifications and call for bids to rehabilitate sewer lift stations - Muriel Avenue, Maze Boulevard and Mark Randy Place.
(Suggested bid opening: November 4, 1993, at 11:00 a.m. This project will provide for the reconstruction of three lift stations which are deteriorated and are unreliable and unsafe. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$498,499.50 (contract \$441,150; contract admin. & cont. \$57,349.50) Funds are partially budgeted. A transfer will be requested at the time of award when the exact amount needed to construct the project is known.)

ACTION: Res. 93-566 adopted (Patterson/Muratore, unan.) calling for bids.
(P/W to handle)

CONSENT

8. Consider authorizing substitution of Penhall, Inc. as the bridge demolition/removal subcontractor on the Claus Road bridge widening project.
(Report with agenda By letter dated August 24, 1993, Agee Construction, the prime contractor has requested approval to substitute Penhall, Inc. for the listed bridge demolition/removal subcontractor. A letter was also received from the listed subcontractor, Vickers Concrete Sawing, requesting release from the contract and consenting to the substitution. There will be no additional cost to the City as a result of this substitution. Resolution authorizing substitution of subcontractor needed.)

ACTION: Res. 93-567 adopted authorizing substitution of subcontractor.
(P/W to handle)

NEW BUSINESS

9. Consider supporting the passage of Proposition 170, entitled "Property Taxes. Schools. Majority Vote. Development Fee Limits."
(Report with agenda. Resolution supporting Proposition 170 needed.)

ACTION: Res. 93-568 adopted (Cogdill/Bird, unan.) supporting.
(Manager to handle)

CONSENT

10. Consider amending the Position Classification Plan to delete the job specification for Parking and Traffic Superintendent and to change the title of two job specifications: Parking Meter Worker to Traffic Technician and Workers' Compensation Claims representative to Workers' Compensation Claims Examiner, and consider amending the class range tables to reflect these amendments.
(Report with agenda. Resolving amending Position Classification Plan needed, and resolution amending the Class Range Table needed.)

ACTION: Res. 93-569 adopted amending Position Classification Plan.
Res. 93-570 adopted amending Class Range Table
(Personnel to handle)

11. Consider authorizing City Manager to execute an agreement with G.S. Dodson & Associates, Inc. to provide engineering services for the design of the Thousand Oaks sanitary sewer lift station reconstruction project.
(Report with agenda. Resolution approving agreement needed. Estimated total cost: \$212,300 (contract \$193,000; contingency \$19,300) Funds are budgeted.)

ACTION: Res. 93-571 adopted (Patterson/Bird, unan.) approving agreement.
(P/W to handle)

WRITTEN COMMUNICATIONS

CONSENT

12. Letter from Gilton Solid Waste Management, Inc. requesting renewal of license to collect garbage, recyclables, industrial garbage and salvageable waste in the City of Modesto.
(Resolution setting hearing October 26, 1993, at 4:00 p.m. needed.)

ACTION: Res. 93-572 adopted setting hearing. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

13. (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.)

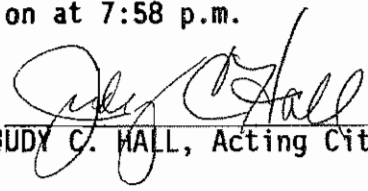
None

CLOSED SESSION

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

ADJOURNMENT

The meeting adjourned to closed session at 7:58 p.m.

ATTEST: 
JUDY C. HALL, Acting City Clerk

City Hall
801 11th Street
Modesto, California

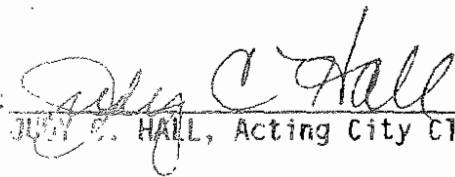
The Council of the City of Modesto met in an special session upon the adjournment at the close of the regular City Council meeting at 7:30 p.m. on Tuesday, October 5, 1993, in the Mayor's Office at City Hall, 801 11th Street, Modesto, California, for a closed session.

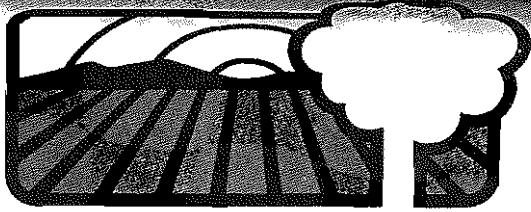
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson,
Mayor Lang

Absent: None

The Council held 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 litigation regarding the case of City of Modesto v. Del Este Water Company and California Water Company, pursuant to Section 54956.9(a) of the Government Code.

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, OCTOBER 12, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Ron Nelson, Neighborhood Church

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

Removed from consent: 11
ACTION: (Friedman/Bird, unan.)

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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 October 5, 1993.
(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

CONSENT

4. Final adoption of Ord. No. 2868-C.S. granting to Modesto Garbage Company, Inc. a license for the collection of garbage in the City of Modesto.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2868-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider establishing a fee for registration of sex offenders, arson offenders, and drug offenders who reside in the City of Modesto.

ACTION: By motion (Muratore/Patterson, unan.) Ord. No. 2869-C.S. introduced amending the Code to add a section authorizing the collection of a fee.
Res. 93-573 adopted establishing a fee. (Police/Clerk to handle)

6. Hearing to consider rezoning from P-D(457) to P-D(498) to allow single-family detached homes on the south side of Algen Avenue and west of Crows Landing Road. (Holtzclaw)

ACTION: By motion (Cogdill/Bird, unan.) Ord. No. 2870-C.S. introduced.
Res. 93-574 adopted (same vote) approving plan.
Res. 93-575 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

NEW BUSINESS

CONSENT

7. Consider authorizing the City Manager to execute an agreement with Lew-Garcia-Davis to provide engineering services for the updating of project definitions and cost estimates for Capital Facilities Fee Program, and consider approval of an appropriation transfer in the amount of \$69,3600 to provide funds to update project descriptions and cost estimates for the City's Capital Facilities Fee Program.
(Report with agenda. Resolution approving agreement needed, and resolution approving appropriation transfer needed. Estimated consultant cost: \$57,360)

ACTION: Res. 93-576 adopted approving agreement.
Res. 93-577 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

8. Consider authorizing appropriation transfer in the amount of \$25,000 to pay for drill rig operations in repairing problem rockwell storm drains.
(Report with agenda. This allows rebuilding of 40 problem rockwells and improves drainage in neighborhoods with standing water during storms. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-578 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

9. Consider authorizing the City Manager to sign an agreement with the Stanislaus County Affordable Housing Corporation (STANCO) for a grant of \$12,000 under the Community Development Block Grant (CDBG) Program for Fiscal Year 1993-94.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 93-579 adopted approving agreement. (Planning to handle)

CONSENT

10. Consider approving lease agreement with Theodore M. Cook for the lease of Suite H at Cook Marketplace for museum storage.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$7,956.72. Funds are budgeted.)

ACTION: Res. 93-580 adopted approving agreement. (Attorney to handle)

11. Consider approving agreement with Ralph Andersen & Associates for the Police Department Audit and consider approving agreement with Arroyo Seco Associates for Parks and Recreation audit.
(Report with agenda. Resolutions approving agreements needed. Estimated cost: \$84,490. Funds are budgeted.)

ACTION: Res. 93-581 adopted (Patterson/Friedman, unan.) approving agreement with Ralph Andersen & Associates.
Res. 93-582 adopted (same vote) approving agreement with Arroyo Seco Associates. (Manager to handle)

WRITTEN COMMUNICATIONS

CONSENT

12. Letter requesting direct City Assistance for the annual downtown Modesto Christmas Parade on December 4, 1993, from Donna Miller, Promotions Director, K093 Radio.
(Motion referring to staff needed.)

ACTION: By motion, request approved. (Police, P/W & P/R to handle)

CONSENT

13. Letter of resignation from the Community Qualities Committee from Vera Girolami.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-583 adopted accepting resignation. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

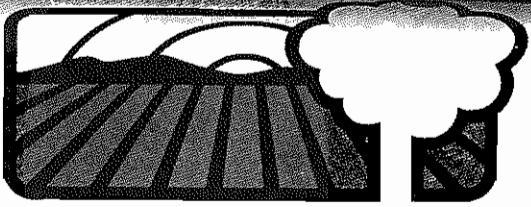
14. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 4:19 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 19, 1993, AT 7:30 P.M.

NOTICE

THERE WILL BE NO MEETING OF THE CITY COUNCIL
ON TUESDAY, OCTOBER 19, 1993,
DUE TO LACK OF A QUORUM

THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON
TUESDAY, OCTOBER 26, 1993, AT 4:00 P.M.





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 Thursday, October 14, 1993, in the McHenry Mansion, 906 15th Street, Modesto, California.

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

Absent: Councilmember Patterson

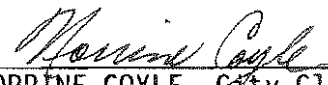
Present: Trustees Lindsey, Neder, Stroud

Absent: Trustees Vance, Waggoner

The Modesto City Council members met with the members of the Sylvan Union School District Board to discuss issues relating to new school construction and partnerships for recreation.

The meeting adjourned at 8:55 p.m.

ATTEST:



NORRINE COYLE, City Clerk

10-14-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 26, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 10, 11, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24, 25,
26, 27, 28, 31, 32, 33, 34

Removed from consent: 12

ACTION: (Friedman/Cogdill, unan.)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of October 12, 1993 and the special meeting of October 14, 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

CONSENT

4. Final adoption of Ord. No. 2870-C.S. amending Section 8-4-9 of the Zoning Map to rezone from Planned Development Zone, P-D(457), to Planned Development Zone, P-D(498) property located on the south side of Algen Avenue and west of Crows Landing Road. (Holtzclaw)

ACTION: By motion, Ord. No. 2870-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider rezoning from C-2, General Commercial Zone, and P-D(219) to P-D, for conversion and additions to the Sundial Lodge and Restaurant for use as a senior housing and residential care facility, property located on the east side of McHenry Avenue between Hintze and Helen Avenues. (Neault)

ACTION: By motion (Muratore/Friedman, unan.) Ord. No. 2871-C.S. introduced.
Res. 93-584 adopted (same vote) approving plan.
Res. 93-585 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

6. Hearing to consider the request of Gilton Solid Waste Management, Inc. for renewal of their license for the collection of garbage, recyclables, industrial garbage & salvageable waste in the City of Modesto.

