

MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 5:00 p.m., Monday, January 6, 1992, in the Council Conference Room, First Floor, City Hall, Modesto, California, for a meeting with David Jones to discuss City Council retreat in January.

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

Absent: Councilmember Patterson

The meeting adjourned at 6:00 p.m.

ATTEST: 
JUDY C. HALL, 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 5:30 p.m., January 7, 1992, in the Third Floor Conference Room, City Hall, Modesto, California, for a closed session and a study session.

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

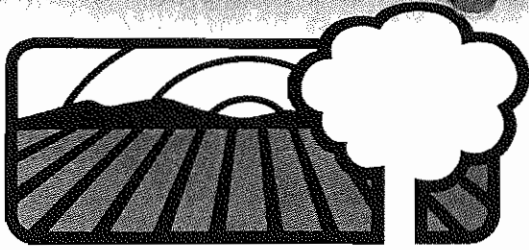
Councilmember Patterson arrived at 6:10 p.m.

Absent: None

The Council held a study session concerning AB 939 (Sher) which requires all cities and counties to divert 25% of the waste stream by 1995 and 50% by the year 2000 by means of source reduction, recycling and composting. Information was presented by Marshall Elizer, Director of Public Works & Transportation, and Dale Davis, Solid Waste Program Manager. Mr. Elizer introduced Dennis Shuler and Jami Aggers from the County's Department of Environmental Resources, who have been working with the City staff on preparation of the City's and County's Source Reduction and Recycling Element.

The meeting adjourned at 7:05 p.m. to closed session to consider pending litigation regarding Joel Centeno vs. City of Modesto, Modesto Redevelopment Agency, et al, pursuant to Government Code Section 54956.9(a).

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, JANUARY 7, 1992, 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. Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23

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.

WPCC327

1

1/7/92



1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Bill Nichols introduced Brian Smith, newly-hired Principal Planner.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 24, 1991.
(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.)

Ann Miller spoke about utility bills and people who park illegally in handicapped parking spaces.

HEARINGS

4. Hearing to consider the Village One Reorganization consisting of the annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and the detachment from the Riverbank and Empire Fire Districts, and dissolution of the McHenry-Dry Creek Fire District.

After the close of the hearing this item was continued to a later time in the meeting to allow staff to calculate results of filed protests.
This item was further considered after item 24.

ACTION: Res. 92-1 adopted (Muratore/Patterson, unan.) confirming the reorganization subject to confirmation by registered voters in the area.

(Planning/Clerk to handle)

5. Hearing to consider the proposed street closure of Pelton Avenue with a 6' 8" masonry wall, property located on Pelton Avenue east of Superior Avenue.

ACTION: Res. 92-2 adopted (Muratore/Friedman, majority, Dobbs-no) denying request to close the street.

By motion (same vote) City Manager to prepare and implement a plan to improve public safety in the neighborhood, including additional police patrol and improvement of Pelton Avenue, and report back in six months.
(Manager to handle)

Item 24 was taken up after item 5.

WPCC327

2

1/7/92

6. Hearing to consider an amendment to Section 21-3-9 of the Zoning Map to rezone from R-1 to P-D(488), for development of eight zero-lot-line single-family residences, property located on the west side of Collier Avenue, south of Dawn Drive. (Dano Construction)

ACTION: By motion (Patterson/Muratore, unan.) it was decided not to continue the hearing to a future date.
By motion (Patterson/Bird, majority, Cogdill and Muratore-no) Ord. No. 2798-C.S. introduced.
Res. 92-3 adopted (Patterson/Bird, majority, Cogdill and Muratore-no) approving plan.
Res. 92-4 adopted (Patterson/Bird, majority, Cogdill and Muratore-no) certifying review of Environmental Assessment. (Planning to handle)

7. Hearing to consider a reversion to acreage of Orangeburg Terrace Subdivision, property on the north side of East Orangeburg Avenue and west of Claus Road. (Owner: P & R Enterprises)

ACTION: Res. 92-5 adopted (Dobbs/Friedman, unan.) approving reversion to acreage. (Planning to handle)

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the installation of pump station No. 52.
(Suggested bid opening: January 30, 1991, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$175,560 (contract - \$159,600; eng. & cont. - \$15,960). Funds are budgeted.)

ACTION: Res. 92-6 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider authorizing call for bids for furnishing one new sewer rodding truck.
(Suggested bid opening: February 10, 1992, at 11:00 a.m. Report with agenda. Resolution authorizing call for bids needed. Estimated cost: \$70,000. Funds are budgeted.)

ACTION: Res. 92-7 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider award for contract for the Kansas Avenue sewer line from 8th Street to 99 Freeway to Joe Martin Pipeline, Inc., and approval of an appropriation transfer.
(Report with agenda. Bids were opened on December 19, 1991. The low bid of \$81,990, submitted by Joe Martin Pipeline, Inc., is 11.59% below the engineer's estimate and considered acceptable. It is recommended that the project be awarded to him. Resolution awarding contract to Joe Martin Pipeline, Inc., and resolution approving appropriation transfer of \$36,978 needed. Estimated cost: \$94,290 (contract - \$81,990; eng. & cont. - \$12,300). Funds are partially budgeted.)

ACTION: Res. 92-8 adopted awarding contract.
Res. 92-9 adopted approving appropriation transfer.
(Finance to handle)

CONSENT

11. Consider acceptance of the contract of Conco West, Inc., for the booster pump station for water tank No. 3 as complete and authorize the City Clerk to file a Notice of Completion. Original contract: \$282,465.
(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: \$292,243.53. Funds are budgeted.)

ACTION: Res. 92-10 adopted accepting as complete. (Clerk to handle)

CONSENT

12. Consider acceptance of the contract of George Reed, Inc., for the 1991 cold-in-place recycling and authorize the City Clerk to file a Notice of Completion. Original contract: \$155,595.50
(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: \$164,162.80. Funds are budgeted.)

ACTION: Res. 92-11 adopted accepting as complete. (Clerk to handle)

CONSENT

13. Consider acceptance of the contract of Don Lambert & Sons, Inc., for the removal of five fuel tanks at the Modesto City-County Airport and authorize the City Clerk to file a Notice of Completion. Original contract: \$36,995.00
(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: \$39,578.00. Funds are budgeted.)

ACTION: Res. 92-12 adopted accepting as complete. (Clerk to handle)

CONSENT

14. Consider waiving formal bid procedures and authorizing the purchase of office supplies under a cooperative agreement with the County of San Joaquin's agreement with Eastman, Inc.
(Report with agenda. Resolution waiving formal bid procedures and authorizing the Purchasing Officer to enter into a cooperative agreement with the County of San Joaquin for the purchase of office supplies for a period not to exceed December 31, 1992. (Five affirmative votes needed.) No cost involved in using County of San Joaquin's contract.)

ACTION: Res. 92-13 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

15. Consider confirming intent to contribute \$24 million toward the Route 132 West Stage 1 project and requesting the California Transportation Commission to place the project on Long Lead Time status if it is not funded under the 1991 State Transportation Improvement Program.
(Report with agenda. The Traffic Committee and SAAG staff have reviewed and concur. Resolution support for Route 132 West Stage 1 project and requesting Long Lead Time status if it is not funded in the 1992 STIP needed.)

ACTION: Res. 92-14 adopted (Muratore/Dobbs, unan.) supporting Route 132 West State 1 Project. (P/W to handle)

CONSENT

16. 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. 92-15 adopted approving agreement. (Attorney to handle)

CONSENT

17. Consider approving lease agreement with Peter and Marcy Cowles for the lease of the McClure mansion.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 92-16 adopted approving agreement. (Attorney to handle)

CONSENT

18. Consider adopting class specifications for Storm Water Inspector.
(Report with agenda. Resolution amending Position Classification Plan needed, and resolution amending Class Range Tables to establish salary needed.)

ACTION: Res. 92-17 adopted amending Position Classification Plan.
Res. 92-18 adopted amending Salary Schedule. (Personnel to handle)

CONSENT

19. Consider approving an amendment with Lew-Garcia-Davis for the Storm Drainage System Map, and establishing a contingency for minor extra work. (Report with agenda. Resolution approving amendment to agreement needed. Estimated cost: \$9,000. Funds are budgeted.)

ACTION: Res. 92-19 adopted approving amended agreement.

(P/W to handle)

CONSENT

20. Consider acceptance of improvements in River Terrace subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Kaufman and Broad) (River Terrace is located between Hatch Road and the Tuolumne River, east of 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. 92-20 adopted accepting improvements as complete.

(Clerk to handle)

CONSENT

21. Consider acceptance of improvements in River Terrace No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Kaufman and Broad) (River Terrace is located on the north side of West Hatch Road, west of Dallas Street. 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. 92-21 adopted accepting improvements as complete.

(Clerk to handle)

CONSENT

22. Joinder in amicus brief in Arcadia Redevelopment Agency, et al vs. Daniel O. Ikemoto, a matter where the issue is whether Arcadia Redevelopment Agency is subject to SB 2557 booking and/or property tax administration fees. (Report and letter with agenda. Motion authorizing the City Attorney to include Modesto among "friends of the court" filing a brief in support of the Arcadia Redevelopment Agency needed.)

ACTION: By motion, approved joining in amicus brief.

(Attorney to handle)

CONSENT

23. Consider authorizing City Manager to execute an improvement agreement with St. Paul's Parish for off-site improvements at Oakdale Road and Briggsmore Avenue and consider approving appropriation transfer from Capital Facilities Reserve funds to fund two new CIP projects.
(This agreement will guarantee that the street improvements required by the vesting tentative parcel map are completed and that the owner is reimbursed for striping and signal work at the southeast corner of Oakdale Road and Briggsmore Avenue. Report with agenda. Resolution approving agreement needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 92-22 adopted approving agreement.
Res. 92-23 adopted approving appropriation transfer. (P/W to handle)

WRITTEN COMMUNICATIONS

24. Letter from Jennifer Muratore, Corresponding Secretary, The Spiritual Assembly of the Baha'is of Modesto, California, regarding world peace and race unity.

ACTION: By motion (Bird/Friedman, unan.) this item taken up after item 5.
A presentation was made by Bahai members.

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

Meeting adjourned at 10:18 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 14, 1992, 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. Mike Dillman, Vintage Faire Christian Church

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

Removed from consent: 10

ACTION: (Bird/Friedman, unan.)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of plaque by the Mayor to the Building Industry Association of Central California for their donation of a trailer used in fire/life safety programs.

Mayor Lang presented to Dan Thayer a plaque of appreciation to the Building Industry Association.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meetings of January 6, 1992, and January 7, 1992, and the regular City Council meeting of January 7, 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

UNFINISHED BUSINESS

4. Final adoption of Ord. No. 2798-C.S. rezoning from R-1 to P-D(488), property located on the west side of Collier Avenue south of Dawn Drive (Dano Construction).
(Motion adopting needed.)

ACTION: By motion (Friedman/Dobbs, unan.) Ord. No. 2798-C.S. adopted.
(Clerk to handle)

HEARINGS

5. Hearing to consider revising the schedule of rates and charges for towing services on the City of Modesto rotation tow service list.

ACTION: By motion (Patterson/Muratore, unan.) the hearing was continued to February 11, 1992, at 4:00 p.m. to allow staff to do further study in the area of clarifying the rules including hours of operation, per mile charge, inspections, 24-hour storage charge, increasing enforcement, and see where changes may be made. (Police to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for Project No. 19 - replacement of curb, drive aprons and sidewalks at various locations.
(Suggested bid opening: February 4, 1992, at 11:00 a.m. This project is required to restore proper drainage to curb damaged by street tree roots. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated total cost: \$101,915 (contract \$92,650; eng. & cont. \$9,265). Funds are budgeted.)

ACTION: Res. 92-24 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider acceptance of Leroy Griffith Concrete's contract for Project No. 18 - replacement of curb, gutter, drive aprons and sidewalks at various locations and authorize the City Clerk to file a Notice of Completion. (Original contract: \$102,690.47)
(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: \$108,492.82 Funds are budgeted.)

ACTION: Res. 92-25 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

8. Consider adopting a position on the Air Quality Attainment Plan proposed by the San Joaquin Valley Unified Air Pollution Control District.
(The San Joaquin Valley Unified Air Pollution Control District's Air Quality Attainment Plan will impact City operations. Staff recommends that the City Council adopt a position in support of the plan, with comments on specific measures. Report with agenda. Motion adopting position needed, and resolution appointing Council representative to Unified APCD hearing needed.)

ACTION: By motion (Dobbs/Muratore, unan.) staff recommendations were approved.
Res. 92-26 adopted (Friedman/Patterson, unan.) appointing Councilmember Muratore as the representative. (Planning to handle)

CONSENT

9. Consider entering into an agreement with The Arkhon Corporation for third party claims assessment services on the Wastewater Treatment Plant Expansion project, Unit 2/3, and consider approving appropriation transfer.
(Report with agenda. Resolution approving agreement, and resolution approving appropriation transfer needed. Estimated cost: \$231,569.)

ACTION: Res. 92-27 adopted approving agreement.
Res. 92-28 adopted approving appropriation transfer.
(P/W, Finance to handle)

10. Consider certifying the Environmental Review and Mitigation Monitoring Plan for the project titled "Claus Road Bridge Widening" as a Negative Declaration of environmental impact.
(This project will widen the Claus Road Bridge over Dry Creek to six lanes to meet the expressway standards. The Environmental Assessment Committee has reviewed the project and recommends adopting the Negative Declaration. Report with agenda. Resolution certifying Environmental Review and Mitigation Monitoring Plan needed.)
Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 92-29 adopted (Friedman/Patterson, unan., Cogdill absent)
certifying Environmental Review and Mitigation Monitoring Plan.
(P/W to handle)

CONSENT

11. Consider authorizing an appropriation transfer in the amount of \$21,760 from the lab water distillation capital improvement project to the new valve actuator capital improvement project.
(Report with agenda. Resolution authorizing appropriation transfer needed.)

ACTION: Res. 92-30 adopted authorizing appropriation transfer.
(Finance to handle)

CONSENT

12. Consider approving lease agreement with Larry A. and Patricia L. Askew, and David and Sandra Mesenhimer, dba Modesto Flight Center, for the lease of Office Building No. 1, Hangar No. 5, and aircraft tie downs at the airport.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 92-31 adopted approving agreement. (Attorney to handle)

CONSENT

13. Consider approving license agreement with U.S. Department of Commerce-National Oceanic and Atmospheric Administration.
(Report with agenda. Resolution approving license agreement needed.)

ACTION: Res. 92-32 adopted approving agreement. (Attorney to handle)

CONSENT

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

ACTION: Res. 92-33 adopted approving agreement. (P/R to handle)

CONSENT

15. Consider approving agreement with HBW Associates, Inc., Library Planners and Consultants, to prepare Library Services and Master Plan in conjunction with Stanislaus County, and consider approving appropriation transfer in the amount of \$24,484 from General Fund Reserve to fund the City's contribution of the master plan.
(Report with agenda. Resolution approving agreement, and resolution approving appropriation transfer needed.)

ACTION: Res. 92-34 adopted approving agreement.
Res. 92-35 adopted approving appropriation transfer.
(Manager to handle)

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

ADJOURNMENT

The meeting adjourned at 5:34 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

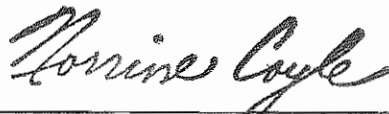
The Council of the City of Modesto met in a special session at the close of the 5:35 p.m. special session on January 14, 1992, in the Mayor's Office, City Hall, Modesto, California, for a closed session.

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

Absent: None

The Council held a closed session to consider the purchase, sale, exchange, or lease of real property by or for the local agency to give instructions to its negotiator regarding the price and terms and payment for the purchase, sale, exchange, or lease, pursuant to Government Code Section 54956.8.

ATTEST:



NORRINE COYLE, City Clerk

WPCC328



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 5:35 p.m., January 14, 1992, in the Mayor's Office, City Hall, 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 pending litigation regarding Tink, Inc. vs. City of Modesto pursuant to Government Code Section 54956.9(a).

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., Tuesday, January 21, 1992, in the Council Chambers, City Hall, Modesto, California, for a closed session.

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

Absent: None

The meeting adjourned to closed session to consider the purchase, sale, exchange, or lease of real property by or for the local agency to give instructions to its negotiator regarding the price and terms and payment for the purchase, sale, exchange, or lease, pursuant to Government Code Section 54956.8.

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 21, 1992, 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. Ken Swett, First Foursquare Gospel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 10, 11, 13

Removed from consent: 9

ACTION: (Muratore/Bird, unan.)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Introduction of Cub Scout Pack #30 by Mayor.

Mayor Lang introduced Pack members.

- b. Martin Luther King, Jr. Poetry Contest Winners sponsored by the Human Relations Commission.
(First place winners to read poems.)

Melissa Olaes, Ken Benson, and Lisa Becerra read their poems.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of January 14, 1992.
(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. Consider calling a special municipal election on April 21, 1992, for the Village One Reorganization.
(Report to be distributed at City Council meeting. Resolution calling election needed, and resolution approving appropriation transfer of \$1,000 for the cost of the election needed.)

ACTION: Res. 92-36 adopted (Muratore/Friedman, unan.) calling a special election.
Res. 92-37 adopted (same vote) approving an appropriation transfer.
(Clerk to handle)

HEARINGS

5. Hearing to consider an amendment to Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from R-1 to P-D(363), as an addition to P-D(363), to construct an elderly housing development, property located on the west side of Nelson Avenue, south of East Orangeburg Avenue.
(Terry Carson)

ACTION: By motion (Friedman/Cogdill, unan.) Ord. No. 2799-C.S. introduced.
Res. 92-38 adopted (same vote) approving plan.
Res. 92-39 adopted (same vote) certifying review of Environmental Assessment.
(Clerk/Planning to handle)

6. Hearing to consider amendments to the Zoning Regulations of the Modesto Municipal Code to establish miniature pot-bellied pigs as household pets, and other amendments comprised mostly of housekeeping items, including clarification, corrections of oversights, and streamlining to improve public service. Also to be considered is an amendment to the Subdivision Regulations to extend the appeal period from 10 to 15 days to correspond with the appeal period for zoning and other Planning Commission matters.

ACTION: By motion (Muratore/Patterson, majority, Dobbs-no) Ord. No. 2800-C.S. introduced approving staff recommendations concerning pot-bellied pigs, to be reviewed in six months.
By motion (Patterson/Muratore, unan.) Ord. No. 2801-C.S. introduced approving staff recommendations regarding amendments to the Zoning Regulations.
By motion (Patterson/Muratore, unan.) Ord. No. 2802-C.S. introduced approving staff recommendations regarding extending the appeal period in the Subdivision Regulations.
Res. 92-40 adopted (Patterson/Muratore, unan.) certifying review of Environmental Assessment.
(Clerk/Planning to handle)

BIDS

CONSENT

7. Consider award of contract for the Franzia Court and Reno Avenue; Kansas Avenue and Emerald Avenue; and Dale Road water lines to Rolfe Construction Co.
(Bids were opened on January 7, 1992. The low bid of \$114,978.50, submitted by Rolfe Construction Co., is 22.07% 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 Rolfe Construction Co. needed. Estimated total cost: \$126,476.35 (contract \$114,978.50; engineering & contingencies \$11,497.85). Funds are budgeted.)

ACTION: Res. 92-41 adopted awarding contract. (P/W to handle)

NEW BUSINESS

CONSENT

8. Report on the City's Transportation Funds, covering years ending June 30, 1990, and 1991, submitted by Deloitte & Touche, our independent auditors. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

9. Consider adopting a policy to provide access to all City facilities, functions and services to recipients/people with disabilities in compliance with Americans with Disabilities Act (ADA) - Department of Justice Section 504 and consider acknowledging receipt and completion of Self Evaluation and Transition Plan. (Report with agenda. Motion acknowledging receipt of Self Evaluation and Transition Plan and authorizing City Manager and ADA coordinator to sign Letter of Assurance needed, and resolution adopting policy needed.)

ACTION: By motion (Dobbs/Bird, unan.) acknowledged receipt of Self Evaluation and Transition Plan.
Res. 92-42 adopted (same vote) adopting policy) (Personnel to handle)

CONSENT

10. Monthly Treasurer's report for December 1991. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

11. Consider approval of the final map of Laurel Heights Phase I subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: David A. and Susan L. Schwartz and T & L Holding, Inc.) (Report with agenda. The agreement has been signed and all fees paid. Laurel Heights Phase I is located on the north side of Laurel Avenue, west of Martin Luther King Drive. It contains 0.168 acre. Resolution approving final map and subdivision agreement needed.)

ACTION: Res. 92-43 adopted approving final map. (Clerk to handle)

WRITTEN COMMUNICATIONS

12. Letter from Rev. Bernard Sutton, Pastor of Progressive Missionary Baptist Church, requesting angle parking on the west side of 4th Street to accommodate church members.

Dropped from agenda at Rev. Sutton's request.

MISCELLANEOUS

Appointments

CONSENT

13. Consider recommendation by Planning Commission that Tim Fisher be appointed as its representative to the Board of Zoning Adjustment. (On January 6, 1992, the Planning Commission adopted Resolution 92-2 recommending to the City Council that Tim Fisher be appointed to the BZA. Report with agenda. Resolution appoint Tim Fisher needed.)

ACTION: Res. 92-44 adopted appointing Tim Fisher. (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 8:39 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 28, 1992, AT 4:00 P.M.

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

Absent: Councilmember Bird

Pledge of allegiance to the Flag

Invocation: Rev. Jack Shackelford, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 8, 9, 10,
11, 12, 13, 14, 15

Removed from consent: 7

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Award presentation for co-sponsors of the City's 1991 Recreation Program.

Mayor Lang presented awards to:

American Legion Post 74 for All Comers Tract Meet
ARCO for Make A Circus Program
Balloons by Over the Rainbow for Youth Conference
Doctors Medical Center for Adult Superstars Program
Dryden Golf Shop for George Maroney Jr. Golf Tournament
Gianelli, Brew Law Offices for Al Schoenfeld Memorial Jr. Tennis
Tournament
Modern Woodsmen of America for Halloween Program
Modesto Banking Company for Al Schoenfeld Memorial Jr. Tennis
Tournament
Modesto Golf Club for George Maroney Jr. Golf Tournament
Modesto Irrigation District for beginning swim lessons
P C Consulting for Youth Study Project
Post Newsweek Cable for Modesto City Adult Tennis Tournament
Janet Simidian Memorial Foundation for Al Schoenfeld Memorial Jr.
Tennis Tournament
Tri Valley Growers for Youth Study Project
Zwirl Sales Company for After School Park Program
Modesto Lions Club for Mancini Bowl Acoustical Dome Project.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of January 21, 1992.
(Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

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

None

UNFINISHED BUSINESS

4. Final adoption of Ord. 2800-C.S. amending the Modesto Municipal Code relating to animals and fowl.
(Motion adopting needed.)

ACTION: By motion (Muratore/Patterson, unan., Bird absent) Ord. adopted.
(Clerk to handle)

CONSENT

5. Final adoption of:

- a. Ord. No. 2799-C.S. amending Section Map 21-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(363), as an addition to P-D(363), property located on the west side of Nelson Avenue south of East Orangeburg Avenue. (Terry Carson)
- b. Ord. No. 2801-C.S. amending Sections 10-2.301, 10-2.302, 10-2.402, 10-2.404, 10-2.414, 10-2.415, 10-2.502, 10-2.603, 10-2.703, 10-2.902, 10-2.1009, 10-2.2107, 10-2.2108, 10-2.2606, and 10-2.2701 of Chapter 1 of Title X of the Modesto Municipal Code relating to Zoning.
- c. Ord. No. 2802-C.S. amending Sections 4-4.404 and 4-4.502 of Chapter 4 of Title IV of the Modesto Municipal Code relating to the appeal period for tentative maps.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

HEARINGS

- 6. Hearing to consider updating Water Shortage Contingency Plan as a result of recent State legislation regarding water shortages.

ACTION: Res. 92-45 adopted (Muratore/Friedman, unan., Bird absent) updating Contingency Plan. (P/W to handle)

BIDS

- 7. Consider certifying the Negative Declaration for the Municipal Golf Course parking lot expansion and authorizing approval of plans and specifications and call for bids.
(Suggested bid opening: February 20, 1992, at 11:00 a.m. Report with agenda. Resolution certifying the Negative Declaration needed, and resolution approving plans and specifications and bid call needed.
Estimated cost: \$75,666.80 (contract \$68,788; eng. & cont. \$6,878.8)
Funds are budgeted.)

ACTION: Res. 92-46 adopted (Dobbs/Friedman, unan., Bird absent) calling for bids. (P/W to handle)

CONSENT

8. Consider acceptance of Ira Matheny, Inc.'s contract for the Senior Citizens Center improvements and authorize the City Clerk to file a Notice of Completion. (Original contract and final cost: \$52,819) (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. Funds are budgeted.)

ACTION: Res. 92-47 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

9. Consider adopting revised Relocation Guidelines for the City of Modesto. (Report with agenda. Resolution adopting revised Relocation Guidelines needed.)

ACTION: Res. 92-48 adopted adopting revised Relocation Guidelines. (Attorney to handle)

CONSENT

10. Consider giving the City Manager blanket authority to execute agreements with Community Temporary Shelter Services to Provide Homeless Transitional Housing Counseling. (Report with agenda. Resolution giving City Manager authority to execute agreements needed.)

ACTION: Res. 92-49 adopted authorizing Manager to execute agreements. (Planning to handle)

CONSENT

11. Consider giving the City Manager blanket authority to execute all agreements with HUD to lease with option to purchase homes for Homeless Transitional Housing. (Report with agenda. Resolution giving City Manager authority to execute agreements needed.)

ACTION: Res. 92-50 adopted authorizing Manager to execute agreements. (Planning to handle)

CONSENT

12. Consider accepting \$40,000 in State grant funding for urban forestry activities and authorizing the City Manager to sign project agreement. (Report with agenda. Resolution accepting funding and authorizing the City Manager to sign agreement needed.)

ACTION: Res. 92-51 adopted accepting funding. (P/R to handle)

CONSENT

13. Consider approving a request for refund of \$3,212.50 for overpayment of Business License Tax and Business Improvement Area Tax by Gasco Oil Co. (Report with agenda. Resolution approving refund needed.)

ACTION: Res. 92-52 adopted approving refund. (Finance to handle)

CONSENT

14. Consider accepting rights of entry from Everett R. and Conni Ann Holley, and from Gerald L., Edward L., and Geraldine Johnson for work on their property to be done as part of the Claus Road overcrossing. (Report with agenda. Resolution accepting rights of entry needed.)

ACTION: Res. 92-53 adopted accepting rights of entry. (Atty to handle)

CONSENT

15. Consider acceptance of improvements in The Commons Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Resource Development) (The Commons subdivision is located at the southeast corner of Standiford Avenue and Carver Road. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and fees have been paid. Report with agenda. Resolution accepting improvements needed.)

ACTION: Res. 92-54 adopted accepting improvements as complete. (Clerk to handle)

WRITTEN COMMUNICATIONS

16. Letter from Robert P. Short and Jacinto Monarez concerning operating a taco truck at the property leased at the intersection of Sutter and Rouse.

No action taken.

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 5:02 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., Tuesday, February 4, 1992, in the Mayor's Office, First Floor, City Hall, Modesto, California, for a closed session.

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

Councilmember Muratore arrived at 7:20 p.m.

Absent: None

The meeting adjourned to closed session at 7:00 p.m. to confer with or receive advise from legal counsel regarding pending litigation, pursuant to Government Code Section 54956.9(b)(a). The Council adjourned at 7:30 p.m., and reconvened at 8:35 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 4, 1992, 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. Charles Crane, Greater True Light Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 7, 8, 12

Removed from consent: 6, 9, 10
ACTION: (Friedman/Bird, unan.)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of January 28, 1992.
(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 the installation of waterlines in Valerie Lane Alley, Douglas Street and 9th Street.
(Suggested bid opening: February 27, 1992, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$67,365.10 (contract \$61,241; eng. & cont. \$6,124.10) Funds are budgeted.)

ACTION: Res. 92-55 adopted calling for bids. (P/W to handle)

CONSENT

5. Consider awarding contract for construction of a traffic signal at Claus Road and Orangeburg Avenue.
(Report with agenda. Bids were opened on January 14, 1992. Six bids were received. Collins Electrical Company, Inc., was the low bidder at \$105,895, which is 3.82% above the engineer's estimate and is acceptable. Resolution awarding contract to Collins Electrical Company, Inc. needed, and resolution approving appropriation transfer in the amount of \$10,000 needed. Funds are partially budgeted.)

ACTION: Res. 92-56 adopted awarding contract.
Res. 92-57 adopted approving appropriation transfer. (P/W to handle)

6. Consider awarding contract for replacing City Hall word processing system to IBM Corporation; amending Fiscal Year 1991-92 Budget to finance purchase; amending the Position Classification Plan to revise and retitle the class specification of Word Processing System Supervisor to Systems Analyst; and amending the class range table to establish salary. (Report with agenda. Estimated cost: \$172,062 per year from 1991-92 through 1994-95. Resolution awarding contract needed; resolution amending budget needed; resolution approving lease purchase agreement with Municipal Leasing Associates needed; resolution amending position classification plan needed, and resolution amending salary resolution needed.)

ACTION: Res. 92-58 adopted (Friedman/Patterson, unan.) awarding contract to IBM Corporation.
Res. 92-59 adopted (same vote) amending budget.
Res. 92-60 adopted (same vote) approving lease purchase agreement with Municipal Leasing Associates.
Res. 92-61 adopted (same vote) amending Position Classification Plan.
Res. 92-62 adopted (same vote) amending Salary Schedule.
(Manager to handle)

NEW BUSINESS

CONSENT

7. Consider approving the submittal of a Modesto City-County Airport application for federal funds in the amount of \$351,000 to complete the Airport's Fiscal Year 1991-92 capital improvements. (Report with agenda. Resolution approving grant application needed. Estimated total cost: \$390,000 (Federal \$351,000; City/County \$39,000) Funds are budgeted.)

ACTION: Res. 92-63 adopted approving grant application. (P/W to handle)

CONSENT

8. Consider approving an agreement with Brown and Caldwell to conduct a primary clarifier sludge removal study. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$29,233. Funds are budgeted.)

ACTION: Res. 92-64 adopted approving agreement. (P/W to handle)

9. Consider approving an amendment to Capital Facilities Fees Administrative Guidelines for deferral of payment of capital facilities fees for residential projects receiving density bonuses. (Proposal provides for 20% payment of capital facilities fees up front, balance in installments with interest over five-year period. Report with agenda. Motion approving amendment to Capital Facilities Fees Administrative Guidelines needed.)

ACTION: By motion (Bird/Cogdill, unan.) this item was continued two weeks to allow staff to contact County staff concerning this matter.
(Manager/Planning to handle)

10. Consider approving an amendment to Capital Facilities Fees Administrative Guidelines for temporary trailers.
(Proposal features a capital facilities fees rebate with interest for trailers used on a site for five years or less. Report with agenda. Motion approving amendment to Capital Facilities Fees Administrative Guidelines needed.)

ACTION: By motion (Dobbs/Muratore, unan.) amendment approved. (Planning to handle)

11. Consider approving a timeline for review and adoption of the Housing Element, and setting date for a joint meeting with the Planning Commission (possible date March 24, 1992, at 7:30 p.m.) to solicit public comments on the preliminary Draft Housing Element.
(Report with agenda. Motion approving timeline and setting date for joint meeting needed.)

ACTION: By motion (Dobbs/Friedman, unan.) timeline approved and date set for joint meeting. (Clerk/Planning to handle)

CONSENT

12. Consider authorizing City Attorney to send letter to Supreme Court urging it to grant the application of the City of San Diego to file an amicus brief in Brown V. Poway Unified School District and later to join as a city supporting that brief.
(Report and letter with agenda. Motion needed authorizing City Attorney to send letter to Supreme Court urging it to grant application and authorizing City to join in support if granted.)

ACTION: By motion authorization granted to send letter. (Attorney 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 8:32 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 11, 1992, 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. David Taft, Trinity Nazarene Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 12,
14, 15, 16, 19, 23

Removed from consent: 13

ACTION: (Bird/Friedman, Unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 17

COUNCILMEMBERS COGDILL AND DOBBS EXCUSED DUE TO A CONFLICT OF INTEREST.

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WPCC335

1

2-11-92

CORRECTED MINUTES

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Recognition of Outstanding Youth for 1992

Mayor Lang presented awards to Brittany Vang, Artemio Moya and Melissa Bridegroom.

b. Announcement concerning Vocational Education Week in Stanislaus County February 23-29, 1992.

Mayor Lang presented a Proclamation concerning Vocational Education Week to Fran Trout, Modesto City Schools.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of February 4, 1992.
(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 revising the schedule of rates and charges for the City of Modesto rotation tow services.
(Continued from January 14, 1992 City Council meeting.)

ACTION: By motion (Muratore/Dobbs, unan.) Ord. No. 2803-C.S. introduced. Res. 92-65 adopted revising schedule of rates and charges as proposed by staff.
By motion (Muratore/Dobbs, unan.) rates are to be reviewed in six months. (Police to handle)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Recognition of Outstanding Youth for 1992

Mayor Lang presented awards to Brittany Vang, Artemio Moya and Melissa Bridegroom.

- b. Announcement concerning Vocational Education Week in Stanislaus County February 23-29, 1992.

Mayor Lang presented a Proclamation concerning Vocational Education Week to Fran Trout, Modesto City Schools.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of February 4, 1992.
(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 revising the schedule of rates and charges for the City of Modesto rotation tow services.
(Continued from January 14, 1992 City Council meeting.)

ACTION: By motion (Muratore/Dobbs, unan.) Ord. No. 2803-C.S. introduced.
Res. 92-65 adopted revising schedule of rates and charges with storage rates to start upon arrival at the storage yard.
By motion (Muratore/Dobbs, unan.) rates are to be reviewed in six months. (Police to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for the East La Loma Park lights.
(Report with agenda. Suggested bid opening: March 5, 1992, at 11:05 a.m. Security lighting has been installed covering approximately one-half of the bike trail in East La Loma Park. This project will install security lights over the remainder of East La Loma Park. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$67,870. (contract - \$61,700; eng. & cont. - \$6,170). Funds are budgeted.)

ACTION: Res. 92-66 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for the interior coating of digester No. 3 at the Water Quality Control Plant.
(Report with agenda. Suggested bid opening: March 5, 1992, at 11:00 a.m. The purpose of this project is to coat the interior of the digester in order to stop its deterioration. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$94,461. (contract - \$82,140; eng. & cont. - \$12,321). Funds are budgeted.)

ACTION: Res. 92-67 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider declaring Nixon-Egli Equipment Co. low bidder and authorize the purchase of two vacuum sewer cleaning trucks for the total cost of \$313,421; waiving formal bids and authorizing purchase of one vacuum sewer cleaning truck for \$165,182 from Nixon-Egli Equipment Co., and authorizing the City Manager to sign a lease purchase agreement with Municipal Leasing Associates.
(Report with agenda. Resolution awarding bid for purchase of two vacuum trucks; resolution approving waiving formal bid procedure and authorizing purchase of one vacuum truck (five affirmative votes needed); and resolution authorizing City Manager to sign lease purchase agreement needed. Funds are budgeted.)

ACTION: Res. 92-68 adopted awarding bid to Nixon-Egli Equipment Co.
Res. 92-69 adopted waiving formal bid procedure and authorizing purchase of one vacuum truck from Nixon-Egli Equipment Co.
Res. 92-70 adopted approving lease purchase agreement with Municipal Leasing Associates for the purchase of vacuum trucks.
(Finance to handle)

CONSENT

8. Consider award of contract for updating submersible sewage pump stations to Scrimsher and Mineni.
(Report and bid tabulation with agenda. Bids were opened on January 23, 1992. The low bid of \$208,273, submitted by Scrimsher and Mineni is 38.02% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$239,513.95 (contract - \$208,273; eng. & cont. - \$31,240.95). Funds are budgeted.)

ACTION: Res. 92-71 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider award of contract for construction of pump station No. 52 to Central Pump.
(Report and bid tabulation with agenda. Bids were opened on January 30, 1992. The low bid of \$133,755, submitted by Central Pump is 16.19% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$147,130.50 (contract - \$133,755; eng. & cont. - \$13,375.50). Funds are budgeted.)

ACTION: Res. 92-72 adopted awarding contract. (P/W to handle)

CONSENT

10. Consider declaring Mission Uniform Service low bidder and authorizing the purchase of industrial and uniform service for three years, from March 1, 1992, through February 28, 1995, for a total cost of approximately \$180,000.
(Report with agenda. Resolution authorizing purchase needed. Funds will be included in the annual budgets.)

ACTION: Res. 92-73 adopted authorizing purchase. (Finance to handle)

CONSENT

11. Consider acceptance of the project of Western Stone Products, Inc. for the Jefferson Street sewer lift station as complete. Original contract: \$194,197.
(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 project as complete needed. Final cost: \$205,297.14. Funds are budgeted.)

ACTION: Res. 92-74 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

12. Consider creating a Disabled Access Appeals Board.
(Report with agenda. Introduction of an ordinance creating the Board needed.)

ACTION: By motion, Ord. No. 2804-C.S. introduced. (Clerk to handle)

13. Consider authorizing the City Manager to sign an amendment to the cooperative agreement with the Redevelopment Agency to amend interest rates charged to the Agency for money loaned by the City.
(Report with agenda. Resolution approving amendment to the Redevelopment Agency cooperative agreement needed.)

ACTION: Res. 92-75 adopted (Dobbs/Friedman, unan.) approving amendment to the Redevelopment Agency cooperative agreement. (Finance to handle)

CONSENT

14. Consider authorizing staff to request qualifications for engineering services for a project to reconstruct the existing Thousand Oaks sewer lift station.
(Report with agenda. Motion authorizing staff to request qualifications needed. Estimated cost: \$50,000. Funds are budgeted.)

ACTION: By motion, staff authorized to request qualifications. (P/W to handle)

CONSENT

15. Consider approving lease agreement with Robert D. and Catherine L. Banghart, dba Kay's Collectibles, for the lease of City-owned property at 1904 H Street.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 92-76 adopted approving lease agreement. (Atty to handle)

CONSENT

16. Consider approving second amendment to lease agreement with Yosemite Junior College District for the fire training site located at Blue Gum and Carpenter.
(Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 92-77 adopted approving amended agreement. (Atty to handle)

CONSENT - COUNCILMEMBERS COGDILL AND DOBBS TO BE EXCUSED DUE TO A CONFLICT OF INTEREST.

17. Consider approving agreement with Institutional Financial Enterprise for the sale of 12.6 acres needed for the Merle Neighborhood Park site, and approving appropriation transfer.
(Report with agenda. Resolution approving agreement and resolution approving appropriation transfer needed. Estimated cost: \$918,500 (cost - \$913,500; estimated escrow - \$5,000). Funds are partially budgeted.)