ACTION: By motion (Dobbs/Cogdill, unan.) Ord. No. 2872-C.S. introduced. (Clerk to handle)

7. Hearing to consider establishing preferential parking permit privileges to allow clients of beauty salons to park beyond the time limit on streets within the Downtown Improvement District Boundary and to consider establishing a fee for the permit.

ACTION: Res. 93-586 adopted (Bird/Cogdill, unan.) establishing preferential parking permit privileges. (P/W, Finance to handle)

8. Hearing to consider proposed fees associated with planning and zoning applications.

ACTION: Res. 93-587 adopted (Bird/Muratore, majority, Dobbs-no) establishing filing fees for zone boundary changes, use permits, variances, environmental review, subdivisions and other fees.

Res. 93-587A adopted (same vote) establishing filing fees for applications for abandonment or vacation of public rights-of-way or easements.

(Planning to handle)

9. Hearing to consider the appeal of Thompson-Hysell, Inc., on behalf of Art Martin and Associates, to a Planning Commission decision denying a proposed amendment to the Specific Plan for the Village One, and a Precise Plan for Area 27, concurrent rezoning, a development agreement and vesting tentative subdivision map for Charleston Place, all in the Village One Area 27, located on the east side of Roselle Avenue, south of Belharbour Drive, and north of Merle Avenue, except that the amendment to the Specific Plan includes lands lying south of Merle Avenue.

ACTION: By motion (Cogdill/Bird, majority, Friedman-no) Ord. No. 2873-C.S. introduced adopting the precise plan and the underlying zoning.
Res. 93-588 adopted (same vote) approving amendment to the Specific Plan.
Res. 93-589 adopted (same vote) granting the appeal, finding that the project is within the scope of the E.I.R., and approving the vesting tentative map for Charleston Place.
Res. 93-589A adopted (same vote) imposing terms and conditions to the precise plan. (Clerk/Planning to handle)

BIDS

CONSENT

10. Consider declaring Ricker Machinery Co. low bidder and authorize the purchase of two street sweepers.
(Report with agenda. Resolution awarding bid to Ricker Machinery Company needed. Estimated cost: \$217,588. Funds are budgeted.)

ACTION: Res. 93-590 adopted awarding bid. (Finance to handle)

CONSENT

11. Consider declaring Glen Wilson Trucking and Central Ready Mix low bidders for rock, sand and gravel, and for ready-mix concrete requirements, respectively, for up to three (3) years.
(Report with agenda. Resolution awarding bid to Glen Wilson Trucking and resolution awarding bid to Central Ready Mix needed. Estimated Cost: \$40,683.21. Funds are budgeted.)

ACTION: Res. 93-591 adopted awarding bid to Glen Wilson Trucking.
Res. 93-592 adopted awarding bid to Central Ready Mix.
(finance to handle)

This item was taken up after Item 30

12. Consider declaring RJN Computer Services low bidder on Wastewater Plant maintenance management software system.
(Report with agenda. Resolution awarding bid to RJN Computer Services needed. Estimated cost: \$51,869. Funds are budgeted.)

ACTION: Res. 93-593 adopted (Patterson/Friedman, unan.) awarding bid.
(Finance to handle)

CONSENT

13. Consider declaring Cal Traffic low bidder on the purchase of street name sign assemblies.
(Report with agenda. Resolution awarding bid to Cal Traffic of Ceres needed. Estimated cost: \$26,000. Funds are budgeted.)

ACTION: Res. 93-594 adopted awarding bid. (Finance to handle)

CONSENT

14. Consider approving the Sponsor Certificate for Project Plans and Specifications for the replacement of the runway regulator at the Modesto City-County Airport, and authorize the City Manager to sign on behalf of the City.
(Report with agenda. Motion approving Sponsor Certification needed.)

ACTION: By motion, Sponsor Certificate approved. (P/W to handle)

CONSENT

15. Consider acceptance of Conco-West, Inc.'s contract for the Woodland Pump Station sluice gate and request the City Clerk to file Notice of Completion. Original contract: \$94,900.
(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: \$115,006.00. Funds are budgeted.)

ACTION: Res. 93-595 adopted accepting as complete. (Clerk to handle)

CONSENT

16. Consider acceptance of Grover Landscaping's contract for the Robertson Road Neighborhood Park, request the City Clerk to file Notice of Completion, and consider approving an appropriation transfer from the Parks Fund Contingency Reserve Account. Original Contract: \$252,430.64.

(All work on this project has been completed to the satisfaction of the Public Works and Transportation and the Parks and Recreation Departments. Therefore, it is in order to accept the work as complete and file Notice of Completion. Report with agenda. Resolution accepting work as complete and resolution approving appropriation transfer needed. Final cost: \$254,774.64.)

ACTION: Res. 93-596 adopted accepting work as complete.
Res. 93-597 adopted approving appropriation transfer.
(Clerk/Finance to handle)

CONSENT

17. Consider awarding contract to Ross F. Carroll, Inc. for the El Vecino Avenue - MID Lateral No. 4 bridge replacement.
(Bids were opened on September 16, 1993. The low bid of \$223,372, submitted by Ross F Carroll, Inc. is 1.0% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. This project is 80% funded with Federal Bridge Replacement funds and Caltrans has authorized the City to award the contract to the low bidder. Resolution awarding contract needed. Estimated Cost: \$252,410.36 (\$223,372 Contract; \$29,038.36 Const. Admin. & Contingencies). Funds are budgeted.)

ACTION: Res. 93-598 adopted awarding contract. (P/W to handle)

NEW BUSINESS

CONSENT

18. Consider authorizing City Manager to execute agreement with Ball, Janik and Novak to provide legislative advocacy services for the City of Modesto, and consider approving an appropriation transfer of \$22,000 from Contingency Reserve.
(Report with agenda. Resolution approving agreement needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 93-599 adopted approving agreement.
Res. 93-600 adopted approving appropriation transfer.
(Manager to handle)

CONSENT

19. Consider agreement with the Chamber of Commerce to provide funding for the Convention and Visitors Bureau of \$181,047 for Fiscal Year 1993-94.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 93-601 adopted approving agreement. (P/R to handle)

CONSENT

20. Consider agreement with the Stanislaus County Affordable Housing Corporation (STANCO) for a grant of \$50,000 under the Community Development Block Grant (CDBG) Program for Fiscal Year 1993-94.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 93-602 adopted approving agreement. (Planning to handle)

CONSENT

21. Consider approving agreement with Frank Sabala, owner of property at 123 Merced Avenue, for the purpose of rehabilitating the property pursuant to the City of Modesto's Housing Rehabilitation Program.
(Report with agenda. Agreements will enable the provision of financing to property owner for rehabilitation of property. Resolution approving agreement needed. Estimated cost: \$32,555. Funds are budgeted.)

ACTION: Res. 93-603 adopted approving agreement. (Planning to handle)

CONSENT

22. Consider approving agreement with Edward H. and Beverly J. Holbrook for the acquisition of a permanent and temporary easement for the Sonoma sewer trunk.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$16,000. funds are budgeted.)

ACTION: Res. 93-604 adopted approving agreement. (Attorney to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

24. Budget Status Report, First Quarter FY 1993-94.
(Report with agenda. Motion acknowledging receipt of report needed, and resolution amending Fiscal Year 1993-94 Budget needed.)

ACTION: By motion, receipt of report acknowledged.
Res. 93-605 adopted amending Fiscal Year 1993-94 Budget.
(Finance to handle)

CONSENT

25. Consider authorization to negotiate terms of agreement with Community Reinvestment Fund to provide loan servicing.
(Report with agenda. Motion authorizing staff to negotiate terms of agreement needed. Estimated Cost \$8,000. Funds are budgeted.)

ACTION: By motion, staff authorized to negotiate terms of agreement.
(Planning to handle)

CONSENT

26. Consider authorizing the City Manager to execute Consent to Common Use agreement with Modesto Irrigation District for sewer lift station at MID Lateral No. 5 and Maze Boulevard.
(This agreement will allow the City to construct a new sewage lift station on MID right of way. There is no fee associated with the execution of this agreement. Resolution approving agreement needed.)

ACTION: Res. 93-606 adopted approving agreement. (P/W to handle)

CONSENT

27. Consider proclaiming October 27, 1993, as "Unfunded Mandates Day", in observance of National Unfunded Mandates Day.

(Report with agenda. Resolution proclaiming October 27, "Unfunded Mandates Day" needed.)

ACTION: Res. 93-607 adopted approving proclamation. (P/W to handle)

CONSENT

28. Consider authorizing the City Manager to execute an agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project.
(Report with agenda. Resolution approving agreement needed. Estimated Cost: \$62,079. Funds are budgeted.)

ACTION: Res. 93-608 adopted approving agreement. (Police to handle)

WRITTEN COMMUNICATIONS

Councilmember Patterson excused at 6:40 p.m. and returned at 6:45 p.m.

29. Request of Dennis McDonald of Red Top Taxi for a fare increase and various changes to the Taxi Cab Ordinance section of the Municipal Code.
(Motion referring to staff needed.)

ACTION: By motion (Friedman/Dobbs, unan., Patterson absent) request referred to staff. (P/W to handle)

30. Letter from John Scheuerlein regarding complaint about Finance utility billing.

Dropped from agenda at Mr. Scheuerlein's request.

CONSENT

31. Request by Roy McKenzie representing the Modesto Junior Chamber of Commerce and the American Legion, for direct City assistance for the Veteran's Day parade on November 11, 1993.
(Resolution approving needed.)

ACTION: Res. 93-609 adopted approving request. (Police to handle)

CONSENT

32. Letter of resignation from the Affirmative Action Commission from Karl Mason.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-610 adopted accepting resignation. (Clerk to handle)

CONSENT

33. Request from the Board of Directors of the McHenry Museum to develop an agreement for a grant to fund a position at the McHenry Museum.
(Motion authorizing negotiation of agreement needed.)

ACTION: By motion, negotiation authorized. (P/R to handle)

CONSENT

34. Request to file late claim presented by Enrique Zamora, Claimant, against the City of Modesto.
(Resolution denying claim needed.)

ACTION: Res. 93-611 adopted denying claim. (Clerk to handle)

MISCELLANEOUS

Appointments

35. a. International Friendship Committee

ACTION: Res. 93-612 adopted (Dobbs/Friedman, unan., Patterson absent) appointing Kirk Lindsey and Naomi Kikugawa to the Committee.
(Clerk to handle)

- b. Citizens Housing and Community Development Committee

ACTION: Res. 93-613 adopted (Dobbs/Friedman, unan., Patterson absent) appointing Earl Howard to the Committee. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

36. (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

37. 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 George Jacobs and Lucinda Jacobs v. City of Modesto, et al. case, pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

The meeting adjourned at closed session at 6:49 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, November 2, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
Mayor Lang was excused at 7:15 p.m.