ACTION: Res. 92-78 adopted (Patterson/Friedman, unan., Cogdill and Dobbs absent) approving agreement.
Res. 92-79 adopted (same vote) approving appropriation transfer.
(Atty to handle)

18. a. Consider the fiscal year 1991-92 Annual Budget Midyear Status Report and Proposed Adjustments.
(Report with agenda. Resolution amending the 1991-92 Budget needed.)

ACTION: Res. 92-80 adopted (Friedman/Dobbs, unan.) amending budget.
(Finance to handle)

- b. Consider Midyear Budget Adjustment for the Housing Program Office.
(Report with agenda. Resolution amending 1991-92 Housing Program Office Budget and approving Program Recovery Plans for F.Y. 1992-93 and 1993-94 needed, and motion authorizing preparation of loan request and acknowledging receipt of staff plans to improve future program management needed.)

ACTION: Res. 92-81 adopted (Muratore/Friedman, unan.) amending 1991-92 Housing Program Office Budget.
(Finance to handle)

By motion (Muratore/Friedman, unan.) approved staff preparation of Section 108 loan request for future Council review prior to submittal to HUD, and acknowledged receipt of staff plans to improve future program management.

CONSENT

19. Consider approving angle parking on 4th Street and amending existing resolution on angle parking.
(Report with agenda. Subsequent to request from Progressive Baptist Church, City staff conducted a study and determined that angle parking can be installed on 4th Street. Installation would need Council approval and amendment to existing angle parking resolution. Resolution establishing angle parking to add 4th Street between E Street and G Street, and Coldwell Avenue between Tully Road and College Avenue, and rescinding Resolution No. 87-240 needed. Estimated cost: \$650. Funds are budgeted.)

ACTION: Res. 92-82 adopted establishing angle parking on 4th Street.
(P/W to handle)

CONSENT - COUNCILMEMBERS COGDILL AND DOBBS TO BE EXCUSED DUE TO A CONFLICT OF INTEREST.

17. Consider approving agreement with Institutional Financial Enterprise for the sale of 12.6 acres needed for the Merle Neighborhood Park site, and approving appropriation transfer.

(Report with agenda. Resolution approving agreement and resolution approving appropriation transfer needed. Estimated cost: \$918,500 (cost - \$913,500; estimated escrow - \$5,000). Funds are partially budgeted.)

ACTION: Res. 92-78 adopted (Patterson/Friedman, unan., Cogdill and Dobbs absent) approving agreement.
Res. 92-79 adopted (same vote) approving appropriation transfer.
(Atty to handle)

18. a. Consider the fiscal year 1991-92 Annual Budget Midyear Status Report and Proposed Adjustments.
(Report with agenda. Resolution amending the 1991-92 Budget needed.)

ACTION: Res. 92-80 adopted (Friedman/Dobbs, unan.) amending budget.
(Finance to handle)

b. Consider Midyear Budget Adjustment for the Housing Program Office.
(Report with agenda. Resolution amending 1991-92 Housing Program Office Budget and approving Program Recovery Plans for F.Y. 1992-93 and 1993-94 needed, and motion authorizing preparation of loan request and acknowledging receipt of staff plans to improve future program management needed.)

ACTION: Res. 92-81 adopted (Muratore/Friedman, unan.) amending 1991-92 Housing Program Office Budget.
(Finance to handle)

CONSENT

19. Consider approving angle parking on 4th Street and amending existing resolution on angle parking.

(Report with agenda. Subsequent to request from Progressive Baptist Church, City staff conducted a study and determined that angle parking can be installed on 4th Street. Installation would need Council approval and amendment to existing angle parking resolution. Resolution establishing angle parking to add 4th Street between E Street and G Street, and Coldwell Avenue between Tully Road and College Avenue, and rescinding Resolution No. 87-240 needed. Estimated cost: \$650. Funds are budgeted.)

ACTION: Res. 92-82 adopted establishing angle parking on 4th Street.
(P/W to handle)

WRITTEN COMMUNICATIONS

20. Letter from William E. Reed, O'Brien & Hicks, Inc., on behalf of K & W Realty and Altamont Construction, requesting a six-months extension on 96 building permits.

Dropped from agenda.

21. Letter from Cliff Hiatt, Fosters Freeze International, Inc., concerning classification of their restaurant for purposes of establishing the amount of capital facilities fees to be required.

ACTION: By motion (Patterson/Friedman, unan.) this item continued to February 18, 1992, at 7:30 p.m. (Clerk to handle)

22. Letter from Daryl Deaver, President of Modesto Civic Theater, requesting that the requirement for parking spaces for the theater be waived.

ACTION: By motion (Friedman/Cogdill, unan.) request denied and the group was encouraged to pay the quarterly in lieu parking fee and to negotiate with neighboring business to use parking.

CONSENT

23. Letter from Harlan Smith, Modesto Camellia Society, requesting that the City of Modesto again provide the Sweepstakes Trophy for the annual Camellia Cavalcade.
(Motion approving request needed.)

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

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

25. The meeting adjourned at 6:25 p.m. to closed session to consider the purchase, sale, exchange, or lease of real property, pursuant to Government Code Section 54956.8, and to confer with or receive advice from its legal counsel regarding pending litigation, pursuant to Section 54956.9(a).

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., Tuesday, February 18, 1992, in the Mayor's Office, First Floor, City Hall, Modesto, California, for a closed session.

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

Absent: None

The meeting adjourned to closed session at 7:00 p.m. to confer with or receive advise from legal counsel regarding pending litigation, pursuant to Government Code Section 54956.9(a).

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 18, 1992, 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 Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 8, 9, 10

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. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of February 11, 1992.
(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. Consider proposed amendment to Capital Facilities Fees Administrative Guidelines for deferral of payment of capital facilities fees for residential projects receiving density bonuses. (Continued from February 4, 1992, City Council meeting.)
(Proposal provides for 20% payment of capital facilities fees up front, balance in installments with interest over five-year period. Report with agenda. Motion approving amendment to Capital Facilities Fees Administrative Guidelines needed.)

ACTION: By motion (Muratore/Friedman, unan.) amendment approved.
(Planning to handle)

CONSENT

5. Final adoption of:

- a. Ord. No. 2803-C.S. amending the Modesto Municipal Code relating to towing services.
- b. Ord. No. 2804-C.S. amending the Modesto Municipal Code to add a Disabled Access Appeals Board.

(Motion adopting needed.)

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

BIDS

CONSENT

6. Consider award of contract for Project No. 19 - replacement of curb, drive aprons, and sidewalks at various locations to W. S. Bennett Construction Co., Inc.
(Report and bid tabulation with agenda. Bids were opened February 4, 1992. The low bid of \$87,214.27, submitted by W. S. Bennett Construction Co., Inc. is 5.87% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to W. S. Bennett Construction Co., Inc. Resolution awarding contract needed. Estimated cost: \$95,935.74 (contract \$87,214.27; engineering & cont. \$8,721.43) Funds are budgeted.)

ACTION: Res. 92-83 adopted awarding contract. (P/W to handle)

NEW BUSINESS

7. Consider storm drainage program status report and rate adjustment for multi-family properties and non-curbed street areas.
(Report with agenda. Motion acknowledging receipt of report needed; resolution adjusting storm drainage surcharge rates for multi-family residential land use category and for non-curbed street areas needed.)

ACTION: Res. 92-84 adopted (Patterson/Bird, unan.) setting \$24 per acre for mobilehome parks.
Res. 92-85 adopted (Bird/Cogdill, unan.) approving staff recommendations concerning non-curbed streets.
(P/W to handle)

CONSENT

8. Consider acceptance of improvements in Mountainview Terrace No. 5 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Sacramento Savings)
(Report with agenda. Mountainview Terrace No. 5 is located north of Kansas Avenue and east of Rosemore Avenue. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 92-86 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

9. Consider acceptance of improvements in Rosemore Gardens subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Sacramento Savings) (Report with agenda. Rosemore Gardens is located on the east side of Rosemore Avenue north of Kansas Avenue. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 92-87 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

10. Consider abandonment of a portion of the 10-foot Public Utility Easements in Block 9051 of the City of Modesto. (Report with the agenda. Resolution vacating and abandoning a portion of 10-foot Public Utility Easements in Block 9051 needed.)

ACTION: Res. 92-88 adopted abandoning portion of easement in Block 9051.
(P/W to handle)

WRITTEN COMMUNICATIONS

11. Letter from Cliff Hiatt, Fosters Freeze International, Inc., concerning classification of their restaurant for purposes of establishing the amount of capital facilities fees to be required. (Continued from February 11, 1992, City Council meeting.)

ACTION: By motion (Cogdill/Patterson, unan.) designation of the restaurant as high turnover was approved, and staff requested to return to Council with a definition for "Junior" restaurant.
(Planning to handle)

12. Letter from Edward P. Taczanowsky, Executive Vice President, Building Industry Association of Central California, requesting an amendment to the Municipal Code regarding plan checks where two-story homes are built next to a development more than five years old.

ACTION: By order of the Chair, this item was referred to the Planning Commission.
(Planning to handle)

MISCELLANEOUS

Appointments

13. Reappointments to:

- a. Board of Building Appeals

ACTION: Res. 92-89 adopted (Dobbs/Friedman, unan.) reappointing Tim Ragsdale.

- b. Downtown Improvement District Advisory Board

ACTION: Res. 92-90 adopted (Dobbs/Friedman, unan.) reappointing Norma Reed.

- c. Landmark Preservation Commission

ACTION: Res. 92-91 adopted (Dobbs/Friedman, unan.) reappointing Richard Barhite.

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 10:00 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 1:00 p.m., Tuesday, February 25, 1992, in the Third Floor Conference Room, City Hall, Modesto, California, for a study session.

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

Absent: Councilmembers Dobbs, Patterson

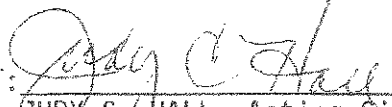
Following a discussion concerning the economic development mission statement, it was suggested that the statement be "Improve the economic well-being of our community" to be followed by a short explanatory sentence concerning the diversification of the economy.

The following short-term strategies were discussed as options to consider:

1. Utilizing \$200,000 in Community Development Block Grant funds during 1992-93 in a project or projects that benefit full-time low-income job creation.
2. Utilizing redevelopment to stimulate downtown development.
3. A system of providing priority service for the issuance of building permits for commercial, industrial, and office projects.
4. The planning for the immediate creation of sites for industrial/business park and retail development.
5. Conduct a workshop on capital facilities fees and explore creative ideas to adjust fees to encourage business investment.
6. Selling or leasing public-owned property determined to be in excess.
7. Reorganization of City departments with more focus on economic development.

The geographical scope of the strategy, the participants to be included, the funding process, and the schedule for the completion of the project were briefly discussed.

A workshop regarding capital facilities fees will be scheduled for March 24, 1992, and a workshop on economic development will be scheduled for April 7, 1992.

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, FEBRUARY 25, 1992, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
Councilmember Patterson arrived at 4:05 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Wayne Bridegroom, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 12,
13, 15

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.

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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.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the corrected minutes of the February 11, 1992, City Council meeting and the minutes of the regular and special City Council meetings of February 18, 1992.
(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. Annual Affirmative Action Report 1991-92.
(Report with agenda. Motion acknowledging receipt of report needed.)

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

CONSENT

5. Consider authorizing retention of Duane Miller and the firm of Miller & Rolfe as outside legal counsel for City of Modesto and Del Este Water Company v. Shell Oil Company, et al.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-92 adopted approving agreement. (Attorney to handle)

CONSENT

6. Consider authorizing retention of Richards, Watson & Gershon as outside legal counsel for Certainteed v. Associated Pipeline, City of Modesto, Hackett Environmental Systems, et al.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-93 adopted approving agreement. (Attorney to handle)

CONSENT

7. Monthly Treasurer's report for January 1992.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

8. Consider approval of the final map of Muratore Manor subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.
(Owners: John and Maryanne Hasley)
(The subdivision agreement has been signed and all fees paid. Muratore Manor is located on the south side of Woodland Avenue, west of Diablo Avenue. It contains 1.45 acres. Resolution approving final map and approving agreement needed.)

ACTION: Res. 92-94 adopted approving final map. (P/W, Clerk to handle)

CONSENT

9. Consider approving lease agreement with Larry A. and Patricia L. Askew, and David and Sandra Mesenhimer, dba Modesto Flight Center, to lease a portion of the former Airport Administration Building.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 92-95 adopted approving agreement. (Attorney to handle)

CONSENT

10. Consider approving renewal of the Tuolumne River Regional Park Errors and Omissions Insurance Policy with American Empire Surplus Lines-Hamilton/Meridian Insurance Association.
(Report with agenda. Resolution approving renewal needed. Estimated cost: \$4,195. Funds are budgeted.)

ACTION: Res. 92-96 adopted approving renewal. (Personnel to handle)

CONSENT

11. Consider approving renewal of the City's Transit Liability Policy with Carolina Casualty-Hamilton/Meridian Insurance Association.
(Report with agenda. Resolution approving renewal needed. Estimated cost: \$187,165. Funds are budgeted.)

ACTION: Res. 92-97 adopted approving renewal. (Personnel to handle)

CONSENT

12. Consider approving renewal of Airport Liability Insurance with Southern Marine and Aviation/IRIS, Ltd.
(Report with agenda. Resolution approving renewal needed. Estimated cost: \$10,050. Funds are budgeted.)

ACTION: Res. 92-98 adopted approving renewal. (Personnel to handle)

CONSENT

13. Consider retaining Kitchenson & Associates, Inc. for the centralized traffic signal project design and implementation.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$179,696. Funds are budgeted.)

ACTION: Res. 92-99 adopted approving agreement. (P/W to handle)

CONSENT

15. Consider authorizing staff to negotiate an agreement with Brown and Caldwell for consulting services to complete a grit removal study and predesign.
(Report with agenda. Motion authorizing staff to negotiate an agreement with Brown and Caldwell needed. Estimated cost: \$74,996. Funds are budgeted.)

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

16. Consider approving a loan from the Sewer Fund to finance storm drain activities for an amount not to exceed \$300,000.
(Report with agenda. Resolution approving loan needed.)

ACTION: Res. 92-100 adopted (Friedman/Lang, majority, Bird-no) approving loan.
(Finance to handle)

WRITTEN COMMUNICATIONS

18. Letter from International Festival Committee requesting direct City assistance for their "Festival '92" which is planned for October 3 and 4, 1992.

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

MISCELLANEOUS

Appointments

18. Reappointments to International Friendship Committee.

ACTION: Res. 92-101 adopted (Friedman/Dobbs, unan.) reappointing Margaret Snyder, Maridale Smith and Nina Zagaris to the International Friendship Committee.


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. The meeting adjourned at 4:42 to closed session to consider the purchase, sale, exchange, or lease of real property and to give instructions to negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease, pursuant to Government Code Section 54956.8.

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., Tuesday, March 3, 1992, in the Mayor's Office, First Floor, City Hall, Modesto, California, for a closed session.

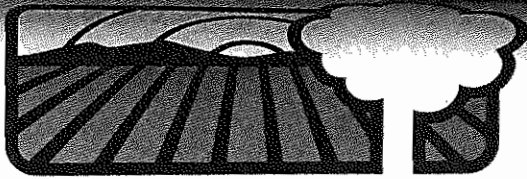
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

Absent: None

The Council adjourned to closed session at 7:00 p.m. to discuss the purchase, sale, exchange, or lease of real property by or for the local agency to give instructions to its negotiator regarding the price and terms of the payment for the purchase, sale, exchange, or lease, pursuant to Government Code Section 54956.8; and to confer with or receive advice from legal counsel regarding pending litigation, pursuant to Government Code Section 54956.9(a).

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk





MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 3, 1992, 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 Frank Muratore

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

ACTION: (Muratore/Friedman, unan.)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Lynn Gonsalves-Collins and Andy Parks made a presentation concerning the Chamber of Commerce's "Modesto Means Business" Campaign.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of February 25, 1992.
(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

ACTION: By motion (Muratore/Bird, unan.) it was agreed to take Item 11 up at this time.

BIDS

CONSENT

4. Consider acceptance of Richard A. Heaps Electrical Contractor, Inc.'s contract for the modification of traffic signals, and striping - Briggsmore Avenue/Carpenter Road at Orangeburg Avenue/Sisk Road, Carpenter Road between Orangeburg Avenue/Sisk Road and Blue Gum Avenue and authorize the City Clerk to file a Notice of Completion. Original Contract: \$85,512.00

(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: \$85,152.87. Funds are budgeted.)

ACTION: Res. 92-102 adopted accepting as complete. (Clerk to handle)

Mayor Lang was excused at 8:27 p.m.

NEW BUSINESS

5. Consider directing staff to request proposals to prepare Part 2 of the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Application.
(Report with agenda. Resolution authorizing Request for Proposals needed. Estimated cost: FY 91-92 \$230,000; FY 92-93 \$270,000; funds are budgeted.)

ACTION: Res. 92-103 adopted (Patterson/Muratore, unan., Lang absent) authorizing Request for Proposals. (P/W to handle)

CONSENT

6. Consider authorizing the City Manager to sign a hold harmless agreement with the Yosemite Community College District for the use of their facilities for recreation activities during 1992.
(Report with agenda. Resolution authorizing the City Manager to sign Hold Harmless agreement needed.)

ACTION: Res. 92-104 adopted approving agreement. (P/R to handle)

7. Consider executing an EPA Federal Grant amendment for the Wastewater Treatment Plant Expansion Project (Units 1 and 4).
(An amendment to the Federal Grant is necessary to match the Federal share of the project with final project costs. Report with agenda. Resolution authorizing the City Manager to execute the Federal Grant amendment needed. Final Cost: \$9,938,181.00. (Federal \$7,453,636; State \$1,242,272; City \$1,242,273) Funds are budgeted.)

ACTION: Res. 92-105 adopted (Bird/Muratore, unan., Lang absent) approving amendment. (P/W to handle)

CONSENT

8. Consider abandonment of a portion of the 5 foot Public Utility Easement in Block 4118 of the City of Modesto.
(Report with agenda. Resolution vacating and abandoning portion of 5 foot Public Utility Easement in Block 4118 needed.)

ACTION: Res. 92-106 adopted abandoning portion of Public Utility Easement. (P/W to handle)

CONSENT

9. Consider abandonment of the Storm Drain Easements in Blocks 9052 and 9054 of the City of Modesto.
(Report with agenda. Resolution vacating and abandoning the Storm Drain Easements in Blocks 9052 and 9054 needed.)

ACTION: Res. 92-107 adopted abandoning the storm drain easements. (P/W to handle)

CONSENT

10. Consider opposing recent Federal Communications Commission ruling regarding provision of cable television service.
(Report with agenda. Motion opposing recent FCC ruling regarding provision of cable television service needed.)

ACTION: By motion, opposed FCC ruling. (Manager to handle)

11. Consider amending the Modesto Municipal Code relating to nuisance property conditions and vehicles - Neighborhood Preservation Ordinance.
(Report with agenda. Introduction of ordinance needed.)

Item 11 was taken up after item 3.

ACTION: By motion (Muratore/Cogdill, majority, Bird and Patterson-no) Ord. No. 2805-C.S. introduced.
By motion (same vote) staff was directed to report on results of enforcement of the ordinance after six months experience.
(Manager to handle)

CONSENT

12. Consider retaining DKS Associates to perform traffic engineering services for the 1992 Modesto Traffic Activated Signal Conversion Project under the Petroleum Violation Escrow Account (PVEA) grant.
(Report with agenda. The Selection Committee selected DKS Associates to provide the consultant services for this project. Resolution approving agreement needed. Estimated cost: \$18,500. Funds are budgeted.)

ACTION: Res. 92-108 adopted approving agreement. (P/W to handle)

MISCELLANEOUS

Appointments

13. a. International Friendship Committee

ACTION: Res. 92-109 adopted (Dobbs/Cogdill, unan., Lang absent) appointing Bill Seavy.

- b. Affirmative Action Commission

ACTION: Res. 92-110 adopted (Dobbs/Cogdill, unan., Lang absent) appointing Terri Amerio-Bell.

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 8:59 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk



MODESTO CITY COUNCIL

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 10, 1992, AT 4:00 P.M.

NOTICE

THERE WILL BE NO MEETING OF THE CITY COUNCIL
ON TUESDAY, MARCH 10, 1992
DUE TO LACK OF A QUORUM.

HEARINGS

Continued hearing to consider the appeal of Kaufman and Broad Central Valley, Inc., to a staff decision concerning capital facilities fees on River Terrace vesting tentative subdivision map.
(Continued from the December 10, 1991, meeting. To be continued to March 17, 1992 City Council meeting.)

THE NEXT CITY COUNCIL MEETING WILL BE HELD ON
TUESDAY, MARCH 17, 1992,
AT 7:30 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 6:00 p.m. on Tuesday, March 17, 1992, in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California for a closed session.

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

Councilmember Patterson arrived at 7:12 p.m.

Absent: None

The Council adjourned to closed session at 6:00 p.m. to consider 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



MODESTO CITY COUNCIL

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 17, 1992, 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. Adrian Condit, Chaplain, Memorial Hospital

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 10, 11, 12, 13, 14,
15, 17, 18, 19, 22, 23, 24, 25

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.

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of plaques to Charles Harding for service on the Board of Zoning Adjustment, and Jay Pfarr for service on the Board of Building Appeals.

Mayor Lang presented plaques to Mr. Harding and Mr. Pfarr.

- b. Presentation of the Awards for Excellence from the California Society of Municipal Finance Officers for the City's 1991-92 Operating Budget and 1991-92 through 1994-95.

Pete Kolf, Director of Finance, presented the awards to the Mayor and City Council.

- c. Mayor Lang introduced members of Boy Scout Troops 143 and 199.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of March 3, 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

UNFINISHED BUSINESS

4. Status report on Pelton Avenue and recommendations for related traffic and street light changes.
(Report with agenda. Council to review options available for construction and improvement of Pelton Avenue. Motion accepting status report and directing staff needed.)

ACTION: By motion, (Cogdill/Patterson, majority, Dobbs - no), permanent street construction and improved street lighting was approved.
(PW & T/Finance to handle)

5. Final adoption of Ord. No. 2805-C.S. amending the Municipal Code relating to Neighborhood Preservation and Nuisance Property Conditions and Vehicles.
(Motion adopting needed.)

ACTION: By motion (Muratore/Friedman, majority, Bird and Patterson - no),
Ordinance No. 2805-C.S. was adopted. (Clerk to handle)

HEARINGS

CONSENT

6. Hearing to consider the appeal of Kaufman and Broad Central Valley, Inc., to a staff decision concerning capital facilities on River Terrace vesting tentative subdivision map.
(Continued from the December 10, 1991, and March 10, 1992, City Council meetings.)
(Letter from appellant withdrawing appeal has been received. Motion acknowledging receipt of letter needed.)

ACTION: By motion, receipt of request to withdraw appeal acknowledged.

7. Hearing to consider the appeal of Russell A. Harrison, on behalf of Florsheim Bros., to a Planning Commission decision denying an application for an amendment to P-D(468), for elimination of five-foot side yard easement to allow fencing along property lines on Lots 5 and 53-61, located at the southwest corner of Merle and Roselle Avenues.

ACTION: A motion to approved (Dobbs/Cogdill; Bird, Friedman, Muratore, Lang - no) failed to carry.

Res. 92-111 adopted (Friedman/Muratore, majority, Cogdill, Dobbs, Patterson - no) denying request.

8. Hearing to consider an amendment to Section 5-4-9 of the Zoning Map to rezone from R-2 to P-D(489), for a three-story, 201-unit senior housing project, property located on the east side of Roselawn Avenue, east of Pelton Avenue. (Fabian/Matthews)

ACTION: By motion, Ordinance No. 2806-C.S. was introduced (Friedman/Dobbs, unan.) amending the Zoning Map.
Res. 92-112 adopted (Friedman/Dobbs, unan.) approving the development plan.
Res. 92-113 adopted (Friedman/Dobbs, unan.) certifying review of the environmental assessment. (Clerk/Plan & CD to handle)

9. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision denying an application for a time extension for vesting tentative parcel map of parcel located at the southwest corner of Blue Gum Avenue and Carpenter Road.

ACTION: Res. 91-114 adopted (Bird/Patterson, majority, Friedman - no) granting the appeal. (Plan & CD to handle)

BIDS

CONSENT

10. Consider approving specifications and authorizing call for bids for traffic signal controllers to be opened April 6, 1992, at 11:00 a.m. (Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$122,500. Funds are budgeted.)

ACTION: Res. 91-115 adopted approving specifications and calling for bids. (PW & T to handle)

CONSENT

11. Consider approving specifications and authorizing call for bids for furnishing multiple address and point to point radio system to be opened April 13, 1992, at 10:00 a.m. (Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$235,427. Funds are budgeted.)

ACTION: Res. 92-116 adopted approving specifications and calling for bids. Finance to handle)

CONSENT

12. Consider award of contract for the Valerie Alley, Douglas Street and 9th Street waterlines to Joe Martin Pipeline, Inc. (Bids were opened February 27, 1992. The low bid of \$37,407, submitted by Joe Martin Pipeline, Inc., is 38.92% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Report with agenda. Resolution awarding contract to Joe Martin Pipeline, Inc. needed. Estimated cost: \$41,147.70 (contract \$37,407; engineering & cont. \$3,740.70). Funds are budgeted.)

ACTION: Res. 92-117 adopted awarding contract. (PW & T to handle)

CONSENT

13. Consider award of contract for the Municipal Golf Course parking lot to Patch Master of Central California.
(Bids were opened February 20, 1992. The low bid of \$69,512, submitted by Patch Master of Central California, is 1.05% 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 Patch Master of Central California needed. Estimated cost: \$75,963.20 (contract \$69,512; engineering & cont. \$6,451.20). Funds are budgeted.)

ACTION: Res. 92-118 adopted awarding contract. (PW & T to handle)

CONSENT

14. Consider award of contract for the Interior Coating of Digester No. 3 at the Water Quality Control Plant to Gibbs Painting Co., Inc.
(Bids were opened March 5, 1992. The low bid of \$90,944, submitted by Gibbs Painting Co., Inc., is 10.72% 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 Gibbs Painting Co., Inc. needed. Estimated cost: \$104,585.60 (contract \$90,944; engineering & cont. \$104,585.60 (contract \$90,944; eng. & cont. \$13,641.60)

ACTION: Res. 92-119 adopted awarding contract. (PW & T to handle)

CONSENT

15. Consider declaring Weco Industries, Inc. low bidder and authorize the purchase of a new sewer rodding truck for the total cost of \$51,002.
(Report with agenda. Resolution accepting the bid of Weco Industries needed.)

ACTION: Res. 92-120 adopted accepting bid. (Finance to handle)

16. Consider selection of TRIPS, Inc. of Modesto as operators of Modesto Area Express and direct City Manager to negotiate contract for Council consideration at the April 7, 1992, meeting.
(Report with agenda. The contract would be for provision of drivers, bus cleaners, customer service personnel and their supervision. Payment to TRIPS, Inc. would be \$21.58 per vehicle service hour. Total payments during the five-year contract would be \$9.6 million. With Council authorization staff will negotiate a final agreement with TRIPS and submit it to the Council. Motion authorizing staff to negotiate contract needed. Estimated cost per year: \$1,925,900. Funds are budgeted.)

ACTION: A motion (Patterson/Lang) to direct staff to negotiate with Laidlaw under option 2 was amended by a motion (Muratore/Bird unan.) to table the item one week. The amended motion was approved (Patterson/Lang, unan.).

CONSENT

17. Consider acceptance of Shan-Lyn Construction, Inc.'s contract for the construction of Fire Station No. 9 and authorize the City Clerk to file a Notice of Completion. (Original contract: \$412,000)
(Report with agenda. All work on this project has been completed to the satisfaction of the Fire Department and 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: \$422,084. Funds are budgeted.)

ACTION: Res. 92-121 adopted accepting work as complete. (Clerk to handle)

CONSENT

18. Consider acceptance of George Reed, Inc.'s contract for the Standiford Avenue improvements and authorize the City Clerk to file a Notice of Completion. (Original contract: \$868,435)
(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: \$918,548.67. Funds are budgeted.)

ACTION: Res. 92-122 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

19. Consider excusing Councilmembers Bird, Cogdill, Dobbs, Friedman and Patterson from the March 10, 1992, City Council meeting due to their attendance at the National League of Cities Conference in Washington, D.C., March 7 - 10, 1992,
(Motion excusing needed.)

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

20. Consider a report from the Community Development and Housing Committee regarding the extension of building permits and formation of a "Blue Ribbon Committee" to study the issue.
(Council referred the matter to the Community Development and Housing Committee on December 10, 1991, and asked for a report back to Council Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Patterson/Bird, unan.) receipt of report acknowledged and Committee recommendations approved. (PW & T to handle)

21. Consider establishing Steering Committee composition and approving the Outline of Tasks for the General Plan rewrite.
(Report with agenda. Motion approving staff recommendations needed.)

ACTION: By motion (Friedman/Patterson, unan.) recommendations approved with staff to keep in mind Council discussion and suggestions.
(Plan & CD to handle)

CONSENT

22. Consider executing a State Grant Amendment for the Wastewater Treatment plant Expansion Project (Units 1 and 4).
(An amendment to the State grant is necessary to match the State share of the project with final project costs. Report with agenda. Resolution approving State grant agreement needed. Estimated cost: \$9,938,181 (\$7,453,636 Federal; \$1,242,272 State; \$1,242,273 City). Funds are budgeted.)

ACTION: Res. 92-123 adopted approving State grant agreement.
(PW & T to handle)

CONSENT

23. Consider abandonment of a portion of the 12.00 foot Public Utility and Irrigation Easements in Block 9856 and 9863 of the City of Modesto.
(Report with agenda. Resolution vacating and abandoning a portion of the 12.00 foot Public Utility and Irrigation Easements in Blocks 9856 & 9863 of the City of Modesto needed.)

ACTION: Res. 92-124 adopted vacating and abandoning easements.
(PW & T to handle)

CONSENT

24. Consider abandonment of a portion of the 20.00 foot Public Utility Easement in Block 472 the City of Modesto.
(Report with agenda. Resolution vacating and abandoning a portion of the 20.00 foot Public Utility Easement in Blocks 472 of the City of Modesto needed.)

ACTION: Res. 92-125 adopted vacating and abandoning easement.
(PW & T to handle)

CONSENT

25. Consider approval of the final map of Brighton Park subdivision of the City of Modesto and consider accepting improvements. (Subdivider: Brighton Convalescent Center, Inc. (All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Brighton Park is located on the west side of Brighton Avenue, north of Scenic Drive. It contains 2.17 acres. Report with agenda. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 92-126 adopted approving final map and accepting improvements. (Clerk to handle)

26. Consider approving and sending to HUD a Comprehensive Housing Affordability Strategy (CHAS) to enable Modesto to participate in the HOME Program, Community Development Block Grant Program, and other Federal Housing Programs. (Report with agenda. Resolution approving Comprehensive Housing Affordability Strategy and authorizing staff to forward to HUD needed.)

ACTION: Res. 92-127 (Cogdill/Dobbs, unan.) approving Comprehensive Housing Affordability Strategy and authorizing staff to forward it to HUD. (Plan & CD to handle)

WRITTEN COMMUNICATIONS

27. Letter from Robert Braden Consulting, on behalf of Randall K. Anderson, requesting adjustment to Capital Facilities Fees on a proposed building at 1241 McHenry Avenue.

ACTION: By motion (Friedman/Bird, unan.) this item was continued to April 7, 1992, at 7:30 p.m. (Clerk/Plan & CD to handle)

MISCELLANEOUS

28. Appointments

- a. Board of Zoning Adjustment

ACTION: Res. 92-128 adopted (Muratore/Dobbs, Unan.) appointing Michael Pratt.

- b. Landmark Preservation Committee

No action taken.

(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

29. (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 10:35 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 a special session at 2:00 p.m. on Tuesday, March 24, 1992, in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California for a study session.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
Councilmember Dobbs arrived at 3:05 p.m.

Absent: Councilmember Patterson

The Council held a study session concerning capital facilities fees. Consultant Dick Recht and City staff explained the methodology used to develop the capital facilities fees, allocation of the funds to capital projects, and strategies to ease the capital facilities fees burden.

The meeting adjourned at 3:45 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 24, 1992, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang
Councilmember Patterson arrived at 4:10 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Dr. Blaine Dixon, Church of Jesus Christ of the Latter-day
Saints

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 14, 15,
16, 17, 18, 19, 20, 21, 22

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

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Recognition of receipt of Award of Merit from the California Parks and Recreation Society for the program "African American Holiday of Kwanzaa 1991."
Report with agenda. Motion acknowledging receipt of award needed.)

Held over to April 7, 1992.

- b. Consider declaring April 20 - 26, 1992, as "Recycle Week" and acknowledging "Earth Day in the Park" on April 26, 1992, as an annual event.
(Report with agenda. Resolution declaring April 20-26, 1992, as "Recycle Week" needed, and motion acknowledging "Earth Day in the Park" an annual event needed.)

ACTION: Res. 92-129 adopted (Bird/Cogdill, unan.) declaring April 20-26 as "Recycle Week" and acknowledging "Earth Day" in the Park an annual event. (P/W to handle)

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of March 17, 1992.
(Motion approving needed.)

ACTION: By motion, minutes were approved.

ORAL COMMUNICATIONS

3. (These 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. Further consideration of selection of operators of Modesto Area Express.
(Continued from March 17, 1992, City Council meeting.)

ACTION: By motion (Patterson/Friedman, unan.) staff directed to negotiate with Laidlaw under option 2. (P/W to handle)

5. Final adoption of Ord. No. 2806-C.S. rezoning from R-2 to P-D(489) property located on the east side of Roselawn Avenue, east of Pelton Avenue. (Matthews/Fabian)

ACTION: By motion (Cogdill/Friedman, unan.) Ord. No. 2806-C.S. adopted.
(Clerk to handle)

HEARINGS

6. Hearing to consider the appeal of Sign Designs, Inc., on behalf of National Investment Properties, SaveMart Supermarkets, and Payless Drug Stores, to a Planning Commission decision concerning a freestanding shopping center sign at the southeast corner of Sisk Road and Pelandale Avenue.

ACTION: By motion (Cogdill/Dobbs, unan.) this matter was referred back to the Planning Commission. (Planning to handle)

BIDS

CONSENT

7. Consider approving plans and specifications calling for bids for traffic signal modifications at Briggsmore Avenue and Claus Road and at Mitchell Road and Finch Road.
(Suggested bid opening: April 14, 1992, at 11:00 a.m. Report with agenda. These signals need to be modified for maintenance reasons. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$86,000. Funds are budgeted.)

ACTION: Res. 92-130 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approving plans and specifications and call for bids for Robertson Road Park streets.
(Suggested bid opening: April 23, 1992, at 11:05 a.m. This project will complete the curb, gutter and sidewalks and pavement for the perimeter of Robertson Road Park. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$89,598 (contract \$79,290; engineering \$10,308). Funds are partially budgeted. Appropriation transfer will be requested at award stage when exact amount needed to construct project is known.)

ACTION: Res. 92-131 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider award of contract for the East La Loma Lights to Utility Service and Electric, Inc.
(Bids were opened on March 5, 1992. The low bid of \$32,700, submitted by Utility Service and Electric, Inc. is 47% 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 Utility Service and Electric, Inc. needed. Estimated cost: \$35,970 (contract \$32,700; eng. & cont. \$3,270). Funds are budgeted.)

ACTION: Res. 92-132 adopted awarding contract. (P/W to handle)

CONSENT

10. Consider award of contract for the partial completion of the McHenry Mansion Restoration, Phase III, and consider amending the budget to estimate and appropriate additional grant revenue.
(The project is to install all air conditioning duct work in the second and third floors so the second floor walls can be finished. Report with agenda. Resolution awarding contract to Lang's Enterprises needed, and resolution amending budget needed. Estimated cost: \$91,242 (contract \$82,200; eng. & cont. \$9,042). Funds are budgeted.)

ACTION: Res. 92-133 adopted awarding contract to Lang's Enterprises.
Res. 92-134 adopted amending budget. (P/W to handle)

NEW BUSINESS

11. Discussion of National League of Cities' Congressional Cities conference.

Members of the Council who attended the conference reported on the sessions.

Councilmember Dobbs was excused at 5:15 p.m.

12. Consider endorsing water system Revenue and Financing Program strategy and establishing charges for metered water services and unmetered water services, effective April 1, 1992.
(Report with agenda. The City Council Water Committee has reviewed forecasts of needed improvements and additions, and it recommends a 35% increase. Motion endorsing water system Revenue and Financing Program strategy needed, and resolution revising water rates needed.)

ACTION: By motion (Muratore/Friedman, unan., Dobbs absent) water system Revenue and Financing Program strategy endorsed.
Res. 92-135 adopted (same vote) revising water rates.
(P/W and Finance to handle)

13. Status report on graffiti abatement program and approval of appropriation transfer in the amount of \$5,000 for program activities.
(Report with agenda. Motion acknowledging receipt of graffiti abatement program status report needed, and resolution approving appropriation transfer needed.)

ACTION: By motion (Patterson/Muratore, unan., Dobbs absent) acknowledged receipt of program status report.
Res. 92-136 adopted approving a \$12,500 appropriation transfer.
(Mgr/Finance to handle)

CONSENT

14. Consider cancelling Yellow Cab Company's Certificates of Public Convenience and Necessity.
(Report with agenda. Yellow Cab has cancelled service in Modesto. Resolution cancelling Certificates of Public Convenience and Necessity needed.)

ACTION: Res. 92-137 adopted cancelling Certificates of Public Convenience and Necessity.
(P/W to handle)

CONSENT

15. Consider approving lease agreement with Pacific Aircraft Services, Inc. for the lease of Hangar Nos. 3 and 4 at the Modesto City/County Airport.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 92-138 adopted approving lease agreement.
(Attorney to handle)

CONSENT

16. Consider approving agreement with Alta Pacific Housing Partners II for the purchase of a lot in Dry Creek Meadows for the Claus Road pedestrian overcrossing project.
(Report with agenda. Estimated cost: \$75,000 (Modesto High School to pay 60%). Resolution approving agreement needed.)

ACTION: Res. 92-139 adopted approving agreement.
(Attorney to handle)

CONSENT

17. Consider approving amendment to agreement with West Air Airlines, Inc. dba United Express for their operations at the Modesto City/County Airport.
(Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 92-140 adopted approving amended agreement.
(Attorney to handle)

CONSENT

18. Monthly Treasurer's report for February 1992.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

19. Consider approving lease agreement with Darold Jolliff for the lease of a portion of Hangar No. 1 at the Modesto City/County Airport. (Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 92-141 adopted approving lease agreement. (Attorney to handle)

CONSENT

20. Consider approval of the final map of Stone Leaf Hollow subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Arambel and Rose)
(The subdivision agreement has been signed and all fees paid. Stone Leaf Hollow is located at the southeast corner of Hatch Road and Boise Avenue. It contains 3.14 acres. Report with agenda. Resolution approving final map and approving agreement needed.)

ACTION: Res. 92-142 adopted approving final map and agreement. (Clerk to handle)

CONSENT

21. Consider acceptance of improvements in Mountainview Terrace No. 3 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Security Owners Corporation)
(Mountainview Terrace No. 3 subdivision is located on the north side of Kansas, west of Rosemore Avenue. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Report with agenda. Resolution accepting improvements needed.)

ACTION: Res. 92-143 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

22. Consider acceptance of improvements in Park Valley Homes No. 3 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Kaufman and Broad)
(Park Valley Homes No. 3 subdivision is located on the north side of Whitmore Avenue, between Ustick Road and Crows Landing Road. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Report with agenda. Resolution accepting improvements needed.)

ACTION: Res. 92-144 adopted accepting improvements as complete. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

23. (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

24. Adjourned at 6:10 p.m. to 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.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR SPECIAL JOINT COUNCIL/PLANNING COMMISSION MEETING OF TUESDAY,
MARCH 24, 1992, AT 7:30 P.M.

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

Absent: Councilmember Dobbs

Commissioners Alexander, Cruz, Dunbar, Fisher,
Gonzales-Collins, Grover, Chairperson Smith

Absent: None

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

HEARING

1. Informal hearing for public input on the Preliminary Draft Housing Element of the Modesto Area General Plan.
(This joint meeting between the City Council and Planning Commission has been scheduled to hear public input on the Preliminary Draft Housing Element of the Modesto Area General Plan. The Preliminary Draft is currently on review in the State Department of Housing and Community Development Department (HCD) for 45 days. In the interim, the City is seeking public input on the Preliminary Draft Housing Element. Ultimately, the Planning Commission and City Council will hold public hearings on the Draft Housing Element in April and May respectively.)

After Mayor Lang and Chairperson Smith introduced members of the City Council and Planning Commission, the Mayor briefly explained the purpose of the meeting.

Brian Smith and Marjorie Blom, Planning and Community Development Department staff, discussed the required Housing Element of the Modesto Area General Plan, and reviewed the preparation process and time tables involved in adopting the Housing Element.

but believes that the City Council and Planning Commission have worked diligently toward providing affordable housing in Modesto.

ORAL COMMUNICATIONS

2. (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

MATTERS TOO LATE FOR THE AGENDA

3. (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 7:47 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

William S. Nichols
WILLIAM S. NICHOLS, Planning
Commission Secretary



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 8:00 p.m. on Tuesday, March 24, 1992, in the Council Chambers, City Hall, 801 11th Street, Modesto, California for a special meeting.

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

Absent: Councilmembers Dobbs and Patterson

At 8:00 p.m., the Council adjourned to closed session and returned to open session at 8:22 p.m.

ACTION: Resolution 92-145 was adopted (Friedman/Bird, unan., Dobbs and Patterson absent) approving plans and specifications and calling for bids to be opened April 9, 1992, at 11:05 a.m., for a project called "Eight Inch Sanitary Sewer Rehabilitation - Block 727."
(P.W. & T. to handle)

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 5:00 p.m. on Tuesday, April 7, 1992, in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California for a study session.

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

Councilmember Patterson arrived at 5:15 p.m.

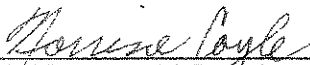
Councilmember Muratore arrived at 6:00 p.m.

Mayor Lang excused at 5:45 p.m.

Absent: None

The Council held a study session concerning the surface water treatment and delivery agreement. Marshall Elizer, Mike Gilton and Van Switzer reviewed the history of the project and provisions of the proposed agreement.

At 7:08 p.m. the meeting adjourned to closed session to confer with or receive advice from legal counsel regarding pending litigation, pursuant to Government Code Section 54956.9(a).

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 7, 1992, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang
Mayor Lang arrived at 7:57 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Tom Foster, St. Paul's Episcopal Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 12, 14,
15, 16, 17, 18, 20, 21, 22,
24, 25, 27

Removed from consent: 6, 19, 23

ACTION: (Dobbs/Cogdill, 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

- a. Recognition of receipt of Award of Merit from the California Parks and Recreation Society for the program "African American Holiday of Kwanzaa 1991."
(Motion acknowledging receipt of report needed.)

Vice Mayor Friedman presented the award to Tommie Ware and Rose Mitchell.

- b. Presentation of "One Millionth Ton Report Card" by Ogden Martin Systems of Stanislaus, Inc., commemorating the occasion of "One Million Tons of Waste into Energy."

Fred Engelhardt of Ogden Martin Systems gave a presentation.

- c. Consider designating week of April 7, 1992, as "Modesto Means Business/Shop Local."
(The Modesto Chamber of Commerce has re-inaugurated a "Modesto Means Business" campaign and has requested the support of the City of Modesto. Resolution designating week of April 7 as "Modesto Means Business/Shop Local" week needed.)

ACTION: Res. 92-146 adopted (Bird/Dobbs, unan., Lang absent) designating Modesto Means Business/Shop Local week.

- d. Presentation concerning April 1992 Fair Housing Month.

Vice Mayor Friedman presented the proclamation to Bill Nichols.

- e. Presentation concerning April 17 - 24 as Community Development Week.

Vice Mayor Friedman presented the proclamation to Bill Nichols.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of March 24, 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

UNFINISHED BUSINESS

4. Letter from Robert Braden Consulting, on behalf of Randall K. Anderson, requesting adjustment to Capital Facilities Fees on a proposed building at 1241 McHenry Avenue (Action Sports).
(This item was continued from the March 17, 1992, City Council meeting.)

ACTION: By motion (Bird/Cogdill, unan., Lang absent) staff was directed to follow the formula used by the County as requested by the applicant.
(Planning to handle)

HEARINGS

5. Hearing to consider establishing rates for use of the swimming pools at Sonoma School (Susan Burris Pool), Modesto High School, Downey High School, Beyer High School, Davis High School, and Modesto Junior College, and establishing rates for aquatic classes.)

ACTION: Res. 92-147 adopted (Bird/Dobbs, unan.) approving recommended rates.

BIDS

6. Consider approving a five-year agreement with Laidlaw Transit, Inc. to operate the Modesto Area Express (MAX) bus service beginning 6/1/92. (An agreement with Laidlaw has been negotiated as directed by the City Council on March 24, 1992. The contract is for \$24.79 per vehicle service hour, as previously reported to Council, and includes the provision of liability insurance by Laidlaw. Also as previously reported, payments to Laidlaw would be escalated annually at the same rate as the Consumer Price Index, not to exceed 5% each year. Resolution approving agreement needed. Estimated cost: \$2,212,390 annually. Funds are budgeted.)

ACTION: Res. 92-148 adopted (Patterson/Lang, unan.) approving recommendation.
(P/W to handle)

CONSENT

7. Consider approving plans and specifications and call for bids for construction of traffic signals and street lighting at Kansas Avenue and Emerald Avenue.
(Suggested bid opening: April 28, 1992, 11:00 a.m. Report with agenda. This signal will replace existing all-way stop signs and improve the flow of traffic through the intersection. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$100,000. Funds are budgeted.)

ACTION: Res. 92-149 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the West Side Park basketball court reconstruction.
(Suggested bid opening: April 30, 1992, at 11:00 a.m. The playing surface at the West Side basketball court has deteriorated beyond repair. This project will remove the existing playing surface and install a new asphalt concrete court. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$29,945 (contract \$26,500; eng. & cont. \$3,445). Funds are budgeted.)

ACTION: Res. 92-150 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider authorizing call for bids to be opened May 4, 1992, at 11:00 a.m. for furnishing four new utility trucks.
(Report with agenda. Resolution authorizing call for bids needed. Estimated cost: \$154,082. Funds are budgeted.)

ACTION: Res. 92-151 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider redirecting funds from the Pump Station No. 20 improvement project to Pump Station No. 14 and approving a \$36,000 contract change order to the original contract.
(Report with agenda. Resolution approving contract change order needed.)

ACTION: Res. 92-152 adopted approving contract change order. (P/W to handle)

CONSENT

11. Consider waiving formal bid procedures and authorizing the purchase of two police vehicles through the State of California Cooperative Purchasing Contract for a total of \$31,731.50.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 92-153 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

12. Consider waiving formal bid procedures and authorizing the purchase of fourteen trucks of various sizes through the State of California Cooperative Purchasing Contract for a total price of \$174,497.34. (Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 92-154 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

13. Presentation of Public Works and Transportation Audit by Hughes, Heiss and Associates. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Friedman/Bird, unan.) receipt of report acknowledged, and recommendations approved. (Manager to handle)

CONSENT

14. Consider requesting the Federal Transit Administration (FTA) to approve the City as the "designated recipient" for funds under Section 9 of the Urban Mass Transportation Act, as amended. (Report with agenda. Because the Modesto urbanized area's population is over 200,000, the City must become the "designated recipient" for Section 9 funds. The City's apportionment for FI 1991-92 is \$1,916,345. Resolution requesting designated recipient status needed.)

ACTION: Res. 92-155 adopted requesting designated recipient status. (P/W to handle)

CONSENT

15. Consider report of the City Manager on annual testing of CATV franchise. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

16. Consider approving a landscape design agreement with Purkiss-Rose, Inc. for the preparation of site plans and the master plan for Orchard Neighborhood Park. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$12,350; funds are budgeted.)

ACTION: Res. 92-156 adopted approving agreement. (P/W to handle)

CONSENT

17. Consider approving lease agreement with Charles J. and Santo A. Carnabucci, dba Magic Carpet Limousine Service, to operate a limousine service at the Airport passenger terminal.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-157 adopted approving agreement. (Attorney to handle)

CONSENT

18. Consider approving proposal for reconvening the Urban Growth Committee. (When the City Council approved the 1991 Urban Growth Policy Review on December 10, 1991, it directed staff to come back with a proposal for reconvening the Urban Growth Committee. Report with agenda. Motion approving recommendations needed.)

ACTION: By motion, recommendations approved.

19. Consider approving selection process for the General Plan Steering Committee.
(When the City Council approved the use of a steering committee for the rewrite of the General Plan at its March 17, 1992, meeting, it directed staff to come back with a proposal for selection of the steering committee. Report with agenda. Motion approving recommendations needed.)

ACTION: By motion (Dobbs/Muratore, unan.) recommendations approved except that screening will be done by the Council Community Development and Housing Committee. (Planning to handle)

CONSENT

20. Consider approving agreement with Wings West Airlines, dba American Eagle for their operations at the Modesto Airport.
(Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 92-158 adopted approving amended agreement. (Attorney to handle)

CONSENT

21. Consider authorizing City Manager to sign a cooperative agreement with Modesto High School District for preparation of engineering plans and preliminary acquisition of right of way to extend Norseman Drive to Yosemite Boulevard, and consider authorizing amendment to the budget. (Modesto City High School District is constructing Johansen High School located between Claus Road and Norseman Drive at Creekwood Drive. Norseman Drive must be extended one-half mile from the existing school boundary to Yosemite Boulevard for dual access. The cooperative agreement specifies City's and School's responsibilities and costs. Report with agenda. Resolution approving agreement needed, and resolution amending budget needed. Estimated cost: \$58,400)

ACTION: Res. 92-159 adopted approving agreement.
Res. 92-160 adopted amending budget. (P/W to handle)

CONSENT

22. Consider approving a sewer reimbursement agreement with Phillip G. and Wilma M. Silva for an 8" sewer lateral in Lone Palm Avenue. (The owners have installed 973 l.f. of 8" sewer to serve their property on Lone Palm Avenue. The line will also serve other properties on Lone Palm Avenue and owners have requested reimbursement for a portion of the costs. Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-161 adopted approving agreement. (P/W to handle)

23. Consider authorizing City Manager to execute all Local Agency-State agreements and program supplements for Federally funded street construction programs. (In order for the City to receive Federal aid funds for street construction projects through various State administered programs, the City is required to execute a master agreement for each program. Additionally, the City is required to execute a program supplement to the master agreement for each individual project. Report with agenda. Resolution authorizing City Manager to execute agreements needed.)

ACTION: Res. 92-162 adopted (Muratore/Dobbs, unan.) authorizing Manager to execute agreements and supplements. (P/W to handle)

CONSENT

24. Consider approving an amendment to the canal crossing agreement and a sewer service agreement with First Fidelity Realty Group, Inc. (Modesto Galleria Shopping Center - located at Roselle/Merle Avenues. (Report with agenda. Resolution approving amendment to canal crossing agreement needed, and resolution approving sewer service agreement needed.)

ACTION: Res. 92-163 adopted approving amendment to canal crossing agreement.
Res. 92-164 adopted approving sewer service agreement. (P/W to handle)

CONSENT

25. Consider authorizing the City Manager to submit an application to Caltrans for supplemental grade separation funds on the Morton Boulevard Underpass grade separation project. (The project is eligible to receive additional funding up to \$31,600. An application for additional funding needs to be submitted. Report with agenda. Resolution authorizing the City Manager to make application on behalf of the City.)

ACTION: Res. 92-165 adopted approving submittal of application. (P/W to handle)

26. Letter from Self-Help Enterprises requesting a waiver of Capital Facilities Fees for Stone Leaf Hollow project, consisting of 24 single-family houses for low-income first time home buyers. (Report with staff recommendations with agenda.)

ACTION: Res. 92-165A adopted (Cogdill/Friedman, unan.) denying request for waiver.
By motion (same vote) Administrative Guideline 18 to permit deferred payments was approved. (Planning to handle)

CONSENT

27. Letter from Russell A. Harrison, on behalf of Sky Trek Aviation, requesting adjustment of Fuel Flow tax and review of the imposition of Capital Facilities Fees on new corporate facilities. (Motion referring to staff needed.)

ACTION: By motion, request referred to staff. (P/T, Planning to handle)

MISCELLANEOUS

Appointments

28. Landmark Preservation Commission

ACTION: Res. 92-166 adopted (Dobbs/Patterson, unan.) appointing Jack Dooley. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

29. (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

(This meeting adjourned at 9:40 p.m. to 8:00 a.m., Friday April 10, 1992, at The Red Lion Inn, Salon II, 1150 9th Street, Modesto, for a meeting with Senator McCorquodale to discuss legislation of interest or concern to the City of Modesto.)

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

WRITTEN COMMUNICATIONS

26. Letter from Self-Help Enterprises requesting a waiver of Capital Facilities Fees for Stone Leaf Hollow project, consisting of 24 single-family houses for low-income first time home buyers. (Report with staff recommendations with agenda.)

ACTION: By motion (Cogdill/Friedman, unan.) request approved. (Planning to handle)

CONSENT

27. Letter from Russell A. Harrison, on behalf of Sky Trek Aviation, requesting adjustment of Fuel Flow tax and review of the imposition of Capital Facilities Fees on new corporate facilities. (Motion referring to staff needed.)

ACTION: By motion, request referred to staff. (P/T, Planning to handle)

MISCELLANEOUS

Appointments

28. Landmark Preservation Commission

ACTION: Res. 92-166 adopted (Dobbs/Patterson, unan.) appointing Jack Dooley. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

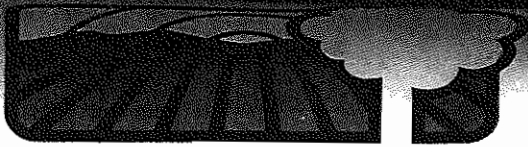
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None

ADJOURNMENT

(This meeting adjourned at 9:40 p.m. to 8:00 a.m., Friday April 10, 1992, at The Red Lion Inn, Salon II, 1150 9th Street, Modesto, for a meeting with Senator McCorquodale to discuss legislation of interest or concern to the City of Modesto.

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 regular session at 8:00 a.m. on Friday, April 10, 1992, at the Red Lion Inn, 1000 L Street, Modesto, California for a meeting with Senator Dan McCorquodale.

Present: Councilmember Bird, Mayor Lang

Absent: Councilmembers Cogdill, Dobbs, Friedman, Muratore, Patterson

The meeting adjourned due to lack of a quorum.

The members of the City Council and staff present discussed various pieces of State legislation and the status of the State budget with Senator McCorquodale.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 14, 1992, 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Muratore,

Absent: Councilmembers Cogdill, Friedman, Patterson, Mayor
Lang

The meeting adjourned due to lack of a quorum.

ATTEST: 
NORRINE COYLE
City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

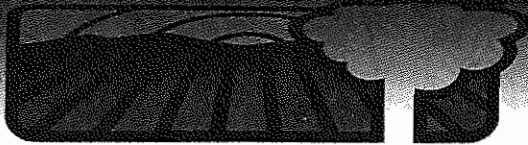
The Council of the City of Modesto met in a special session at 5:00 p.m. on Tuesday, April 21, 1992, in the 4th Floor Conference Room, City Hall, 801 11th Street, Modesto, California for a special meeting.

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

Absent: Councilmember Patterson

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



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 21, 1992, AT 7:30 P.M.

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

Absent: Patterson

Pledge of Allegiance to the Flag

Invocation: Father John Foster, St. Joseph's Catholic Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22,
24, 25

Removed from consent: 23

ACTION: (Muratore/Bird, unan., Patterson absent)
(Item 15 was removed from consent and discussed after discussion of item 11.)

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

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

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

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



1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Introduction of the "Friends of D.A.R.E." Steering Committee members and oral report by Chief of Police, acknowledging their efforts to raise funds to support the Drug Abuse Resistance Education Program.
- Chief McKinsey introduced Dennis Grasspointer, Chair of the group, who introduced the members and described the activities of the group.

- b. Consider commending Modesto Police Reserves for contributions to the community welfare and safety.
(In 1991, 41 Modesto Police Reserves contributed a total of 22,420 hours of time to the City. Their duties included enforcing laws and helping with various community activities. Resolution commending Police Reserves needed.)

ACTION: Res. 92-167 adopted (Bird/Muratore, unan., Patterson absent)
commending Police Reserves. (Police to handle)

- c. Mayor Lang introduced members of Boy Scout Troop 76 sponsored by Centenary United Methodist Church.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of April 7, 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

HEARINGS

4. Hearing to consider establishing a property tax assessment payoff calculation fee.

ACTION: Res. 92-168 adopted (Friedman/Muratore, majority, Bird and Cogdill-no, Patterson absent) establishing fee.

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids to remove and replace underground tanks at Dryden Golf Course maintenance facility. (Suggested bid opening: May 14, 1992, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$42,940 (contract \$38,000; engineering & contingencies \$4,940). Appropriation transfer to be requested at award stage when exact amount needed to construct project is known. Funds are partially budgeted.)

ACTION: Res. 92-169 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider award of contract for the eight inch sanitary sewer rehabilitation, Block 727 to Gelco Services, Inc. (Bids were opened on April 8, 1992. The sole bid, submitted by Gelco Services, Inc. for \$50,200, is 4.38% 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 Gelco Services, Inc. needed. Estimated cost: \$56,726 (contract \$50,200; engineering & contingencies \$6,526). Funds are budgeted.)

ACTION: Res. 92-170 adopted awarding contract. (P/W to handle)

CONSENT

7. Consider declaring Safetran Traffic Systems, Inc. and Signal Control Company low bidders and authorizing the purchase of traffic signal controllers for the total price of \$133,230.24. (Report with agenda. Resolution awarding contract to Safetran Traffic Systems, Inc. and Signal Control Company needed. Funds are budgeted.)

ACTION: Res. 92-171 adopted awarding contract. (Finance to handle)

CONSENT

8. Consider acceptance of Cunningham & Sons Inc.'s contract for the Miscellaneous Storm Drain Repairs - 3rd and "I" Streets/4th and "F" Streets as complete and authorize the City Clerk to file a Notice of Completion. Original Contract: \$79,394.90 (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 work as completed needed. Final Cost: \$79,455.83. Funds are budgeted.)

ACTION: Res. 92-172 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

9. Budget Status Report, third quarter FY 1991-92.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Bird/Cogdill, unan., Patterson absent) receipt of report acknowledged.
Res. 92-173 adopted (same vote) amending budget. (Finance to handle)

10. Consider support for locating the Northern Regional office of the San Joaquin Valley Unified Air Pollution Control District at some convenient site in the Modesto/Ceres area.
(Report with agenda. The Board members of the San Joaquin Valley Unified Air Pollution Control District are presently in the process of considering and selecting a suitable site for the location of its Northern Regional office. This office provides services to the public in the District's three northernmost counties (Merced, Stanislaus, and San Joaquin). A centrally located office would provide convenient public accessibility and minimize travel times for the District's staff. Resolution supporting location of office needed.)

ACTION: Res. 92-174 adopted (Muratore/Dobbs, unan. Patterson absent) supporting location. (P/W to handle)

11. Consider support for commencement of passenger rail service on the Southern Pacific route.
(Report with agenda. A resolution supporting the immediate commencement of at least minimal direct passenger rail service on the Southern Pacific route through the Central Valley is needed. Also, support for the continuous direct rail service to Los Angeles and San Francisco areas as soon as possible. Resolution supporting passenger rail service needed.)

ACTION: Res. 92-175 adopted (Muratore/Dobbs, unan., Patterson absent) supporting passenger rail service. (P/W to handle)

CONSENT

12. Consider amendment to the Capital Facilities Fee Program to add a new exemption for replacement construction caused by eminent domain proceedings, and amending Resolution No. 91-90.
(Report with agenda. Resolution approving addition of new exemption and amending Resolution 91-90 needed.)

ACTION: Res. 92-176 adopted approving addition of new exemption and amending Resolution 91-90. (Attorney to handle)

CONSENT

13. Annual staff report on the City of Modesto Recycling Program.
(Report with agenda. Motion accepting report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

14. Consider endorsing the "Meet Your Judges" Forum, presented by Stanislaus County judges on April 29, 1992.
(Report with agenda. Resolution endorsing the Forum needed.)

ACTION: Res. 92-177 adopted endorsing the Forum. (Attorney to handle)

15. Consider introduction of an ordinance to amend the Modesto Municipal Code (Section 3-2.808 of Chapter 2 of Title III) relating to the restricted use of coasters, roller skates, and similar devices.
(Report with agenda. Introduction of an ordinance needed.)

ACTION: By motion (Muratore/Bird, unan., Patterson absent)
Ord. No. 2807-C.S. was introduced.
Removed from consent after discussion of item 11.
By motion (Dobbs/Friedman, majority, Bird-no, Patterson absent) it was determined that final adoption of the ordinance will be delayed to May 5, to allow the Police Chief and interested citizens to discuss it. (Police to handle)

CONSENT

16. Consider approving agreements with C & C Check Cashing and Currency Express to sell Modesto Area Express bus passes.
(Report with agenda. This will establish pass outlets near the intersections of Lincoln and Yosemite to make it more convenient to purchase bus passes. Outlets are paid 20 cents for each pass sold. Resolution approving agreement needed. Estimated cost: \$120 per year. Funds are budgeted.)

ACTION: Res. 92-178 adopted approving agreement. (P/W to handle)

CONSENT

17. Consider approving amended license agreement with Chevron U.S.A., Inc., for their clean up of the Transportation Center site.
(Report with agenda. Resolution approving amended license agreement needed.)

ACTION: Res. 92-179 adopted approving agreement. (Attorney to handle)

CONSENT

18. Monthly Treasurer's report for March 1992.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

19. Consider granting the request of Helen C. Allison for a variance allowing her the temporary use of an existing private sewage disposal system on her property located at 1532 Scenic Drive.
(Report with agenda. Resolution granting the request and authorizing a variance from Modesto Municipal Code Section 5-6.16 and 5-6.17 needed.)

ACTION: Res. 92-180 adopted granting the request. (P/W to handle)

CONSENT

20. Consider abandonment of a portion of the Brighton Avenue right of way at Coffee Road in Block 1158 of the City of Modesto.
(Report with agenda. Resolution vacating and abandoning a portion of the Brighton Avenue right of way needed.)

ACTION: Res. 92-181 adopted abandoning right of way. (P/W to handle)

CONSENT

21. Consider authorizing the City Manager to sign an agreement with the Oakridge Townhouse Association for construction of a fence at East LaLoma Neighborhood Park.
(Report with agenda. Adoption of a resolution approving agreement needed. Estimated Cost: \$3,564.00. Funds are budgeted.)

ACTION: Res. 92-182 adopted approving agreement. (P/R to handle)

CONSENT

22. Consider excusing Mayor Lang and Vice Mayor Friedman from the City Council meeting of April 14, 1992, due to their participation in Sister City function in Kurume, Japan.
(Motion excusing needed.)

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

23. Consider authorizing execution of the treatment and delivery agreement with Modesto Irrigation District and Del Este Water Company.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-183 adopted (Muratore/Friedman, unan., Patterson absent) approving agreement. (P/W to handle)

CONSENT

24. Consider approving an agreement with Brown and Caldwell to conduct a grit removal evaluation study and predesign for a new grit system at the primary treatment plant.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$72,500. Funds are budgeted.)

ACTION: Res. 92-184 adopted approving agreement. (P/W to handle)

MISCELLANEOUS

Appointments

CONSENT

25. Resignation of Karen Rai from City of Modesto Youth Commission and appointment of James Aaron Woodill to Youth Commission.
(Report with agenda. Motion accepting resignation and resolution appointing new Youth Commissioner needed.)

ACTION: By motion, resignation of Karen Rai accepted.
Res. 92-185 adopted appointing James Aaron Woodill to Youth Commission. (Clerk 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

(Meeting adjourned at 9:08 p.m. to 7:30 a.m., Friday, April 24, 1992, at the Sundial Restaurant, 808 McHenry Avenue, for a meeting with Assemblyman Cannella to discuss legislation of interest or concern to the City of Modesto.

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 regular session at 7:30 a.m. on Friday, April 24, 1992, at the Sundial Restaurant, 808 McHenry Avenue, Modesto, California for a meeting with Assemblymember Sal Cannella.

Present: Councilmember Cogdill, Dobbs, Muratore, Mayor Lang

Councilmember Muratore arrived at 7:40 a.m.

Absent: Councilmembers Bird, Friedman, Patterson

The members of the City Council and staff present discussed various pieces of State legislation and the status of the State budget with Assemblymember Cannella.

The meeting adjourned at 8:48 a.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 28, 1992, 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: Rabbi Gary Ellison, Congregation Beth Shalom

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 8, 9, 11, 12, 13,
REMOVED FROM CONSENT: Items 7, 10 14, 15, 16, 17
ACTION: (Bird/Dobbs, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 12, 15

ITEM 12 - Councilmember Friedman excused due to a conflict of interest.

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

ITEM 15 - Councilmember Cogdill excused due to a conflict of interest.

ACTION: (Patterson/Muratore, 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.



ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation of Suggestion Awards by the Mayor to the following City employees:
Ernest Richardson, Planning and Community Development, \$50
Douglas Winfrey, Police Department, \$50
Mayor Lang presented awards to employees.
- b. Wesley Homes Foundation report on senior care facility sponsored by the First United Methodist Church.
Bob Stanley, President of Wesley Homes Foundation, and Pat Mahoney, President of Life Care of California, discussed the Life Care Facility Project for Seniors.

MINUTES

2. Approval of the minutes of the special and regular City Council meetings of April 21, 1992,
(Motion approving needed.)
Councilmember Bird clarified his position on Ord. 2807-C.S. introduced at the 4/21/92 meeting.

ACTION: By motion (Bird/Friedman, unan.) minutes approved.

ORAL COMMUNICATIONS

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

None

HEARINGS

4. Hearing to consider the proposed designation of the Seventh Street Bridge across the Tuolumne River as a Modesto Landmark Preservation Site.

ACTION: Res. 92-186 adopted (Dobbs/Muratore, unan.) designating Seventh Street bridge across Tuolumne River as Landmark Preservation site.

5. Hearing to consider the proposed designation of the Fire Bell located at 629 Second Street as a Modesto Landmark Preservation Site.

ACTION: Res. 92-187 adopted (Friedman/Bird, unan.) designating Fire Bell at 629 Second Street as Landmark Preservation site.

6. Hearing to consider an amendment to the Fire Code of the City of Modesto to permit above-ground bulk fuel storage exceeding 2200 gallons within the limits of the City of Modesto for facilities for the production, generation, or transmission of electrical energy that provide retail electrical services to the general public within the City of Modesto.

ACTION: By motion (Patterson/Dobbs, unan.) Ord. No. 2808-C.S. was introduced amending the Code relating to Fire Code and hazardous materials - restricted locations of aboveground bulk fuel storage.

BIDS

7. Consider approval of plans and specifications and call for bids for the overlay and reconstruction of Carpenter Road between Kansas Avenue and Maze Boulevard and certifying the Negative Declaration.
(Suggested bid opening: May 28, 1992, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and call for bids and certifying negative declaration needed. Estimated cost: \$1,107,365.60 (contract \$1,006,696; engineering & contingencies \$100,669.60) Funds are budgeted.)

ACTION: By motion (Friedman/Muratore, unan.) it was determined that this item would be reconsidered.

Res. 92-188 adopted (Muratore/Friedman, unan.) calling for bids.

CONSENT

(P/W to handle)

8. Consider awarding contract for modification of traffic signals at Briggsmore Avenue and Claus Road and at Mitchell Road and Finch Road to Collins Electrical, Inc.
(Report with agenda. On Tuesday April 14, 1992, bids were opened. Eight bids were received. Collins Electrical Company, Inc. was the low bidder at \$70,300, which is 18.26% below the estimate and is acceptable. Resolution awarding contract needed. Estimated cost: \$80,845 (contract \$70,300; engineering & contingencies \$10,545) Funds are budgeted.)

ACTION: Res. 92-189 adopted awarding contract.

(P/W to handle)

CONSENT

9. Consider declaring property as surplus and authorize the sale of surplus, lot, stolen, unclaimed and/or seized property accumulated by the City of Modesto at two public auctions on June 6 and 8, 1992, to be conducted by Roger Ernst and Associates at 824 W. Kiernan Avenue.
(Report with agenda. Resolution declaring property as surplus and authorizing auction needed.)

ACTION: Res. 92-190 adopted declaring property surplus and authorizing auction.
(Finance to handle)

NEW BUSINESS

10. Consider confirming canvass of votes at the April 21, 1992, Village I annexation election, declaring the results of the election, and annexing the area to the City of Modesto.
(Report with agenda. Resolution confirming canvass of votes in the Village I annexation election and annexing the area to the City of Modesto needed.)

ACTION: By motion
votes.

(Muratore/Cogdill, unan.) confirming canvass of

(Clerk to handle)

CONSENT

11. Consider adopting conflict of interest codes for 21 City of Modesto departments, boards, commissions and committees, as required by the State Fair Political Practices Commission.
(Report with agenda. Codes are being revised for all except two of the agencies required to have them. New Codes are proposed for the recently formed Personnel Department and the Landmark Preservation Commission. 21 resolutions adopting conflict of interest codes and motion directing City Clerk & Auditor to send biennial reminders to each of the agencies to review the codes for needed amendments needed.)

- ACTION: Res. 92-192 adopted amending City Attorney Conflict of Interest Code.
Res. 92-193 adopted amending City Clerk & Auditor Conflict of Interest Code.
Res. 92-194 adopted amending City Manager Conflict of Interest Code.
Res. 92-195 adopted amending Economic Development Conflict of Interest Code.
Res. 92-196 adopted amending Finance Department Conflict of Interest Code.
Res. 92-197 adopted amending the Fire Department Conflict of Interest Code.
Res. 92-198 adopted amending Parks & Recreation Conflict of Interest Code.
Res. 92-199 adopted amending Personnel Department Conflict of Interest Code.
Res. 92-200 adopted amending Planning & Community Development's Conflict of Interest Code.
Res. 92-201 adopted amending the Police Department's Conflict of Interest Code.
Res. 92-202 adopted amending the Public Works & Transportation Department's Conflict of Interest Code.
Res. 92-203 adopted amending Board of Building Appeals Conflict of Interest Code.
Res. 92-204 adopted amending Board of Zoning Adjustment Conflict of Interest Code.
Res. 92-205 adopted amending Central California Mortgage Authority Conflict of Interest Code.
Res. 92-206 adopted amending Citizens Housing and Community Development Committee Conflict of Interest Code.
Res. 92-207 adopted amending Economic Development Loan Committee Conflict of Interest Code.
Res. 92-208 adopted amending Environmental Assessment Committee Conflict of Interest Code.
Res. 92-209 adopted amending Housing Maintenance & Sounseling Committee Conflict of Interest Code.
Res. 92-210 adopted amending Housing Rehabilitation Loan Committee Conflict of Interest Code.
Res. 92-211 adopted adopting Landmark Preservation Commission Conflict of Interest Code.
Res. 92-212 adopted amending License Tax Appeals Board Conflict of Interest Code.

CONSENT - COUNCILMEMBER FRIEDMAN EXCUSED DUE TO A CONFLICT OF INTEREST

12. Consider approving agreement with E & J Gallo Winery for the lease of hangar No. 6 at the Modesto City/County Airport.
(Report with agenda. Resolution approving agreement needed.)

- ACTION: Res. 92-213 adopted (Muratore/Bird, unan., Friedman absent) approving agreement. (Attorney to handle)

13. Consider authorizing multi-disciplinary gang grant application aimed at allowing local communities to deal more effectively with youth gangs. (Report with agenda. Resolution authorizing grant application needed.)
ACTION: Res. 92-214 adopted authorizing grant application. (Police to handle)

CONSENT

14. Consider approving agreement with Hetch Hetchy Water and Power for the purpose of acquiring an easement to construct a bicycle path. (Enough money has been collected from various sources to begin design and specifications for the Hetch Hetchy Bike Plan project. Report with agenda. Estimated cost: \$365,000. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 92-215 adopted approving agreement. (Planning to handle)

CONSENT -COUNCILMEMBER COGDILL EXCUSED DUE TO A CONFLICT OF INTEREST

15. Consider approval of the final map of Floyd Avenue Professional Offices subdivision of the City of Modesto and consider accepting the improvements. Subdivider: Phillip D. Overholtzer, 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. Floyd Avenue Professional Offices is located on the south side of Floyd Avenue, west of Coffee Road. It contains 1.18 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 92-216 adopted (Patterson/Muratore, unan., Cogdill absent) approving final map. (P/W to handle)

CONSENT

15a. Consider approving amendment to the agreement with the Modesto A's Baseball Club, Inc. (Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 92-217 adopted approving amended agreement. (Attorney to handle)

WRITTEN COMMUNICATIONS

CONSENT

16. Letter from the Modesto Junior Chamber of Commerce (Jaycees) Fourth of July Celebration Committee requesting both direct City assistance and financial assistance for the 1993 Independence Day Celebration. (Motion referring to staff needed.)

ACTION: By motion, referred to staff.

CONSENT

17. Letter of resignation from the Economic Development Loan Committee from Abel Acosta. (Resolution accepting resignation with regret needed.)

ACTION: Res. 92-218 adopted accepting resignation.

MISCELLANEOUS

Appointments

18. a. Human Relations Commission

ACTION: Res. 92-219 adopted (Dobbs/Cogdill) appointing Howard Mallory.

b. International Friendship Committee

ACTION: Res. 92-220 adopted (Dobbs/Cogdill) appointing Jerome J. Beamish.

c. Affirmative Action/Disability Commission

ACTION: Res. 92-221 adopted (Dobbs/Cogdill) appointing Eldon Larson and Mark Heinzinger.

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. Closed session to consider pending litigation, pursuant to Government Code Sections 54956.9(b)(1) and 54956.9(c); to consider the purchase, sale, exchange, or lease of real property, pursuant to Government Code Section 54956.8 of the Government Code; and to consider the salaries, salary schedules, or compensation paid in the form of fringe benefit of its represented and unrepresented employees, pursuant to Government Code Section 54957.6.

ADJOURNMENT

The meeting adjourned at 5:09 p.m.

ATTEST:



JUDY G. 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, MAY 5, 1992, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang
Councilmember Dobbs arrived at 7:35 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. James Anderson, Christian Love Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 10, 12

Removed from consent: 9, 11

ACTION: (Muratore/Patterson, 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.

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of proclamation declaring May as "Symphony Month" to the Symphony Music Director Michael Krajewski and Board President Ken Berns.

Mayor Lang presented the proclamation.

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular City Council meeting of April 28, 1992.
(Motion approving needed.)

ACTION: By motion, minutes approved with the correction to item 10.

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.)

Andy Parks asked for a civilian Police Review Board, and four people spoke about Police problems.

UNFINISHED BUSINESS

CONSENT

4. Recommendation from the Police Chief regarding the final adoption of Ord. No. 2807-C.S. regarding skateboards.
(Report with agenda. Motion accepting recommendation to not adopt needed.)

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

CONSENT

5. Final adoption of Ord. No. 2808-C.S. relating to above-ground fuel tanks.
(Motion adopting needed.)

ACTION By motion, Ord. No. 2808-C.S. adopted (Clerk to handle)

HEARINGS

6. Hearing to consider proposed Village One Specific Plan to improve clarity and readability, including revisions to the table of contents, the addition of improved graphics and technical and typographical changes.

ACTION: Res. 92-222 adopted (Friedman/Cogdill, unan.) adopting the amended plan. (Planning to handle)
5/5/92

7. Hearing to consider proposed fee revisions for the Public Works and Transportation and City Clerk Departments.
(This hearing needs to be continued for two weeks. Motion continuing hearing to May 19, 1992 needed.)

ACTION: By motion (Muratore/Patterson, unan.) consideration of this item was continued to May 19, 1992, at 7:30 p.m. (Clerk to handle)

NEW BUSINESS

8. Consider alternatives for easing the burdens of Capital Facilities Fees. (Report with agenda. Staff recommends referral to the Community Development and Housing Committee for report and recommendation back to the City Council. Motion referring to Community Development Committee needed.)

ACTION: By motion (Patterson/Muratore, unan.) the matter was referred to the Community Development Committee. (Planning to handle)

9. Staff report and recommendations for City assistance to the Modesto Chamber of Commerce for Grafitti, USA. (Report with agenda. Motion accepting recommendations and resolution granting approval needed.)

ACTION: By motion (Friedman/Dobbs, unan.) recommendations were accepted and staff directed to negotiate concerning provisions of participation. (P/R to handle)
Res. 92-223 adopted (same vote) granting approval to the Chamber of Commerce and approving payment for California Highway Patrol assistance. (Atty to handle)

CONSENT

10. Consider authorizing City Manager and City Clerk to execute Easement Deed to Modesto Irrigation District to serve Well No. 53 at Dryden Golf Course. (Report with agenda. Resolution authorizing execution of Easement Deed needed.)

ACTION: Res. 92-224 adopted authorizing execution. (Attorney to handle)

11. Consider authorizing the Modesto Police Department to participate in a special traffic study and authorizing the City Manager to execute any necessary documents. (Report with agenda. Resolution authorizing participation and authorizing the City Manager to execute any necessary documents needed.)

ACTION: Res. 92-225 adopted (Patterson/Friedman, unan.) authorizing Police Department to participate in study to evaluate effectiveness of sobriety checkpoints.
authorizing Manager to execute documents necessary for Police Department to participate in study. (Police to handle)

WRITTEN COMMUNICATIONS

CONSENT

12. Letter from Edward P. Taczanowsky, Executive Vice President of the Building Industry Association of Central California, requesting modifications to City Council Res. No. 91-134 which established CEQA procedures for the evaluation and mitigation of school impacts from residential projects in conjunction with a General Plan amendment, rezoning, pre-zoning or other legislative act by the Council.
(Motion referring request to Community Development and Housing Committee needed.)