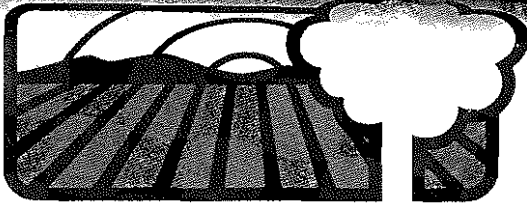
Absent: Councilmember Patterson

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

The meeting adjourned at 7:25 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

11-2-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 2, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Jim Renke, Orcharg Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18

Removed from consent: 17

ACTION: (Friedman/Dobbs, unan.)

(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 Cub Scout Pack 8 from Sipherd School.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of October 26, 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.)

Loretta Carhart spoke about the housing program.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of:

- a. Ord. No. 2871-C.S. rezoning from C-2 and P-D(219) to P-D(497), property located on the east side of McHenry Avenue between Hintze and Helen Avenues. (Richard Neault)
- b. Ord. No. 2872-C.S. granting to Gilton Solid Waste Management, Inc. a licenses for the collection of industrial garbage, recyclable materials, and salvageable waste.

(Motion adopting needed.)

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

BIDS

CONSENT

5. Consider awarding contract for the Lakewood trunk sewer extension under MID Lateral No. 3 to Allen A. Waggoner Construction, Inc., and consider approving appropriation transfer in the amount of \$89,411.
(Bids were opened on October 21, 1993. The low bid of \$76,410.55, submitted by Allen A. Waggoner Construction, Inc., is 4.58% above the

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engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Report with agenda. Resolution awarding contract needed, and resolution approving appropriation transfer needed. Estimated cost: \$89,410.55 (contract \$76,410.55; const. admin. & cont. \$13,000) Funds are partially budgeted.)

ACTION: Res. 93-614 adopted awarding contract.
Res. 93-615 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

6. Consider awarding contract for Phase I of the Hetch Hetchy bike path project to Patch Master of Central California.
(Bids were opened on October 21, 1993. The low bid of \$175,676.40, submitted by Patch Master of Central California, is 1.21% 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: \$198,514.33 (contract \$175,676.40; const. admin. & cont. \$22,837.93) Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 93-616 adopted awarding contract. (P/W to handle)

CONSENT

7. Consider accepting the contract of H. Max Lee, Inc. for the Beyer Park parking area rehabilitation project as complete and authorizing the city Clerk to file the Notice of Completion. (Original contract: \$34,000.20)
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department and the Parks and Recreation 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: \$27,802.20. Funds are budgeted.)

ACTION: Res. 93-617 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

8. Consider adoption of a revised Affirmative Action Plan for the City of Modesto for Fiscal Year 1992-93 to Fiscal Year 1996-97 (five year plan), and consider acknowledging receipt of Annual Affirmative Action Status Report for Fiscal Year 1992-93.
(Affirmative Action Plan and Status Report with agenda. Resolution adopting revised Affirmative Action Plan needed, and motion acknowledging receipt of report needed.)

ACTION: Res. 93-618 adopted (Dobbs/Lang, unan.) adopting the revised Affirmative Action Plan.
Res. 93-619 adopted (same vote) acknowledging receipt of report.
(Personnel to handle)

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CONSENT

9. Consider excusing Mayor and City Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore and Patterson from the October 16, 1993, City Council meeting due to their attendance at the League of California Cities Annual Conference.
(Motion excusing needed.)

ACTION: By motion, absences excused. (Clerk to handle)

CONSENT

10. Consider adopting a class specification for Project Manager, and consider amending the class range table to establish a salary range for project manager.
(Report with agenda. Resolution adopting class specification needed, and resolution amending class range table needed. Funds are budgeted.)

ACTION: Res. 93-619 adopted amending class specifications.
Res. 93-620 adopted amending class ranch table.
(Personnel to handle)

CONSENT

11. Consider approving an agreement with the Modesto Community Housing Resources Board for a grant of \$7,000 under the Community Development Block Grant (CDBG) Program for Fiscal Year 1993-94.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 93-621 adopted approving agreement. (Planning to handle)

CONSENT

12. Consider approving financing agreement with Betty M. Rivera for the purpose of rehabilitating her property pursuant to the City of Modesto's Housing Rehabilitation Program.
(Agreement will enable the provision of financing to the property owner for rehabilitation of property. Resolution approving agreement needed. Estimated cost: \$60,377. Funds are budgeted.)

ACTION: Res. 93-622 adopted approving agreement. (Planning to handle)

CONSENT

13. Consider approving agreement with Modesto Irrigation District consenting to common use of M.I.D. Lateral No. 5 for the extension of the Lakewood sewer trunk into the Village One area.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-623 adopted approving agreement. (Attorney to handle)

CONSENT

14. Consider accepting property from Modesto High School District of Stanislaus County and accepting property from Empire Union School District.
(Report with agenda. Resolutions accepting properties needed.)

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ACTION: Res. 93-624 adopted accepting property from Modesto High School District.
Res. 93-625 adopted accepting property from Empire Union School District. (Attorney to handle)

CONSENT

15. Consider approving lease agreement with Kraft General Foods to install a radio repeater unit needed by the Fire Department.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 93-626 adopted approving agreement. (Attorney to handle)

CONSENT

16. Consider approving appropriation transfer in the amount of \$45,000 to fund the purchase of three computer aided design (CAD) work stations as recommended by the Public Works and Transportation Management Audit.
(Report with agenda. The CAD work stations will be used to design water and sewer CIP projects. This item was inadvertently omitted from the 1993-94 Budget during the budgeting process. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-627 adopted approving appropriation transfer.
(P/W, Finance to handle)

17. Consider supporting a proposed Automobile Registration Initiative for a statewide \$9 auto registration fee which would provide the City with an additional funding tool for acquisition, development, maintenance and operation of its park system and recreation program.
(Report with agenda. Resolution supporting Automobile Registration Initiative needed.)

ACTION: By order of the Chair, this item was referred back to the Council Policy Committee.

CONSENT

18. Consider authorizing appropriation transfer in the amount of \$158,000 for the City's share of the costs to construct traffic signal modifications and street improvements needed at Briggsmore and Oakdale.
(Report with agenda. The total cost of the project is estimated to be \$208,000. The City will pay \$158,000 and the developer will pay \$50,000. As part of traffic mitigation requirements for redevelopment at the northeast corner of Briggsmore and Oakdale certain costs were to be paid by the developers and certain other costs were to be paid by the City. The intersection will be widened to increase capacity. As a result the traffic signal will need to be modified. Funds for this project will be loaned from the ATMS project. Resolution authorizing appropriation transfer needed.)

ACTION: Res. 93-628 adopted authorizing appropriation transfer.
(P/W, Finance to handle)

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WRITTEN COMMUNICATIONS

19. Letter from John Scheuerlein regarding complaint about Finance utility billing.

No action taken.

20. Letter from Denise L. Cheeseman, President, Protect Our Children, requesting the adoption of a resolution supporting stricter State laws regarding child sexual molestation.

ACTION: By order of the Chair, this matter was referred to the Council Policy Committee. (Manager to handle)

MISCELLANEOUS

Appointments

21. a. International Friendship Committee

ACTION: Res. 93-629 adopted (Friedman/Dobbs, unan.) appointing Terry Katzakian.

- b. Affirmative Action/Disability Commission

ACTION: Res. 93-630 adopted (Friedman/Dobbs, unan.) appointing Joan Cardoza. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA


22. 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 8:25 p.m.

ATTEST:



NORRINE COYLE, City Clerk

11/2/93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 9, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Ed Shakespeare, Chaplain, Stanislaus County Medical Center

A. Certification of canvass of votes at the November 2, 1993, election.

ACTION: Res. 93-630A adopted (Dobbs/Friedman, unan.) certifying.
(Clerk to handle)

B. Oath of Office by newly-elected City Councilmembers and Modesto Board of Education Members.

The Oath was taken by the newly elected candidates.

C. Remarks

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 11, 12,
13, 14, 16, 17

ACTION: (Muratore/Friedman, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 15

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

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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.

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Harold Reno regarding a special book project supported by four local businesses to benefit non-profit organizations which assist children.

Mr. Reno and Xavier Rengal of the Salvation Army spoke about the book project.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of November 2, 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

CONSENT

4. Final adoption of Ord. No. 2869-C.S. providing for registration of convicted arson, narcotics and sex offenders.
(Motion approving needed.)

ACTION: By motion, Ord. No. 2869-C.S. approved. (Clerk to handle)

HEARINGS

5. a. Hearing to consider an amendment to the General Plan Map to include a commercial area and a neighborhood shopping center along

the northeast side of Sisk Road north of Vintage Faire and at the southeast corner of Sisk Road and Pelandale Avenue, respectively.

ACTION: Res. 93-631 adopted (Friedman/Muratore, unan.) amending General Plan.

- b. Hearing to consider an amendment to Section 11-3-8 of the Zoning Map to rezone from P-D(381), P-D(331), P-D(332) and R-3, to P-D(499), to allow a commercial shopping Center, property located on the northeast side of Sisk Road, north of Vintage Drive. (Target Stores)

ACTION: By motion (Friedman/Muratore, unan.) Ord. No. 2874-C.S. introduced.
Res. 93-632 adopted (same vote) approving plan except signs, which were referred back to the Planning Commission for further study.
Res. 93-633 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the project to rehabilitate the storm water lift station at Tully and Briggsmore.
(Suggested bid opening: December 9, 1993, at 11:00 a.m. Report with agenda. The station is 15 years old, requires frequent maintenance, has controls that are out of date and relies on a single pump to operate. The station is in need of upgrading. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$149,554 (\$132,248 contract: \$17,206 contract admin. & cont.) Funds are budgeted.)

ACTION: Res. 93-634 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the waterline on "I" Street from 6th Street to 8th Street.
(Suggested bid opening: December 9, 1993, at 11:05 a.m. Report with agenda. This is a waterline system strengthening project tying a 12" line at 6th Street to a 12" line at 8th and "I." Priority on this project was increased to get it in before I Street is reconstructed next summer. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$61,488 (\$54,415 contract: \$7,073.95 contract admin. & cont.) Funds are partially budgeted. Appropriation transfer may be requested at the time contract is awarded when bid amounts are known exactly)

ACTION: Res. 93-635 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the construction of the parallel outfall sewer - secondary treatment plant to Station 122+46, and consider approving agreements with Turlock Irrigation District and Stanislaus County giving the City authority to construct the sewer line within their respective rights of way. (Suggested bid opening: December 9, 1993, at 11:10 a.m. Report with agenda. Construction of the parallel outfall line will allow the existing outfall to be repaired and provide for future flow requirements. This project will construct approximately 11,000 feet of 60-inch pipeline parallel to the existing outfall from the pond site to the previously paralleled section. Resolution approving plans and specifications and call for bids needed, and resolutions approving agreements with TID and Stanislaus County needed. Estimated cost: \$2,883,458 (\$2,597,710 contract; \$285,748 contract admin. & cont.) Funds are budgeted.)