ACTION: By motion, request referred to Community Development and Housing Committee. (Manager 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 9:05 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 7:30 p.m. on Tuesday, May 5, 1992, in the Council Chambers, City Hall, 801 11th Street, Modesto, California.

The meeting convened at 9:05 p.m.

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

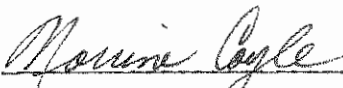
Absent: None

Councilmember Cogdill excused due to a conflict of interest.

Councilmembers discussed a request by Alfred A. Hodder, on behalf of property owners in the area referred to by the City as the Whitmore-Gutherie Reorganization, for City water and sewer service to the area prior to annexation, with annexation to take place as soon as possible.

ACTION: By motion (Muratore/Dobbs, majority, Lang-no, Cogdill absent) the request was denied.

The meeting adjourned at 9:20 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 3:00 p.m. on Tuesday, May 12, 1992, in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California for a study session.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
Councilmember Dobbs arrived at 3:25 p.m.
Mayor Lang excused at 3:40 p.m.

Absent: Councilmember Patterson

The City Manager and Economic Development Manager reviewed the previous economic development study session and discussed proposals submitted by various consultants for providing an economic development strategy. The City Manager was asked to interview representatives of the interested consulting firms and set a time when the Council can meet with the best one(s) to discuss the proposed study.

The meeting adjourned at 3:58 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 12, 1992, 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, 5, 5a, 6, 7, 8,
14, 15, 16, 17, 18, 19, 20, 21,
22

Removed from consent: 9, 13

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.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Report by John Bree, International Friendship Committee, on recent trip to Kurume, Japan.

Mr. Bree reported on the trip and presented the official Sister City Certificate.

- b. Presentation by City of Pasadena Water and Power Department.

Mary Ann Long, Pasadena, spoke about the City of Pasadena's water system.

- c. Mayor Lang introduced the members of the Student Council of Standiford School.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of May 5, 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

HEARINGS

4. Hearing to consider an amendment to Section 12-3-8 of the Zoning Map to repeal P-D(447) and rezone back to P-O, property located on the east side of Dale Road, north of Veneman Avenue.

ACTION: By motion (Dobbs/Friedman, unan.) Ord. No. 2809-C.S. introduced.
(Clerk to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for the installation of waterlines in Scenic Drive, Graphics Drive and Parklawn Avenue.

(Suggested bid opening: May 29, 1992, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$219,144.20 (contract \$199,222; eng. & cont. \$19,922.20). Funds are budgeted.)

ACTION: Res. 92-226 adopted calling for bids. (P/W to handle)

CONSENT

- 5A. Consider approval of plans and specifications and call for bids for the Claus Road pedestrian access and waterline installation.

(This project will install an asphalt concrete walkway allowing students from the new Johansen High School to walk or bicycle along the east side of Claus Road to Scenic Drive. The waterline installation will complete the loop in that area and provide better service and fire flows. Suggested bid opening: June 2, 1992, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$150,478.71 (contract \$133,167; eng. & cont. \$17,311.71). Funds are budgeted.)

ACTION: Res. 92-227 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider award of contract in the amount of \$59,848.50 to George Reed, Inc. for the Robertson Road Park streets project and approving an appropriation transfer in the amount of \$9,775.

(Bids were opened on April 23, 1992. The sole bid of \$59,848.50 was submitted by George Reed, Inc. is 24.52% 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 George Reed, Inc. needed, and resolution approving appropriation transfer needed. Estimated cost: \$67,628 (contract \$59,848.50; eng. & cont. \$7,780.31). Funds are budgeted.)

ACTION: Res. 92-228 adopted awarding contract.
Res. 92-229 adopted approving appropriation transfer. (P/W to handle)

CONSENT

7. Consider awarding contract for construction of traffic signal and street lighting at Kansas Avenue and Emerald Avenue.

(On April 28, 1992, bids were opened. Eight bids were received. Wingard Engineering was the low bidder at \$78,224 which is 21% below the engineer's estimate and is acceptable. Report and bid tabulation with agenda. Resolution awarding contract to Wingard Engineering needed. Estimated cost: \$86,046 (contract \$78,224; eng. & cont. \$7,822.40). Funds are budgeted.)

ACTION: Res. 92-230 adopted awarding contract. (P/W to handle)

CONSENT

8. Consider award of contract in the amount of \$20,777 to Cunningham & Sons, Inc. for the West Side Park basketball court reconstruction. (Bids were opened on April 30, 1992. The low bid of \$20,777 was submitted by Cunningham & Sons, Inc. is 21.60% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report and bid tabulation with agenda. Resolution awarding contract to Cunningham & Sons, Inc. needed. Estimated cost \$23,478.01 (\$20,777 Contr.; \$2,701.01 Eng.) Funds are budgeted.)

ACTION: Res. 92-231 adopted awarding contract. (P/W to handle)

9. Consider rescinding Resolution No. 92-72 accepting the bid for Pump Station No. 52 and awarding the contract to the second low bidder, Conco West, Inc. (Report with agenda. Resolution rescinding Res. No. 92-72 and awarding contract to Conco West, Inc. needed. Estimated cost: \$152,487.50; funds are budgeted.)

ACTION: Res. 92-232 adopted (Dobbs/Friedman, majority, Bird and Patterson-no) rescinding Res. No. 92-72 and awarding contract to Conco West, Inc. (P/W, Atty to handle)

NEW BUSINESS

10. Presentation of 1992-93 Proposed Operating Budget and 1992-93 through 1995-96 Proposed Capital Improvement Program (Documents will be presented at the meeting. Resolution setting hearing June 9, 1992, at 4:00 p.m. needed.)

ACTION: Res. 92-233 adopted (Patterson/Bird, unan.) setting hearing. (Finance/Clerk to handle)

11. Consideration of dates for review of the 1992-93 Proposed Operating Budget and 1992-93 through 1995-96 Proposed Capital Improvement Program. (Report with agenda. Motion directing staff needed.)

ACTION: By motion (Patterson/Bird, unan.) suggested schedule approved. (Finance/Clerk to handle)

12. Presentation of report on the Modesto Traffic Improvement Program (MTIP); consider endorsing strategic elements of the recommended action plan and encouraging staff to pursue these recommendations subject to availability of resources. (Report with agenda. Motion accepting report needed.)

ACTION: By motion (Dobbs, Friedman, unan.) receipt of report acknowledged. (P/W to handle)

13. Consider approving the Statement of Community Development Objectives and use of Community Development Block Grant Funds for Fiscal Year 1992-93 and the HOME Program Description for FY 1992-93, and authorizing the City Manager to submit an application to the U.S. Department of Housing and Urban Development for a \$1,367,000 Community Development Block Grant for the City's Housing Program Office.
(Report with agenda. Resolution approving CDBG Program and authorizing City Manager to sign \$1,367,000 application and resolution approving HOME Program and authorizing City Manager to sign application for \$750,000 needed.)
Councilmember Muratore was excused due to a conflict of interest.

ACTION: Res. 92-234 adopted (Patterson/Lang, majority, Bird and Cogdill-no, Muratore absent) approving CDBG Program and authorizing Manager to sign application.
Res. 92-235 adopted (same vote) approving HOME Program and authorizing Manager to sign application. (Planning to handle)

CONSENT

14. Consider approving lease agreement with Chani L. and Rebecca A. Villanueva for the lease of City-owned property at 1204 River Road.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-236 adopted approving agreement. (Atty to handle)

CONSENT

15. Consider granting permission to Western Geophysical to enter on remote property for the purpose of conducting a seismic survey.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-237 adopted approving agreement. (Atty to handle)

CONSENT

16. Consider approving agreements with Richard A. Brown and Joan L. Justice-Brown; Carmen M. Porras; Annie Borrelli; and John and Mary Leamy to secure property rights needed for the Carpenter Road widening.
(Report with agenda. Four resolutions approving agreements needed. Estimated cost: \$4,500; funds are budgeted.)

ACTION: Res. 92-238 adopted approving agreement with Richard and Joan Brown .
Res. 92-239 adopted approving agreement with Carmen Porras.
Res. 92-240 adopted approving agreement with Annie Borrelli.
Res. 92-241 adopted approving agreement with John and Mary Leamy.
(P/W to handle)

CONSENT

17. Consider approving agreement with ARE, Inc. to inspect City streets.
(The State of California, as a condition of granting any State Transportation Program (STIP) of Flexible Congestion Relief (FCR) funds requires that all collector and arterial streets be inspected every two years. Report with agenda. Resolution approving agreement needed. Estimated cost: \$30,213. Funds are budgeted.)

ACTION: Res. 92-242 adopted approving agreement. (P/W to handle)

CONSENT

18. Consider amending 1991-92 Annual Budget to appropriate \$130,000 for a new CIP project for the construction of commercial and residential alleys. (The City has been petitioned by property owners from one commercial and four residential alleys requesting that their alleys be paved. Report with agenda. Resolution amending budget needed.)

ACTION: Res. 92-243 adopted amending budget. (Finance to handle)

CONSENT

19. Consider amending the 1991-92 Annual Budget to appropriate \$2,636 from the Police Asset Forfeiture Trust Account to purchase one personal computer. (Report with agenda. Resolution amending budget needed.)

ACTION: Res. 92-244 adopted amending budget. (Finance to handle)

CONSENT

20. Consider amending the 1991-92 Annual Budget to add items to the Fixed Asset Account, waiving formal bid procedures and authorizing entering into a lease to purchase two photocopier machines for the Police Department. (Report with agenda. Resolution amending budget, resolution waiving formal bid procedures (five affirmative votes needed), and resolution approving a lease to purchase agreement needed. Estimated cost: \$147,614.60).

ACTION: Res. 92-245 adopted amending budget.
Res. 92-246 adopted waiving formal bid procedures and authorizing purchase of two photocopier machines.
Res. 92-247 adopted approving lease to purchase agreement with Xerox Inc. (Finance to handle)

CONSENT

21. Consider authorizing an appropriation transfer in the amount of \$8,620 from two completed capital outlay projects to the valve actuator capital improvement project. (Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-248 adopted approving appropriation transfer. (Finance to handle)

CONSENT

22. Consider authorizing staff to request proposals to conduct a Secondary Wastewater Treatment Improvements and Alternatives Recommendation study. (Report with agenda. Motion authorizing staff to request proposals needed. Estimated cost: \$120,000. Funds are budgeted.)

ACTION: By motion, request for proposals authorized. (P/W to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 6:47 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, MAY 19, 1992, 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, 5, 8, 10, 11, 12, 13,
14, 15, 16, 17, 18, 19, 20, 21

Dropped from agenda - Item 9

ACTION: (Bird/Patterson, unan.)

COUNCILMEMBER DOBBS EXCUSED DUE TO A CONFLICT OF INTEREST

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 22

Dropped from consent: 22

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of the designation of the week of May 17-23, 1992, as National Public Works and Transportation Week.

Mayor presented proclamation to Marshall Elizer, Public Works & Transportation Director.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of May 12, 1992.
(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.)

Jeanetta Ayres spoke.

UNFINISHED BUSINESS

4. Consideration of proposed fee revisions for the Public Works and Transportation and the City Clerk Departments.
(Continued from the May 5, 1992, City Council meeting.)

ACTION: By motion (Friedman/Mayor Lang, unan.) Ord. No.2810-C.S. introduced revising fees.
Res. 92-249 adopted (same vote) establishing fees for issuance of annual permits for oversized or overloaded vehicles and for issuance of one trip permits.
Res. 92-250 adopted (same vote) allowing the sale of electronic data and establishing fee.
Res. 92-251 adopted (same vote) establishing filing fees for special assessment benefit districts for landscaping.
Res. 92-252 adopted (same vote) establishing an advance deposit for water service.
Res. 92-253 adopted (same vote) adopting a schedule of fees for a permit for monitoring wells or emergency extraction wells.
Res. 92-254 adopted (same vote) establishing filing fees for special assessment district financing.
Res. 92-255 adopted (same vote) establishing a building compliance inspection fee.
Res. 92-256 adopted (same vote) establishing a reconnection charge for sewer service.

Res. 92-257 adopted (same vote) establishing a sewer lateral connection fee.
 Res. 92-258 adopted (same vote) establishing charges for water used during building construction.
 Res. 92-259 adopted (same vote) adopting a schedule of fees and charges for water service.
 Res. 92-260 adopted (same vote) adopting a schedule of fees in connection with encroachment permits and inspections.
 Res. 92-261 adopted (same vote) establishing sign permit fees.
 Res. 92-262 adopted (same vote) establishing sewer bond redemption charge and water connection charge inspection fees.
 Res. 92-263 adopted (same vote) establishing investigation and permit fees relating to moving of buildings.
 Res. 92-264 adopted (same vote) establishing filing fees for subdivision and parcel maps.
 Res. 92-265 adopted (same vote) establishing an advance deposit for sewer service.
 Res. 92-266 adopted (same vote) fixing certain rates for supplying water and stand-by service to the County.
 Res. 92-267 adopted (same vote) establishing conditions for payment in installments of sewer bond redemption charges and subtrunk extension charges for single-family residential dwellings, churches and other religious institutions.
 Res. 92-268 adopted (same vote) approving a fee schedule for dumping of septic waste at the sewage treatment plant.
 Res. 92-269 adopted (same vote) establishing fees and charges for copies of various maps and prints.
 Res. 92-270 adopted (same vote) establishing charges for street trees in subdivisions.
 Res. 92-271 adopted (same vote) establishing a fee for installation of street signs in subdivisions.
 Res. 92-272 adopted (same vote) establishing fees for documents and transcripts. (P/W, Clerk to handle)

CONSENT

5. Final adoption of Ord. No. 2809-C.S. repealing P-D(447) and rezoning to P-O property located on the east side of Dale Road north of Veneman Avenue. (Planning Commission initiated)
 (Motion adopting needed.)

ACTION: By motion, Ord. No. 2809-C.S. adopted.

HEARINGS

6. Hearing to consider the 1992 Draft Housing Element of the Modesto Urban Area General Plan.

ACTION: Res. 92-273 adopted (Patterson/Friedman, unan.) adopting Housing Element of General Plan.

7. Hearing to consider an amendment to the Zoning Regulations of the Modesto Municipal Code pertaining to plot plan review of second-story dwellings in the A-10, R-1 and R-2 Zones.

ACTION: By motion (Dobbs/Cogdill, unan.) Ord. No. 2811-C.S. introduced.
 (Clerk to handle)

BIDS

CONSENT

8. Consider approving plans and specifications and call for bids for the construction of interconnect conduit on Standiford Avenue and Briggsmore Avenue as part of the Advanced Traffic Management System Project. (Previously known as Centralized Traffic Signal Control System) (Suggested bid opening: June 9, 1992, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$590,000. Funds are budgeted.)

ACTION: Res. 92-274 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider authorizing call for bids for furnishing a cashiering information software system. (Suggested bid opening: June 23, 1992, at 11:00 a.m. Report with agenda. Resolution authorizing bid call needed. Estimated cost: \$75,000 to \$120,000.)

Dropped from agenda.

CONSENT

10. Consider approving escrow agreement with Pollock and Denico, Inc., contractor on the Johansen pedestrian overcrossing project. (Contract documents allow contractor to substitute securities in lieu of retention on the project. Contractor has asked the City to enter into an escrow agreement which allows them to deposit securities in lieu of normal retention. Report with agenda. Resolution approving escrow agreement needed.)

ACTION: Res. 92-275 adopted approving escrow agreement. (P/W to handle)

CONSENT

11. Consider rejecting all proposals received for point-to-point multiple address radio system. (Report with agenda. Resolution rejecting proposals needed. Estimated cost: \$235,427. Funds are budgeted.)

ACTION: Res. 92-276 adopted rejecting proposals. (Finance to handle)

CONSENT

12. Consider waiving formal bid procedures and authorizing the purchase of 20 water meters from Kenko Utility Supply, Inc. for the total price of \$42,900. (Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 92-277 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

13. Consider waiving formal bid procedures and authorizing the purchase of 16,500 pounds of hydrofloc 708H Polymer from Western Polymers, Inc. for the total price of \$42,824. (Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 92-278 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

CONSENT

14. Consider amendment to agreement with De Leuw, Cather & Company for Ninth Street Union Pacific-Southern Pacific Track Consolidation and Railroad Grade Separation Demonstration Project. (Report with agenda. An eight-month extension of the contract to June 5, 1993, and payment of up to an extra \$11,000 are recommended. Resolution approving amendment to agreement needed. Funds are budgeted.)

ACTION: Res. 92-279 adopted approving amended agreement. (P/W to handle)

CONSENT

15. Consider approving agreement with Caltrans to install wheelchair ramps and modify traffic signals at 9th and D Street. (Report with agenda. The intersection of 9th and D Streets is co-jurisdictional. The southbound 9th Street approach and westbound D Street are State Highway 132. The other approaches are the responsibility of the City of Modesto. The State has prepared plans and specifications. The City's cost share of this project is estimated to be between \$55,860 and \$64,239. Currently \$59,000 is budgeted and may be adequate if the current trend of good bids continues. An appropriation transfer might be requested later if necessary. Resolution approving agreement needed.)

ACTION: Res. 92-280 adopted approving agreement. (P/W to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

17. Consider approval of the final map of Collier Park subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Owner: Barry Highiet) (Report with agenda. The subdivision agreement has been signed and all fees paid. Collier Park is located on the west side of Collier Avenue, north of East Roseburg Avenue. It contains 1.076 acres. Resolution approving final map and approving agreement needed.)

ACTION: Res. 92-281 adopted approving final map. (Clerk, P/W to handle)
WPCC2 5 5/19/92

CONSENT

18. Consider certifying Environmental Review for a project titled "Widen Scenic Drive from Coffee Road to Rose Avenue."
(This project will widen Scenic Drive to four lanes of traffic between Coffee Road and Rose Avenue. Report with agenda. Resolution certifying negative declaration needed.)

ACTION: Res. 92-282 adopted certifying negative declaration. (P/W to handle)

CONSENT

19. Consider abandonment of a portion of Hatch Road east of Dallas Street at Block 9050 of the City of Modesto.
(Report with agenda. Resolution vacating and abandoning portion of Hatch Road east of Dallas at Block 9050 needed.)

ACTION: Res. 92-283 adopted abandoning portion of Hatch Road. (P/W to handle)

CONSENT

20. Consider amending the budget to increase revenue and expenditures for the International Friendship Committee's medical supply relief program for Kmelnitsky, Ukraine.
(Report with agenda. Resolution amending budget needed. Estimated cost: \$5,000.)

ACTION: Res. 92-284 adopted amending budget. (Finance/P & R to handle)

CONSENT

21. Consider amending the budget to transfer \$3,200 from the Kmelnitsky reserve account to the International Friendship Committee operating budget to pay for transportation to Kmelnitsky.
(Report with agenda. Resolution amending budget needed.)

ACTION: Res. 92-285 adopted amending budget. (Finance/ P & R to handle)

22. Consider approval of the final map and accepting the improvements of Orangeburg Park subdivision of the City of Modesto and authorizing the City Clerk to sign the Reconveyance Certificate. (Subdivider: Orangeburg Park)
(Report with agenda. All improvements have been completed to the satisfaction of the Public Work and Transportation Department and all fees paid. Orangeburg Park is located between E. Orangeburg Avenue and East Briggsmore Avenue, east of Maplehill Road. It contains 15.375 acres. Resolution approving final map and accepting improvements and authorizing the City Clerk to sign the Reconveyance Certificate needed.)
Councilmember Dobbs excused due to a conflict of interest.

ACTION: Res. 92-286 adopted (Muratore/Bird, unan., Dobbs absent) approving final map and accepting improvements.
Res. 92-287 adopted (same vote) authorizing Clerk to sign reconveyance certificate.
Res. 92-288 adopted (same vote) granting exception to lot widths.
(P/W, Clerk to handle)

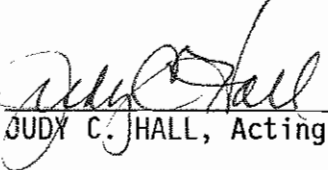
MATTERS TOO LATE FOR THE AGENDA

23. (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/Bird, unan.) it was determined an emergency existed.
Res. 92-289 adopted (Friedman/Patterson, unan.) approving an appropriation transfer to fund the interior coating of Digester No. 3.

ADJOURNMENT

The meeting adjourned at 8:30 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 4:00 p.m. on Thursday, May 21, 1992, in the Council Chambers, City Hall, 801 11th Street, Modesto, California for a budget review session.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson,
Mayor Lang
Councilmember Patterson arrived at 4:15 p.m.

Absent: None

Councilmember Bird presented the Council Financial Policy Committee Report.

An overview of the budget structure was given by Finance Director Pete Kolf.

The following department budgets were reviewed:

City Council	Parks and Recreation
City Manager	Economic Development
City Attorney	City Clerk
Personnel	

The meeting adjourned at 6:25 p.m.

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 4:00 p.m. on Tuesday, May 26, 1992, in the Council Chambers, City Hall, 801 11th Street, Modesto, California.

The meeting convened at 4:46 p.m.

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

Absent: Councilmembers: None

Councilmembers met in 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.

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 26, 1992 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, 7, 9, 10, 11, 12, 13,
14, 15, 16, 17

Removed from consent: 6, 8

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 City Council meeting of May 12, 1992, and the regular City Council meeting of May 19, 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

UNFINISHED BUSINESS

CONSENT

4. Final adoption of:

- a. Ord. No. 2810-C.S. amending the Municipal Code relating to street signs.
- b. Ord. No. 2811-C.S. amending the Municipal Code relating to second-store dwellings in the A-10, R-1 and R-2 zones.

(Motion adopting needed.)

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

HEARINGS

5. Hearing to consider the appeal of Sign Designs, on behalf of National Investment Properties, Save Mart Supermarkets, and Payless Drug Stores, to a Planning Commission decision concerning an application for an amendment to Planned Development Zone, P-D(330), for a revision to the sign conditions to permit an additional 20-foot high 72-square foot freestanding sign to advertise and identify the Wood Colony Shopping Center, property located at the southeast corner of Pelandale and Sisk Road.

ACTION: Res.92-290 adopted (Muratore/Friedman, majority, Bird, Cogdill, Patterson-no) Planning Commission decision was upheld.
(Planning to handle)

6. Hearing to consider the proposed fees and charges at the Modesto City-County Airport for hangars, office space, and aircraft tie-downs. (This item to be continued to June 23, 1992, at 4:00 p.m. Motion continuing needed.)

ACTION: By motion (Dobbs/Friedman, unan.) hearing continued to June 23, 1992, at 4:00 p.m. (Clerk to handle)

BIDS

CONSENT

7. Consider awarding contract for removing and replacing tanks at Dryden Golf Course to Marine 88, Inc. (Bids were opened May 14, 1992. The low bid of \$24,955, submitted by Marine 88, Inc. is 34.33% 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 Marine 88, Inc. needed. Estimated cost: \$28,199.15 (contract \$24,955; eng. & cont. \$3,244.15) Funds are budgeted.)

ACTION: Res. 92-291 adopted awarding contract. (P/W to handle)

CONSENT

8. Consider rescinding resolution awarding contract to Lang's Enterprises for McHenry Mansion Restoration Phase III; consider awarding contract to Champion Industrial Contractors in the amount of \$96,072; and consider amending the budget to estimate and appropriate donation revenue. (Report with agenda. Resolution rescinding resolution No. 92-133 and awarding contract to Champion Industrial Contractors needed; and resolution amending the budget needed.)

ACTION: Res. 92-292 adopted (Patterson/Friedman, unan.) rescinding resolution and awarding contract.
Res. 92-293 adopted (same vote) amending budget. (P/W to handle)

CONSENT

9. Consider awarding the bid for utility trucks to Central Valley Truck Center for \$60,892 and Country Ford Trucks for \$79,830. (Report with agenda. Resolution awarding bid needed. Funds are budgeted.)

ACTION: Res. 92-294 adopted awarding bid. (Finance to handle)

NEW BUSINESS

CONSENT

10. Consider confirming the canvass of votes at April 21, 1992, Village I annexation election, declaring the results of the election, and annexing the area to the City of Modesto. (Report with agenda. Resolution confirming canvass of votes in the Village I annexation election and annexing the area to the City of Modesto needed.)

ACTION: Res. 92-295 adopted confirming canvass of votes.
Res. 92-296 adopted annexing area to the City of Modesto. (Clerk to handle)

CONSENT

11. Acknowledge receipt of \$20,000 contribution to the Class Room Pedestrian overcrossing project (\$12,000 to Modesto City Schools, \$8,000 to City of Modesto) by Empire Union School District.
(When the pedestrian overcrossing project became a reality, Empire Union School District realized its constituents would benefit from the project. The Board of Trustees wanted to contribute toward the cost of the project. This is the result of its commitment. Report with agenda. Resolution acknowledging receipt of the contribution needed.)

ACTION: Res. 92-297 adopted acknowledging receipt of contribution.
(P/W to handle)

CONSENT

12. Consider amending the budget to estimate additional Federal Aid funds and appropriate additional CFF-Streets Contingency Reserve to the Traffic Signal Modification Project at Coffee Road and Orangeburg Avenue.
(This project is a Federally funded project. At the time of award, the amount of staff time to administer this Federal Aid project was underestimated. Due to the added time needed to administer this project, additional funds in the amount of \$7,000 are needed. Report with agenda. Resolution amending budget needed.)

ACTION: Res. 92-298 adopted amending budget. (P/W, Finance to handle)

CONSENT

13. Consider ordering the Director of Public Works and Transportation to prepare and file the annual report for Landscape Assessment District No. 1 for Dry Creek Meadows subdivisions No. 1-6.
(Report with agenda. Resolution ordering Director to prepare annual report needed.)

ACTION: Res. 92-299 adopted ordering Director to prepare annual report.
(P/W to handle)

CONSENT

14. Consider ordering the Director of Public Works and Transportation to prepare and file the annual report for Landscape Assessment District No. 2 for Dry Creek Meadows subdivisions No. 7-10.
(Report with agenda. Resolution ordering Director to prepare annual report needed.)

ACTION: Res. 92-300 adopted ordering Director to prepare annual report.
(P/W to handle)

CONSENT

15. Consider approving amendment to agreement with Leedshill-Herkenhoff for engineering services and construction administration for design for a new water/sewer Supervisory Control and Data Acquisition (SCADA) system.
(During the course of the project, Leedshill-Herkenhoff has needed to expend additional effort on certain portions of the contract. Report with agenda. Resolution approving amendment to agreement needed. Estimated cost: \$48,492. Funds are budgeted.)

ACTION: Res. 92-301 adopted approving amended agreement.
(P/W to handle)

CONSENT

16. Consider acceptance of improvements in Mountainview Terrace No. 4 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Sacramento Savings)
(Mountainview Terrace No. 4 is located at the northeast corner of Kansas Avenue and Rosemore 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. 92-302 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

17. Consider approving lease with FMC Corporation for the lease of property owned FMC Corporation for a City well site.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-303 adopted approving agreement. (Atty to handle)

MISCELLANEOUS

Appointments

18. a. Citizens Housing & Community Development Committee

ACTION: Res.92-304 adopted (Patterson/Friedman, unan.) appointing Richard Lang.

- b. Alternate from Citizens Housing & Community Development Committee to the Housing Rehabilitation Loan Committee

ACTION: Res. 92-305 adopted (Patterson/Friedman, unan.) appointing David Dill.

- c. Housing Rehabilitation Loan Committee

ACTION: Res. 92-306 adopted (Patterson/Friedman, unan.) appointing David Cogdill.

- d. Economic Development Loan Committee

ACTION: Res. 92-307 adopted (Patterson/Friedman, unan.) appointing Richard Patterson.
(Clerk 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

CLOSED SESSION

20. Closed session to consider evaluation of performance of certain public employees, pursuant to Government Code Section 54957.

ADJOURNMENT

The meeting adjourned at 4:46 p.m. to Thursday, May 28, 1992, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California for the review of the 1992-93 Budget.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an adjourned session at 4:00 p.m. on Thursday, May 28, 1992, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, for a budget review session.

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

Councilmember Patterson arrived at 4:17 p.m.
Councilmember Cogdill arrived at 4:19 p.m.

Absent: Councilmember Muratore

The following department budgets were reviewed:

Financial Services
Planning & Community Development
Fire Services
Police Services

The meeting adjourned at 6:20 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

5-28-92



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 2, 1992 AT 7:30 P.M.

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

Absent: Mayor Lang

Pledge of Allegiance to the Flag

Invocation: Rev. Benny Edwards, President, Tri-Valley Afro-
American Ministers Association

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 8,
9, 10, 11

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

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

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

CONSENT

- 2. Approval of the minutes of the special City Council meeting of May 21, 1992, and the regular City Council meeting of May 26, 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.)

Ken Schach asked that the graffiti weekend activities not be allowed.

BIDS

CONSENT

- 4. Consider approving plans and specifications and call for bids for the miscellaneous sewer repair project - Orangeburg and Buena Vista Avenue.
(Suggested bid opening: June 25, 1992, at 11:00 a.m. This project will replace the sanitary sewer lines in portions of the subject streets. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$84,283.88 (contract \$74,587.50; engineering & cont. \$9,696.38) Funds are budgeted.)

ACTION: Res. 92-308 adopted calling for bids. (P/W to handle)

CONSENT

- 5. Consider approving plans and specifications and call for bids for the annual sewer rehabilitation Block No. 1 project - sanitary sewer and storm sewer replacement and construction.
(Suggested bid opening: June 25, 1992, at 11:05 a.m. This project will replace the sanitary sewer lines in Block 1 and reroute storm water now flowing into the sanitary sewer to a storm drain line. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$39,567.52 (contract \$35,015.50; engineering & cont. \$4,552.02) Funds are budgeted.)

ACTION: Res. 92-309 adopted calling for bids. (P/W to handle)

6. Consider acceptance of George Reed, Inc. as contract for Floyd Neighborhood Park as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$408,002.69) (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: \$435,297.54. Funds are budgeted.)

ACTION: Res. 92-310 adopted accepting as complete.
(Clerk to handle)

NEW BUSINESS

7. Modesto Youth Study 1991 Final Report.
(Report with agenda. Motion acknowledging receipt of report, authorizing implementation of recommendations, and reallocating limited term grant-funded position to a regular General Fund position to be budgeted in fiscal year 1992-93 needed.)

ACTION: By motion (Bird/Dobbs, unan., Lang absent) receipt of report acknowledged.
(P/R to handle)

CONSENT

8. Consider awarding cable programming grant in the amount of \$1,500 to Mary Stavrianoudakis for a program documenting the cultural identity and transition of Portuguese immigrants to this county from the Azores.
(Report with agenda. Resolution approving grant agreement needed. Funds are budgeted.)

ACTION: Res. 92-311 adopted approving grant agreement.
(Manager to handle)

CONSENT

9. Consider approving the City Engineer's annual report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows subdivisions No. 1 - 6 and adopting a Resolution of Intention setting a hearing June 16, 1992, at 7:30 p.m. on the levy of the proposed assessment.
(Report with agenda. Motion approving City Engineer's annual report and Resolution of Intention needed.)

ACTION: By motion, annual report approved.
Res. 92-312 adopted approving Resolution of Intention.
(P/W to handle)

CONSENT

10. Consider approving the City Engineer's annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivisions No. 7 - 10 and adopting a Resolution of Intention setting a hearing June 16, 1992, at 7:30 p. . on the levy of the proposed assessment.
(Report with agenda. Motion approving City Engineer's annual report and Resolution of Intention needed.)

ACTION: By motion, annual report approved.
Res. 92-313 adopted approving Resolution of Intention.
(P/W to handle)

CONSENT

11. Consider approving an appropriation transfer in the amount of \$20,000 from the Airport's Contingency Reserve Account to the Airport Operation and Maintenance Budget to purchase a replacement heating, ventilation, and air conditioning unit for the passenger terminal.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-314 adopted approving appropriation transfer.
(Finance to handle)

WRITTEN COMMUNICATIONS

12. Letter from Don Bean, Event Director for Graffiti USA, requesting permission to hang banners on J Street and on the Arch on I Street.

ACTION: By motion (Muratore/Dobbs, unan., Lang absent) request approved.
(Planning to handle)

MISCELLANEOUS

Appointments

13. a. Culture Commission

ACTION: Res. 92-315 adopted (Patterson/Cogdill, unan., Lang absent) appointing Alice Beamish.
(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 7:55 p.m. in memory of Dan Reid, to Thursday, June 4, 1992, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California for the review of the 1992-93 Budget and Capital Improvement Program.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an adjourned session at 4:00 p.m. on Thursday, June 4, 1992, in the Council Chambers, City Hall, 801 11th Street, Modesto, California for a budget review session.

Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
Councilmember Muratore arrived at 4:09 p.m.

Absent: None

A portion of the Public Works & Transportation Department budgets were reviewed.

An introduction to the Capital Improvement Program was presented by Planning Commissioner Jesse Alexander.

The meeting adjourned at 6:16 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an adjourned session at 5:00 p.m. on Monday, June 8, 1992, in the Council Chambers, City Hall, 801 11th Street, Modesto, California for a budget review session.

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

Absent: Councilmember Friedman

The review of the Public Works & Transportation Department budgets was completed.

By motion (Muratore/Bird, unan., Friedman absent), the proposed State budget changes concerning property taxes and motor vehicle taxes were opposed.

The meeting adjourned at 6:06 p.m. in memory of John Keefe, former City Manager.

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 Wednesday, June 10, 1992, in the Ceres Council Chambers, City Hall, Ceres, California for a meeting with other City Councils in the County and the Turlock Irrigation District Board concerning the surface water study and E.I.R.

Present: None

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

Due to lack of a quorum, the Modesto City Council meeting was adjourned.

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 9, 1992, AT 4:00 P.M.

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

Absent: Councilmember Friedman

Pledge of Allegiance to the Flag

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 17

ACTION: (Muratore/Bird, 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

None

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of May 26, 1992 and the regular City Council meeting of June 2, 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

HEARINGS

4. Hearing to consider establishing a fee of \$35 for each person receiving emergency medical services from the Fire Department.

ACTION: After close of the hearing, by motion (Muratore/Dobbs, unan., Friedman absent) discussion was continued 60 days for further study.
(Fire to handle)

5. Hearing to consider the 1992-93 Proposed Operating Budget and 1992-93 through 1995-96 proposed Capital Improvement Program.

ACTION: By motion (Bird/Cogdill, unan., Friedman absent) receipt of the Finance Policy Committee's report was acknowledged and the Manager was directed to find ways of balancing the budget without layoffs in field crews.

BIDS

CONSENT

6. Consider approving plans and specifications and call for bids for the 1992 residential street overlays.
(Suggested bid opening: July 2, 1992, at 11:00 a.m. This project is a portion of our annual streets maintenance program. A two to three inch layer of new asphalt concrete with fabric will be laid over 3.5 miles of collector streets that serve residential areas. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$517,899.29 (contract \$458,317.95; eng. & cont. \$59,581.34) Funds are budgeted.)

ACTION: Res.92-316 adopted calling for bids. (P/W to handle)

WPCC6

2

6/9/92

CONSENT

7. Consider approving plans and specifications and call for bids for the construction of Aqueduct Park.
(Suggested bid opening: July 2, 1992, at 11:05 a.m. This project will regrade the earth and install the underground utilities and landscaping for the new Aqueduct Park located at the northeast corner of Cheyenne and Carver. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$337,655 (contract \$293,614; eng. & cont. \$44,041) Funds are budgeted.)

ACTION: Res. 92-317 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider awarding contract for the Carpenter Road - Maze Boulevard to Kansas Avenue project to George Reed, Inc.
(Bids were opened on May 28, 1992. The low bid of \$933,837.70, submitted by George Reed, Inc. is 7.80% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to George Reed, Inc. Report and bid tabulation with agenda. Resolution awarding contract to George Reed, Inc. needed. Estimated total cost: \$1,055,236.60 (contract \$933,837.70; engineering \$121,398.80) Funds are budgeted.)

ACTION: Res. 92-318 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider waiving formal bid procedures and authorizing the purchase of two relocatable hazardous materials storage buildings from Environmental Compliance Products for \$29,966.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 92-319 adopted waiving formal bid procedures. (P/W to handle)

CONSENT

- 9A. Consider approving plans and specifications and calling for bids for construction of traffic signals and roadway modifications at the intersection of Sisk Road and Pelandale Avenue.
(Suggested bid opening: June 16, 1992, at 11:00 a.m. The legal notice calling for bids will be published in the June 9, 1992, Modesto Bee. Report with agenda. The intersection currently operates as an all-way stop. Signalization along with roadway modifications will improve traffic flow and enhance traffic safety. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$130,000. Funds are budgeted.)

ACTION: Res. 92-320 adopted calling for bids. (P/W to handle)

10. Consider amending the Modesto Municipal Code relating to taxicab drivers permits.
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2813-C.S. introduced. (Clerk to handle)

CONSENT

11. Consider approving agreement with the County of Stanislaus and the Yosemite Community College District for the building and management of a regional fire training center in Modesto.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-321 adopted approving agreement. (Fire to handle)

CONSENT

12. Consider excusing Mayor Lang from the June 2, 1992, City Council meeting due to his attendance at a meeting of Mayors with President Bush in Washington, D.C.
(Motion excusing needed.)

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

CONSENT

13. Consider acceptance of improvements in Nunes Farms subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Regal Contracting (Nunes Farms subdivision is located east of Crippen Avenue and south of Rouse 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. 92-322 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

14. Consider amending the 1991-92 budget to transfer \$30,000 from the Capital Improvement Program to the Streets Division Operating Budget for the purpose of purchasing additional streets maintenance materials.
(Report with agenda. Resolving amending budget needed.)

ACTION: Res. 92-323 adopted amending budget. (Finance to handle)

CONSENT

15. Consider authorizing staff to work with Gallo Winery staff to transfer ownership of Grand Street Bridge to Gallo Winery.
(Report with agenda. Motion authorizing staff to work with Gallo Winery needed.)

ACTION: By motion, staff directed to work with Gallo Winery.

WRITTEN COMMUNICATIONS

CONSENT

17. Letter from City of Lathrop requesting use of City of Modesto Real Property Agent.
(Report with agenda. Motion authorizing City Attorney to negotiate contract needed.)

ACTION: By motion, City Attorney authorized to negotiate with the City of Lathrop. (Attorney 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 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, and to confer with or receive advice from legal counsel regarding pending litigation, pursuant to Government Code Section 54956.9(b)(1).

ADJOURNMENT

The meeting adjourned at 6:10 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, JUNE 16, 1992, AT 7:30 P.M.

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

Absent: Councilmembers Dobbs, Muratore

Pledge of Allegiance to the Flag

Invocation: Rev. Rick Johnson, Juvenile Hall Chaplain

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

ACTION: (Patterson/Friedman, unan., Dobbs and 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.

ACTION: By motion (Bird/Cogdill, unan., Dobbs and Muratore absent) the agenda order was revised so that the hearings were taken up before Item No. 4.

MINUTES

CONSENT

2. Approval of the minutes of the adjourned City Council meeting of May 28, 1992, the adjourned City Council meeting of June 4, 1992, the adjourned City Council meeting of June 8, 1992, the regular City Council meeting of June 9, 1992, the special meeting of June 10, 1992, and the corrected minutes of the May 5, 1992, regular City Council meeting.
(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.)
Tom Maher asked if he would be allowed to speak about items on the agenda.

UNFINISHED BUSINESS

4. Consider City Manager's report on budget reduction strategies.
(Motion directing staff needed.)

ACTION: By motion (Patterson/Bird, unan., Dobbs and Muratore absent) the proposed 2-phase budget strategy was approved. (Manager/Finance to handle)

CONSENT

5. Final adoption of Ordinance No. 2812-C.S. amending the Modesto Municipal Code sections relating to eligibility for a taxicab permit.
(Motion adopting Ordinance No. 2812-C.S. needed.)

ACTION: By motion, Ord. No. 2812-C.S. was adopted.

(Clerk to handle)

HEARINGS

6. Hearing to consider revising storm drainage rates.

ACTION: By motion (Bird/Cogdill, majority, Lang-no, Dobbs and Muratore absent) the matter was referred back to staff. (P/W to handle)

7. Hearing to consider revising sewer rates.

ACTION: Res. 92-324 adopted (Patterson/Friedman, unan., Dobbs & Muratore absent) approving a 15.3% increase with a review in a year.

By motion (same vote) it was determined to include the Sewer Fund C.I.P. into the City's 1992-93 C.I.P. (P/W to handle)

8. Hearing to consider levying and collecting proposed assessments within Landscape Maintenance District No. 1 for Dry Creek Meadows subdivisions No. 1 - 6 for fiscal year 1992-93.

ACTION: Res. 92-325 (Patterson/Bird, unan., Dobbs & Muratore absent) approving assessments. (P/W to handle)

ACTION: Res. 92-326 adopted (Patterson/Bird, unan., Dobbs & Muratore absent)
approving assessments. (P/W to handle)

BIDS

CONSENT

10. Consider certifying the Negative Declaration for the Claus Road sidewalks, and consider approving a contract for the Claus Road pedestrian access and waterline installation project.
(Report and bid tabulation with agenda. Bids were opened on May 28, 1992. The low bid of \$114,766, submitted by George Reed, Inc., is 12.82% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution certifying review of the Negative Declaration and awarding contract needed. Estimated cost: \$129,685.58 (contract - \$114,766; eng. - \$14,919.58). Funds are budgeted.)

ACTION: Res. 92-327 adopted awarding contract. (P/W to handle)

CONSENT

11. Consider awarding contract for construction of the interconnect conduit on Standiford/Sylvan Avenue and Briggsmore Avenue, and amend budget to estimate State revenues.
(Report with agenda. Bids were opened Tuesday, June 9, 1992. Four bids were received. Richard A. Heaps was the lowest bidder at \$344,307.50. This is 19.57% below the estimate and considered acceptable. Resolution amending budget and resolution awarding contract needed. Estimated cost: \$406,282.85 (contract - \$344,307.50; eng. & cont. - \$61,975.35). Funds are partially budgeted.)

ACTION: Res. 92-328 adopted amending budget.
Res. 92-329 adopted awarding contract. (P/W to handle)

CONSENT

12. Consider acceptance of the contract of Ragsdale & Son, Inc., for the Sonoma Park Game Courts as complete and authorize City Clerk to file Notice of Completion. Original contract: \$32,996.50
(Report with agenda. 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 to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$32,872.79. Funds are budgeted.)

ACTION: Res. 92-330 adopted accepting work as complete. (Clerk to handle)

Consider waiving formal bid procedures and authorizing the use of informal bid procedures to declare Pump Repair Service low bidder and authorize the purchase of replacement parts for Fairbanks Morse pumps for a total of \$27,462.44.

(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed (five affirmative votes needed). Funds are budgeted.)

ACTION: Res. 92-331 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

14. Consider severance benefits for laid off employees.
(Report with agenda. Resolution authorizing severance pay and interview leave needed.)

ACTION: Res. 92-332 adopted (Friedman/Lang, unan., Dobbs & Muratore absent) approving severance benefits except that the suggested 8 weeks cap would not be included. (Personnel to handle)

CONSENT

15. Consider reclassification of Community Development Block Grant (CDBG) Small Business Loans.
(Report with agenda. In accordance with HUD's periodic review of the CDGB Program, certain loans have been suggested to be reclassified in order to comply with HUD regulations on meeting a national objective and on determining that the loans were necessary and appropriate. The Community Development and Housing Committee met on June 1, 1992, to consider this matter and recommends the above course of action to the City Council. Resolution directing the Finance Director/Treasurer of the City of Modesto to invest surplus City funds in the amount not to exceed \$336,131 as a loan to the General Fund, and authorizing purchase of outstanding CDBG loans in an amount not to exceed \$336,131 by the General Fund of the City of Modesto needed.)

ACTION: Res. 92-333 adopted investing surplus City funds and authorizing purchase of CDBG loans. (Planning to handle)

CONSENT

16. Consider authorizing staff to issue a Request for Proposals (RFP) to qualified consultants for the preparation of the AB2588 Toxic Emissions Inventory Plan (TEIP) and Report (TEIR).
(Report with agenda. Resolution authorizing the Request for Proposals needed. Estimated cost of plan and report: \$100,000. Funds are budgeted.)

ACTION: Res. 92-334 adopted authorizing Request for Proposals. (P/W to handle)

CONSENT

17. Consider approving an agreement with the City of Lathrop regarding their use of the Property Agency.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-335 adopted approving agreement. (Attorney to handle)

CONSENT

18. Consider authorizing transfer of \$10,680 from Asset Forfeiture Trust Account to the General Fund for purchase of sobriety checkpoint trailer. (Report with agenda. Resolution amending the 1991-92 budget needed.)

ACTION: Res. 92-336 adopted amending the 1991-92 budget. (Police/Finance to handle)

CONSENT

19. Consider authorizing staff to negotiate contract with Brown and Caldwell to prepare Part 2 of the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Application. (Report with agenda. Motion authorizing staff to negotiate contract needed. Estimated cost: \$500,000. Funds are budgeted.)

ACTION: By motion, staff were authorized to negotiate contract. (P/W to handle)

MISCELLANEOUS

Legislation

CONSENT

20. Consider supporting AB 2565 (GOTCH) - To Equalize the State Allocation of Property Taxes for Cities and Counties. (Report with agenda. Motion supporting needed.)

ACTION: By motion, AB 2565 supported. (Manager 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.)

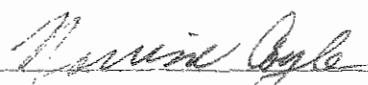
None

CLOSED SESSION

22. 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, and to consider the purchase, sale, exchange, or lease of real property by or for the local agency to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease, pursuant to Government Code Section 54956.8.

ADJOURNMENT

The meeting adjourned at 10:20 p.m. to closed session.

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 23, 1992 AT 4:00 P.M.

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

Absent: Mayor Lang

Pledge of Allegiance to the Flag

Invocation: Councilmember David Cogdill

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

Dropped from agenda: 7

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 18
(VICE MAYOR FRIEDMAN EXCUSED DUE TO A CONFLICT OF INTEREST)

Councilmember Muratore was designated as Mayor pro tem

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

6/23/92

A copy of this agenda may be obtained in the city clerk's office.

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

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Acceptance of Exemplary State and Local Award from the National Center for Productivity for the City of Modesto's "Program Tree Pruning."
(The City of Modesto was one of 25 national programs to receive this award this year. In addition to receiving a plaque, a videotape was made of the award winning programs.)

Mary Grogan presented the award to Acting Mayor Friedman.

- b. Presentation of plaques to former Affirmative Action Commission members Michelle Aiken, Dorothy Falco, and Janie Tomlin.

Acting Mayor Friedman presented the plaques.

MINUTES

CONSENT

- 2. Approval of the minutes of the regular City Council meeting of June 16, 1992.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

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

Richard Hagerty commented that the subdivisions approved in items 19a and 19b on the consent list were the largest ever done in Modesto.

6/23/92

CONSENT

HEARINGS

4. Hearing to consider the proposed fees and charges at the Modesto City-County Airport. (Continued from the May 26, 1992, City Council meeting.)
(Staff recommends the hearing be cancelled. A new hearing will be set for July 7, 1992, at 7:30 p.m.)

ACTION: By motion, hearing cancelled.

5. Hearing to consider an amendment to Section 17-3-9 of the Zoning Map rezoning from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the northeast corner of West Granger and Timothy Avenues. (Turner/Hudelson)

ACTION: By motion (Muratore/Bird, unan., Lang absent) Ord. No. 2813-C.S. introduced.
Res. 92-337 adopted (same vote) approving plan.
Res. 92-338 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

6. Hearing to consider the appeal of Mid-Valley Engineering, Inc. for Modesto Junk Co. to conditions of approval for the expansion/reconstruction of a nonconforming use in the M-1 Zone at 1403 - 1425 Ninth Street.

ACTION: Res. 92-339 adopted (Patterson/Cogdill, majority, Dobbs and Muratore-no, Lang absent) granting the appeal.
(Planning to handle)

BIDS

CONSENT

7. Consider approving plans and specifications and call for bids for the Pelton Avenue improvement project and certifying the negative declaration.
(Suggested bid opening: July 16, 1992, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and call for bids and certifying the negative declaration needed. Estimated cost: \$34,556.53 (contract \$30,581; eng. & cont. \$3,975.53) Funds are partially budgeted. An appropriation transfer will be requested after bids are opened and the exact amount needed to construct the project is known.)

Dropped from agenda

6/23/92

CONSENT

8. Consider approval of plans and specifications and call for bids for Kansas Avenue repairs and chip seal and consider amending the budget to estimate new revenue from the County and establish a new CIP account.

(Suggested bid opening: July 16, 1992, at 11:10 a.m. Report with agenda. Resolution approving plans and specifications and call for bids needed, and resolution amending budget needed. Estimated cost: \$44,364.84 (Contract \$38,578.12; eng. & cont. \$5,786.72. Funds are budgeted.)

ACTION: Res. 92-340 adopted calling for bids.
Res. 92-340A adopted amending budget. (P/W to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for the Coffee and Sylvan intersection reconstruction and traffic signal modification and consider amending the budget to estimate developer contribution of \$70,000.

(Suggested bid opening: July 16, 1992, at 11:05 p.m. Report with agenda. Resolution approving plans and specifications and call for bids needed, and resolution amending budget needed. Funds are partially budgeted. Appropriation transfer to be requested after bids are opened and the exact amount needed to construct the project is known.)

ACTION: Res. 92-341 adopted calling for bids.
Res. 92-342 adopted amending the budget. (P/W to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for the construction of the Downtown Transportation Center.

(Suggested bid opening: August 4, 1992, at 2:00 p.m. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$3,212,984 (contract \$2,843,349; engineering & cont. \$369,635) Funds are budgeted.)

ACTION: Res. 92-343 adopted calling for bids. (P/W to handle)

CONSENT

11. Consider awarding contract for construction of traffic signals and roadway modifications at the intersection of Sisk Road and Pelandale Avenue and consider amending budget to estimate State revenues.

(Report with agenda. Bids were opened on June 16, 1992. Richard A. Heaps was the lowest bidder at \$129,940, which is 12.99% above the engineer's estimate and considered acceptable. Resolution awarding contract needed, and resolution amending budget needed. Estimated cost: \$142,934 (contract \$129,940; engineering & cont. \$12,994) Funds are budgeted.)

6/23/92

ACTION: Res. 92-344 adopted awarding contract.
Res. 92-345 adopted amending budget. (P/W to handle)

CONSENT

12. Consider approving a reduction in retention monies on the Claus Road/Rumble Road traffic signals project from 10% to 5%.
(The City has received a request from Richard A. Heaps, Inc. Electrical Contractor to reduce the retention on the Claus/Scenic and Sisk/Rumble Road traffic signals project. A reduction of the retention is permissible under Section 9203 of the Public Contract Code. Report with agenda. Resolution approving reduction in retention monies needed.)

ACTION: Res. 92-346 adopted approving reduction. (P/W to handle)

NEW BUSINESS

CONSENT

13. Consider excusing Councilmember Muratore from the June 16 , 1992, City Council meeting due to his attendance at a meeting of National Association of Regional Councils.
(Motion excusing needed.)

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

14. Consider adoption of the Fiscal Year 1992-93 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. Ordinance adopting budget needed and resolution establishing the price and population factors to be used in determining the 92-93 "Appropriations Limit" needed.)

ACTION: By motion (Patterson/Cogdill, majority, Dobbs and Muratore-no, Lang absent) Ord. No. 2814-C.S. adopted.
Res. 92-347 adopted (same vote) establishing price and population factors. (Finance to handle)

- 14A. Consider granting authority to City Manager to provide flexible vehicle assignment and provision for car allowances.
(Report with agenda. Resolution granting authority needed.)

ACTION: Res. 92-348 adopted (Patterson/Dobbs, unan., Lang absent) approving the Director of Public Works & Transportation and the Deputy City Manager receiving up to \$350 per month car allowance; and the staff directed to study the City policy on mileage.

6/23/92

Res. 92-349 adopted (Cogdill/Muratore, unan., Lang absent) amending Res. 79-415 to add the Assistant Director of Parks and Recreation/Plaza Manager and the Youth Services Supervisor to the list of employees receiving a \$70 per month car allowance. (Manager to handle)

15. Consider amending the Annual Budget for the 1991-92 fiscal year to provide for the establishment of various reserve appropriations prior to closing the City's books for the fiscal year ending June 30, 1992.
(Report with agenda. Resolution authorizing establishment of reserves needed.)

ACTION: Res. 92-350 adopted (Cogdill/Muratore, unan., Lang absent) authorizing establishment of reserves. (Finance to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

17. Consider approving agreement with Vision Service Plan to establish VSP as third party administrator.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$14,000. Funds are budgeted.)

ACTION: Res. 92-351 adopted approving agreement. (Personnel to handle)

CONSENT

18. Consider approving lease agreement with James E. and Susann A. Coleman for City property along Dry Creek between Riverside Drive and Lincoln Avenue.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-352 adopted approving agreement. (Attorney to handle)

CONSENT

- 19a. Consider acceptance of improvements in Dry Creek Meadows No. 9 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: REDEV, INC.)
(Dry Creek Meadows No. 9 Subdivision is located at the Northeast corner of N. McClure Road and Yosemite Boulevard. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Report with agenda. Resolution accepting improvements needed.)

6/23/92

ACTION: Res. 92-353 adopted accepting as complete. (Clerk to handle)

CONSENT

19b. Consider acceptance of improvements in Dry Creek Meadows No. 10 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: REDEV, INC.) (Dry Creek Meadows No. 10 subdivision is located at the northwest corner of Yosemite and Claus. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Report with agenda. Resolution accepting improvements needed.)

ACTION: Res. 92-354 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

20. Consider authorizing an appropriation transfer in the amount of \$37,500 for replacing indicator and alarm wiring at the wastewater treatment facility. (Report with agenda. Resolution authorizing appropriation transfer needed.)

ACTION: Res. 92-355 adopted authorizing appropriation transfer. (Finance to handle)

CONSENT

21. Consider accepting the resignation of John Kenealy from the Citizens Housing and Community Development Committee. (Report with agenda. Resolution accepting resignation with regret needed.)

ACTION: Res. 92-356 adopted accepting resignation. (Clerk to handle)

CONSENT

22. Consider declaring position of Clarisa Corbett-Smith (Tenorio) on the Culture Commission vacant. (Culture Commission member Clarisa Corbett-Smith (Tenorio) has not attended meetings in over a year and no longer lives in Stanislaus County; therefore is ineligible to serve on the Commission. Resolution declaring position vacant needed.)

ACTION: Res. 92-357 adopted declaring position vacant (Clerk to handle)

CONSENT

23. Renewal of Excess Liability Insurance coverage through ACCEL. Policy year 7/1/92 - 7/1/93. (Memo with agenda. Resolution approving renewal of coverage needed. Estimated Cost: \$393,757.04. Funds are budgeted.)

ACTION: Res. 92-358 adopted approving renewal. (Personnel to handle)

6/23/92

CONSENT

24. Renew City's Excess Worker's Comp. Insurance policy with National Union/Sedgwick James for policy year 7/1/92 - 7/1/93.
(Memo with agenda. Resolution approving renewal of coverage needed. Estimated Cost: \$34,170.00. Funds are budgeted.)

ACTION: Res. 92-359 adopted approving renewal. (Personnel to handle)

CONSENT

25. Purchase property insurance policy from Affiliated FM Insurance Company/Hamilton Meridian. Policy year 7/1/92 - /1/93.
(Memo with agenda. Resolution approving purchase of insurance needed. Estimated Cost: \$52,405.00. Funds are budgeted.)

ACTION: Res. 92-360 adopted approving purchase of insurance.
(Personnel to handle)

WRITTEN COMMUNICATIONS

25a. Request of Tony Arrington for waiver of ordinance on amplified music, and fees for portable stage, July 11, 1992, for the Race Unity Day in Mellis Park.

Dropped from agenda.

MISCELLANEOUS

Appointments

26. a. Affirmative Action /Disability Commission

ACTION: Res. 92-361 adopted (Dobbs/Cogdill, unan., Lang absent) appointing Donna Huckaby, Denise Fontaine and Karl Mason, to be effective upon the expansion of the Commission.

b. Board of Building Appeals

ACTION: Res. 92-362 adopted (Dobbs/Cogdill, unan., Lang absent) appointing John Lehne.

c. Citizens Advisory Committee on Recycling

ACTION: Res. 92-363 adopted (Dobbs/Cogdill, unan., Lang absent) appointing Rocci Lamantia.

6/23/92

ACTION: Res. 92-364 adopted (Dobbs/Cogdill, unan., Lang absent)
reappointing Martha Bautista. (Clerk 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 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.

ADJOURNMENT

The meeting adjourned to closed session at 5:45 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

6/23/92

CITY HALL
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:00 p.m. on Saturday, June 27, 1992, at 508 Andover Lane, Modesto, California, to discuss selection of a Police Chief.

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

Absent: None

Candidates for the position of Chief of Police in Modesto were introduced to the City Council.

The meeting adjourned at 9:30 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 Monday, July 6, 1992 in the Board Chambers of Turlock Irrigation District, Turlock California, for a meeting concerning the Turlock Irrigation District's surface water project.

Present: None

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

The meeting was adjourned due to lack of a quorum.

ATTEST: 
NORRINE COYLE, CITY CLERK

7/6/92

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 7, 1992 , 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, 10,
11, 12, 13, 14, 15,
16, 17, 22, 23, 24,
25, 26, 27, 28, 29,
30

ACTION: (Friedman/Dobbs, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 9

Councilmember Muratore was designated as Mayor pro tem.
Vice Mayor Friedman and Mayor Lang excused due to conflicts
of interest.

ACTION: (Patterson/Dobbs, unan., Friedman and 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

- a. Presentation of trophy, to be housed in the King-Kennedy Center, by James Hatten, President of Freespirit Social Club, acknowledging the MVP's for 6th, 7th, & 8th grade students for the basketball tournament co-sponsored by the City of Modesto Parks and Recreation Department.

Mr. Hatten announced individual trophies were being awarded to Adam McGrath, 6th grade at Franklin Elementary School, Deon Edwards, 7th grade at Mark Twain Junior High School, and Janice Covarrubias, 8th grade at Hanshaw Middle School. He also presented the perpetual Trophy to the City.

- b. Acknowledgement of the birthday of an elder statesman of Modesto.

The Council wished a happy birthday to Alvie Lindsay, the Modesto Bee Reporter.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of June 23, 1992, and the special City Council meeting of June 27, 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.)

Richard Sousa, City Cab, spoke about fees being required by the City.

CONSENT

4. Final adoption of Ord. No. 2813-C.S. rezoning from R-1 to P-O, property located at the northeast corner of Granger and Timothy Avenues.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2813-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider proposed fees and charges at the Modesto City-County Airport for aircraft tie-downs, hangars and office space, reducing the fuel flowage fee, adoption of a passenger facility charge, off-airport car rental fees and limousine and taxi permits.

ACTION: Res. 92-365 adopted (Patterson/Cogdill, unan.) increasing airport T-hangar, large hangar, and tie-down rent by 3.6%, establishing a uniform rental rate of \$.60 s.f. per month for all City-owned office space on the airport, and amending Resolution No. 91-360.

Res. 92-366 adopted (Dobbs/Cogdill, majority, Friedman-no) reducing the airport's regular fuel flowage fee from \$.08 to \$.06 per gallon, and eliminating the fuel surcharge of \$.039 per gallon for airport capital improvements.

By motion (Muratore/Patterson, unan.) eliminated item 3 a in memo - Passenger Facility Charge.

By motion (Muratore/Patterson, unan.) 3b regarding off-Airport car rental fee, referred to Committee.

By motion (Bird/Muratore, unan.) limousine and taxicab operator permit fees eliminated

(P/W, Finance to handle)

6. Hearing to consider adjusting environmental analysis fees and to establish criteria for exempting projects from the State Fish and Game Department filing fees.

ACTION: Res. 92-367 adopted (Dobbs/Bird, unan.) adjusting environmental analysis fees and establishing criteria for exempting projects from the State Fish and Game Department filing fees.

(Planning to handle)

7. Hearing to consider approval of the issuance of refunding revenue bonds in the amount of \$8,800,000 for the purpose of assisting in the refinancing of the acquisition, construction and development of a multifamily rental housing development in the City of Modesto - Shadowbrook Apartments. Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 92-368 adopted (Dobbs/Patterson, unan., Cogdill absent) issuing bonds. (Finance to handle)

BIDS

CONSENT

8. Consider certifying the negative declaration for the Pelton Avenue improvement project and consider approval of plans and specifications and call for bids.
(Suggested bid opening: July 30, 1992, at 11:00 a.m. Report with agenda. Resolution certifying the negative declaration and approving plans and specifications needed. Estimated cost: \$34,556.53 (contract \$30,581; eng. & cont. \$3,975.53) Funds are partially budgeted. An appropriation transfer will be requested after bids are opened and the exact amount needed to construct the project is known.)

ACTION: Res. 92-369 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for the residential alley paving project No. 17.
(Suggested bid opening: July 30, 1992, at 11:05 a.m. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$77,770.48 (contract \$68,823.44; eng. & cont. \$8,947.04) Funds are budgeted.)

ACTION: Res. 92-370 adopted calling for bids. (P/W to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for the Woodland Avenue Pump Station sluice gate.
(Suggested bid opening: July 30, 1992, at 11:10 a.m. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$107,888.58 (contract \$91,431; engineering \$16,457.58) Funds are partially budgeted. An appropriation transfer to be requested after bids are opened and the exact amount needed to construct the project is known.)

ACTION: Res. 92-371 adopted calling for bids. (P/W to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for the Secondary Wastewater Treatment Plant roads rehabilitation.
(Suggested bid opening: July 30, 1992, at 11:15 a.m. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$167,667.22 (contract \$148,378.07; eng. & cont. \$19,289.15) Funds are budgeted.)

ACTION: Res. 92-372 adopted calling for bids. (P/W to handle)

CONSENT

12. Consider award of contract for the annual sewer rehabilitation - Block 1 to Joe Martin Pipeline, Inc.
(Bids were opened on June 25, 1992. The low bid of \$32,352, submitted by Joe Martin Pipeline, Inc. is 7.61% 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 to Joe Martin Pipeline, Inc. needed. Estimated cost: \$36,557.76 (contract \$32,352; eng. & cont. \$4,205.76) Funds are budgeted.)

ACTION: Res. 92-373 adopted awarding contract. (P/W to handle)

CONSENT

13. Consider award of contract for miscellaneous sewer repairs - Orangeburg and Buena Vista Avenues.
(Bids were opened on June 25, 1992. The low bid of \$73,000.75, submitted by Joe Martin Pipeline, Inc. is 2.13% 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 to Joe Martin Pipeline, Inc. needed. Estimated cost: \$82,490.85 (contract \$73,000.75; eng. & cont. \$9,490.10) Funds are budgeted.)

ACTION: Res. 92-374 adopted awarding contract. (P/W to handle)

CONSENT

14. Consider award of contract for the Scenic, Graphics and Parklawn waterlines to Rolfe Construction.
(Bids were opened on June 11, 1992. The low bid of \$147,738, submitted by Rolfe Construction is 25.84% 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 Rolfe Construction needed. Estimated cost: \$162,511.80 (contract \$147,738; eng. & cont. \$14,773.80) Funds are budgeted.)

ACTION: Res. 92-375 adopted awarding contract. (P/W to handle)

CONSENT
15. Consider acceptance of C. W. Delta Roofing, Inc.'s contract for reroofing Fire Station No. 5 as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$45,162.88)

(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department and the Fire 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: \$45,162.88. Funds are budgeted.)

ACTION: Res. 92-376 adopted accepting as complete.
(Clerk to handle)

CONSENT

16. Consider waiving formal bid procedures and authorizing the purchase and installation of six automatic valve actuators from Angle-Tech for the total price of \$27,662.77. (Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 92-377 adopted waiving formal bid.
(Finance to handle)

CONSENT

17. 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 1992-1993. (Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: \$744,938. Funds are budgeted.)

ACTION: Res. 92-378 adopted waiving formal bid.
(Finance to handle)

NEW BUSINESS

18. Staff presentation of Public Works and Transportation Department Audit. (Report with agenda. Motion setting study session July 14, 1992, at 7:30 p.m. needed.)

ACTION: By motion (Patterson/Dobbs, unan.) set July 14, at 7:30 p.m. for a study session. (Mgr/Clerk to handle)

19. Consider amending the 1992-93 Annual Budget to appropriate the following five Capital Improvement Projects:

a. Abatement of Asbestos - Maddux Building, Coldwell Offices
Councilmember Bird excused due to a conflict of interest.

ACTION: Res. 92-379 adopted (Friedman/Dobbs, unan., Bird absent) amending the budget.

b. ~~Repeal parking lot at [redacted] Councilmember Cogdill excused due to a conflict of interest.~~

ACTION: Res. 92-380 adopted (Friedman/Bird, unan., Cogdill absent) amending the budget.

c. Complete McClure House Site Improvements
Councilmember Bird excused due to a conflict of interest.

ACTION: Res. 92-381 adopted (Friedman/Dobbs, unan., Bird absent) amending the budget.

d. Low Cost Traffic Improvements - Scenic/Oakdale/El Vista
Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 92-382 adopted (Friedman/Bird, unan., Cogdill absent) amending the budget.

e. Asphalt Overlay Oakdale from Scenic to Briggsmore
Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 92-383 adopted (Friedman/Bird, unan., Cogdill absent) amending the budget. (Finance to handle)

(Report with agenda. Five resolutions needed. Estimated cost: \$278,000.)

20. Consider selection of the next Village and timing of the next trunk sewer extension election as recommended by the Council Urban Growth Committee.

(The Urban Growth Committee was charged by Council to monitor progress in urban growth; determine timing of the next Village; and determine location of the next Village. Report with agenda. Motion approving Committee recommendations needed.)

ACTION: By motion (Friedman/Cogdill, majority, Bird and Patterson-no) Committee recommendations approved.
(Planning to handle)

21. Consider indicating support of the Mitigation Monitoring Program for the Claratina-Coffee Reorganization to Stanislaus LAFCO.

(LAFCO held its public hearing to consider the Claratina-Coffee Reorganization on June 24, 1992. This reorganization was continued to July 22, 1992, to allow the Modesto City Council time to review and respond to the Mitigation Monitoring Program. Report with agenda. Resolution indicating support needed.)

and Coghill-no) approving recommendation with certain revisions. (Planning to handle)

CONSENT

22. Consider excusing Mayor Lang from June 23, 1992, City Council meeting due to his attendance at U.S. Conference of Mayors Annual Conference in Houston, Texas.
(Motion excusing needed.)

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

CONSENT

23. Consider approving agreement with Charles R. Parkay for the purchase of 875 square feet of right of way needed to widen Sisk Road adjacent to Heritage Ford.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$5,650. Funds are budgeted.)

ACTION: Res. 92-385 adopted approving agreement. (Atty to handle)

CONSENT

24. Consider approving agreement with Modesto Irrigation District for the purchase of right of way on Improvement District No. 29.
(Report with agenda. Resolution approving agreement needed. Estimated total cost \$1,580 (cost \$1,450; est. interest \$130). Funds are budgeted.)

ACTION: Res. 92-386 adopted approving agreement. (Atty to handle)

CONSENT

25. Consider approving amendment to agreement with Donald F. Monaco and Charles Thompson for the lease of a corporate aircraft plot at Modesto City/County airport.
(Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 92-387 adopted approving agreement. (Atty to handle)

CONSENT

26. Consider approving agreement with Robert D. Mangum for subdivision inspection services.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$32,000. Funds are budgeted.)

ACTION: Res. 92-388 adopted approving agreement. (P/W to handle)

CONSENT

27. Consider amending the Affirmative Action Program relating to increasing the membership from nine to eleven Commissioners.
(Report with agenda. Resolution amending Affirmative Action Program needed.)

ACTION: Res. 92-389 adopted amending Affirmative Action Program
(Personnel to handle)

CONSENT

28. Consider approving agreements with Pacific Bell and Modesto Irrigation District to perform the work necessary to install utility cable in underground conduit at the proposed Transportation Center.
(Report with agenda. This project is a portion of site reconstruction at the proposed Transportation Center. The MID and Pacific Bell will place their existing aerial conductors in underground conduit. Report with agenda. Resolutions approving agreements needed. Estimated cost: \$58,415.28. Funds are budgeted.)

ACTION: Res. 92-390 adopted approving agreement with Pacific Bell.
Res. 92-391 adopted approving agreement with Modesto Irrigation District. (P/W to handle)

CONSENT

29. Consider approving agreement with G. S. Dodson & Associates Consulting Engineers to perform an engineering analysis at the existing Thousand Oaks Lift Station.
(The consultant will be required to determine if the lift station should be reconstructed at the existing location or rebuilt at a different site. Report with agenda. Resolution approving agreement needed. Estimated cost: \$38,941.20 (contract \$34,992; eng. & cont. \$3,499.20) Funds are budgeted.)

ACTION: Res. 92-392 adopted approving agreement. (P/W to handle)

CONSENT

30. Consider approving agreement with Wyatt & Burns for legal services for workers' compensation litigation.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-393 adopted approving agreement. (Personnel to handle)

WRITTEN COMMUNICATIONS

31. Letter from Darrell Dever, President, Modesto Civic Theater, requesting waiver of fees for Fire Department Standby at 1035 11th Street.

Dropped from agenda.

32. Petition from mobilehome owners residing in The Grove, located at 1500 Held Drive, requesting a rent stabilization ordinance.

Dropped from agenda.

MATTERS TOO LATE FOR THE AGENDA

33. (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

Closed session to consider the evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code, and to confer with or receive advice from legal counsel regarding pending litigation, pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

The meeting adjourned to closed session at 12:34 a.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, JULY 14, 1992 , 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: Rev. Rick Coats, Neighborhood Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 10, 11, 12, 13,
14, 15, 17, 18

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 9
(Councilmember Cogdill and Mayor Lang excused due to conflicts of interest)

ACTION: (Dobbs/Bird, unan., Cogdill, Patterson and Lang absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 16
(Councilmember Dobbs excused due to a conflict of interest)

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

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

7-14-92



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. Consider approval of the minutes of the special City Council meeting of July 6, 1992, the regular meeting of July 7, 1992, and the corrected minutes of the regular June 23, 1992, meeting.
(Motion approving needed.)

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

3. ORAL COMMUNICATIONS

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

None

ACTION: By motion (Bird/Friedman, unan., Patterson absent) item 20 was taken up before item 4.

HEARINGS

4. Hearing to consider approving the amended 1991-92 Transit Program of Projects (POP) to include bus maintenance items, and authorizing the filing of an amendment to the 1991-92 Federal Transit Administration (FTA) grant application to include bus maintenance items.

ACTION: Res. 92-394 adopted (Dobbs/Friedman, unan., Patterson absent) approving amended Transit Program of Projects and amended grant application. (P/W to handle)

5. Hearing to consider approving proposed changes to Modesto Area Express (MAX) Routes 2, 5, 7, 12, and 14.

ACTION: By motion (Friedman/Cogdill, unan., Patterson absent) approving recommendation and directing staff to look into stop at the Social Security Office. (P/W to handle)

7-14-92

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. Consider approval of the minutes of the special City Council meeting of July 6, 1992, the regular meeting of July 7, 1992, and the corrected minutes of the regular June 23, 1992, meeting.
(Motion approving needed.)

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

3. ORAL COMMUNICATIONS

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

None

ACTION: By motion (Bird/Friedman, unan., Patterson absent) item 20 was taken up before item 4.

HEARINGS

4. Hearing to consider approving the amended 1991-92 Transit Program of Projects (POP) to include bus maintenance items, and authorizing the filing of an amendment to the 1991-92 Federal Transit Administration (FTA) grant application to include bus maintenance items.

ACTION: Res. 92-394 adopted (Dobbs/Friedman, unan., Patterson absent) approving amended Transit Program of Projects and amended grant application. (P/W to handle)

5. Hearing to consider approving proposed changes to Modesto Area Express (MAX) Routes 2, 5, 7, 12, and 14.

ACTION: Res. 92-395 adopted (Friedman/Cogdill, unan., Patterson absent) approving recommendation and directing staff to look into stop at the Social Security Office. (P/W to handle)

7-14-92

Meeting to consider application of James Earl Ray, Jr. Professional Center to rezone property located at the southwest corner of Coffee Road and Gloria Way from R-1, Low Density Residential, to P-D(32) to develop a 47-space parking lot as an amendment and addition to P-D(32).

Councilmember Muratore excused due to a conflict of interest.

ACTION: By motion (Dobbs/Cogdill, unan., Muratore and Patterson absent)
Ord. No. 2815-C.S. introduced.
Res. 92-396 adopted (same vote) approving plan.
Res. 92-397 adopted (same vote) certifying review of
Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

7. Consider approving plans and specifications and calling for bids for the LaLoma lift station remodel.
(Report with agenda. Suggested bid opening: August 11, 1992, at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$214,700 (contract - \$190,000; eng. & cont. - \$24,700). Funds are budgeted.)

ACTION: Res. 92-398 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approving plans and specifications and calling for bids for Dry Creek erosion repair - Beard Brook Park.
(Report with agenda. Suggested bid opening: August 6, 1992, at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$26,555 (contract - \$23,500; eng. & cont. - \$3,055). Funds are budgeted.)

ACTION: Res. 92-399 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider award of contract in the amount of \$418,655.21 for the 1992 Residential Street Overlay Project to George Reed, Inc.
(Bids were opened on July 2, 1992. The low bid of \$418,655.32, submitted by George Reed, Inc., is 8.65% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$473,080.51 (contract - \$418,655.32; eng. & cont. - \$54,425.19). Funds are budgeted.)

ACTION: Res. 92-400 Adopted awarding contract. (P/W to handle)

7-14-92

CONSENT

10. Consider award of contract in the amount of \$278,363.60 for the construction of Aqueduct Park to Grover Landscaping, Inc. (Bids were opened on July 2, 1992. The low bid of \$278,363.60, submitted by Grover Landscaping, Inc., is 5.19% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$320,118.41 (contract - \$278,363.60; eng. & cont. - \$41,754.54). Funds are budgeted.)

ACTION: Res. 92-401 adopted awarding contract. (P/W to handle)

CONSENT

11. Consider acceptance of Richard A. Heaps electrical contractor's contract for the construction of traffic signals and street improvements at Claus Road and Scenic Drive and at Sisk Road and Rumble Road as complete and authorize City Clerk to file Notice of Completion. Original contract: \$282,470. (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: \$276,100.96. Funds are budgeted.)

ACTION: Res. 92-402 adopted accepting as complete. (Clerk to handle)

CONSENT

12. Consider modifying the formal bid procedures by authorizing a two-step procurement process to provide a method for narrowing the bid list; and authorize calling for bids for the Supervisory Control and Data Acquisition (SCADA) system, with the bid opening date to be determine later. (Report with agenda. Resolution authorizing two-step procurement process, and resolution authorizing call for bids needed. Estimated cost: \$860,000. Funds are budgeted.)

ACTION: Res. 92-403 adopted authorizing two-step procurement process.
Res. 92-404 adopted authorizing call for bids. (Finance to handle)

NEW BUSINESS

CONSENT

13. Consider expansion of Dial-a-Ride service area boundaries to include Village One as recommended by the City-County Joint Transportation Committee. (Report with agenda. Dial-a-Ride boundary expansion is needed to provide dial-a-ride service to individuals residing within the recently annexed Village One area. Motion approving boundary expansion needed. Estimated cost: \$5,000. Funds are budgeted.)

ACTION: By motion, boundary expansion approved. (P/W to handle)

7-14-92

CONSENT

14. Consider authorizing staff to negotiate a contract with HDR Engineering, Inc., for consulting services to conduct a secondary treatment improvement evaluation study.
(Report with agenda. Motion authorizing staff to negotiate agreement needed. Estimated cost: \$120,000. Funds are budgeted.)

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

CONSENT

15. Consider authorizing the City Manager to sign an agreement with Dr. Philip Trompetter to provide mental health services for sworn police officers.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$31,072. Funds are budgeted.)

ACTION: Res. 92-405 adopted approving agreement. (Police to handle)

CONSENT

16. Consider authorizing the City Manager to execute memorandum of understanding with the Sylvan Union School District to provide a drug abuse prevention education program.
(Report with agenda. Resolution approving memorandum of understanding needed.)

ACTION: Res. 92-406 adopted approving memorandum of understanding. (Police to handle)

CONSENT

17. Consider renewal of Boiler and Machinery Insurance for policy year July 15, 1992, to July 15, 1993, through Giddings, Corby, Hynes, Inc., broker.
(Report with agenda. Resolution approving renewal needed. Estimated cost: \$5,980. Funds are budgeted.)

ACTION: Res. 92-407 adopted approving renewal. (Personnel to handle)

CONSENT

18. Consider agreement with consultant Kreines & Kreines, Inc., to prepare an economic development strategy for the City of Modesto.
(Report with agenda. Resolution authorizing City Manager to execute agreement, and resolution approving an appropriation transfer needed. Estimated cost: \$34,000.)

ACTION: Res. 92-408 adopted approving agreement.
Res. 92-409 adopted approving appropriation transfer.
(Econ. Develop./Finance to handle)

19. Letter from Darrell Dever, President, Modesto Civic Theater, requesting waiver of fees for Fire Department standby at 1035 11th Street.