ACTION: Res. 93-636 adopted calling for bids.
Res. 93-637 adopted approving an agreement with Turlock Irrigation District.
Res. 93-638 adopted approving an agreement with Stanislaus County.
(P/W to handle)

NEW BUSINESS

CONSENT

9. Consider adoption of Transit Section's Disadvantaged Business Enterprise (DBE) Fiscal Year 1993-94 goal of 13% participation in transit contract awards. (Report with agenda. The Federal Transit Administration (FTA) requires adoption of an annual DBE goal. During Fiscal Year 1992-93, Modesto's Transit Division DBE awards totalled \$327,220 with an overall participation 15.9%. For Fiscal Year 1993-94 the City's Transit Division has programmed \$169,987 in FTA funds to be awarded to DBE's with an overall DBE participation of 13%. Resolution adopting a goal of 13% DBE participation needed.)

ACTION: Res. 93-639 adopted adopting a goal of 13% DBE participation.

(P/W to handle)

CONSENT

10. Consider approving special public transit service, identical to that which was provided last year, to and from the free Thanksgiving Dinner at Modesto Centre Plaza. (Report with agenda. City transit buses would provide free transportation over three routes and Dial-A-Ride would provide free transportation for any individuals attending the dinner. Motion approving special service needed. Estimated cost: \$650. Funds are budgeted.)

ACTION: By motion, free transit service approved. (P/W to handle)

CONSENT

11. Consider approving agreement with the Alvin E. Ohlson 1991 Trust for the acquisition of a permanent and temporary easement for the Sonoma sewer trunk.

(Report with agenda. Resolution approving agreement. Estimated total cost: \$19,500 (cost \$18,000; est. escrow \$1,500). Funds are budgeted.)

ACTION: Res. 93-640 adopted approving agreement. (Attorney to handle)

CONSENT

12. Consider amending the budget to increase the estimated revenue and to appropriate the developer contributions for the traffic signal modifications needed at Standiford and Carver.

(Report with agenda. The developer on the southwest corner of Standiford and Carver has deposited \$111,135 with the Finance Department. The developer on the southeast corner has deposited \$30,000. The total project cost is estimated to be \$141,135. As part of traffic mitigation requirements for development at the Standiford and Carver intersection, developers were required to pay for traffic signal improvements. The signal will be upgraded from simple fixed-time operation to fully actuated signals with protected-permissive left-turns (five-section signal heads). The budget needs to be amended to recognize the revenue and to establish this new CIP project. Resolution amending budget needed.)

ACTION: Res. 93-641 adopted amending budget. (Finance to handle)

CONSENT

13. Consider authorizing the Stanislaus County Auditor-Controller/Treasurer-Tax Collector to apportion property tax revenues due the City of Modesto, according to the provisions of the "Teeter Plan."

(Report with agenda. Resolution authorizing the City Manager to send a letter to County opting into the Teeter Plan needed.)

ACTION: Res. 93-642 adopted approving sending a letter to the County.

(Finance to handle)

CONSENT

14. Consider updating and consolidating Modesto Municipal Code Sections dealing with billing and collections of utility services.

(Report with agenda. Introduction of three ordinances needed.)

ACTION: By motion, Ord. 2875-C.S. introduced adding Ch. 6 entitled "Collections of Public utilities Charges" to Title XI of the Code. By motion, Ord. 2876-C.S. introduced amending sections in Chapter 5 and Chapter 6 of Title V of the Code relating to Utility Collections.

By motion, Ord. 2877-C.S. introduced amending sections of Title XI of the Code relating to Utility Collections.

(Clerk to handle)

CONSENT

15. Consider approving a Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association.
(Report with agenda. Resolution approving Memorandum of Understanding needed.)

ACTION: Res. 93-643 adopted approving Memorandum of Understanding.
(Personnel to handle)

CONSENT

16. Consider approving amendment to agreement with Leedshill-Herkenhoff, Inc. for engineering services and construction administration for design for new water/sewer Supervisory Control and Data Acquisition (SCADA) system.
(Report with agenda. Resolution approving amendment to agreement needed. Estimated cost: \$110,912. Funds are budgeted.)

ACTION: Res. 93-644 adopted approving amended agreement.
(P/W to handle)

17. Consider approving lease agreement with Modesto Executive Air Charter, Inc. for the lease of Hangar Plots 1 and 2 at the Modesto City/County Airport, and consider approving an amendment to an agreement with Hendley-Skytrek Aviation Fuel, Inc. for an increase in the term of their lease to 25 years.
(Report with agenda. Resolution approving lease agreement needed, and resolution approving amendment to agreement needed.)

ACTION: Res. 93-645 adopted (Patterson/Dobbs, majority, Cogdill and Friedman-no) approving lease agreement with Modesto Executive Air Charter, Inc.
Res. 93-646 adopted (same vote) approving an amended agreement with Hendley-Skytrek Aviation Fuel, Inc.
(P/W to handle)

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

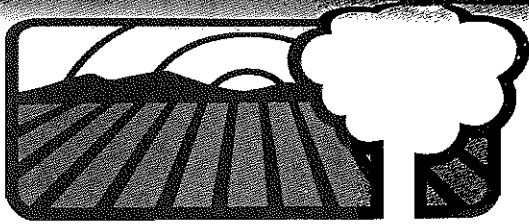
19. a. Closed session to confer with or receive advice from legal counsel regarding pending litigation when discussion in open session concerning these matters would prejudice the position of the City in the case of City of Modesto vs. Del Este Water Company and California Water Service Company, pursuant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

- b. Closed session 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 5:46 p.m. to closed session.

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 7:00 p.m. on Tuesday, November 16, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Councilmember Patterson arrived at 7:05 p.m.

Absent: None

Reports of activities and studies were made by the Chairs and members of the Community Development and Housing Committee; Financial Policy Committee; Human Services Committee; and Public Safety Committee.

The meeting adjourned at 7:25 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

11-16-93



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session held concurrently with the regular City Council meeting at 7:30 p.m. on Tuesday, November 16, 1993, in the Council Chambers at City Hall, 801 11th Street, Modesto, California, to conduct a hearing concerning a rezoning.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

4A. Hearing to consider an amendment to Section 30-3-9 of the Zoning Map to rezone from M-1 to P-D(500) to allow expansion of U. S. Rentals to include a concrete mixing system, as part of the U. S. Rental Yard facility, property located on the south side of Coldwell Avenue west of Tully Road.

ACTION: By motion, (Friedman/Cogdill, unan.) Ord. No. 2878-C.S. was introduced rezoning the property.

Res. 93-647 adopted (Friedman/Cogdill, unan.) approving the plan.

Res. 93-648 adopted (Friedman/Cogdill, unan.) certifying review of environmental assessment.

(Clerk/Planning & Com. Dev. to handle)

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

11-16-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 16, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Mel Turner, Christian Berets

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9, 11, 12,
13,

Removed from Consent: 10, 15

ACTION: (Dobbs/Bird, unan.)

(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.

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation regarding Local Cable Programming Week November 15 - 21, 1993.

Mayor Lang presented the proclamation to representatives of Post-Newsweek Cable Television Company.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of November 9, 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

CONSENT

4. Final adoption of the following ordinances:
 - a. Ord. No. 2874-C.S. rezoning from P-D(381), P-D(332), and R-3, to P-D(499), property located on the northeast side of Sisk Road, north of Vintage Drive, south of Akeby Drive and west of Gagos Drive. (Target)
 - b. Ord. No. 2875-C.S. adding Chapter 6 entitled "Collections of Public Utilities Charges" to Title XI of the Modesto Municipal Code.
 - c. Ord. No. 2876-C.S. amending Title V of the Municipal Code relating to Utility Collections.
 - d. Ord. No. 2877-C.S. amending Title XI of the Modesto Municipal Code relating to Utility Collections.

(Motion adopting needed.)

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

BIDS

CONSENT

5. Consider approving specifications and authorizing call for bids for furnishing one new sewer line camera and related equipment.
(Suggested bids opening: December 6, 1993, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$30,000. Funds are budgeted.)

ACTION: Res. 93-649 adopted calling for bids. (Finance to handle)

CONSENT

6. Consider authorizing one lot of SCADA System equipment surplus and authorize the Purchasing Officer to sell the equipment by sealed bid, auction, scrapping of the equipment, or by returning the equipment to the manufacturer at no cost to the City.
(Resolution declaring equipment surplus and authorizing Purchasing Officer sell needed.)

ACTION: Res. 93-650 adopted declaring equipment surplus. (Finance to handle)

CONSENT

7. Consider awarding contract for the Granger Avenue waterline to Ksenco Construction, and consider approving appropriation transfer in the amount of \$21,842 to fully fund this project.
(Report with agenda. This project will improve the water system in the Granger, Calder, and Ardmore area to meet the current needs and standards. Bids were opened October 21, 1993. The low bid of \$66,186, submitted by Ksenco Construction, is 8.67% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed, and resolution approving appropriation transfer needed. Estimated total cost: \$77,437.62 (contract \$66,186; contract admin. & cont. \$11,151.62) Funds are partially budgeted.)

ACTION: Res. 93-651 adopted awarding contract.
Res. 93-652 adopted approving appropriation transfer.
(PW & T/Finance to handle)

CONSENT

8. Consider awarding contract to rehabilitate sewer lift stations - Muriel Avenue, Maze Boulevard and Mark Randy Place to Scrimsher and Mineni Construction, and consider approving appropriation transfer in the amount of \$92,000 to fully fund this project.
(Report with agenda. This project will provide for the reconstruction of three lift stations which are deteriorated and are unreliable and unsafe. Bids were opened November 4, 1993. The low bid of \$437,758.80, submitted by Scrimsher and Mineni Construction, is 0.77% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed, and resolution approving appropriation transfer needed. Estimated total cost: \$494,667.44 (contract \$437,758.80; contract admin. & cont. \$56,908.64) Funds are partially budgeted.)