ACTION: By motion (Muratore/Dobbs, unan., Patterson absent) request denied. (Fire to handle)

20. Petitions from Modesto mobilehome owners requesting that the City Council enact a Rent Stabilization Ordinance.

ACTION: By motion (Cogdill/Dobbs, unan., Patterson absent) progress made in negotiations between park owners and mobilehome owners to be reviewed in 90-120 days. (Manager 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

CLOSED SESSION

22. Closed session to consider the evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code; and to 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 the litigation.

ADJOURNMENT

Meeting adjourned at 6:23 p.m. to Tuesday, July 14, 1992, at 7:30 p.m. in the City Council Chambers, 801 11th Street, Modesto, and then to Wednesday, July 15, 1992, at 7:30 a.m., at the Modesto Irrigation District building, 1231 11th Street, Modesto, for a tour and meeting with bond rating agencies.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

7-14-92



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an adjourned session at 7:30 p.m. on Tuesday, July 14, 1992 in the Council Chambers at City Hall, 801 11th Street, Modesto, California, for a study session.

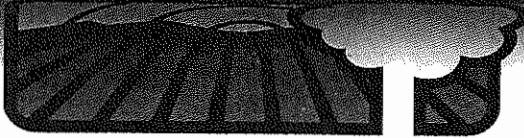
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

Absent: Councilmember Patterson

The Council held a study session concerning the audit of the Public Works and Transportation Department.

The meeting adjourned at 10:18 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 adjourned session on Wednesday, July 15, 1992 at the Modesto Irrigation District Office, 1231 11th Street, Modesto, California, for a tour and lunch for bond rating agencies and members of the Modesto City Council, Modesto Irrigation District Board, and Del Este Water Company representatives concerning the funding of the Domestic Water Treatment Plant.

Tour at 7:30 a.m.:

Present: Councilmember Muratore, Mayor Lang

Absent: Councilmembers Bird, Cogdill, Dobbs, Friedman, Patterson

Lunch at 11:45 a.m.

The Council held a study session concerning the audit of the Public Works and Transportation Department.

The meeting adjourned at 10:18 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, CITY CLERK



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an adjourned session on Wednesday, July 15, 1992 at the Modesto Irrigation District Office, 1231 11th Street, Modesto, California, for a tour for bond rating agencies and members of the Modesto City Council, Modesto Irrigation District Board, and Del Este Water Company representatives concerning the funding of the Domestic Water Treatment Plant.

Tour at 7:30 a.m.:

Present: Councilmember Muratore, Mayor Lang

Absent: Councilmembers Bird, Cogdill, Dobbs, Friedman, Patterson

Lunch at 11:45 a.m.

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

Absent: Councilmembers Dobbs, Patterson

The history of the project was reviewed and remarks made by Jeff Cowan, Chairman of the M.I.D. Board of Directors, Mayor Richard Lang, Councilmember Frank Muratore, and Kennan Beard, Owner of Del Este Water Company.

The meeting adjourned at 1:15 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 4:00 p.m. on Tuesday, July 21, 1992 in the third floor conference room at City Hall, 801 11th Street, Modesto, California, for a study session.

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

Absent: None

The Council held a workshop concerning redevelopment. Jim Brown and Dave Beatty discussed the philosophy behind redevelopment agencies, the need for a market study, a plan established by the City Council, and then the need to get developers involved.

The meeting adjourned at 5:30 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session which convened at 5:35 p.m. on Tuesday, July 21, 1992 in the Mayor's Office, first floor 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 the evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

The meeting adjourned at 7:00 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m. on Tuesday, July 21, 1992 in the Mayor's Office on the first floor at City Hall, 801 11th Street, Modesto, California.

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

Absent: None

The Council held a meeting with participants in the Modesto Junior College Youth Scholars' Program.

The meeting adjourned at 7:25 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, JULY 21, 1992, 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. Tom Mellow, Big Valley Grace Community Church

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

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

Consider proclaiming Tuesday, August 4, 1992, at "National Night Out" in Modesto.

Acting Chief Tom Donalson spoke about activities in Modesto during National Night Out.

MINUTES

CONSENT

2. Consider approval of the minutes of the special meeting of July 6, 1992, the regular City Council meeting of July 14, 1992, the adjourned regular meeting of July 14, 1992, and the adjourned regular meeting of July 15, 1992.
(Motion approving needed.)

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

3.

ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, 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 2815-C.S. rezoning from R-1 to P-D(32) property located at the southwest corner of Coffee Road and Gloria Way to develop a 47-space parking lot.
(Motion adopting needed.)

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

Councilmember Dobbs excused at 7:45 p.m.

HEARINGS

5. Hearing to consider ordering the work of construction of alleys in Blocks 37, 2130, 6736, and 6828 in the City of Modesto.
Vice Mayor Friedman and Mayor Lang excused due to conflicts of interest.

ACTION: Councilmember Patterson was designated as Mayor pro tem. Res. 92-410 adopted (Muratore/Cogdill, unan., Dobbs, Friedman and Lang absent) ordering work of construction.
(P/W to handle)

6. Hearing concerning the Americans with Disabilities Act (ADA) complementary paratransit plan.

ACTION: Res. 92-411 adopted (Friedman/Lang, unan., Dobbs absent) approving the plan. (P/W to handle)

BIDS

CONSENT

7. Consider acceptance of the contract of Joe Martin Pipeline, Inc., for the Kansas Avenue sewer line from 8th Street to 99 Freeway as complete and authorize City Clerk to file Notice of Completion, and consider approval of an appropriation transfer in the amount of \$1,250. Original contract: \$81,990. (Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the notice of completion. Resolution accepting work as complete and resolution approving appropriation transfer needed. Final cost: \$83,498.22. Funds are partially budgeted.)

ACTION: Res. 92-412 adopted accepting work as complete.
Res. 92-413 adopted approving appropriation transfer. (Clerk to handle)

CONSENT

8. Consider waiving formal bid procedures and authorize the purchase of software and hardware from the David Corporation software for liability insurance at a cost not to exceed \$25,000, and approval of an appropriation transfer of \$25,000 from liability insurance reserves to finance the acquisition. (Report with agenda. Resolution waiving formal bid procedures and authorizing purchase, (five affirmative votes needed) and resolution approving appropriation transfer needed.)

ACTION: Res. 92-414 adopted waiving formal bid procedure.
Res. 92-415 adopted approving appropriation transfer. (Finance to handle)

NEW BUSINESS

10. Consider subordination of a lien on the Children's Crisis Center property at 1244 Fiori Avenue. (Report with agenda. The Children's crisis Center is seeking to establish an equity line of credit of \$25,000 and asks that the City's Community Development Block Grant lien from a \$40,000 rehab grant be subordinated. The property is appraised at \$115,000. The proposed line of credit will facilitate the purpose of the lien, the continued operation of the Children's Crisis Center, without jeopardizing any security interest. Resolution approving subordination of lien needed.)
Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 92-416 adopted (Cogdill/Patterson, unan., Dobbs and Muratore absent) approving subordination of lien. (Planning to handle)

Item 17 was taken after item 10.

CONSENT

11. Consider report on State Controller's examination of the City's Section 2105 Maintenance of Effort match requirement of the California Streets and Highways Code for fiscal year ended June 30, 1991. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

12. Consider monthly Treasurer's Report for June, 1992. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

13. Consider request of City of Ceres that Sub-area "4" for the North Ceres Sewer Service Area be included in the area to be served by Modesto's Wastewater Treatment facility. (Report and City of Ceres resolution with agenda. Sub-area 4 is bounded by Richland Avenue, Hatch Road, Mitchell Road and the Tuolumne River. The City of Modesto and City of Ceres entered into the North Ceres Sewer Service Area Agreement on December 18, 1979. This agreement provided that the City of Modesto would accept sewage from Area 4 when requested by Ceres. The agreement requires a request by resolution of the Ceres City Council and acceptance by resolution of the Modesto City Council. Resolution accepting needed.)

ACTION: Res. 92-417 adopted accepting sewage from Area 4. (P/W to handle)

CONSENT

14. Consider report regarding insurance requirements (Best Ratings) and referring report to Council Financial Policy Committee for recommendation to Council on insurance requirements for major Public Works contracts. (Report with agenda. Motion referring to Financial Policy Committee for recommendation to Council needed.)

ACTION: By motion, report referred to Financial Policy Committee. (Personnel to handle)

CONSENT

15. Consider approving an appropriation transfer of \$30,000 and \$89,386 from the Wastewater Treatment Capital Facilities Fee Fund Digester #6 Design Accounts, and \$30,614 from the Wastewater Treatment Fund Outfall Right-of-way Acquisition Account to the Industrial Waste Operating Budget Services, Professional and Other account to finance wastewater testing now required by the State. (Report with agenda. Resolution approving appropriation transfer needed. Estimated total cost: \$150,000.)

ACTION: Res. 92-418 adopted approving appropriation transfer. (Finance to handle)

16. Consider request to restore budget reductions for support of the Affirmative Action Commission.
(Report with agenda. Motion directing staff needed.)

ACTION: Res. 92-419 adopted (Patterson/Friedman, unan., Dobbs absent)
restoring \$2,795 to the Commission budget. (Manager to handle)

WRITTEN COMMUNICATIONS

By motion (Patterson/Friedman, unan., Dobbs and Muratore absent) Item 17 taken up after item 10.

17. Letter from Matthew O. Pacher, on behalf of the Children's Crisis Center, requesting that the City consider waiving fees ordinarily required in connection with a remodeling and expansion project. Councilmember Muratore excused due to a conflict of interest.

ACTION: By motion (Friedman/Bird, unan., Dobbs and Muratore absent) this matter was referred to staff for more information. (P/W to handle)

18. Letter from Denis Holmes, President of the Modesto Police Officers Association, requesting Council endorsement of a City of Modesto employee hotline.

Dropped from the agenda.

MISCELLANEOUS

Legislation

CONSENT

19. Consider supporting Proposition 155, \$1 Billion Bond Act for Transportation scheduled for the November, 1992, General Election.
(Report with agenda. Resolution of support needed.)

ACTION: Res. 92-420 adopted supporting. (Manager to handle)

Appointments

20. Consider appointment to the Citizens Housing and Community Development Committee.

ACTION: Res. 92-421 adopted (Friedman/Cogdill, unan., Dobbs absent)
appointing Virginia Gleser. (Clerk to handle)

(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 9:10 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session which convened at 4:30 p.m. on Friday, July 24, 1992 in the Mayor's Office, first floor 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 the evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

7/24/92



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 28, 1992, 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. Gary Miller, Neighborhood Church

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

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.)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation by Chuckles the Clown and the Clown Council.

Chuckles the Clown spoke about the group's charitable work. Mayor Lang presented a proclamation to the Clown Council.

MINUTES

CONSENT

2. Approval of the minutes of the three special meetings and the regular City Council meeting of July 21, 1992.
(Motion approving needed.)

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

3. ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, 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 specifications and call for bids for thermoplastic applicator, trailer, and kettles.
(Suggested bid opening: August 24, 1992, at 11:00 a.m. . Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$44,149.25. Funds are budgeted.)

ACTION: Res. 92-422 adopted calling for bids. (Finance to handle)

CONSENT

5. Consider award of contract for the Coffee and Sylvan intersection reconstruction to Western Stone Products, Inc. in the amount of \$299,449.50, and consider amending the budget to estimate funds received from developer for traffic signal modifications and installation of medians.
(Bids were opened on July 16, 1992. The low bid of \$299,449.50, submitted by Western Stone Products, Inc. is 21.56% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract and resolution amending budget needed. Estimated cost: \$338,377.- (contract \$299,449.50; eng. & cont. \$38,928.44). Funds are budgeted.)

ACTION: Res. 92-423 adopted awarding contract.
Res. 92-424 adopted amending budget. (P/W to handle)

ACTION: Res. 92-425 adopted awarding contract.
Res. 92-426 adopted amending budget. (P/W to handle)

CONSENT

7. Consider acceptance of the contract of Gelco Services, Inc. for the 8" sanitary sewer rehabilitation - Block 727 as complete and authorize City Clerk to file Notice of Completion. (Original contract and final cost: \$50,200)
(All work on this project has been completed to the satisfaction 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.)

ACTION: Res. 92-427 adopted accepting as complete. (Clerk to handle)

CONSENT

8. Consider declaring surplus and obsolete a Smith and Wesson .38 caliber revolver and 85 "Policeman" badges, waiving bid requirements and authorizing certain City staff to purchase the surplus and obsolete personal property at the fair market value. (Report with agenda. Resolution declaring property surplus, and resolution waiving bid requirements and authorizing purchase needed.)

ACTION: Res. 92-428 adopted declaring property surplus.
Res. 92-429 adopted waiving bid requirements. (Police to handle)

NEW BUSINESS

9. Consider designating voting delegate and voting alternate for League of California Cities Annual Conference October 10 through October 13, 1992, in Los Angeles, California.
(Motion designating needed.)

ACTION: By motion (Muratore/Bird, unan.) Mayor Lang was designated as the delegate and Vice Mayor Friedman was designated as alternate delegate.

10. Consider Human Services Committee recommendation regarding concepts for involving members of the community in restructuring City government.
(Report with agenda. Motion acknowledging receipt of report and directing Committee needed.)

ACTION: By motion (Muratore/Cogdill, unan.) receipt of report acknowledged and the Committee was directed to proceed. (Manager to handle)

CONSENT

11. Consider declaring intention to reimburse expenditures from the proceeds of obligations to be issued by the City relating to Water Revenue Bonds and directing certain actions.
(Report with agenda. Resolution declaring intention and directing certain actions needed.)

ACTION: Res. 92-430 adopted declaring intention and directing certain actions. (Finance to handle)

Certain actions.
(Report with agenda. Resolution declaring intention and directing certain actions needed.)

ACTION: Res. 92-430 adopted declaring intention and directing certain actions.
(Finance to handle)

CONSENT

12. Consider amending the 1992-93 Budget by \$15,454 from the Police Asset Forfeiture Trust Account to purchase 12 cellular phones (\$4,183); allow for air time charges (\$7,200); and the purchase of one forensic light source (\$4,071).
(Report with agenda. Resolution amending budget needed.)

ACTION: Res. 92-431 adopted amending budget. (Finance to handle)

CONSENT

13. Consider approving agreement with Nancy M. Young, Executive Director, Downtown Improvement District.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$54,804. Funds are budgeted.)

ACTION: Res. 92-432 adopted approving agreement. (Finance to handle)

CONSENT

14. Consider designating Donald N. Norris, Risk Manager, and Benet E. Bankard, Assistant Risk Manager, Safety Officer, and rescinding Resolution No. 91-413.
(Report with agenda. Resolution designating Safety Officer and rescinding Resolution No. 91-413 needed.)

ACTION: Res. 92-433 adopted designating Safety Officers. (Personnel to handle)

CONSENT

15. Consider retention of Attorney Carl Waggoner as outside legal counsel for miscellaneous matters relating to the Housing Program Office.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$100 per hour.)

ACTION: Res. 92-434 adopted approving agreement. (Attorney to handle)

WRITTEN COMMUNICATIONS

16. Letter from Mr. Charles M. Hall regarding the removal of a tree on his property.
Dropped from agenda at Mr. Hall's request.

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

18. Closed session to consider the evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

ADJOURNMENT

The meeting will adjourned at 4:24 p.m. to 7:30 p.m., M.I.D. Board Room, 1231 11th Street, Modesto, California for a joint City Council/M.I.D./Del Este Water Company meeting concerning the Domestic Water Treatment Plant.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an adjourned session on Tuesday, July 28, 1992, at 7:30 p.m., at the Modesto Irrigation District Office, 1231 11th Street, Modesto, California, for a joint meeting of the Modesto City Council, Modesto Irrigation District Board, and Del Este Water Company.

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

Absent: None

After a review of the project and brief comments by Board Chairman Jeff Cowan, Mayor Richard Lang, and Kennan Beard, presentations were made by Alice Tulloch, City of Modesto; Alan Short, Modesto Irrigation District; Jay Hesly, Black & Veatch; and J. D. Grothe, Grothe & Smith.

Meeting adjourned at 9:05 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, AUGUST 4, 1992 , 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 Bouck, Big Valley Grace Community Church

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

ACTION: (Muratore/Friedman, 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

Mayor Lang introduced Mayor and Mrs. Wayne McGrath of Vernon, B.C.

MINUTES

CONSENT

2. Approval of the minutes of the special meeting of July 24, 1992, the regular meeting of July 28, 1992, and the adjourned regular meeting of July 28, 1992.
(Motion approving needed.)

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

3. ORAL COMMUNICATIONS

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

None

BIDS

CONSENT

4. Consider acceptance of Cunningham & Sons' contract for reconstruction of West Side Park basketball court as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$20,777)
(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: \$20,277. Funds are budgeted.)

ACTION: Res. 92-435 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

5. Oral report by City Manager on the impact of the State budget.
The City Manager made the report. No action taken.

CONSENT

8. Consider amending the Modesto Municipal Code sections relating to flood damage prevention and flood hazard reduction.
(Report with agenda. Introduction of two ordinances amending Modesto Municipal Code sections relating to flood damage prevention and flood hazard reduction needed.)

ACTION: By motion, Ord. No. 2816-C.S. introduced.
By motion, Ord. No. 2817-C.S. introduced. (Clerk to handle)

CONSENT

9. Consider approving an amendment to agreement for professional services with The Arkhon Corp. on the Units 2 & 3 Wastewater Treatment Plant expansion project for 3rd party claims analysis, and consider approving an appropriation transfer from the sewer fund to finance the work.
(Report with agenda. Additions to the Consultant's scope of work warrant additional compensation. Resolution approving amendment to agreement needed and resolution approving appropriation transfer needed. Estimated cost: \$15,691.)

ACTION: Res. 92-436 adopted approving amended agreement.
Res. 92-437 adopted approving appropriation transfer.
(P/W and Finance to handle)

WRITTEN COMMUNICATIONS

10. Letter from Denis Holmes requesting City Council endorsement of City of Modesto employee hotline.

ACTION: A motion approving on a trial basis, failed to carry (Bird/Dobbs, Friedman, Muratore, Patterson, Lang-no).

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 8:03 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, AUGUST 11, 1992, 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. Roy Blakely, Neighborhood Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 7, 8, 9, 12, 13, 14, 16,
17, 18, 19, 20, 21, 22, 23, 25, 26

ACTION: (Friedman/Cogdill, unan.)

Councilmember Friedman and Mayor Lang excused due to conflicts of interest.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 6, 10

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

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 4, 1992.
(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.)

Carol DiPiero spoke about the proposed employee hot line, employee and community input in the budget process and traffic problems on Sylvan Avenue.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of:
- a. Ord. No. 2816-C.S. relating to flood damage prevention.
 - b. Ord. No. 2817-C.S. relating to flood hazard reduction.
(Motion adopting needed.)

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

HEARINGS

5. Hearing to consider the Final Draft Modesto City County Airport FAR Part 150 Airport Noise Compatibility Program.

ACTION: By motion (Muratore/Dobbs, unan.) report accepted.

CONSENT

6. Consider approving plans and specifications and call for bids for 1993 rockwell storm drain replacement project. (Suggested bid opening: August 27, 1992, at 11:00 a.m. This project will add 61 rockwells to areas utilizing the existing catch basins. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$244,072 (contract \$215,993; eng. & cont. \$28,079). Funds are budgeted.)

ACTION: Res. 92-438 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approving plans and specifications and call for bids for the modification of signals at Maze Boulevard and Emerald Avenue, and consider amending the budget to establish a new CIP project. (Suggested bid opening: September 1, 1992, at 11:00 a.m. This project will provide signal modification on the northwest corner of the intersection of Maze and Emerald. Report with agenda. Resolution approving plans and specifications and call for bids needed, and resolution amending the budget needed. Estimated cost: \$42,000 (contract \$35,000; eng. & cont. \$5,000; Caltrans insp. \$2,000)

ACTION: Res. 92-439 adopted calling for bids.
Res. 92-440 adopted amending budget. (P/W, Finance to handle)

CONSENT

8. Consider awarding contract for the Pelton Avenue construction project to Ragsdale & Son, Inc. (Bids were opened on July 30, 1992, at 11:00 a.m. The low bid of \$26,111.75, submitted by Ragsdale & Son, Inc. is 14.61% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Ragsdale. Report and bid tabulation with agenda. Resolution awarding contract to Ragsdale & Son, Inc. needed. Estimated cost: \$29,506.28 (contract \$26,111.75; eng. & cont. \$3,394.53) Funds are budgeted.)

ACTION: Res. 92-441 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider award of contract for the secondary wastewater treatment plant roads rehabilitation project to Western Stone Products. (Bids were opened on July 30, 1992, at 11:15 a.m. The low bid of \$113,315.58, submitted by Western Stone Products is 23.63% 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: \$128,046.61 (contract \$113,315.58; eng. & cont. \$14,731.03) Funds are budgeted.)

ACTION: Res. 92-442 adopted awarding contract. (P/W to handle)

CONSENT

10. Consider award of contract for the alley paving project No. 17 to Ragsdale & Son, Inc., and consider amending the budget to provide funds to perform minor sewer manhole work in conjunction with the alley paving.
(Bids were opened on July 30, 1992 . The low bid of \$66,737.75, , submitted by Ragsdale & Son, Inc. is 3.03% 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: \$75,413.66 (contract \$66,737.75 ; eng. & cont. \$8,675.91)). Funds are budgeted.)

ACTION: Res. 92-443 adopted awarding contract.
Res. 92-443A adopted amending the budget.
(P/W, Finance to handle)

NEW BUSINESS

11. Report on variable garbage rates and recommendation to offer discount garbage rates to eligible senior and disabled citizens.
(Report with agenda. Motion accepting report needed, and resolution offering discount garbage rates needed.)

ACTION: By motion (Dobbs/Muratore, unan.) report accepted.
Res. 92-444 adopted (Dobbs/Muratore, unan.) offering discount rates.
(P/W, Finance to handle)

CONSENT

12. Consider approving an agreement with Stanislaus County Economic Development Corporation (SCEDCO) to jointly develop an Economic Development Program. .
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$70,000. Funds are budgeted.)

ACTION: Res. 92-445 adopted approving agreement.
(Economic Development to handle)

CONSENT

13. Consider appointment of Michael D. Milich as Acting City Attorney September 8, 1992, and authorize 15% additional compensation during his period of appointment.
(Report with agenda. Resolution appointing Michael D. Milich as Acting City Attorney and authorizing additional compensation needed.)

ACTION: Res. 92-446 adopted appointing Michael Milich as Acting City Attorney.

CONSENT

14. Consider approval of the remarketing of revenue bonds in the amount of \$9,040,000 for the purpose of assisting in the financing of the acquisition, construction and development of a multifamily rental housing development in the City of Modesto - Live Oak Apartments.
(Report with agenda. Resolution authorizing reissuance, remarketing and delivery of revenue bonds, authorizing the execution and delivery of related documents and approving related actions needed.)

ACTION: Res. 92-447 adopted approving remarketing of revenue bonds.
(Planning/Finance to handle)

15. Consider Planning Commission recommendation for a business park. (Last year the Chamber of Commerce Land Use Committee recommended that 5,000 acres be set aside for business park land. After a series of study sessions, the Planning Commission recommends that the first effort be designation of 1,280 acres for business park use in a corridor between Kiernan Avenue and Pelandale Avenue extended, from Dale Road to McHenry Avenue. Report with agenda. Motion accepting Planning Commission Business Park proposal and directing staff to incorporate it into the General Plan needed.)

ACTION: By motion (Cogdill/Friedman, unan.) proposal accepted.

CONSENT

16. Consider approving amendment to lease agreement with Foster Poultry Farms for their lease of a corporate hangar plot at the Airport. (Report with agenda. Resolution approving amendment to lease agreement needed.)

ACTION: Res. 92-448 adopted approving amended agreement.
(Attorney to handle)

CONSENT

17. Consider accepting property from Modesto Irrigation District and granting easements to Modesto Irrigation District in regards to Creekside Golf Course. (Report with agenda. One resolution accepting two Quitclaims needed, and resolution authorizing City Manager and City Clerk to execute Easement Deed to M.I.D. needed.)

ACTION: Res. 92-449 adopted accepting two quitclaims.
Res. 92-450 adopted executing easement deed.
(Attorney to handle)

CONSENT

18. Consider authorizing the City Manager to sign a right of way certification for El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project. (The right of way certification assures the State that necessary right of way has been secured to construct the project. Report with agenda. Resolution authorizing City Manager to sign right of way certificate needed.)

ACTION: Res. 92-451 adopted approving right of way certification.
(P/W to handle)

CONSENT

19. Consider authorizing the City Manager to sign a consent to common use agreement with the Modesto Irrigation District for El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project. (The consent to common use agreement will provide the additional right of way necessary to construct the project. Report with agenda. Resolution approving consent to common use agreement needed.)

ACTION: Res. 92-452 adopted approving consent to common use agreement.
(P/W to handle)

CONSENT
20. Consider approving refund of \$1,042.39 for overpayment of Business License Tax by Lawson Professional Counseling.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 92-453 adopted approving refund. (Finance to handle)

CONSENT
21. Consider approving refund of \$3,393.64 for overpayment of Business License Tax by Radio Station KHOP.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 92-454 adopted approving refund. (Finance to handle)

CONSENT
22. Consider approving refund of \$567.92 overpayment of Business License Tax by I J Larsen, Inc.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 92-455 adopted approving refund. (Finance to handle)

CONSENT
23. Consider approving refund of \$708.61 for overpayment of Business Improvement Area Tax by Thompson-Hysell, Inc.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 92-456 adopted approving refund. (Finance to handle)

CONSENT
24. Consider authorizing City Manager to enter into agreements providing for up to three months of severance pay upon involuntary termination to assist in recruiting for department head positions.
(Report with agenda. Resolution authorizing City Manager to enter into agreements providing for severance pay needed.)

ACTION: Res. 92-457 adopted authorizing the Manager to enter into agreements providing for severance pay.
(Personnel to handle)

CONSENT
25. Consider approving the site identification and description of the Gilton Resource Recovery Composting Facility.
(Report with agenda. Resolution approving site identification and description needed.)

ACTION: Res. 92-458 adopted approving site identification.
(P/W to handle)

CONSENT
26. Consider approving the site identification and description of the Grover Environmental Products Composting Facility.
(Report with agenda. Resolution approving site identification and description needed.)

ACTION: Res. 92-459 adopted approving site identification.
(P/W to handle)

WRITTEN COMMUNICATIONS

27. Letter from Dennis Wilson, Mid-Valley Engineering, on behalf of William Loretelli, for a temporary sanitary sewer connection to the sewer line in Mable Avenue.

ACTION: By motion (Bird/Muratore, unan.) continued to September 8, 1992, at 4:00 p.m.

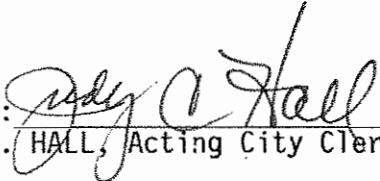
MATTERS TOO LATE FOR THE AGENDA

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 5:45 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 18, 1992, 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, 6, 7, 8, 10, 11, 12, 13,
14, 15, 16

ACTION: (Friedman/Patterson, 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.

8/18/92



ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced members and leaders of Boy Scout Troop 133, Church of Latter Day Saints.

Ed Tewe s introduced Paul Jefferson, Chief of Police.

Mayor Lang introduced Mike Milich, Acting City Attorney.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 11, 1992.
(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. Report on the status of the financing of the Surface Water Treatment Plant and approving milestones in accordance with the Treatment and Delivery Agreement.
(Report with agenda. Motion acknowledging receipt of report needed and resolution approving milestones needed.)

ACTION: By motion (Muratore/Lang, majority, Patterson-no, Bird absent) receipt of report acknowledged.
Res. 92-460 adopted (same vote) establishing a true interest cost and authorizing proceeding with construction and construction contracts, with the Modesto irrigation District.
(Finance to handle)

5. Consider amending the 1992-93 Annual Budget to appropriate the balance of the Proposed 1992-93 Capital Improvement Program.
(Report with agenda. Resolution amending the 1992-93 Annual Budget needed.)

ACTION: Res. 92-461 adopted (Dobbs/Friedman, unan., Bird absent) amending budget as proposed with the deletion of the Lincoln-Lakewood bridge.

8/18/92

CONSENT

6. Consider rejecting the single bid received and approving plans and specifications and new call for bids for the Woodland Avenue Pump Station Sluice Gate.
(Suggested bid opening: September 10, 1992. The one bid received was 47.92% above the engineer's estimate and considered acceptable. It is recommended that the bid be rejected and the project be rebid. Report with agenda. Resolution rejecting bid and approving plans and specifications and call for bids needed. Estimated cost: \$107,888.58 (contract \$92,431; eng. & cont. \$16,457.58) Appropriation transfer to be requested after bids are opened and the exact amount needed to construct the project is known.)

ACTION: Res. 92-462 adopted rejecting bid and approving new call for bids. (P/W to handle)

CONSENT

7. Consider award of contract for the Dry Creek erosion repair - Beard Brook Park project to George Reed, Inc.
(Bids were opened on August 6, 1992. The low bid of \$19,600, submitted by George Reed, Inc., is 16.60% 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: \$22,148 (contract \$19,600 ; eng. & cont. \$2,548). Funds are budgeted.)

ACTION: Res. 92-463 adopted awarding contract. (P/W to handle)

CONSENT

8. Consider acceptance of Joe Martin Pipeline, Inc.'s contract for waterlines in Valerie Lane Alley, Douglas Street and 9th Street as complete and authorize City Clerk to file Notice of Completion.
(Original contract: \$37,407))
(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: \$36,824.25 . Funds are budgeted.)

ACTION: Res. 92-464 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

9. Formal response to the Modesto Chamber of Commerce Affordable Housing Proposal.
(On June 1, 1992, the Modesto Board of Directors approved an Affordable Housing Proposal, written by the Chamber's Affordable Housing Task Force. In addition, the Chamber forwarded the proposal onto the City Council for its consideration. Report with agenda. A motion accepting the report needed.)

8/18/92

ACTION:

accepted with the small lot recommendation to be studied further by the Planning Commission or the Council Community Development and Housing Committee. (Planning to handle)

CONSENT

10. Adoption of a Resolution of Intention to abandon and vacate 250 linear feet of alley right-of-way and reserve utility easements for public utility service lines located in Block 1112 of the City of Modesto, located west of Coffee Road and South of Gloria Way (James Oak). Hearing date: September 8, 1992.)
(Report with agenda. Adoption of Resolution of Intention needed.)

ACTION: Res. 92-465 adopted adopting Resolution of Intention. (Clerk to handle)

CONSENT

11. Monthly Treasurer's Report for July, 1992.
(Report with agenda. Motion accepting report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

12. Consider accepting the Master Plan for the McClure Country Place at the north end of McClure Road, south of Dry Creek, and certifying the Negative Declaration of the Environmental Assessment.
(Report with agenda. Resolution adopting the Master Plan and certifying the Negative Declaration needed.)

ACTION: Res. 92-466 adopted adopting Master Plan and certifying Negative Declaration. (P/R to handle)

CONSENT

13. Consider authorizing the City Manager to sign an agreement with Dryden Park Coffee Shop, Inc. for the food and beverage concession at Dryden and Muni Golf Courses.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-467 adopted approving agreement. (P/R to handle)

CONSENT

14. Staff report and recommendation for City assistance to International Festival 1992.
(Report with agenda. Motion acknowledging receipt of report and resolution granting approval of request for assistance needed.)

ACTION: By motion, receipt of report acknowledged.
Res. 92-468 adopted granting approval of request. (P/R to handle)

8/18/92

CONSENT

15. Consider approving appropriation transfer of \$8,402 to finish the Modesto Golf Course parking lot expansion project.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-469 adopted approving appropriation transfer.
(P/R, Finance to handle)

CONSENT

16. Consider approving appropriation transfer of \$40,500 to execute four contract change orders on the Creekside Golf Course Clubhouse.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-470 adopted approving appropriation transfer.
(P/R, Finance to handle)

WRITTEN COMMUNICATIONS

17. Presentation by Jean Smith regarding incorporating Jazzercise into the Parks & Recreation programs.

Dropped from the agenda at Ms. Smiths request.

18. Letter from David Paul Smith, Shelter Ad Systems, regarding bus shelter advertising program.

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

MISCELLANEOUS

Appointments

19. Appointments to the Disabled Access Appeals Board.

ACTION: Res. 92-471 adopted (Patterson/Dobbs, unan., Bird absent) appointing members.

8/18/92

MATTERS TOO LATE FOR THE AGENDA

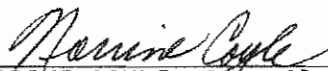
20. These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURMENT

The meeting adjourned at 8:54 p.m.

ATTEST:



NORRINE COYLE, City Clerk

8/18/92



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 25, 1992, 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. John Blakeley, Neighborhood Church

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

Removed from consent: 8

ACTION: (Patterson/Friedman, unan.)

Councilmember Muratore and Mayor Lang excused due to conflicts of interest.
CONSENT ITEM - ROLL CALL VOTE REQUIRED: 10

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

Mayor Lang presented a Resolution of Commendation to Stan Yamamoto.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 18, 1992.
(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 an amendment to Section 30-3-9 of the Zoning Map to rezone from P-0 to C-3, property located at the southwest corner of Carpenter Road and Kansas Avenue. (Montgomery)

ACTION: By motion (Muratore/Friedman, unan.) Ord. No. 2818-C.S. introduced.
Res. 92-471A adopted (same vote) certifying review of Environmental Assessment. (Clerk to handle)

5. Hearing to consider the appeal of DeLaMare-Fultz Engineering, on behalf of Eugene Abel, to a Planning Commission decision concerning a request for a time extension for the vesting tentative subdivision map of Abel Place, located on the east side of Morse Road and south of Blue Gum Avenue.

ACTION: Res. 92-472 adopted (Dobbs/Patterson, unan.) denying the appeal. (Planning to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the Dry Creek bike trail under the El Vista Bridge.
(Suggested bid opening: September 17, 1992, at 11:00 a.m. The project will construct a bicycle/pedestrian trail under the El Vista Bridge so citizens can cross under a four-lane major street safely. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$92,009 (contract: \$81,824 ; eng. & cont. \$10,585). Appropriation transfer to be requested at the time of award when the exact amount needed to construct the project is known. Funds are partially budgeted.)

ACTION: Res. 92-473 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the McClure Mansion caretaker's cottage.
(Suggested bid opening: September 17, 1992, at 11:05 a.m. The caretaker's cottage was constructed as part of the Downey High School vocational training program. This project will relocate the structure to the McClure Mansion site and perform the necessary site work. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$45,200 (contract \$40,000; eng. & cont. \$5,200) Funds are budgeted.)

ACTION: Res. 92-474 adopted calling for bids. (P/W to handle)

8. Consider awarding contract for the Downtown Transportation Center to Titan Structures for \$2,447,513.50.
(Bids were opened on August 4, 1992. The low bid \$2,447,513.50, submitted by Titan Structures, Inc., is 13.92% below the engineer's estimate and considered acceptable. Report with agenda. Resolution awarding contract to Titan Structures, Inc. needed. Estimated cost: \$2,765,690.26 (contract \$2,447,513.50; eng. & cont. \$318,176.76) Funds are budgeted.)
Councilmembers Bird and Cogdill excused due to conflicts of interest.

ACTION: Res. 92-475 adopted (Dobbs/Friedman, unan., Bird and Cogdill absent) awarding contract. (P/W to handle)

CONSENT

9. Consider acceptance of Collins Electrical, Inc.'s contract for the construction of traffic signals and striping modifications - Claus Road and Orangeburg Avenue. (Original contract: \$105,895)
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. It is, therefore, recommended that the project be accepted as complete and the Notice of Completion filed. Report with agenda. Resolution accepting work as complete needed. Total cost: \$109,273. Funds are budgeted.)

ACTION: Res. 92-476 adopted accepting work as complete. (Clerk to handle)

CONSENT

10. Consider authorizing the substitution of Jeffco Painting and Coating, Inc. as the painting subcontractor for updating submersible sewer lift stations - Coldwell Avenue, Fairmont Avenue and Athens Avenue. (Section 4107 of the Public Contract Code allows the awarding authority to consent to the substitution of another person as subcontractor "when the listed subcontractor becomes bankrupt or insolvent." Report with agenda. Resolution authorizing substitution needed.)

ACTION: Res. 92-477 adopted authorizing substitution. (P/W to handle)

CONSENT

11. Consider declaring six buses, one snorkel truck and one set of Matthew Bender's "California Points & Authorities" books as surplus property and authorizing the Purchasing Officer to sell by sealed bid, or by auction. (Report with agenda. Resolution declaring equipment and books as surplus and authorizing sale by sealed bid or auction needed.)

ACTION: Res. 92-478 adopted declaring property surplus and authorizing sale. (Finance to handle)

CONSENT

12. Consider waiving formal bid procedures, authorizing the purchase of reconditioned IBM 3380-BK4 disk drive and approving an appropriation transfer in the amount of \$31,500. (Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed (five affirmative votes needed), and resolution approving appropriation transfer needed.)

ACTION: Res. 92-479 adopted waiving formal bid procedures.
Res. 92-480 adopted approving appropriation transfer.

NEW BUSINESS

13. Consider designating voting and alternate voting delegates at the Annual Congress of Cities, November 28 - December 2, 1992, in New Orleans, Louisiana. (Motion designating voting and alternate voting delegates needed.)

ACTION: By motion (Patterson/Muratore, unan.) the Mayor and Vice Mayor were designated as delegates. (Clerk to handle)

14. Consider revising storm drainage rate schedule and increasing rates by 10.2%. (Report with agenda. The required public hearing was held on June 16, 1992. Resolutions adopting duplex intensity development factor, revising the storm drainage surcharge rate, and approving the Storm Drainage Pollution Control Capital Improvement Program for Fiscal Year 1993, and amending the budget, needed.)

ACTION: Res. 92-481 adopted (Muratore/Friedman, unan.) adopting duplex intensity development factor.

Res. 92-482 adopted (Muratore/Friedman, majority, Bird-no) revising the storm drainage surcharge rate except that rates for mobile home parks was referred to staff for further study.
Res. 92-483 adopted (Muratore/Friedman, majority, Bird-no) approving the Storm Drainage Pollution Control Capital Improvement Program.
Res. 92-484 adopted (Muratore/Friedman, majority, Bird-no) amending the budget. (P/W to handle)

CONSENT

15. Consider authorizing an appropriation transfer in the amount of \$20,000 for a new Capital Improvement Project - extend sewers/perimeter sewers. (Report with agenda. Funds are needed to reimburse developers for installing City-required sewer improvements. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-485 adopted approving appropriation transfer. (Finance to handle)

CONSENT

16. Consider approving an appropriation transfer for \$600 for consulting fees for revising the computer format for the report required by the Modesto Municipal Code Sections concerning campaign reform (TINCUP). (Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-486 adopted approving appropriation transfer. (Finance to handle)

17. Update on the surface water treatment plant financing, as requested by Councilmember Patterson.

No action taken.