ACTION: Res. 93-653 adopted awarding contract.
Res. 93-654 adopted approving appropriation transfer.
(PW & T/Finance to handle)

CONSENT

9. Consider accepting The McDonald Glenn Company's contract for the Control Building Expansion at the Water Quality Control Plant as complete and request the City Clerk file a Notice of Completion. (Original contract: \$594,125.00)
(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: \$632,966.08. Funds are budgeted.)

ACTION: Res. 93-655 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

10. Consider approving an agreement with Stanislaus County for the City to provide interim assistance in the operation of the County's fleet. (The County has requested that the City provide interim management of their service garage and will reimburse the City for the costs involved. Report with agenda. Resolution approving an agreement with Stanislaus County needed.)

ACTION: Res. 93-656 adopted (Bird/Cogdill, unan.) approving agreement.
(PW & T to handle)

CONSENT

11. Consider approving a financial agreement with Ana Lopez, owner of property at 342 Colorado Avenue, for the purpose of rehabilitating her property pursuant to the City of Modesto's Housing Rehabilitation Program.
(Report with agenda. An agreement will allow financing to property owner for rehabilitation of property pursuant to the City of Modesto's Housing Rehabilitation Program. Resolution approving agreement needed. Estimated Cost: \$67,402. Funds are budgeted.)

ACTION: Res. 93-657 adopted approving agreement. (Plan. & C.D. to handle)

CONSENT

12. Consider approving an agreement with Habitat for Humanity, Stanislaus Chapter, for a grant of \$20,000 under the Community Development Block Grant Program for FY 1993-94.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$20,000. Funds are budgeted.)

ACTION: Res. 93-658 adopted approving agreement. (Plan. & C.D. to handle)

CONSENT

13. Consider approving submittal of an application for \$217,900 in grant funding under the Environmental Enhancement and Mitigation Program for acquisition of 11.7 acres east of Claus Road, south of Dry Creek. (Report with agenda. Resolution approving submittal of application needed.)

ACTION: Res. 93-659 adopted approving agreement. (P & R to handle)

14. Consider amending the 1993-94 Operating Budget to reflect a revenue increase of \$198,000 from the passage of Proposition 172 to appropriate funds for six additional Modesto Police Officers and establish a special capital outlay account for equipment and materials to establish an Emergency Operations Center in the new regional fire facility and for communication upgrades for the Fire and Police Department. (Report with agenda. Resolution amending budget needed.)

ACTION: Res. 93-660 adopted (Patterson/Muratore, unan.) amending budget. (Finance to handle)

Councilmember Patterson excused at 8:10 p.m.

15. Consider authorizing application to the U.S. Department of Justice in an amount up to \$2 million under the Police Hiring Supplemental Program for the salaries and benefits of additional Modesto police officers to work in community-oriented policing. (Report with agenda. Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 93-661 adopted (Friedman/Bird, unan. Patterson absent) authorizing grant application. (Police to handle)

WRITTEN COMMUNICATIONS

16. Letter from Virginia Palleschi, representative for the Whitcomb Way residents, concerning yellow reflectors on the street and requests for repair of pot holes.

Dropped at the request of Ms. Palleschi.

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

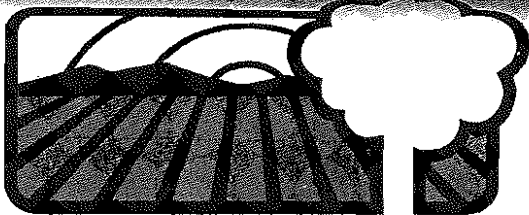
CLOSED SESSION

18. 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, Superior Court Case No. 296508, pursuant to Section 54956.9(a) of the Government Code.
- b. 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).

ADJOURNMENT

The meeting adjourned at 8:15 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 regular at 12:00 noon, Wednesday, November 17, 1993, at the Foster Farms milk plant, 415 Kansas Avenue, Modesto, California.

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

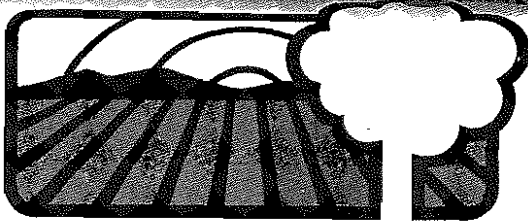
Absent: Councilmembers Muratore, Patterson

Max Foster spoke briefly about his life and how he developed the Foster Farms milk business. He then conducted a tour of the Kansas Avenue plant.

The meeting adjourned at 1:20 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

11-16-93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 23, 1993, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang
Councilmember Friedman arrived at 4:40 p.m.

Absent: None

Pledge of Allegiance to the Flag

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 10, 11, 12, 13, 14,
15, 16, 18

Removed from consent: 9, 17

ACTION: (Bird/Dobbs, unan., Friedman 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. a. Presentation of proclamation concerning the 1993 Toys for Tots Campaign to United States Marine Corps representatives.

Mayor presented a proclamation to Gunnery Sergeant James Lignoski and Captain G.E. Paglione, Jr.

- b. Acknowledgement of Modesto Police Officer Johnny Johnston as the 1993 recipient of the Gerald L. McKinsey Achievement Award and presentation of the perpetual plaque to Officer Johnston. (Resolution commending Officer Johnson needed.)

ACTION: Res. 93-662 adopted commending Officer Johnston.

- c. Acknowledgement of Richard Gonzales as the 1993 recipient of the Gerald L. McKinsey Scholarship Award and presentation of check in the amount of \$500.

Mayor presented Scholarship Award to Richard Gonzales.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of November 16, 1993, and the November 17, 1993, special City Council meeting. (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

CONSENT

4. Final adoption of Ord. No. 2878-C.S. rezoning from M-1 to P-D(500) property located on the south side of Coldwell Avenue west of Tully Road. (U.S. Rental) (Motion adopting needed.)

ACTION: By motion, Ord. No. 2878-C.S. adopted. (Clerk to handle)

- i. Robert A. Beck, et ux, trust
Beck Family Rev. Trust APN 52-20-03
- ACTION: Res. 93-671 adopted (same vote) approving acquisition of the property.
- j. Scott A. Bates, et al APN 52-20-06
- ACTION: Res. 93-672 adopted (same vote) approving acquisition of the property.
- k. McHenry Bowl, Inc., et al APN 52-20-64
- ACTION: Res. 93-673 adopted (same vote) approving acquisition of the property.
- l. James Lamatis, et al (John Lust) APN 52-20-51
- ACTION: Res. 93-674 adopted (same vote) approving acquisition of the property.

Sonoma Sewer Trunk

- m. Nora Naraghi APN 77-08-26
(Drop from agenda - settled)
- n. Ronald L. LaForce, et al APN 77-09-12
- ACTION: Res. 93-675 adopted (same vote) approving acquisition of the property.
- o. Modesto Venture 168 APN 77-09-13
- ACTION: Res. 93-676 adopted (same vote) approving acquisition of the property.
- p. John Magaddino, et ux APN 77-09-25
- ACTION: Res. 93-677 adopted (same vote) approving acquisition of the property.
- q. Oakdale Park LP APN 77-33-07
- ACTION: Res. 93-678 adopted (same vote) approving acquisition of the property.
- r. Modesto City School District APN 77-33-10
- ACTION: Res. 93-678A adopted (same vote) approving acquisition of the property.
(Attorney to handle)

6. Hearing of Necessity to acquire right of way from Seldon J. Graham needed for the project to widen Scenic Drive east of Oakdale Road.

ACTION: Res. 93-679 adopted (Muratore/Dobbs, Friedman absent) approving acquisition of the property. (Attorney to handle)

7. Hearing to consider the appeal of Patrick A. Tittle to a decision of the Housing Rehabilitation Loan Pool Subcommittee regarding a property located at 129 Sunset Boulevard.

Dropped at Mr. Tittle's request.

BIDS

CONSENT

8. Consider acceptance of Valley Slurry Seal Company's contract for the 1993 street cape seals project as complete and authorizing City Clerk to file Notice of Completion. (Original contract: \$350,772.55)
(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. Final cost: \$351,574.03. Funds are budgeted.)

ACTION: Res. 93-680 adopted accepting work as complete. (P/W, Clerk to handle)

9. Consider acceptance of the contract of George Reed, Inc. for the widening of Scenic Drive east of Coffee Road to Rose Avenue, south side, as complete and authorizing City Clerk to file Notice of Completion. (Original contract: \$180,948)
(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: \$182,296.42. Funds are budgeted.)

ACTION: Res. 93-681 adopted (Bird/Dobbs, unan., Friedman absent) accepting work as complete. (P/W, Clerk to handle)

NEW BUSINESS

CONSENT

10. Consider approving agreement with Nora Naraghi for the acquisition of a permanent and temporary easement for the Sonoma sewer trunk. (Report with agenda. Resolution approving agreement needed. Estimated total cost: \$25,500 (cost \$23,500; est. escrow \$2,000) Funds are budgeted.)

ACTION: Res. 93-682 adopted approving agreement. (Attorney to handle)

CONSENT

11. Consider approving agreement and accepting right of entry from David H. Thompson for the acquisition of 2,569± square feet of right of way needed for the Scenic - east of Oakdale widening project.
(Report with agenda. Resolutions approving agreement and accepting right of entry needed. Estimated total cost: \$28,000 (cost \$26,500; est. escrow \$1,500) Funds are budgeted.)

ACTION: Res. 93-683 adopted approving agreement and accepting right of entry. (Attorney to handle)

CONSENT

12. Consider approving agreement and accepting right of entry from Andrew J. Pulizzi for the acquisition of 1,775± square feet of right of way needed for the Scenic - east of Oakdale widening project.
(Report with agenda. Resolutions approving agreement and accepting right of entry needed. Estimated total cost: \$12,945 (cost \$11,845; est. escrow \$1,000; est. interest \$100) Funds are budgeted.)

ACTION: Res. 93-684 adopted approving agreement and accepting right of entry. (Attorney to handle)

CONSENT

13. Consider approving agreement with Community Reinvestment Fund, Inc. to provide loan servicing for the Housing and Economic Development Loan Portfolios for the Community Development Program Office.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$9,000. Funds are budgeted.)

ACTION: Res. 93-685 adopted approving agreement. (Planning to handle)

CONSENT

14. Consider authorizing grant application for \$88,369 for funding under the Federal Land and Water Conservation Fund for construction of two miles of trails in Tuolumne River Regional Park.
(Report with agenda. Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 93-686 adopted approving grant application. (P/R to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

16. Consider amending class specifications for Industrial Waste Inspector I/II and Events Supervisor; delete class specifications for Events Coordinator.
(Report with agenda. Resolution amending the Position Classification Plan needed.)

ACTION: Res. 93-687 adopted revising Position Classification Plan.
Res. 93-688 adopted amending Class Range Tables to delete Events Coordinator. (Personnel to handle)

17. Consider amending the Modesto Municipal Code to make it illegal for skaters and skateboarders to use public parking lots and public parking structures except by Council approval for special events.
(Report with agenda. The City's off-street parking facilities are having operational problems created by skaters and skateboarders. In the interest of public safety, staff recommends an amendment to the Municipal Code to make the use of skates, skateboards, etc., illegal in public parking facilities. Motion introducing ordinance needed.)

ACTION: By motion (Patterson/Dobbs, unan., Friedman absent)
Ord. No. 2879-C.S. introduced regarding "City-owned" parking lots
and structures. (P/W to handle)

CONSENT

18. Consider authorizing staff to continue working with local public school districts to design and implement a comprehensive school recycling program.
(Report with agenda. One of the short-term goals identified in the Draft Source Reduction and Recycling Element is the development and implementation of a comprehensive school recycling program. Motion authorizing continued work with local public school districts needed.)

ACTION: By motion, staff authorized to continue work with local public
school districts. (P/W to handle)

WRITTEN COMMUNICATIONS

19. Request of Yvette and Damon Hill to discuss police harassment, a police review board, and problems in their neighborhood.

No action taken.

MATTERS TOO LATE FOR THE AGENDA

20. (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

21. 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, pursuant to Section 54956.9(a) of the Government Code concerning the following cases:

- a. Jerry Surber v. City of Modesto.
b. 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.

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, December 7, 1993, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Bird, Cogdill, Dobbs, Muratore, Mayor Lang
Mayor Lang was excused at 7:12 p.m.

Absent: Councilmembers Friedman, Patterson

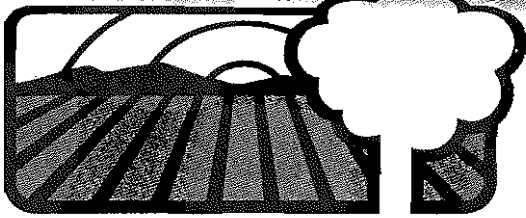
Reports of activities and studies were made by the Chairs and members of the Community Development and Housing Committee; Economic Development, Community and Intergovernmental Relations Committee; Public Safety Committee, Transportation Committee, and Utility Services and Franchises Committee.

The meeting adjourned at 7:17 p.m.

ATTEST:

A handwritten signature in cursive script that reads "Norrine Coyle". The signature is written in dark ink and is positioned above a horizontal line.

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 7, 1993, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Muratore,
Patterson, Mayor Lang

Absent: Councilmember Friedman

Pledge of Allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 9, 10, 11, 12, 14,
15, 16, 17

ACTION: (Muratore/Dobbs, unan., Friedman 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 Troup 76, Centenary Methodist Church.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of November 23, 1993.
(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.)

Bruce Frohman, G.O.A.L., spoke about Village I.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2879-C.S. relating to use of coasters, roller skates and similar devices in city-owned parking lots or structures.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2879-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the appeal of Redev, Inc. and Sarjak Enterprises to a Planning Commission decision concerning:
- a. Proposed amendment to the Modesto Urban Area General Plan from Industrial for Business Park to Residential on the north side of Blue Gum Avenue and west of Poust Road.
 - b. Proposed rezoning to R-1, property on the north side of Blue Gum Avenue and west of Poust Road.
 - c. Proposed vesting tentative subdivision map of Symphony Place on the north side of Blue Gum Avenue and west of Poust Road.

ACTION: By motion (Patterson/Bird, majority, Cogdill-no, Friedman absent) Ord. No. 2880-C.S. introduced, rezoning the property to R-1. Res. 93-689 adopted (same vote) certifying negative declaration. Res. 93-690 adopted (same vote) granting appeal and approving the tentative subdivision map. Res. 93-691 adopted (same vote) amending the General Plan.
(Clerk/Planning to handle)

12/7/93

6. Hearing to consider amending the Zoning Regulations of the Modesto Municipal Code to define and provide for homeless shelters as conditional uses in certain zones.

ACTION: By motion (Cogdill/Muratore, unan., Friedman absent) Ord. No. 2881-C.S. introduced. (Clerk to handle)

7. Hearing to consider the proposed designation of property located at 9th and J Street, the Southern Pacific Depot, as a Modesto Landmark Preservation site.

ACTION: Res. 93-692 adopted (Patterson/Muratore, unan., Friedman absent) designating as Modesto Landmark Preservation site. (P/R to handle)

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the Briggsmore Avenue water line from Well No. 21 to Coffee Road. (Suggested bid opening: January 6, 1994, at 11:00 a.m. Report with agenda. This project will strengthen the existing water system by completing a circulation loop increasing commercial, residential and fire flows. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$253,000 (contract \$220,000; contract admin. & contingencies \$33,000) Funds are budgeted.)

ACTION: Res. 93-693 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider awarding contract for the Scenic Drive widening east of Oakdale Road project to Ross F. Carroll, Inc.; consider approving an appropriation transfer in the amount of \$71,000 to fully fund the project; and consider amending budget to estimate developer contribution of \$8,600. (Report with agenda. Bids were opened on September 16, 1993. The low bid of \$61,339, submitted by Ross F. Carroll, Inc. is 13.96% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Ross F. Carroll, Inc. Resolution awarding contract needed; resolution approving appropriation transfer needed; and resolution amending budget needed.)

ACTION: Res. 93-694 adopted awarding contract.
Res. 93-695 adopted approving appropriation transfer.
Res. 93-696 adopted amending budget. (P/W, Finance to handle)

CONSENT

10. Consider accepting the contract of Howell Construction, Inc. for the Senior Citizens Center wall modifications as complete and authorize the City Clerk to file Notice of Completion. (Original contract: \$27,859) (Report with agenda. All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works

12/7/93

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: \$28,135.97. Funds are budgeted.)

ACTION: Res. 93-697 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider accepting the contract of Tri Technic, Inc. for the installation of emergency generators at Wells 33 and 39 as complete and authorize the City Clerk to file Notice of Completion. (Original contract: \$92,161)
(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: \$97,200.96. Funds are budgeted.)

ACTION: Res. 93-698 adopted accepting as complete. (Clerk to handle)

CONSENT

12. Consider declaring as surplus stolen, unclaimed and/or seized property accumulated by the City and authorizing the Purchasing Officer to sell at public auctions conducted by Roger Ernst and Associates on January 8, 1994 and January 10, 1994.
(Report with agenda. Resolution declaring property surplus and authorizing Purchasing Officer to sell by public auction needed.)

ACTION: Res. 93-699 adopted declaring property surplus and authorizing sale. (Finance to handle)

NEW BUSINESS

13. Staff report on Graffiti USA 1993 and recommendations for 1994.
(Report with agenda. Motion accepting report and recommendations needed.)

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

CONSENT

14. Consider certifying Environmental Review of Orchard Park site.
(Report with agenda. Resolution certifying Environmental Review needed.)

ACTION: Res. 93-700 adopted certifying Environmental Review. (P/R, Planning to handle)

CONSENT

15. Consider approving lease agreement with Shawn and Kristine Milar for the McClure Caretaker's Cottage.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-701 adopted approving agreement. (Atty to handle)

12/7/93

CONSENT

16. Consider authorizing City Manager to execute Consent to Common Use Agreement with Modesto Irrigation District for the construction of a waterline along Briggsmore Avenue.
(Report with agenda. This agreement will all the City to install a new waterline along Briggsmore Avenue within Modesto Irrigation District right of way. Resolution approving agreement needed.)

ACTION: Res. 93-702 adopted approving agreement. (P/W to handle)

CONSENT

17. Consider authorizing an expenditure of \$57,000 for the construction of water line on Monterey Avenue to the Airport by Del Este Water Co.
(Report with agenda. Resolution authorizing expenditure needed. Estimated project cost: \$62,756 (construction \$57,056; contingency \$5,700) Funds are budgeted.)

ACTION: Res. 93-703 adopted authorizing expenditure. (P/W to handle)

WRITTEN COMMUNICATIONS

18. Letter from Mike E. Lewis regarding the City's program of enforcement of the ordinance concerning the licensing of dogs.

No action taken.

CONSENT

19. Letter of resignation from the Planning Commission from Jeff Grover.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 93-704 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Appointments

20. a. Board of Zoning Adjustment

ACTION: Res. 93-705 adopted (Muratore/Dobbs, unan., Friedman absent)
Garrad Marsh and Larry Erwin appointed.

- b. Human Relations Commission

ACTION: Res. 93-706 adopted (Muratore/Dobbs, unan., Friedman absent)
appointing Bonnie Johnson.

- c. Housing Rehabilitation Loan Committee

ACTION: Res. 93-707 adopted (Muratore/Dobbs, unan., Friedman absent)
appointing Virginia Gleser.

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d. Community Qualities Forum

ACTION: Res. 93-708 adopted (Muratore/Dobbs, unan., Friedman absent)
appointing Dean Colli and Gerald Clendenin.

(Clerk to handle)

21.

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.)

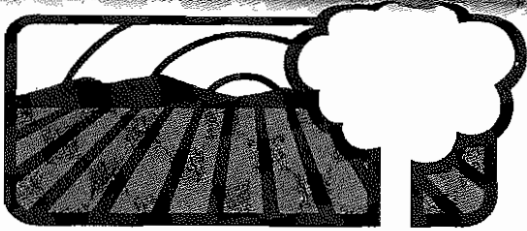
None

ADJOURNMENT

The meeting adjourned at 9:49 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

12/7/93



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 9:49 p.m. following the regular 7:30 p.m. Council meeting on Tuesday, December 7, 1993, in the Mayor's Office at City Hall, 801 11th Street, Modesto, California, for a closed session.

Present: Councilmembers Bird, Cogdill, Dobbs, Muratore, Patterson,
Mayor Lang

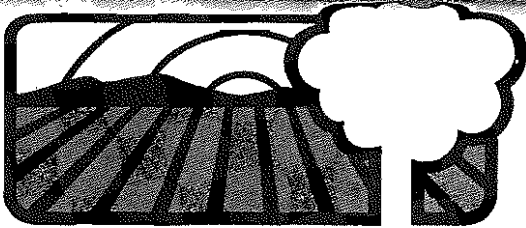
Absent: Councilmember Friedman

The Council held a closed session regarding the case of City of Modesto vs. Del Este Water Company and California Water Company, pursuant to Government Code Section 54956.9(a).

ATTEST:

A handwritten signature in cursive script that reads "Norrine Coyle". The signature is written over a horizontal line.