18. Report of the Financial Policy Committee which outlines a budget strategy to be used by staff in Phase II of the budget. (Report with agenda. Motion accepting report and directing staff needed.)

ACTION: By motion (Friedman/Dobbs, unan.) receipt of report was acknowledged and staff was directed to use the report as a guide in making budget recommendations. (Manager to handle)

WRITTEN COMMUNICATIONS

19. Letter from Joyce Conway, Rene Ellis-Singleton, and Katherine McMillin regarding City policy to lien property for tenants' delinquent utility bills.

By order of the Chair, staff requested to evaluate the current procedure and check with other cities to see how they handle delinquent bills. (Finance to handle)

MISCELLANEOUS

Appointments

20. Consider establishing a Citizens Steering Committee for the General Plan rewrite, appointing a chairman and committee members and providing a charge.
(Report with agenda. Resolution establishing Committee, appointing chairman and committee members and providing a charge needed.)

ACTION: Res. 92-487 adopted (Cogdill/Patterson, unan.) establishing the committee, approving the charge, appointing 17 members, and directing that the committee appoint two of its members as co-chairs.
(Planning 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 consider the evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

ADJOURNMENT

The meeting adjourned at 7:11 p.m. to closed session.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

8/25/92



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 1, 1992, 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. Ed Shakespeare, Chaplain, Stanislaus Medical Center

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 11, 12, 13,
14, 15, 16

Removed from consent: 10

ACTION: (Friedman/Cogdill, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation by Stanislaus County Mayors' Committee for the Employment of Persons with Disabilities of a plaque received for the Committee's video regarding hiring people with disabilities.

The rotating plaque was presented to the Mayor and Council to be displayed by the City of Modesto for one month.



Acknowledgement of Neighborhood Watch groups that participated in
"National Night Out 1992."

Certificates and awards were presented by Chief Paul Jefferson and Cpl. Dave Huckaby.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 25, 1992.
(Motion approving needed.)

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

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. Final adoption of Ord. 2818-C.S. rezoning from P-0 to C-3, property located at the southwest corner of Carpenter Road and Kansas Avenue.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2818-C.S. was adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider an amendment to Section 5-4-9 of the Zoning Map to rezone from R-2 and R-3 to R-1, and to prezone to PR-2 and PR-3, property located east of Sutter Avenue, south of South Avenue, extending east to Neece Drive in the Fairway Neighborhood.

ACTION: By motion (Dobbs/Lang, majority, Muratore and Patterson - no), Ordinance No. 2819-C.S. was introduced rezoning the area surrounded by South, Sunset, Rouse and Roselawn to PR-1.

By motion (Friedman/Dobbs, unan.) Ordinance No. 2820-C.S. was introduced approving the Planning Commission recommendation except for the area surrounded by South, Sunset, Rouse and Roselawn.

9/1/92

Res. 92-487 adopted (Friedman/Dobbs, unan.) certifying review of the environmental assessment.

By motion (Bird/Dobbs, unan.) it was decided to consider item 17 after item 5.

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the Robertson Road Neighborhood Park project.
(Suggested bid opening: October 1, 1992, at 11:00 a.m. This project is the second phase of development for this park site. The project will install walkways, utilities, turf, trees, shrubs and irrigation. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$289,833 (construction \$252,029; eng. & cont. \$32,764; P & R Engineering \$5,040) Funds are budgeted.)

ACTION: Res. 92-488 adopted approving plans and specifications and calling for bids. (Public Works & Trans. to handle)

CONSENT

7. Consider acceptance of Utility Service and Electric, Inc.'s contract for the East La Loma lights as complete and authorize City Clerk to file Notice of Completion. (Original contract and final cost: \$32,700) (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. 92-489 adopted accepting the work as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of George Reed, Inc.'s contract for Robertson Road Park streets as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$59,848.50) (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 as complete needed. Final cost: \$62,130.56) . Funds are budgeted.)

ACTION: Res. 92-490 adopted accepting the work as complete. (Clerk to handle)

9/1/92

CONSENT

9. Consider acceptance of Richard A. Heaps Electrical Contractors contract for the modification of traffic signals at Coffee Road and Orangeburg Avenue as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$90,344.00)
(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 as complete needed. Final cost: \$91,652.16. Funds are budgeted.)

ACTION: Res. 92-491 adopted accepting work as complete.
(Clerk to handle)

NEW BUSINESS

10. Consider adopting the Speed Hump Policy.
(Report with agenda. The Speed Hump Policy has been developed based on the experimental study conducted by the City. The staff recommendations were presented to the Transportation Policy Committee. The Committee has approved this policy. Resolution adopting the Speed Hump Policy needed.)

ACTION: Res. 92-492 adopted (Dobbs/Lang, unan.) approving the proposed policy.
(Public Works & Trans. to handle)

CONSENT

11. Consider approving an appropriation transfer in the amount of \$11,000 to cover contract change orders for the above ground storage tank project at Dryden Golf Course.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-493 adopted approving appropriation transfer.
(Parks & Recreation/Finance to handle)

CONSENT

12. Consider approving an appropriation transfer of \$10,000 from the West Maze Neighborhood Park land acquisition account to an provide funding for park land acquisition in the Woodland Neighborhood.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-494 adopted approving appropriation transfer.
(Parks & Recreation/Finance to handle)

9/1/92

CONSENT

13. Consider modifying speed limits on various streets.
(Report with agenda. A total of 32 updated or revised and 4 new radar-enforceable speed limits are proposed. One non-radar limit is proposed for deletion. Motion introducing an ordinance amending the Modesto Municipal Code needed. Estimated cost: \$1,800. Funds are budgeted.)

ACTION: By motion, Ordinance No. 2821-C.S. introduced amending the Modesto Municipal Code. (Clerk to handle)

CONSENT

14. Consider authorizing the City Manager to sign an agreement with Brown and Caldwell to prepare Part 2 of the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Application.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$449,500. Funds are budgeted.)

ACTION: Res. 92-495 adopted approving agreement. (Public Works & Trans. to handle)

CONSENT

15. Consider authorizing the City Manager to execute the agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project.
(Report with agenda. Estimated cost: \$61,909 to be paid by the Housing Authority. Resolution approving agreement needed.)

ACTION: Res. 92-496 adopted approving agreement. (Manager to handle)

CONSENT

16. Consider approval of final map of College West Park Subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Owners: Paul M. Zagaris, Inc.
(The subdivision agreement has been signed and all fees paid. College West Park is located on the east side of Carpenter Road, south of Blue Gum Avenue. It contains 4.40 acres. Resolution approving the final map and authorizing City Manager to sign the subdivision agreement needed.)

ACTION: Res. 92-497 adopted approving final map and agreement. (Clerk to handle)

- 16A. Update and follow-up actions, if needed, on Domestic Water Project.

No action taken.

WRITTEN COMMUNICATIONS

17. Letter from Robert Surber requesting that West Union Avenue be closed at the railroad crossing.

ACTION: By motion (Dobbs/Friedman, unan.) receipt of the report was acknowledged, and the matter was referred to the Council Transportation Policy Committee with a recommendation to be made to the City Council in two weeks.

18. MATTERS TOO LATE FOR THE AGENDA

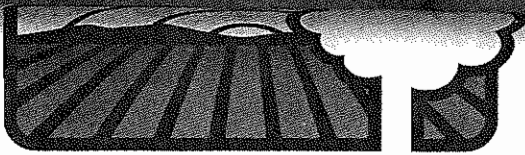
(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.

None

ADJOURNMENT

The meeting adjourned at 10:33 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session at 3:00 p.m. on Tuesday, September 8, 1992 in the Mayor's Office at City Hall, 801 11th Street, Modesto, California, for a closed session.

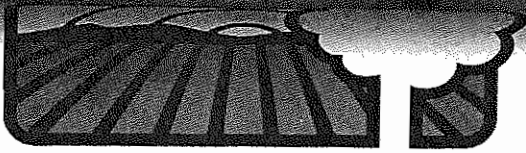
Present: Councilmembers Bird, Friedman, Muratore, Patterson, Mayor Lang

Councilmember Muratore arrived at 3:10 p.m.

Absent: Councilmembers Cogdill, Dobbs

The Council held a closed session to confer with or receive advise from legal counsel regarding pending litigation, pursuant to Section 54956.9(c) of the Government Code.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 8, 1992, AT 4:00 P.M.

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

Councilmember Dobbs arrived at 4:16 p.m.
Councilmember Cogdill arrived at 4:55 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Tim Jamison, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 10, 11, 12, 13, 14, 15,
16, 17, 18

Removed from consent: 9

ACTION: Friedman/Bird, unan., Cogdill and Dobbs absent

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Pat Rubalcava for service to the community.

Mayor Lang presented the certificate to Mrs. Rubalcava.

9/8/92



MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 25, 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

UNFINISHED BUSINESS

4. Request of Dennis Wilson, Mid-Valley Engineering, on behalf of William Loretelli, for a temporary sanitary sewer connection to the sewer line in Mabel Avenue.
(This item was continued, by motion, from the August 11, 1992, City Council meeting.)

Dropped from agenda at Mr. Wilson's request.

5. Update and follow-up actions, if needed, on Domestic Water Project.

ACTION: Res. 92-498 adopted (Muratore/Lang, majority, Patterson - no, Cogdill and Dobbs absent) urging the Modesto Irrigation District to proceed with the project. (Manager to handle)

CONSENT

6. Final adoption of Ord. No. 2821-C.S. relating to speed limits.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2821-C.S. adopted. (Clerk to handle)

HEARINGS

7. Hearing to consider the North Beyer Park Reorganization to the City of Modesto consisting of the annexation of the property to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and the detachment from the Riverbank Fire Protection District.

ACTION: Res. 92-499 adopted (Patterson/Bird, unan., Cogdill and Dobbs absent) annexing the area to the City of Modesto and Modesto Municipal Sewer District No. 1, and detaching it from the Riverbank Fire Protection District. (Clerk to handle)

9/8/92

8. Hearing to consider vacating and abandoning 250 linear feet of the alley right of way and reserve utility easements for public utility service lines located in Block 1112, west of Coffee Road and south of Gloria Way.

Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 92-500 adopted (Friedman/Bird, unan., Cogdill and Muratore absent) approving vacation and abandonment.
(Clerk/Plan. & C.D. to handle)

BIDS

9. Consider approval of plans and specifications and call for bids for remodeling the control building at the Water Quality Control PLant. (Suggested bid opening: October 1, 1992, at 11:00 a.m. The modification and enlargement of the Water Quality Control Building is required to house our new water/sewer collection and water quality control plant Supervisory Control and Data Acquisition System (SCADA). The project will also bring the building into compliance with electrical, handicap and fire building codes. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$750,710 (contract \$714,710; eng. & cont. \$36,000) Funds are budgeted.)

ACTION: Res. 92-501 adopted (Patterson/Dobbs, unan.) approving plans and specifications and calling for bids.
(Public Works & Trans. to handle)

CONSENT

10. Consider awarding contract for the 1993 rockwell storm drain replacement project to Ross F. Carroll, Inc. (Bids were opened on August 27, 1992. The low bid of \$198,714.50, submitted by Ross F. Carroll, Inc., was 7.91% below the engineer's estimate and considered acceptable. It is recommended the contract be awarded to him. Resolution awarding contract needed. Estimated cost: \$224,547.39 (contract \$198,714.50; eng. & cont. \$25,832.89) Funds are budgeted.)

ACTION: Res. 92-502 adopted awarding contract.
(Public Works & Trans. to handle)

CONSENT

11. Consider awarding contract for remodeling the La Loma lift station to Clyde Wheeler Pipeline, Inc., and consider approving appropriation transfer. (Bids were opened on August 11, 1992. The low bid of \$227,025.50, submitted by Clyde Wheeler Pipeline, Inc., was 19.49% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Resolution awarding contract to Clyde Wheeler Pipeline, Inc. needed, and resolution approving appropriation

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transfer needed. Estimated cost: \$256,538.92 (contract \$227,025.50; eng. & cont. \$29,513.32).

ACTION: Res. 92-503 adopted awarding contract.
Res. 92-504 adopted approving appropriation transfer.
(Public Works & Trans./Finance to handle)

NEW BUSINESS

CONSENT

12. Consider introducing seven ordinances amending the Modesto Municipal Code and adopting the 1991 editions of the Building Code, Mechanical Code, Plumbing Code, Housing Code, Abatement of Dangerous Buildings Code, the 1990 edition of the National Electrical Code, and the 1991 Fire Code.
(A public hearing will be held on September 15, 1992. State requirements call for the introduction of the ordinances prior to the public hearing. Report with agenda. Motion introducing ordinances needed.)

ACTION: By motion, Ord. No. 2822-C.S. introduced amending the Modesto Municipal Code and adopting the 1991 Building Code.

By motion, Ord. No. 2823-C.S. introduced amending the Modesto Municipal Code and adopting the 1991 Mechanical Code.

By motion, Ord. No. 2824-C.S. introduced amending the Modesto Municipal Code and adopting the 1991 Plumbing Code.

By motion, Ord. No. 2825-C.S. introduced amending the Modesto Municipal Code and adopting the 1991 Housing Code.

By motion, Ord. No. 2826-C.S. introduced amending the Modesto Municipal Code and adopting the 1991 Abatement of Dangerous Buildings Code.

By motion, Ord. No. 2827-C.S. introduced amending the Modesto Municipal Code and adopting the 1990 National Electrical Code.

By motion, Ord. No. 2828-C.S. introduced amending the Modesto Municipal Code and adopting the 1991 Fire Code.

(Clerk to handle)

CONSENT

13. Consider approving lease agreement with Ameriflight, Inc. for their operations at the airport.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 92-505 adopted approving lease agreement.
(Attorney to handle)

9/8/92

CONSENT

14. Consider approving agreement with Economic and Planning Services for consultant assistance for Village One Infrastructure Financing Program, and consider amending the budget to transfer \$80,000 from the General Fund Contingency Reserve.

(Report with agenda. Consultant assistance for the next steps of Village One Implementation public facilities financing is needed. Resolution approving agreement needed, and resolution amending budget needed.)

By order of the chair, this item was referred to the Council Community Development and Housing Committee. (Plan. & C. D. to handle)

CONSENT

15. Consider approving an appropriation transfer in the amount of \$27,000 to establish a new CIP project entitled "Crows Landing Drainage Basin." (This project will increase storm water holding capacity at the Crows Landing drainage basin. Last year's rainfall filled the basin and backed water into the residential streets. The project will deepen and enlarge the water storage area reducing the potential for localized flooding. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-506 adopted approving appropriation transfer.
(Public Works & Trans./Finance to handle)

- 15A. Consider reducing capital facilities fees (CFF) costs by approximately 29.9%, and directing staff to initiate actions to obtain more current and precise cost estimates for CFF projects. (Report with agenda. The Community Development and Housing Committee has reviewed options for revising the CFF Program and is recommending specific revision to the City Council. Resolution reducing Capital Facilities Fees program costs needed.)

ACTION: Res. 92-507 (Dobbs/Bird, unan., Cogdill absent) reducing Capital Facilities Fees program costs as recommended.
(Public Works & Trans. to handle)

WRITTEN COMMUNICATIONS

CONSENT

16. Letter of resignation from the Citizens Advisory Committee on Recycling from Kenneth A. Plough II. (Resolution accepting resignation with regret needed.)

ACTION: Res. 92-508 adopted accepting resignation with regret.
(Clerk to handle)

9/8/92

CONSENT

17. Letter of resignation from the Affirmative Action Commission from James D. Lynch.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 92-509 adopted accepting resignation with regret.
(Clerk to handle)

CONSENT

18. Letter of resignation from the Affirmative Action Commission from Johnna Bryant.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 92-510 adopted accepting resignation with regret.
(Clerk 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.)

The City Manager reported on the status of the State budget.

ADJOURNMENT

The meeting adjourned at 5:09 p.m.

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

9/8/92



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 15, 1992, 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 David Cogdill

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

ACTION: (Bird/Muratore, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 10
Councilmember Friedman and Mayor Lang excused due to conflicts of interest.
Councilmember Bird was designated as Mayor pro tem.

ACTION: (Muratore/Cogdill, unan., Friedman and 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.

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Mayor Lang introduced members of Boy Scout Troop #49, sponsored by St. Joseph Parish, and Troop #113, sponsored by Church of Jesus Christ of Latter Day Saints.
2. Paul Baxter introduced Douglas Gaynor, newly appointed Parks and Recreation Director.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of September 8, 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

UNFINISHED BUSINESS

4. Update on status of request for closure of West Union Avenue.
Continued to September 22, 1992, at 4:00 p.m.

HEARINGS

5. Hearing to consider adopting the 1991 editions of the Building Code, Mechanical Code, Plumbing Code, Housing Code, Abatement of Dangerous Building Code, Uniform Fire Code and 1990 Electrical Code.

ACTION: By motion (Bird/Muratore, unan.) the section of the Fire Code ordinance relating to hazardous materials was dropped pending further study.

By motion (Patterson/Dobbs, unan.) it was determined that the proposed section concerning all-weather roads will not be included in the ordinance.

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By motion (Patterson/Dobbs, majority, Lang no) it was determined that the proposed section concerning residential sprinklers will not be included in the ordinance.

By motion (Dobbs/Muratore, unan.) Ordinance Nos. 2822-C.S., 2823-C.S., 2824-C.S., 2825-C.S., 2826-C.S. and 2827-C.S. were adopted.
(Clerk/Attorney to handle)

6. Informal public hearing to review the Village one Facilities Master Plan.

ACTION: By motion (Dobbs/Friedman, unan.) the plan was approved with some road alignments to be reviewed before final adoption.
(P/W to handle)

BIDS

CONSENT

7. Consider award of contract for the modification of traffic signals at Maze Boulevard and Emerald Avenue to Bowden Electric, Inc. and consider approval of appropriation transfer in the amount of \$4,500.
(Bids were opened on August 11, 1992. . The low bid of \$39,194, submitted by Bowden Electric, Inc. is 11.99% above 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 and resolution approving appropriation transfer needed. Estimated total cost: \$46,290.35 (contract \$39,195 ; eng. & cont. \$5,095.35; Caltrans inspection \$2,000) Funds are partially budgeted.)

ACTION: Res. 92-511 adopted awarding contract.
Res. 92-512 adopted approving appropriation transfer.
(P/W, Finance to handle)

CONSENT

8. Consider acceptance of Graham Contractors, Inc.'s contract for the 1991 street cape seal project as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$548,676.22)
(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: \$689,472.48. Funds are budgeted.)

ACTION: Res. 92-513 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider waiving formal bid procedures and authorize the removal, transportation, disposal and replacement of 60,000 pounds of granular activated carbon at Well Site #2 from Calgon Carbon Corp.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: \$57,000. Funds are budgeted.)

ACTION: Res. 92-514 adopted waiving formal bid procedures.
(Finance to handle)

9/15/92

NEW BUSINESS

CONSENT

10. Consider amending the 1992-93 Annual Budget to appropriate a new Capital Improvement Project for continuation of the mandatory sidewalk program. (The City has been actively requiring the completion of sidewalks on certain streets since 1958. Work remains to be done on a list of streets approved by the Council. The "front money" is used for those property owners choosing the City payment plan. Report with agenda. Resolution amending the 1992-93 budget needed. Estimated cost: \$50,000.)
Councilmember Friedman and Mayor Lang excused due to conflicts of interest.

ACTION: Res. 92-515 adopted amending the budget. (P/W, Finance to handle)

CONSENT

11. Consider approving agreement with HDR Engineering, to perform a Secondary/Tertiary evaluation of wastewater treatment facilities. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$118,975. Funds are budgeted.)

ACTION: Res. 92-516 adopted approving agreement. (P/W to handle)

12. Consider consenting to Modesto Irrigation District/Del Este Water Company Security Agreement for the M.I.D. Domestic Water Project. (Report with agenda. Resolution consenting to Security Agreement needed.)

ACTION: Res. 92-517 adopted (Muratore/Friedman, majority, Patterson-no)
(P/W to handle)

WRITTEN COMMUNICATIONS

CONSENT

13. Letter from Nancy M. Young, Executive Director, Downtown Improvement District, requesting the use of downtown sidewalks for the selling of merchandise on September 30, and October 1 through 4, 1992. (Motion approving request needed.)

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

9/15/92

(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 consider salaries, salary schedules, and benefits of represented and unrepresented employees for the purpose of instructing designated representatives, pursuant to Government Code Section 54957.6.

ADJOURNMENT

The meeting adjourned to closed session at 10:56 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

9/15/92



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 2:00 p.m. on Tuesday, September 22, 1992, in the third floor conference room at City Hall, 801 11th Street, Modesto, California, for a study session.

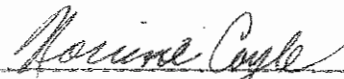
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore,
Mayor Lang
Councilmember Muratore arrived at 2:15 p.m.

Absent: Councilmember Patterson

The Council held a workshop to review the proposed Phase II of the budget and to discuss the Public Works and Transportation Department audit.

The meeting adjourned at 3:35 p.m.

ATTEST:



NORRINE COYLE, City Clerk

233A-81



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MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 22, 1992, 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. Joe Wright, Calvary Temple Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 12, 13,
16, 17, 18, 19, 20, 21, 22, 24, 26,
27, 28, 29

Dropped from agenda: 30

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.

9/22/92

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Larry Weese, instructor at Modesto Junior College, of a brochure listing some sites of interest in the downtown area entitled "Modesto, California - A Walk Into the Past."

Mr. Weese spoke about the brochure and plans for future activities.

MINUTES

CONSENT

2. Approval of the corrected minutes of the regular July 14, 1992 City Council meeting and the minutes of the regular City Council meeting of September 22, 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

UNFINISHED BUSINESS

4. Update on status of request for closure of West Union Avenue.
(Continued from the September 15, 1992, City Council meeting.)

ACTION: By motion (Patterson/Dobbs, unan.) recommendations were approved and staff was directed to report in four months on results of changes made to the street. (P/W to handle)

HEARINGS

5. Hearing to consider the appeal of John B. Hinchey Development to a Planning Commission decision concerning an application for an amendment to Section 25-3-9 of the Zoning Map to rezone from C-3 to P-D, to allow a special sign package for the existing shopping center at Yosemite Boulevard, east of Lincoln Avenue.

ACTION: Res. 92-518 adopted (Friedman/Muratore, unan.) denying the appeal. (Planning to handle)

9/22/92

6. Hearing to consider approving the Fiscal Year 1992-93 Federal Transit Administration (FTA) Program of Projects (POP) and filing a grant application with FTA for projects in the POP.

ACTION: Res. 92-519 adopted (Dobbs/Muratore, unan.) approving the Program of Projects and filing grant application. (P/W to handle)

BIDS

CONSENT

7. Consider acceptance of Ross F. Carroll, Inc.'s contract for the rockwell storm drain replacement 1991 project as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$211,361) (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: \$339,002. Funds are budgeted.)

ACTION: Res. 92-520 adopted accepting work as complete. (Clerk to handle)

CONSENT

8. Consider approving a reduction in the retention monies on the Modesto City-County Airport Terminal Expansion Project from 10% to 5%. (The contractor, Shan-Lyn Construction, Inc. has requested the City to reduce the retention on the Airport Terminal Expansion Project. Section 9203 of the Public Contract Code allows a reduction of the retention to 5% when satisfactory progress is being made on a project. Report with agenda. Resolution approving reduction in retention needed.)

ACTION: Res. 92-521 adopted approving reduction in retention. (P/W to handle)

NEW BUSINESS

CONSENT

9. Consider adoption of Transit Section's Disadvantaged Business Enterprise (DBE) FY 1992-93 goal of 13% participation in transit contract awards. (Report with agenda. FTA requires adoption of annual DBE Enterprise (DBE) goal. During FY 1991-92, Modesto's Transit Division DBE awards totalled \$128,379 with an overall participation of 13.3%. For FY 92-93 the City's Transit Division has programmed \$387,312 in FTA funds to be awarded to DBE's with an overall DBE participation of 13%. Resolution adopting annual DBE goal needed.)

ACTION: Res. 92-522 adopted adopting annual goal. (P/W to handle)

9/22/92

CONSENT

10. Capital facilities fee annual summary report.
(Report with agenda. Each year the City Council is required to review certain items in the Capital Facilities Fee Funds pursuant to the Government Code Section 66006(b). This report is a listing of those items. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

11. Capital facilities fee annual progress report.
(Report with agenda. Each year the Capital Facilities Fee Funds are reviewed and the results are documented in the Annual Progress Report. The report summarizes cumulative capital facilities fee revenues and expenditures, as well as the progress the City is making toward its deficiency obligation. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

12. Consider supporting AMTRAK service in Modesto.
(Report with agenda. Caltrans is in the process of analyzing whether AMTRAK service should remain on the Santa Fe tracks or be moved to Southern Pacific tracks. The City and SAAG have made a commitment in the Transportation Center to add AMTRAK service to the downtown area via the SP line in the future. The Transportation Policy Committee has reviewed and recommends support. Resolution supporting AMTRAK service on Southern Pacific tracks in Modesto needed.)

ACTION: Res. 92-523 adopted supporting AMTRAK service. (P/W to handle)

CONSENT

13. Staff report regarding the City of Modesto's rotation towing ordinance.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

14. Library Master Plan Report.
(Report with agenda. Motion referring to City-County Liaison Committee needed.)

Mayor Lang was excused at 6:00 p.m.

ACTION: By motion (Bird/Cogdill, unan., Lang absent) report was referred to the City-County Liaison Committee. (Manager to handle)

9/22/92

15. Consider authorizing issuance of Certificates of Participation in an amount not to exceed \$28,000,000 for the purpose of financing the acquisition, construction and development of water systems in the City of Modesto.
(Report with agenda. Resolution authorizing issuance and directing execution of certain installment financing documents needed.)

ACTION: A motion to approve (Muratore/Friedman, Bird, Cogdill, Dobbs and Patterson-no, Lang absent) failed to carry.
By motion (Muratore/Dobbs, unan., Lang absent) this item was continued to October 6, 1992. (Finance to handle)

CONSENT

16. Consider approving a Hold Harmless agreement with the Yosemite Community College District for the use of the Modesto Junior College football stadium on October 3, 1992, for the NFL Pass, Punt and Kick Competition.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 92-524 adopted approving agreement. (P/R to handle)

CONSENT

17. Consider approving purchase agreement with Omega Ventures to purchase 5.10 acres for a water tank site and a public utility easement of .23 acres for \$154,725, and consider certifying negative declaration.
(Report with agenda. Resolution approving purchase agreement needed, and resolution certifying Negative Declaration needed. Estimated total cost: \$160,725 (property \$154,725; est. escrow \$6,000).)

ACTION: Res. 92-525 adopted approving agreement.
Res. 92-526 adopted certifying Negative Declaration.
(Attorney to handle)

CONSENT

18. Consider approving purchase agreement with Stanley M. and Esther E. Alcorn for 19 acres of property needed for the M.I.D. Surface Water Treatment Project for \$646,000, and consider certifying Negative Declaration, and consider approving lease agreement with Stanley M. and Esther E. Alcorn.
(Report with agenda. Resolution approving purchase agreement, resolution certifying Negative Declaration, and resolution approving lease agreement needed.)

ACTION: Res. 92-527 adopted approving agreement.
Res. 92-528 adopted certifying Negative Declaration.
Res. 92-528A adopted approving lease agreement.
(Attorney to handle)

CONSENT

19. Consider authorizing City Manager and City Clerk to execute an Easement Deed to Pacific Bell at the Transportation Center.
(Report with agenda. Resolution authorizing City Manager and City Clerk to execute Easement Deed needed.)

ACTION: Res. 92-529 adopted approving easement deed. (Attorney to handle)

9/22/92

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

21. Consider authorizing City Manager to execute CDBG loan and Stipulated Grant Agreement with Bobbie Cline for property located at 414 and 414-1/2 Yosemite Avenue.
(Report with agenda. Agreements will provide property owners with funds to repair their real property under the Community Development Block Grant and Rental Rehabilitation Programs. Resolution approving agreement needed. Estimated cost: Loan - \$12,300; Rental Rehab. Stipulated Grant - \$6,450) Funds are budgeted.)

ACTION: Res. 92-530 adopted approving agreement. (Planning to handle)

CONSENT

22. Consider approving an amendment to the agreement with Brown and Caldwell for engineering services related to odor control at the Wastewater Treatment Plant.
(Report with agenda. Resolution approving amendment to agreement needed. Estimated cost: \$29,480 (contract \$26,800; admin./contingency \$2,680. Funds are budgeted.)

ACTION: Res. 92-531 adopted approving amended agreement. (P/W to handle)

23. Consider amending Res. 92-482 to revise sewer service charges and consider approving a plan to rebate overpayment of sewer charges.
(Report with agenda. Resolution revising sewer service charges needed, and resolution approving a plan to rebate overpayment of sewer service charges needed.)

ACTION: Res. 92-532 adopted (Patterson/Bird, unan., Lang absent) revising sewer service charges.
Res. 92-533 adopted (same vote) approving a plan to rebate overpayment of sewer service charges.
(Finance to handle)

CONSENT

24. Consider accepting a grant offer for federal funds in the amount of \$351,000 to complete the Airport's FY 1991/92 capital improvements, and amend the Airport budget by increasing the federal share of the approved projects an additional \$18,000.
(Report with agenda. Resolution accepting grant offer and resolution amending the Airport budget needed. Estimated Cost: \$390,000 (\$351,000 Federal; \$39,000 City/County). Funds are budgeted.)

ACTION: Res. 92-534 adopted accepting grant offer.
Res. 92-535 adopted amending the Airport budget.
(P/W, Finance to handle)

9/22/92

25. Consider approval of agreement for consultant services from Certified/Earth Metrics for the preparation of the Modesto General Plan Draft Environmental Impact Report, and consider transfer of \$52,212 from the General Fund Contingency Reserve to the Planning and Community Development Department budget for consultant services.
(On March 17, 1992, the Council directed staff to proceed with the General Plan rewrite. Following established procedures for selecting consultants, Certified/Earth Metrics was chosen to prepare the General Plan EIR. Resolution approving agreement and resolution approving an appropriation transfer needed. Estimated cost: \$227,212. Funds are partially budgeted.)

ACTION: Res. 92-536 adopted (Patterson/Muratore, unan., Lang absent) approving agreement.
Res. 92-537 adopted (same vote) approving appropriation transfer.
(Planning/Finance to handle)

CONSENT

26. Consider amending Bertolotti Disposal, Inc. garbage license to allow for the inclusion of the Village I annexation to be served by Bertolotti Disposal, Inc.
(Report with agenda. Ordinance amending Bertolotti Disposal, Inc. garbage license and repealing Ordinance Nos. 2171-C.S. and 2296-C.S. needed.)

ACTION: By motion, Ord. No. 2829-C.S. introduced. (Clerk to handle)

CONSENT

27. Consider authorizing the City Manager to execute an agreement with Public Resources Advisory Group to provide special financing advisory services for the Waste-to-Energy Project.
(Report with agenda. Resolution authorizing City Manager to execute agreement with Public Resources Advisory Group needed.)

ACTION: Res. 92-538 adopted approving agreement. (P/W to handle)

CONSENT

28. Consider authorizing the City Manager to execute an agreement with Carroll, Burdick & McDonough to provide special counsel services for the Waste-to-Energy Project.
(Report with agenda. Resolution authorizing City Manager to execute agreement needed.)

ACTION: Res. 92-539 adopted approving agreement. (P/W to handle)

CONSENT

29. Consider authorizing the City Manager to sign an 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 1992-93.
(Report with agenda. Resolution authorizing City Manager to sign agreement needed.)

ACTION: Res. 92-540 adopted approving agreement. (Planning to handle)

9/22/92

CONSENT

30. Consider approving an agreement for professional services of Kleinfelder, Inc. to prepare a Toxic Emissions Inventory Report (TEIR) and Toxic Emissions Inventory Plan (TEIP) (Report with agenda. Resolution approving agreement needed. Estimated Cost: \$100,000. Funds are budgeted.)
Dropped from agenda
31. Consider approving Human Services Committee recommendations for community participation.
(Report with agenda. Resolution creating of a Community Qualities Committee and motion directing staff to implement needed.)

ACTION: Res. 92-541 adopted (Dobbs/Cogdill, unan., Lang absent) creating a Community Qualities Committee.
By motion (same vote) staff directed to implement recommendations.
By motion (Dobbs/Bird, unan., Lang absent) staff directed to report back in one year. (Manager to handle)

WRITTEN COMMUNICATIONS

32. Request by David Bautista of Victory Outreach Church for deletion of fee for assistance by Police Department during March Against Drugs & Gangs, October 24, 1992.

ACTION: By motion (Patterson/Bird, unan., Lang absent) the request was referred to the Council Financial Policy Committee.
(Manager to handle)

MISCELLANEOUS

Appointments

33. a. Economic Development Loan Committee

ACTION: Res. 92-542 adopted (Dobbs/Cogdill, unan., Lang absent) appointing Rueben Sendejas to the committee.

- b. Tuolumne River Regional Park Citizens' Advisory Committee

ACTION: Res. 92-543 adopted (Dobbs/Cogdill, unan., Lang absent) appointing David Gianelli to the Committee.

9/22/92

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 7:37 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

9/22/92



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 2:30 p.m. on Tuesday, October 1, 1992, 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

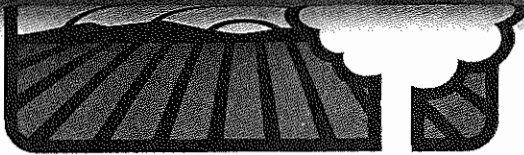
Councilmember Dobbs arrived at 2:35 p.m.

Absent: None

The Council held a closed session to consider 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 and to confer with or receive advice from legal counsel regarding pending litigation, pursuant to Section 54956.9(a) of the Government Code.

The meeting adjourned at 3:05 p.m. to a special meeting to consider Phase II of the 1992-93 Budget and the Public Works and Transportation Department Audit.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR ADJOURNED SPECIAL CITY COUNCIL MEETING OF OCTOBER 1, 1992.
The meeting convened at 3:05 p.m.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

The Council considered Phase II of the 1992-93 Budget and discussed the Public Works and Transportation Department Audit.

ACTION: Res. 92-544 adopted (Bird/Cogdill, unan.) approving the recommended Phase II of the 1992-93 Budget.

By motion (Dobbs/Patterson, unan.) staff recommendations concerning the four policy issues were approved.

Res. 92-545 adopted (Friedman/Bird, majority, Muratore-no) approving recommendations concerning the Public Works & Transportation Department Audit.

The meeting adjourned at 3:40 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 6, 1992, AT 7:30 P.M.

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

Absent: Councilmember Muratore

Pledge of Allegiance to the Flag

Invocation: Rick Fritzmeier, Youth for Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 9, 10, 11, 12, 13, 16,
17, 18, 19, 19, 20, 21, 22, 23, 24,
25, 26, 27, 28

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.

10/6/92



1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of a proclamation to the Post Newsweek Production Manager and Public Access Channel Director, proclaiming October 5-11, 1992, Local Cable Programming Week.

Mayor Lang presented the Proclamation to Mike Monroe and Bob Foster of Post Newsweek.

- b. Recognition of artists of the Modesto Centre Plaza banner designs.

Awards were presented to Holly Macedo, Vickie Sivongsay, Anita Pina and Michael Parker.

- c. 1992 City of Modesto Performance Report on Video.

The video was shown.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of September 22, 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

UNFINISHED BUSINESS

4. Further consideration of authorizing issuance of Certificates of Participation in an amount not to exceed \$28,000,000 for the purpose of financing the acquisition, construction and development of water systems in the City of Modesto.
(Report with agenda. Resolution authorizing issuance and directing execution of certain installment financing documents needed.)

ACTION: Res. 92-546 adopted (Patterson/Friedman, unan., Muratore absent) authorizing issuance and directing execution of documents.
(Finance to handle)

10/6/92

5. Final adoption of Ord. No. 2819-C.S. rezoning from R-2 and R-3 to R-1 and to prezone to P-R-1, P-R-2, and P-R-3, property located east of Sutter Avenue south of South Avenue extending east to Neece Drive in the Fairway Neighborhood.
(Motion adopting needed.)

ACTION: By motion (Dobbs/Cogdill, unan., Muratore absent) Ord. No. 2819-C.S. adopted.

(Clerk to handle)

CONSENT

6. Final adoption of Ord. No. 2820-C.S. prezone to P-R-1, property located east of Sutter Avenue south of South Avenue, north of Rouse Avenue, between Roselawn and Sunset Avenues in the Fairway Neighborhood.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2820-C.S. adopted. (Clerk to handle)

CONSENT

7. Final adoption of Ord. No. 2829-C.S. amending Bertolotti Disposal Service's license to collect Garbage, industrial garbage and salvageable waste.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2829-C.S. adopted. (Clerk to handle)

HEARINGS

8. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from C-1 to P-D(139), for a parking lot addition to the City Hospital facilities, property located on 18th Street, northwest of G Street. (James Leary)
Councilmember Bird excused due to a conflict of interest.

ACTION: By motion (Cogdill/Lang, unan., Bird and Muratore absent) Ord. No. 2830-C.S. introduced.
Res. 92-547 adopted (same vote) approving plan.
Res. 92-548 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for the Rumble Road lift station rehabilitation.
(Suggested bid opening: October 29, 1992, at 11:00 a.m. This project will replace deteriorated valves, install an asphalt overlay for better drainage and construct a block wall enclosure for security. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$27,798 (contract \$24,600; eng. & cont. \$3,198) Funds are partially budgeted. Appropriation transfer to be requested after bid opening when the exact amount needed to construct the project is known.)

ACTION: Res. 92-549 adopted calling for bids. (P/W to handle)

10/6/92

CONSENT

10. Consider awarding contract for McClure Mansion caretaker's cottage to Howell Construction and consider authorizing appropriation transfer in the amount of \$9,000.
(Bids were opened on September 17, 1992. The low bid of \$41,281.11, submitted by Howell Construction is 3.20% 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, and resolution approving appropriation transfer needed. Estimated cost: \$54,147.65 (contract \$41,281.11; engineering \$5,366.54; utility extension \$7,500) Funds are partially budgeted.)

ACTION: Res. 92-550 adopted awarding contract.
Res. 92-551 adopted approving appropriation transfer.

(P/W to handle)

CONSENT

11. Consider awarding contract for the replacement of the Woodland Sewage pump station sluice gate to Conco West, and consider authorizing an appropriation transfer in the amount of \$25,883.
(Bids were opened on September 10, 1992. The low bid of \$94,900, submitted by Conco West, is 3.79% 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, and resolution approving appropriation transfer needed. Estimated cost: \$112,696 (contract \$94,900; eng. & cont. \$17,796) Funds are partially budgeted.)

ACTION: Res. 92-552 adopted awarding contract.
Res. 92-553 adopted approving appropriation transfer.

(P/W to handle)

CONSENT

12. Consider accepting Gibbs Painting Co., Inc.'s contract for the interior coating of Digester No. 3 at the Water Quality Control Plant as complete and authorize the City Clerk to file Notice of Completion. (Original contract: \$90,944)
(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: \$120,406. Funds are budgeted.)