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 14, 1993, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Vern Deatherage, Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4a, 5, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18, 19, 20, 21,

Removed from Consent: 6

Dropped from agenda: 22

ACTION: (Patterson/Cogdill, unan.)

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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.

12/14/93

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of December 7, 1993.
(Motion approving needed.)

ACTION: By motion, minutes approved.

3.

ORAL COMMUNICATIONS

(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.a Final adoption of Ord. No. 2881-C.S. amending the Zoning Regulations of the Modesto Municipal Code to define and provide for homeless shelters as conditional uses in certain zones.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2881-C.S. adopted.

- b Final adoption of Ord. No. 2873-C.S. adopting a precise plan and underlying zoning for Area 27 of Village One, amending Section Map 13-3-9 of the Zoning Map to rezone from Specific Plan, S-P, to R-1: SP-27 and R-3: SP-27, located in Area 27 of Village One, located on the east side of Roselle Avenue, south of Belharbour Drive, north of Merle Avenue (Art Martin appeal)
(Motion adopting needed.)

ACTION: By motion (Cogdill/Bird, majority, Friedman-no) Ord. 2873-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

5. Consider approving specifications and authorizing call for bids for furnishing 23 various types of vehicles or purchase from the California State Contract or lowest non-contract bid, whichever is in the best

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interest of the City.

(Suggested bid opening: January 3, 1994, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$373,000. Funds are budgeted.)

ACTION: Res. 93-709 adopted calling for bids. (Finance to handle)

NEW BUSINESS

6. Consider approving the Fiscal Year 1993-94 Federal Transit Administration (FTA) Section 9 Program of Projects (POP) for the City of Modesto and filing a grant application with FTA for projects in the POP. (Report with agenda. A total of \$1,375,442 in FTA funds is being requested from the FTA for F.Y. 1993/94 including \$1,079,564 in operating assistance and \$295,878 in capital assistance. The local match of \$3,451,084 comes from the City's and Stanislaus County's Local Transportation Fund. The POP was reviewed and approved by Stanislaus Area Association of Governments (SAAG), the designated recipient for Federal Transit Assistance for the urbanized area. SAAG also held a public hearing on the POP as required by the FTA. Resolution adopting Program of Projects and authorizing the filing of a grant application needed.)

ACTION: Res. 93-710 adopted (Patterson/dobbs, unan.) adopting Program of Projects and authorizing filing of grant application.
(P/W to handle)

CONSENT

7. Consider approving lease agreement with County of Stanislaus for the lease of a portion of the Modesto Transportation Center. (Report with agenda. The County will lease three bus bays at the Center. Annual lease payment to the City will be about \$7,588 per year. County Transit buses will begin using the Center December 16, 1993. Resolution approving lease agreement needed.)

ACTION: Res. 93-711 adopted approving agreement. (P/W to handle)

CONSENT

8. Consider approving lease agreement with Laidlaw Transit, Inc. for the lease of a portion of the Modesto Transportation Center. (Report with agenda. Under the terms of its agreement with Laidlaw Transit to operate the MAX bus service, the City provides Laidlaw with office space rent-free. A lease is necessary to specify each party's responsibilities even though no rental payment is required. Resolution approving lease agreement needed.)

ACTION: Res. 93-712 adopted approving agreement. (P/W to handle)

CONSENT

9. Consider authorizing an appropriation transfer in the amount of \$95,000 for the City's share of the costs to construct traffic signal modifications and street improvements needed at Carpenter and Blue Gum. (Report with agenda. The total cost of the project is estimated to be \$126,750. As part of traffic mitigation requirements for developing the

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northwest corner of Carpenter at Blue Gum, certain costs were to be paid by the City. The intersection will be widened to increase capacity, and the traffic signal equipment will need to be replaced. The City will pay approximately \$95,000, and the developer will pay about \$31,750. The City's share includes \$10,750 for contingencies, construction inspection, and administration. The budget needs to be amended to transfer funds and to establish the new CIP project. Resolution approving appropriation transfer needed.)

ACTION: Res. 93-713 adopted approving appropriation transfer.
(P/W, Finance to handle)

CONSENT

10. Consider designating Housing Rehabilitation Loan Program as a Revolving Loan Fund.
(Report with agenda. Resolution designating the Housing Rehabilitation Loan Program as a Revolving Loan Fund needed.)

ACTION: Res. 93-714 adopted designating Housing Rehabilitation Loan Program as a Revolving Loan Fund. (Planning to handle)

CONSENT

11. Consider designating Project Sentinel as agency to provide Fair Housing services and authorizing staff to negotiate contract.
(Report with agenda. Motion designating Project Sentinel as Fair Housing Services provider and authorizing staff to negotiate contract needed. Estimated cost: \$18,000. Funds are budgeted.)

ACTION: By motion, Project Sentinel designated as agency to provide Fair Housing services. (Planning to handle)

CONSENT

12. Consider approving an agreement with Stewart W. and Betty J. Bradley for the acquisition of a 1.331± acre permanent easement and a 0.934± acre temporary easement for the Lakewood Sewer Trunk Project.
(Report with agenda. Resolution approving agreement needed. Estimated total cost: \$19,000 (cost \$17,400; est. escrow \$1,600) Funds are budgeted.)

ACTION: Res. 93-715 adopted approving agreement. (Attorney to handle)

CONSENT

13. Consider approving an agreement with St. Peter Lutheran Church for the acquisition of a 3,555± acre temporary easement for the Lakewood Sewer Trunk Project.
(Report with agenda. Resolution approving agreement needed. Estimated total cost: \$500. Funds are budgeted.)

ACTION: Res. 93-716 adopted approving agreement. (Attorney to handle)

CONSENT

14. Consider approving lease agreement with Constantine Scoto, Jr. for lease of the former Hogin property in Dry Creek Park.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 93-717 adopted approving agreement. (Attorney to handle)

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CONSENT

15. Consider approving lease agreement with George Frederickson for the lease of a portion of Fire Station No. 5 for a garden.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 93-718 adopted approving agreement. (Attorney to handle)

CONSENT

16. Consider approving agreement with Mr. and Mrs. Richard Wilson to authorize them to install and maintain landscaping within the public right of way adjacent to their property at 3640 Dry Creek Drive.
(Report with agenda. This property is included in the Landscape Maintenance Assessment District No. 1. Resolution approving agreement needed.)

ACTION: Res. 93-719 adopted approving agreement. (P/W to handle)

CONSENT

17. Consider approving agreement with Modesto A's Professional Baseball Club for the use of John Thurman Field.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-720 adopted approving agreement. (P/R to handle)

CONSENT

18. Consider certifying right of way for two "Hazard Elimination and Safety" (HES) program projects.
(Report with agenda. The two projects under the HES program are 90% federally funded. Caltrans, the administering agency, requires that the City provide a right of way certification. Resolution authorizing City Manager and City Clerk to certify right of way for projects needed.)

ACTION: Res. 93-721 adopted certifying right of way. (P/W to handle)

CONSENT

19. Consider supporting the goals of "Protect Our Children," a group of concerned citizens working to strengthen the laws against child sexual abuse and working to assist victims and their families.
(Report with agenda. Resolution supporting needed.)

ACTION: Res. 93-722 adopted supporting goals. (Police to handle)

CONSENT

20. Consider amending the FY 1993-94 Operating Budget by \$25,745 to purchase equipment and services for the four Police Areas of Command offices.
(Report with agenda. Resolution amending budget needed.)

ACTION: Res. 93-723 adopted amending budget. (Police/Finance to handle)

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CONSENT

21. Consider setting hearing to designate the Hotel Covell as a Modesto Landmark Preservation site.
(Report with agenda. Resolution setting hearing needed.)

No action taken as recommended by the City Manager.

(Manager, P/R to handle)

CONSENT

22. Consider approving agreements with Stanislaus County to provide funding for the County Library.
(Report with agenda. Resolution approving two agreements needed. Estimated Cost: \$835,000. Funds are budgeted.)

Dropped from agenda.

23.

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

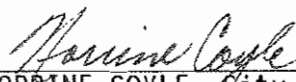
24.

CLOSED SESSION

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 4:00 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

12/14/93



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 21, 1993, AT 7:30 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Cogdill

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

Removed from consent: 5, 6

ACTION: (Friedman/Bird, unan.)

(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

Mike Milich, City Attorney, introduced new Deputy City Attorneys Alison Barratt-Green and Phyllis Barker.

Mayor Lang introduced Boy Scout Troop 49.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 14, 1993.
(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 proposed amendments to the Modesto Municipal Code to allow an increase in taxicab fare rates and to eliminate the filing of annual financial statement by the taxi companies.
(Taxicab fare rate increases have been requested by the owner of Red Top Taxi and Modesto Cab Company to offset rising business costs. The elimination of filing of an annual financial statement is also requested to help keep expenses down. The other taxicab company operating in the City is in agreement with these proposed changes.)

ACTION: By motion (Patterson/Dobbs, unan.) staff recommendations approved, adding requirement to submit Schedule C of tax forms annually.
(P/T to handle)

BIDS

5. Consider approval of plans and specifications and call for bids for the Lakewood trunk sewer from Briggsmore Avenue to Sylvan Avenue project.
(Suggested bid opening: January 20, 1994, at 11:05. This project will extend the Lakewood trunk sewer to Sylvan Avenue. Report with agenda. Resolution approving specifications and call for bids needed. Estimated cost: \$1,435,462 (contract \$1,281,662; contract admin. & cont. \$153,800) Funds are budgeted.)

ACTION: Res. 93-724 adopted (Patterson/Friedman, unan.) calling for bids.
(P/W to handle)

6. Consider approval of plans and specifications and call for bids for the Sonoma trunk sewer from Floyd Avenue to Sylvan Avenue project.
(Suggested bid opening: January 20, 1994, at 11:00. This project will extend the Sonoma trunk sewer to Sylvan Avenue. Report with agenda. Resolution approving specifications and call for bids needed. Estimated cost: \$843,890 (contract \$753,470; contract admin. & cont. \$90,420) Funds are budgeted.)

ACTION: Res. 93-725 adopted (Patterson/Friedman, unan.) calling for bids. (P/W to handle)

CONSENT

7. Consider approving specifications and authorizing call for bids for one paver and one paver trailer.
(Suggested bid opening: January 10, 1994, at 11:10 a.m. Report with agenda. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$41,000. Funds are budgeted.)

ACTION: Res. 93-726 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider approving specifications and authorizing call for proposals for furnishing a joint City/County fleet maintenance management system.
(Suggested bid opening: February 14, 1994, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for proposals needed. Estimated cost: \$28,976. Funds are budgeted.)

ACTION: Res. 93-727 adopted calling for bids. (Finance to handle)

9. Consider award of contract for the construction of the parallel outfall sewer to Mountain Cascade Inc., and consider authorizing an appropriation transfer in the amount of \$332,400 to fully fund the project.
(Bids were opened on December 9, 1993. The low bid of \$2,879,840, submitted by Mountain Cascade, Inc. is 10.86% 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 Mountain Cascade, Inc. needed, and resolution authorizing appropriation transfer needed. Estimated cost: \$3,310,022 (contract \$2,879,840; contract admin. & contingencies \$316,782; right of way \$113,400) Funds are partially budgeted.)

ACTION: Res. 93-728 adopted (Muratore/Dobbs, unan.) awarding contract.
Res. 93-729 adopted (same vote) authorizing appropriation transfer. (P/W to handle)

CONSENT

10. Consider award of contract for rehabilitation of the storm water lift station at Tully and Briggsmore.
(Bids were opened on December 9, 1993. The low bid of \$114,700, submitted by Hawk Systems, Inc., is 13.33% 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 Hawk Systems, Inc. needed. Estimated cost: \$129,611 (contract \$114,700; contract admin. & contingencies \$14,911) Funds are budgeted.)

ACTION: Res. 93-730 adopted awarding contract. (P/W to handle)

CONSENT

11. Consider declaring 3T Equipment Company low bidder on the purchase of one new sewer line camera and related equipment for the total cost of \$26,598.
(Report with agenda. Resolution declaring 3T Equipment Co. low bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 93-731 adopted awarding bid. (Finance to handle)

NEW BUSINESS

CONSENT

12. Consider certifying canvass of votes at the December 14, 1993, run-off election.
(Report with agenda. Resolution certifying canvass of votes needed.)

ACTION: Res. 93-732 adopted certifying canvass of votes. (Clerk to handle)

13. Consider adoption of the 1994-98 Comprehensive Housing Affordability Strategy (CHAS), the 1993-94 CHAS Annual Plan and the 1992-93 CHAS Annual Performance Report (APR).
(Report with agenda. Resolution adopting the 1994-98 Comprehensive Housing Affordability Strategy (CHAS), the 1993-94 CHAS Annual Plan and the 1992-93 CHAS Annual Performance Report needed).

ACTION: Res. 93-733 adopted (Friedman/Bird, unan.) adopting Strategy, Annual Plan, and Annual Performance Report. (Planning to handle)

CONSENT

14. Consider declaring up to 25 bicycles in the Police Property Room surplus to the City's needs and authorizing donation to charitable causes as determined by the Police Department.
(Report with agenda. Resolution declaring bicycles surplus and authorizing donation needed.)

ACTION: Res. 93-734 adopted authorizing donation. (Police to handle)

CONSENT

15. Consider approving agreement with John and Sylvia Magaddino for the acquisition of a 0.011± acre permanent easement and a 0.021± acre temporary easement for the Sonoma sewer trunk project.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$500. Funds are budgeted.)

ACTION: Res. 93-735 adopted approving agreement. (Attorney 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.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 93-736 adopted approving agreement. (Attorney to handle)

CONSENT

17. Consider committing to accepting Stanislaus Area Association of Government's (SAAG) population figures as the basis for the Stanislaus County Transit fees.
(Report with agenda. SAAG has requested that the cities and the County individually commit by resolution to accept the population figures SAAG provides as the basis for the Stanislaus County Planning Department. Resolution committing to accepting SAAG's population figures needed.)

ACTION: Res. 93-737 adopted accepting SAAG's population figures.
(P/W to handle)

18. 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

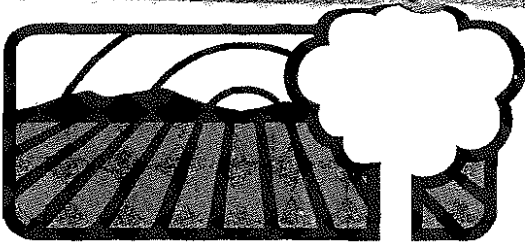
CLOSED SESSION

19. (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 8:30 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, DECEMBER 28, 1993, AT 4:00 P.M.

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

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Frank Muratore

A. Oath of Office by newly-elected City Councilmember.

Oath of Office was taken by Janine McClanahan.

B. Remarks

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16,

Dropped from agenda: 18

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 21, 1993.
(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 changes in garbage rates as a result of the annual garbage rate review.
(Garbage companies have requested additional changes. The Utility Services and Franchise Committee recommends continuing public hearing to January 18, 1994, to allow time for evaluation of the requests. Motion continuing hearing needed.)

ACTION: By motion (Muratore/Dobbs, unan., Patterson, absent) hearing continued to January 18, 1994, at 7:30 p.m.) (PW&T to handle)

BIDS

CONSENT

5. Consider approving plans and specifications and call for bids for generation installations in Wells 6, 40, 41, and 42.
(Suggested bid opening: January 27, 1994, at 11:00 a.m. The installation will make these wells more reliable during a power outage. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$231,000 (contract \$210,000; contract admin. & contingencies \$21,000). Funds are budgeted.)

ACTION: Res. 93-738 adopted approving plans and specification and bid call.
(PW&T to handle)

CONSENT

6. Consider approving specifications and authorizing call for bids for furnishing of City annual janitorial supplies and furnishing of annual recycled janitorial paper products under a cooperative local government agency bid.
(Suggested bid opening: January 24, 1994, at 11:00 a.m. Resolution approving specification and authorizing bid call needed. Estimated cost: \$34,000. Funds are budgeted.)

ACTION: Res. 93-739 adopted approving specifications and bid call.
(Finance to handle)

CONSENT

7. Consider waiving formal bid procedures and authorize the purchase of 24 new electronic fareboxes from General Farebox, Inc. for the total cost of \$112,500.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 93-740 adopted waiving bid procedures and authorizing purchase.
(Finance to handle)

NEW BUSINESS

CONSENT

8. Designation of Councilmember McClanahan to serve as Vice Mayor for the ensuing year, pursuant to Section 603 of the Charter of the City of Modesto.
(Resolution designating Janine McClanahan as Vice Mayor needed.)

ACTION: Res. 93-741 adopted designating Vice Mayor. (Clerk to handle)

CONSENT

9. Consider approving the 1994-95 Citizen Participation Plan and Community Development Block Grant (CDBG) application process.
(Report with agenda. Resolution approving 1994-95 CDBG application process and related Citizen Participation Plan needed.)

ACTION: Res. 93-742 adopted approving CDBG application process and Citizen Participation Plan.) (Plan & CD to handle)

CONSENT

10. Consider authorizing the City Manager to execute financing agreement with Larry Salcedo for the purpose of rehabilitating property at 116 Merced Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program.
(Report with agenda. Agreement will enable the provision of financing to property owner for rehabilitation of property. Resolution approving agreement needed.)

ACTION: Res. 93-743 adopted approving agreement. (Plan & CD to handle)

CONSENT

11. Consider approving agreement with Modesto City School District for the acquisition of a 0.043± acre permanent easement and a 0.095± acre temporary easement for the Sonoma Sewer Trunk Project, and consider adopting a resolution stating this project is consistent with the program Environmental Impact Report.
(Report with agenda. Resolution approving agreement needed, and resolution stating that project is consistent with the program Environmental Impact Report needed. Estimated cost: \$550. Funds are budgeted.)

ACTION: Res. 93-744 adopted approving agreement.
Res. 93-745 adopted stating project consistent with program EIR.
(Attorney to handle)

CONSENT

12. Consider amending the Fiscal Year 1994 Operating Budget to implement Public Works and Transportation's audit recommendations transferring responsibility for custodial service at the Airport to the Parks and Recreation Department.
(Report with agenda. Estimated cost: \$42,901. Resolution amending Operating Budget needed.)

ACTION: Res. 93-746 adopted amending budget. (PW&T/Finance to handle)

CONSENT

13. Consider authorizing the use of a commercial real estate agent to market vacant Airport property and office space and authorizing Request for Proposals from interested commercial brokers.
(Report with agenda. Motion authorizing the use of commercial real estate agent and authorizing Request for Proposals needed.)

ACTION: By motion, Request for Proposals and use of commercial real estate agent authorized.
(PW&T/Clerk to handle)

CONSENT

14. Consider approving agreement with Stanislaus County to provide \$635,000 in funding to the County for the library.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 93-747 adopted approving agreement.
(P&R to handle)

CONSENT

15. Consider approving agreement with McHenry Museum Society to provide funding for part-time Museum Aide, and consider amending budget to estimate revenue and appropriate expenditures.
(Report with agenda. Estimated cost: \$2,742. Resolution approving agreement needed, and resolution amending budget needed.)

ACTION: Res. 93-748 adopted approving agreement.
Res. 93-749 adopted amending budget.
(P&R/Finance to handle)

CONSENT

16. Consider amendment to Municipal Code to increase taxi fare and modify annual financial statement requirement.
(Report with agenda. Introduction of emergency ordinance needed.)

ACTION: By motion, Ord. No. 2882-C.S. introduced. (Clerk to handle)

17. Consider approving concept of proposed Department of Community Development.
(Report with agenda. Motion approving concept and directing City Manager and City Attorney to prepare appropriate amendments to the Municipal Code needed; resolution revising position classification plan to add Director of Community Development needed; resolution amending the class range table to establish salary needed; resolution amending Fiscal Year 1993-94 Budget needed.)

ACTION: By motion, (Muratore/Dobbs, unan., Patterson, absent) concept approved.
Res. 93-750 adopted (same vote) revising position classification.
Res. 93-751 adopted (same vote) amending class range table to establish salary.
Res. 93-752 adopted (same vote) amending budget.

(Manager/Attorney/Personnel to handle)

CONSENT

18. 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 businesses. Introduction of an ordinance needed.)

Dropped from agenda.

WRITTEN COMMUNICATIONS

19. Letter from Mid-Valley Engineering requesting a "Will Serve" letter for water services outside the City limits for an auto dealership on McHenry Avenue.
(Motion referring to City Manager for determination, in accordance with Municipal Code Section 11-1.05(b) needed.)

ACTION: By motion, (Dobbs/Friedman, unan., Patterson, absent) request referred to City Manager. (Manager to handle)

MISCELLANEOUS

Appointments

20. Planning Commission

- a. Appointment
- b. Reappointments

ACTION: Res. 93-753 adopted (Friedman/Cogdill, unan., Patterson, absent) appointing Michael L. Serpa to the Planning Commission and reappointing Robert Dunbar and Lynne Gonzales to the Planning Commission.

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. 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 on 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 to closed session at 4:25 p.m.

ATTEST: 
NORRINE COYLE, City Clerk