ACTION: Res. 92-554 adopted accepting contract as complete.

(Clerk to handle)

CONSENT

13. Consider acceptance of Patch Master of Central California's contract for the Municipal Golf Course parking lot expansion as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$69,512)
(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: \$73,957. Funds are budgeted.)

ACTION: Res. 92-555 adopted accepting contract as complete

(Clerk to handle)

10/6/92

NEW BUSINESS

15. Consider approving an amendment to the adopted School Impact Mitigation Policy and Procedure.
(The Modesto School District and BIA have negotiated revised wording for the policy to acknowledge a more active schools' role in applying for state funding. Report with agenda. Resolution approving amendment needed.)

ACTION: Res. 92-556 adopted (Bird/Friedman, unan., Muratore absent) amending the Policy. (Planning to handle)

CONSENT

16. Consider approving an appropriation transfer in the amount of \$8,000 to fund reimbursement of Del Este Water Co. and the Stanislaus County Housing Authority for costs involved with relocation of utility vault in Pelton Avenue.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-557 adopted approving appropriation transfer. (P/W, Finance to handle)

CONSENT

17. Consider authorizing refund of \$3,437.32 for overpayment of Business License Tax to Sam International, and consider authorizing refund of \$596.16 for overpayment of Business Improvement Area Tax to The Warden's Office.
(Report with agenda. Resolution authorizing refund to Sam International and resolution authorizing refund to The Warden's Office needed.)

ACTION: Res. 92-558 adopted authorizing refund to Sam International.
Res. 92-559 adopted authorizing refund to The Warden's Office. (Finance to handle)

CONSENT

18. Consider approving agreement with Modesto Independent Living Center/Disabilities Resources Agency for Independent Living (DRAIL) for a grant of \$19,000 under the Community Development Block Grant Program for Fiscal Year 1992-93.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 92-560 adopted approving agreement. (Planning to handle)

CONSENT

19. Consider approving agreement with Community Temporary Shelter Services for a grant of \$35,310 under the Community Development Block Grant Program for Fiscal Year 1992-93.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 92-561 adopted approving agreement. (Planning to handle)

10/6/92

CONSENT

20. Consider approving agreement with Center for Human Services for a grant of \$7,000 under the Community Development Block Grant Program for Fiscal Year 1992-93.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 92-562 adopted approving agreement. (Planning to handle)

CONSENT

21. Consider approving agreement with Volunteer Center of Stanislaus/Adult Literacy Program for a grant of \$24,056 under the Community Development Block Grant Program for Fiscal Year 1992-93.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 92-563 adopted approving agreement. (Planning 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 1992-93.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 92-564 adopted approving agreement. (Planning to handle)

CONSENT

23. Consider approving appropriation transfer to fund a new Capital Improvement Project, and consider approving agreement with Caltrans to participate in a project to modify the traffic signals at 9th and L Streets.
(Report with agenda. Caltrans would like the City of Modesto to participate in a project to modify the traffic signals at 9th and L Streets to provide protected left turns. The City's cost share would be about \$33,000. Resolution approving appropriation transfer needed, and resolution approving agreement needed.)

ACTION: Res. 92-565 adopted approving appropriation transfer.
Res. 92-566 adopted approving agreement. (P/W, Finance to handle)

CONSENT

24. Consider approving the Modesto City-County Airport's Disadvantaged Business Enterprise (DBE Concession Plan) for fiscal years 1993, 1994 and 1995.
(Report with agenda. Resolution approving DBE Concession Plan needed.)

ACTION: Res. 92-567 adopted approving Plan. (P/W to handle)

10/6/92

WRITTEN COMMUNICATIONS

CONSENT

25. Request of Victory Outreach Church for deletion of fee for assistance by Police Department during March Against Drugs and Gangs, October 24, 1992. (Report with agenda. Resolution granting request needed.)

ACTION: Res. 92-568 adopted granting request. (Finance to handle)

CONSENT

26. Letter from Richard Hagerty resigning from General Plan Citizens Steering Committee. (Resolution accepting resignation with regret needed.)

ACTION: Res. 92-569 adopted accepting resignation. (Clerk to handle)

CONSENT

27. Request of John L. Mensinger, Chairperson, Greater Modesto Community Foundation, for City assistance with the cost of letterhead stationery, envelopes, postage, and printing services. (Motion approving needed.)

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

CONSENT

28. Letter from Dennis E. Wilson, Chairman, Downtown Improvement District, requesting a modification of the parking regulations to allow a limited number of windshield signs to be issued to customers of The Studio, Artistic Hair Design, for use in their cars during the time that person is receiving service. (Motion referring to staff needed.)

ACTION: By motion, request referred to staff. (P/W to handle)

MISCELLANEOUS

Appointments

29. Appointment to the General Plan Citizens Steering Committee.

ACTION: Res. 92-570 adopted (Patterson/Friedman, unan., Muratore absent) appointing Ed Boyle. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

30. (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

10/6/92

ADJOURNMENT

The meeting adjourned at 8:13 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

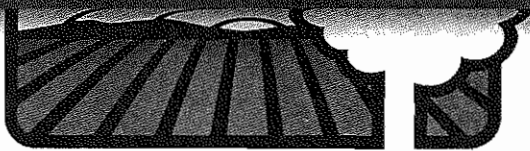
AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 13, 1992, AT 4:00 P.M.

NOTICE

THERE WILL BE NO MEETING OF THE CITY COUNCIL
ON TUESDAY, OCTOBER 13, 1992
DUE TO LACK OF A QUORUM

THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON
TUESDAY, OCTOBER 20, 1992, AT 7:30 P.M.

10/13/92



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 20, 1992, 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. Lonnie Skiles, Big Valley Grace Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 27

Removed from consent: 10, 24

ACTION: (Patterson/Bird, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: ITEM 4

COUNCILMEMBER BIRD EXCUSED DUE TO A CONFLICT OF INTEREST

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Mayor Lang introduced members of Boy Scout Troops 12 and 112 sponsored by the Church of Jesus Christ of Latter Day Saints.



- b. Councilmember Patterson displayed a plaque presented to the City of Modesto by the Stanislaus County Mayors' Committee for the Employment of Persons with Disabilities for its efforts in hiring the disabled during 1992.

MINUTES

CONSENT

2. Approval of the minutes of the special and adjourned special City Council meeting of October 1, 1992, and the regular City Council meeting of October 6, 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

UNFINISHED BUSINESS

CONSENT COUNCILMEMBER BIRD EXCUSED DUE TO A CONFLICT OF INTEREST

4. Final adoption of Ord. No. 2830-C.S. rezoning from C-1 to P-D(139), property located on the southwest side of 18th Street, northwest of G Street.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2830-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from R-2 to P-D for a 258-space mausoleum structure to be located on the rear or north portion of the Acacia Memorial Park (formerly Masonic Cemetery), property located on the north side of Scenic Drive east of Bodem Street. (Thomas D. Woodworth)

ACTION: By motion (Friedman/Muratore, unan.) Ord. No. 2831-C.S. introduced.
Res. 92-571 adopted (same vote) approving the plan.
Res. 92-572 adopted (same vote) certifying review of Environmental Assessment.
(Clerk/Planning & C.D. to handle)

6. Hearing to consider the appeal of F. M. Fabian to a Planning Commission decision concerning an application for an amendment to Section 28-3-9 of the Zoning Map to rezone from R-1 to P-D for a 45-unit, two- and three-story apartment project targeted for single parents and including a child day care center, property located on the south side of Evergreen Avenue, east of Orangeburg Avenue.

ACTION: By motion (Bird/Friedman, unan.), hearing continued to December 8, 1992, at 4:00 p.m.

7. Hearing to consider an amendment to Section 22-3-9 of the Zoning Map to rezone from P-0 to P-D for a two-story expansion of the existing Stanislaus Surgery Center and conversion to an acute care hospital and including additional two and three story medical office buildings, property between Oakdale Road and Santa Paula Drive north of E. Orangeburg Avenue. (Tim Fisher/Architecture Plus)

ACTION: By motion (Muratore/Dobbs, unan.) Ord. No. 2832-C.S. introduced.

Res. 92-573 adopted (same vote) approving the plan.

Res. 92-574 adopted (same vote) certifying review of Environmental Assessment.

(Clerk/Planning & C.D. to handle)

BIDS

CONSENT

8. Consider award of contract for remodeling control building at Water Quality Control Plant to the McDonald Glenn Company.
(Bids were opened on October 1, 1992. The low bid of \$594,125, submitted by the McDonald Glenn Company, is 16.87% 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 to The McDonald Glenn Company needed. Estimated total cost: \$671,361 (contract \$594,135; eng. & cont. \$77,236) Funds are budgeted.)

ACTION: Res. 92-575 adopted awarding contract.

(Public Works & Trans. to handle)

CONSENT

9. Consider award of contract for the Dry Creek bike trail under the El Vista bridge to George Reed, Inc., and consider authorizing an appropriation transfer in the amount of \$24,000 to fully fund the project.
(Bids were opened on September 17, 1992. The low bid of \$68,722, submitted by George Reed, Inc. is 15.60% below the engineer's estimate and considered acceptable. It is recommended to them. Report and bid tabulation with agenda. Resolution awarding contract to George Reed, Inc., and resolution approving appropriation transfer needed. Estimated total cost: \$77,655.86 (contract \$68,722; eng. & cont. \$8,933.86) Funds are partially budgeted.)

ACTION: Res. 92-576 adopted awarding contract.

Res. 92-577 adopted approving appropriation transfer.

(Public Works & Trans./Finance to handle)

10. Consider waiving formal bidding requirement and approve use of a Request for Proposals to procure a contractor to operate the Modesto-Stanislaus Dial-A-Ride System; and consider approving extension of existing DAR agreement with Storer Transit Systems, Inc. to continue operating through May 1, 1993.

(Report with agenda. The City Transportation Policy Committee recommends utilizing the RFP process (as opposed to a low bid procurement) and extending the existing agreement with Storer to provide proper gear-up time for a new contract. The Acting City Attorney advises that the Council must waive any formal bid requirements that may apply. Resolution waiving formal bid procedures (five affirmative votes needed) and authorizing use of RFP process needed, and resolution approving extension of agreement needed. Estimated cost: \$1,175,000/year. Funds are budgeted.)

ACTION: Res. 92-578 adopted (Dobbs/Friedman, unan.) waiving formal bid procedures and authorizing request for proposals.
Res. 92-578A adopted (same vote) approving extension of the agreement. (Public Works & Trans. to handle)

NEW BUSINESS

11. Budget Status Report, First Quarter FY, 1992-93.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Friedman/Cogdill, unan.) receipt of report acknowledged and report was referred to the Council Financial Policy Committee.
(Finance to handle)

CONSENT

12. Consider approving agreement with Modesto Chamber of Commerce Convention and Visitors Bureau to provide for funding for the purpose of operating the Convention and Visitors Bureau and consider acknowledging receipt of Convention and Visitors Bureau Year-End Report for 1991-92.
(Report with agenda. Resolution approving agreement and motion acknowledging receipt of report needed. Estimated cost: \$153,047. Funds are budgeted.)

ACTION: By motion, receipt of report was acknowledged
Res. 96-579 adopted approving agreement. (Manager to handle)

CONSENT

13. Consider approving a Community Development Block Grant loan agreement with Henry Palleschi in the amount of \$16,377.50 for the repair of property located at 118 Madera Avenue.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 92-580 adopted approving agreement. (Plan. & C. D. to handle)

CONSENT

14. Consider approving revisions to the City of Modesto Community Development Policy and Procedures Manual revising policy and procedures for Public Services sub-grantees (Chapter 17) and the Economic Development Revolving Loan Fund Program (Chapter 18), as recommended by the Citizens Housing and Community Development Committee.
(Report with agenda. Resolution approving revisions needed.)

ACTION: Res. 92-581 adopted approving revisions. (Plan. & C. D. to handle)

CONSENT

15. Consider approving an agreement with Caltrans to install wheelchair ramps and modify the traffic signal on McHenry Avenue (State Highway 108) and Morris Avenue, and consider authorizing appropriation transfer in the amount of \$54,000 to provide funding for a new Capital Improvement Program item.
(Report with agenda. The intersection of McHenry at Morris is co-jurisdictional. The McHenry Avenue approaches are on State Highway 108. The Morris Avenue approaches are the responsibility of the City of Modesto. The State has prepared plans and specifications. The City's cost share of this project is estimated to be about \$54,000. Resolution approving agreement and resolution authorizing appropriation transfer needed.)

ACTION: Res. 92-582 adopted approving agreement
Res. 92-583 adopted approving appropriation transfer.
(Public Works & Trans./Finance to handle)

CONSENT

16. Consider establishing angle parking in the City of Modesto on 16th Street and J Street and rescinding Res. No. 92-81.
(Establishing angle parking is needed to provide adequate parking to serve the Damrell Building uses. Report with agenda. Resolution approving angle parking on 16th Street and rescinding Res. No. 92-81 needed.)

ACTION: Res. 92-584 adopted approving angle parking on 16th Street and rescinding Res. No. 92-81. (Public Works & Trans. to handle)

CONSENT

17. Consider approving Planning Commission recommendation to permit a part-width street of less than 40-feet in width for a portion of Walnut Way adjacent to approved vesting tentative subdivision map - Buehner Estates.
(Report with agenda. Resolution approving part-width street of less than 40 feet in width needed. (4/5 vote percentage needed.)

ACTION: Res. 92-585 adopted approving part-width street.
(Planning & C. D. to handle)

CONSENT

18. Consider authorizing refund of \$21,829.97 for overpayment of Business License Tax by Country Ford Trucks.
(Report with agenda. Resolution authorizing refund needed.)

ACTION: Res. 92-586 adopted authorizing refund. (Finance to handle)

CONSENT

19. Consider approving appropriation transfer in the amount of \$13,425 to cover the additional cost of the passenger terminal fire protection water main.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 92-587 adopted approving appropriation transfer.
(Public Works & Trans./Finance to handle)

CONSENT

20. Consider amending the 1992-93 Budget to appropriate \$6,000 for the development of conceptual street realignments within Village One.
(Report with agenda. Funds are needed to develop conceptual street realignments for certain streets within Village One as directed by Council at the September 15, 1992, meeting during review of the Village One Facilities Master Plan. Resolution amending the 1992-93 Budget needed.)

ACTION: Res. 92-588 adopted amending 1992-93 Budget.
(Public Works & Trans./Finance to handle)

CONSENT

21. Consider authorizing issuing a Request for Proposals for the removal and disposal of wastewater biosolids.
(Report with agenda. Resolution authorizing Request for Proposals needed. Estimated cost: \$312,500. Funds are budgeted.)

ACTION: Res. 92-589 adopted authorizing Request for Proposals.
(Public Works & Trans. to handle)

CONSENT

22. Consider acknowledging receipt of the Human Relations Commission Annual Report for Fiscal Year 1991-92.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

23. Consider approving an extension to the current Memorandum of Understanding with Modesto City Employees Association (MCEA).
(Report with agenda. Resolution approving extension of current MOU needed.)

ACTION: Res. 92-590 adopted approving extension of current MOU.
(Personnel to handle)

Associate Civil Engineer and adopting class specifications for Administrative Services Officer, Laboratory Supervisor, Integrated Waste Specialist, Industrial Waste Supervisor, Junior Civil Engineer, Fleet Manager, Water Superintendent, and Wastewater Collections Superintendent; and consider amending the class range tables to amend salary for Assistant and Associate Civil Engineer and to establish salaries for Administrative Services Officer, Laboratory Supervisor, Integrated Waste Specialist, Industrial Waste Supervisor, Junior Civil Engineer, Fleet Manager, Water Superintendent and Wastewater Collections Superintendent. (Report with agenda. Approved by City Council on October 1, 1992, with adoption of Public Works & Transportation Audit recommendations. Resolution amending the Position Classification Plan to revise class specifications needed, and resolution amending the class range tables to amend and establish salaries needed.)

ACTION: Res. 92-591 adopted (Patterson/Dobbs, unan.) amending the Position Classification Plan.
Res. 92-592 adopted (same vote) amending the class range tables.
(Personnel to handle)

WRITTEN COMMUNICATIONS

25. Petition from Johnny Linderman requesting stop signs on McClure Road.

ACTION: By motion (Muratore/Dobbs, unan.) staff evaluation accepted.
(Public Works & Trans. to handle)

26. Letter from E. R. Curran regarding playing rates on the 9-hole Municipal Golf Course.

No action taken.

CONSENT

27. Letter of resignation from the Downtown Improvement District Advisory Board from Ralph J. Lozano.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 92-593 adopted accepting resignation with regret.
(Clerk to handle)

MISCELLANEOUS

Appointments

28. Affirmative Action/Disability Commission

ACTION: Res. 92-594 adopted (Dobbs/Friedman, unan.) appointing Manuel Gonsalves to the Commission.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

29. 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

30. Closed session to consider:
- a. The purchase, sale, exchange, or lease of real property by or for the local agency to give instructions to negotiator regarding the price and terms of payment for the purchase, sale, exchange or lease, pursuant to Government Code Section 54956.8.
 - b. 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

Meeting adjourned at 8:13 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 an special session at 3:00 p.m. on Tuesday, October 27, 1992 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

Councilmember Patterson arrived at 3:30 p.m.

Absent: None

The Council held a closed session to consider 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; to confer with or receive advise from legal counsel regarding pending litigation, pursuant to Section 54956.9(a) of the Government Code, and to consider the purchase, sale, exchange, or lease of real property by or for the local agency to give instructions to negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease (Johansen High School Park site and Del Este Water Company) pursuant to Government Code Section 54956.8.

The meeting recessed at 4:00 p.m. and returned to closed session at 5:00 p.m. upon the adjournment of the regular City Council meeting.

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, OCTOBER 27, 1992 , 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 Olsen, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 8, 9, 10, 12, 14, 15,
16, 18, 19, 20

Removed from consent: 11

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.

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Bill Nichols introduced George Aguilar, newly appointed Community Development Program Director.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of October 20, 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

UNFINISHED BUSINESS

4. Final adoption of Ord. No. 2828-C.S. amending the Modesto Municipal Code relating to the Fire Code and Hazardous Materials.
(Report with agenda. Motion adopting needed.)

ACTION: By motion (Dobbs/Friedman, unan.) Ord. No. 2828-C.S. adopted.
(Clerk to handle)

CONSENT

5. Final adoption of Ord. No. 2831-C.S. amending Section 28-3-9 of the Zoning Map to rezone from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(490) property located on the north side of Scenic Drive east of Bodem Street, to provide for a 258-space mausoleum.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2831-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider approval of the issuance of Health Facility Revenue Bonds in an amount not to exceed \$21,000,000 for the purpose of assisting Memorial Hospitals Association in the refinance of 1988 Health Facility Revenue Bonds and the acquisition of Advanced Medical Diagnostic Center. Vice Mayor Friedman excused due to a conflict of interest.

ACTION: Res. 92-595 adopted (Dobbs/Cogdill, unan., Friedman absent) approving the financing of a project at the Health Facilities of Memorial Hospitals Association.

10/27/92

Res. 92-596 adopted (same vote) approving issuance of Revenue Bonds in an amount not to exceed \$21,000,000 and the loan of the proceeds thereof to Memorial Hospitals Association. (Finance to handle)

BIDS

CONSENT

7. Consider award of contract for the Robertson Road Neighborhood Park project to Grover Landscaping, Inc., and consider amending the budget to fully fund the project.

(Bids were opened on October 1, 1992. The low bid of \$252,430.64, submitted by Grover Landscaping, Inc. is .16% 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 and resolution amending budget needed. Estimated total cost: \$290,295.24 (contract \$252,430.64; eng. & cont. \$37,864.60). Funds are partially budgeted.)

ACTION: Res. 92-597 adopted awarding contract.
Res. 92-598 adopted amending budget. (P/W to handle)

CONSENT

8. Consider acceptance of W. S. Bennett Construction, Inc.'s contract for the construction of Project No. 19 - replacement of curb, drive aprons, and sidewalks at various locations as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$87,208.12)

(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: \$91,783.52. Funds are budgeted.)

ACTION: Res. 92-599 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

9. Consider excusing Mayor Lang and Councilmembers Bird, Friedman, and Patterson from the October 13, 1992, City Council meeting due to their attendance at the Annual League of California Cities Conference October 10 - 13, 1992.

(Motion excusing needed.)

ACTION: By motion, absences excused (Clerk to handle)

CONSENT

10. Consider joining in an amicus brief (Kawaoka v. City of Arroyo Grande) in appeals regarding use of Specific Plans.

(Report with agenda. Motion authorizing the City to join in amicus brief needed.)

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

11. Consider approving agreement with Kleinfelder, Inc. to prepare a Toxic Emissions Inventory Report (TEIR) and Toxic Emission Inventory Plan. (Report with agenda. Assembly Bill AB 2588 requires wastewater facilities to do a TEIP and TIER. Resolution approving agreement needed. Estimated cost: \$100,000. Funds are budgeted.)

ACTION: By motion (Cogdill/Bird, unan.) this matter was continued one week. (P/W to handle)

CONSENT

12. Consider approving rental rehabilitation stipulated grant agreements with Johnnie F. Lau to provide property owner with funds to repair real properties located at 2128 Palisades Avenue, No. 3; 2129 Palisades Avenue, No. 1; 2129 Palisades Avenue, No. 4; 2204 Palisades Avenue, No. 3; 2408 Yorkton Avenue, No. 2; 2408 Yorkton Avenue No. 3; and 2409 Yorkton Avenue No. 4, under the Rental Rehabilitation Program. (Report with agenda. Resolution approving agreements needed. Estimated total cost: \$50,000. Funds are budgeted.)

ACTION: Res. 92-600 adopted approving agreements. (Planning to handle)

13. Staff report on Graffiti USA 1992. (Report with agenda. Motion acknowledging receipt of report and directing staff to work with Chamber of Commerce needed.)

ACTION: By motion (Friedman/Bird, unan.) receipt of report acknowledged and staff directed to work with the Chamber of Commerce as recommended. (P/R to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

15. Consider approving agreement with Modesto City Schools for the provision of D.A.R.E. classes at its K-8 schools for 1992-93. (Report with agenda. Resolution approving agreement and resolution amending budget needed. Estimated cost: \$24,666.)

ACTION: Res. 92-601 adopted approving agreement. Res. 92-602 adopted amending budget. (Police to handle)

CONSENT

16. Consider approving lease agreement with Greyhound Lines, Inc., for the lease of a portion of Modesto Transportation Center. (Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 92-603 adopted approving lease agreement. (P/W to handle)

10/27/92

17. Civilian Review Board Report.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Dobbs/Bird, unan.) receipt of report acknowledged, with a progress report to be made in six months.

WRITTEN COMMUNICATIONS

CONSENT

18. Letter from Roger L. Ford, President and General Manager, Rudy Bonzi, Inc., requesting a new ten year license for collection of industrial garbage and salvageable waste in the City of Modesto.
(Resolution setting hearing November 24, 1992, at 4:00 p.m. needed.)

ACTION: Res. 92-604 adopted setting hearing. (Clerk to handle)

CONSENT

19. Letter of resignation from the General Plan Steering Committee from Laurance A. Martin.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 92-605 adopted accepting resignation. (Clerk to handle)

CONSENT

20. Letter from Carol Benson, News Director, K093, requesting direct City assistance for a Christmas parade on Saturday, December 5, 1992.
(Report with agenda. Resolution approving request needed.)

ACTION: Res. 92-606 adopted approving request. (Finance 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

ADJOURNMENT

The meeting adjourned at 5:00 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

10/27/92



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 3, 1992 , 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. Jose Ireta, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 12,
13

ACTION: (Friedman/Dobbs, unan.)

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

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced Cub Scout Troop 299, Sylvan School District.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meeting of October 27, 1992.
(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. Consider approving agreement with Kleinfelder, Inc. to prepare a Toxic Emissions Inventory Report (TEIR) and Toxic Emission Inventory Plan (TEIP). (Report with agenda. Assembly Bill AB 2588 requires wastewater facilities to do a TEIR and TIEP. Resolution approving agreement needed. Estimated cost: \$100,000. Funds are budgeted.)

ACTION: Res. 92-607 adopted (Patterson/Bird, unan.) approving agreement.
(P/W to handle)

CONSENT

5. Final adoption of Ord. No. 2832-C.S. amending Section Map 22-3-9 of the Zoning Map to rezone from P-O, to P-D(491), property located between Oakdale Road and Santa Paula Drive north of East Orangeburg Avenue.
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2832-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

6. Consider acceptance of Rolfe Construction's contract for the Franzia Court and Reno Avenue; Kansas Avenue and Emerald; and Dale Road waterlines as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$114,978.50)
(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

11/3/92

with agenda. Resolution accepting work as complete needed. Final cost: \$109,799.05. Funds are budgeted.)

ACTION: Res. 92-608 adopted accepting work as complete. (Clerk to handle)

CONSENT

7. Consider acceptance of Conco West, Inc.'s contract for Pump Station No. 20 emergency generator set addition as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$41,825)
(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. Final cost: \$78,425. Funds are budgeted.)

ACTION: Res. 92-609 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

8. Consider adopting a Resolution of Intention to vacate and abandon Reno Avenue street right of way located between Kansas Avenue and the northerly extension of Franzia Court, reserving an easement for a City of Modesto water line and consider accepting quitclaims of the underlying fee of Reno Avenue.
(Report with agenda. Report with agenda. Resolution of Intention needed and resolution accepting quitclaims needed.)

ACTION: Res. 92-610 adopted adopting Resolution of Intention.
Res. 92-611 adopted accepting quitclaims.
(Planning/Clerk to handle)

CONSENT

9. Consider approving the assumption of an \$85,000 grant by Sierra Vista Children's Center, formerly awarded to Brethren Community Services.
(Report with agenda. Resolution approving assumption of grant needed.)

ACTION: Res. 92-612 adopted approving assumption of grant.
(Planning to handle)

CONSENT

10. Consider approving special public transit service, identical to that which was provide 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, special services approved. (P/T to handle)

CONSENT

11. Consider approving an amendment to the agreement with Caltrans to extend the complete date from January 1, 1993, to March 1, 1994, for installing wheelchair ramps and traffic signal modifications at 9th and D Streets. (Report with agenda. On May 19, 1992, the Council approved an agreement with Caltrans to install wheelchair ramps and modify the traffic signal at 9th and D streets. Caltrans now requests the agreement be amended to extend the contract completion date because it has taken longer than expected to acquire additional right of way. Resolution approving amendment to agreement needed. Estimated cost: \$59,000. Funds are budgeted.)

ACTION: Res. 92-613 adopted approving amended agreement. (P/W to handle)

CONSENT

12. Consider authorizing the City Manager to execute a grant application for a fully funded "Student Pedestrian and Bicycle Traffic Education and Occupant Protection Program" through the Governor's Office of Traffic Safety. (Report with agenda. Resolution authorizing execution of grant application needed.)

ACTION: Res. 92-614 adopted authorizing execution of grant application. (Police to handle)

WRITTEN COMMUNICATIONS

CONSENT

13. Letter of resignation from the Citizens Housing and Community Development Committee and the Housing Rehabilitation Loan Committee from Don E. Jordan. (Resolution accepting resignation with regret needed.)

ACTION: Res. 92-615 adopted accepting resignation.

MISCELLANEOUS

Appointments

14. a. Culture Commission

ACTION: Res. 92-616 adopted (Dobbs/Muratore, unan.) appointing Reuben Torch.

- b. Citizens Advisory Committee on Recycling

ACTION: Res. 92-617 adopted (Dobbs/Muratore, unan.) appointing Dennis Jackman.

- c. Housing Rehabilitation Loan Committee

ACTION: Res. 92-618 adopted (Dobbs/Muratore, unan.) appointing Fred Sandow.

11/3/92

d. Human Relations Commission Reappointments

ACTION: Res. 92-619 adopted (Dobbs/Muratore, unan.) reappointing Rose Littler.

e. Planning Commission Reappointment

ACTION: Res. 92-620 adopted (Dobbs/Muratore, unan.) reappointing Tim Fisher.

MATTERS TOO LATE FOR THE AGENDA

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

None

CLOSED SESSION

16. Closed session to consider the purchase, sale, exchange or lease of real property to give instructions to negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of all the real property, inclusive of all lands and whatever may be erected and growing upon or affixed to said lands, and all rights issuing out of, annexed to, and exercisable within or about said lands, of the Del Este Water Company, pursuant to Government Code Section 54956.8.

ADJOURNMENT

The meeting adjourned at 8:05 p.m. to closed session.

ATTEST: 
JUDY C. HALL, Acting City Clerk

11/3/92



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, November 10, 1992 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 for an update of the General Plan and the Economic Development Strategic Plan.

Bill Nichols reviewed the schedule and work of the General Plan Committee in updating the General Plan.

Harlan Westenberg spoke about the selection of Kreines & Kreines as the consulting firm that would assist with the City's economic development program and the schedule for completing the study and reporting to the City Council.

The meeting adjourned at 2:55 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, CITY CLERK

11-10-92



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 10, 1992, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Friedman, Muratore,
Patterson, Mayor Lang
Councilmember Patterson was excused at 4:10 p.m.

Absent: Councilmember Dobbs

Pledge of Allegiance to the Flag

Invocation: Rev. Ken Smeltzer, Church of the Brethren

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 8, 9

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

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11/10/92



ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Mayor Lang introduced the Standiford Student Council.

MINUTES

CONSENT

2. Approval of the minutes of the regular November 3, 1992 City Council meeting.
(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

- Councilmember Patterson excused at 4:10 p.m.
4. Hearing to consider the appeal of Dennis Wilson, Mid-Valley Engineering, Inc., to a staff decision regarding an application for the Pelandale-Snyder Reorganization, General Plan Amendment, prezone and change of Sphere of Influence, property located on the north side of Snyder Avenue and MID Lateral No. 6, between Dale Road and the Union Pacific Railroad.
City Clerk Norrine Coyle was excused due to a conflict of interest.

ACTION: By motion (Friedman/Cogdill, Dobbs and Patterson absent) this hearing was continued to December 8, 1992, at 4:00 p.m.
(Clerk to handle)

BIDS

CONSENT

5. Consider acceptance of George Reed Inc.'s contract for the 1992 Residential Street Overlays as complete and authorize City Clerk to file Notice of Completion. Original contract: \$418,655.32
(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: \$415,604.71. Funds are budgeted.)

ACTION: Res. 92-621 adopted accepting as complete. (Clerk to handle)

11/10/92

NEW BUSINESS

6. Status report and consideration of options with respect to the County Environmental Resources Department's administration of the Hazardous Materials Disclosure Program (AB 2135).

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

CONSENT

7. Consider authorizing City Manager to sign a Right of Way Certificate for a project titled Oakdale Road and Sylvan Avenue Street Overlay. (In order to obtain Federal funding for this project a Right of Way Certification must be signed by the City Manager and forwarded to Caltrans for approval. Report with agenda. Resolution authorizing City Manager to sign Right of Way Certificate needed.)

ACTION: Res. 92-622 adopted approving Right of Way Certificate.
(P/W to handle)

CONSENT

8. Consider approving agreement with David A. and Pamela S. Basmajian for the purchase of 21,789± s.q. of their property needed for the Claus Road bridge widening project for the appraised value of \$10,000.00. (Report with agenda. Resolution approving agreement needed. Estimated total cost: \$12,000 (\$10,000 purchase; \$2,000 est. escrow) Funds are budgeted.)

ACTION: Res. 92-623 adopted approving agreement. (Atty to handle)

CONSENT

9. Consider approving the 1993-94 Citizen Participation Plan and Community Development Block Grant Application Schedule. (Report with agenda. Resolution approving 1993-94 Community Block Grant Application and related Citizen Participation Plan needed.)

ACTION: Res. 92-624 adopted approving Application and Participation Plan.
(Planning to handle)

WRITTEN COMMUNICATIONS

10. Request for Direct City Assistance by Bill King of the American Legion Post #74, for assistance with the Veterans Day Parade to be held November 11, 1992.

ACTION: By motion (Muratore/Friedman, unan., Dobbs and Patterson absent)
request approved. (Police to handle)

11/10/92

11. Request for Direct City Assistance by R & B Presents for the "Concert for Youth" to benefit D.A.R.E on January 2, 1993, at the Centre Plaza.

ACTION: By motion (Bird/Muratore, unan., Dobbs and Patterson absent) the request was referred to staff. (Manager to handle)

MISCELLANEOUS

Appointments

12. a. General Plan Steering Committee

ACTION: Res. 92-625 adopted (Friedman/Cogdill, unan., Dobbs and Patterson absent) appointing Preston Oliver. (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 4:37 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 17, 1992 , 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. Ross Briles, Sherwood Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 8, 9, 10, 11, 11A, 13

Removed from consent: 6

ACTION: (Bird/Dobbs, unan.)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang thanked Kenni Friedman for her year's service as Vice Mayor and welcomed Dave Cogdill as Vice Mayor for the coming year.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of November 10, 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

HEARINGS

4. Hearing to consider an amendment to P-D(200) to allow condominium conversion of an existing commercial shopping center located on the northeast side of Sisk Road between Sullivan Court and Vintage Drive (Sandcastle Properties).

ACTION: By motion (Muratore/Dobbs, unan.) Ord. 2833-C.S. introduced.
Res. 92-627 adopted (same vote) approving plan.
Res. 92-628 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

NEW BUSINESS

CONSENT

5. Consider authorizing application for Bicycle Project Funding under Proposition 116 (Clean Air and Transportation Act) of the California Transportation Commission for the construction of a Class 1 Bikeway along Dry Creek and certifying financial commitment to the project.
(The application requires the attachment of a resolution by the "Policy Board" authorizing application for funding. Report with agenda. Resolution authorizing application and certifying financial commitment needed.)

ACTION: Res. 92-629 adopted authorizing applicatino and certifying financial commitment. (Planning to handle)

11/17/92

6. Consider declaring as surplus and authorize the sale of surplus, lost, stolen, unclaimed and/or seized property accumulated by the City of Modesto at two public auctions to be conducted by Roger Ernst & Associates, located at 824 Kiernan Avenue, on December 5 and 7, 1992. (Report with agenda. Resolution declaring surplus property and authorizing sale by public auction needed.)

ACTION: Res. 92-630 adopted (Friedman/Muratore, unan.) declaring surplus property and authorizing sale. (Finance to handle)

CONSENT

7. Consider amending class specifications for Assistant Traffic Engineer and Building Maintenance Supervisor; consider adopting class specifications for Junior Traffic Engineer, Associate Traffic Engineer and Building Maintenance Superintendent; and consider amending the class range tables. (Report with agenda. This action was approved by the City Council on October 1, 1992, with adoption of the Public Works and Transportation audit. Resolution amending the Position Classification Plan and resolution amending the class range tables needed.)

ACTION: Res. 92-631 adopted amending class specifications.
Res. 92-632 adopted amending class range tables. (Personnel to handle)

CONSENT

8. Consider approval of final map of Sun Ridge Subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. Owners: Bright Development (The subdivision agreement has been signed and all fees paid. Sun Ridge Subdivision is located on the north side of Merle Avenue and the south side of Belharbour Drive, west of Boston Way. It contains 9.74 acres. Report with agenda. Resolution approving final map and authorizing City Manager to sign subdivision agreement needed.)

ACTION: Res. 92-633 adopted approving final map. (Clerk to handle)

CONSENT

9. Consider approving an amendment to the agreement with Bissell and Karn, Inc. for additional services related to the widening of the Claus Road Bridge over Dry Creek. (The amendment will provide for design of access control walls and associated landscaping, installation of a 12-inch waterline on the bridge exterior, street lighting and project management related to the access control wall. Report with agenda. Resolution approving amendment to agreement needed. Estimated cost: \$18,351.00. Funds are budgeted.)

ACTION: Res. 92-634 adopted approving amended agreement. (P/W to handle)

11/17/92

CONSENT

10. Consider appointing Alice Tulloch, Deputy Director of Public Works and Transportation, to the Technical Committee for the MID Surface Water Project.
(The Treatment and Delivery agreement establishes the Technical Committee with a regular and alternate member from each party to the agreement. Resolution appointing Alice Tulloch needed.)

ACTION: Res. 92-635 adopted appointing Alice Tulloch. (P/W to handle)

CONSENT

11. Consider approving a Joint Exercise of Powers Agreement between the Cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Service District, Hilmar County Water District, and Keyes Community Services District.
(Report with agenda. Participating in the Joint Exercise of Powers Agreement will continue to provide the City with the greatest flexibility in meeting the future water demand in the South Modesto Service area by providing a surface water option. This option will be from surface water purchased from the Turlock Irrigation District and treated and distributed to the participating agencies by the JPA. Resolution approving agreement need. Estimated cost: \$2,500. Funds are budgeted.)

ACTION: Res. 92-636 adopted approving agreement. (P/W to handle)

CONSENT

- 11A. Designation of David Cogdill to serve as Vice Mayor for the ensuing year, pursuant to Section 603 of the Charter of the City of Modesto.
(Resolution designating David Cogdill as Vice Mayor needed.)

ACTION: Res. 92-637 adopted designating David Cogdill to serve as Vice Mayor.
(Clerk to handle)

WRITTEN COMMUNICATIONS

12. Request by James Beberdick to review Newman's Weed Abatement Ordinance, and implement something similar for Modesto.

No action needed.

CONSENT

13. Letter of resignation from the Human Relations Commission from Roger Jackson.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 92-638 adopted accepting resignation. (Clerk to handle)

11/17/92

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 7:40 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 24, 1992 , AT 4:00 P.M.

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

Absent: Councilmember Friedman

Pledge of Allegiance to the Flag

Invocation: Chaplain Rick Johnson, Juvenile Hall

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 10, 14, 15, 16, 17,
18, 19, 20, 21, 22

Removed from consent: 23

Dropped from agenda: 9

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced members of Cub Scout Pack 2 sponsored by St. Stanislaus School.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of November 17, 1992.
(Motion approving needed.)

ACTION: By motion, minutes approved.

(Clerk to handle)

11/24/92



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. 2833-C.S. amending P-D(200) to allow condominium conversion of an existing commercial shopping center located on the northeast side of Sisk Road between Sullivan Court and Vintage Drive. (Sandcastle Properties)

ACTION: By motion, Ordinance No. 2833-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the vacation and abandonment of Reno Avenue street right of way located between Kansas Avenue and the northerly extension of Franzia Court, reserving an easement for a City of Modesto water line, and accepting quitclaims of the underlying fee of Reno Avenue.

ACTION: Res. 92-639 adopted (Muratore/Bird, unan., Friedman absent) vacating and abandoning Reno Avenue right-of-way between Kansas Avenue and Franzia Court, except for a public utility easement.
Re. 92-640 adopted (same vote) authorizing the City Manager and the City Clerk to sign quitclaim deeds.
(Clerk/Planning & C.D. to handle)

6. Hearing to consider a request from Rudy Bonzi, Inc. for a new ten year license for collection of industrial garbage and salvageable waste in the City of Modesto.

ACTION: By motion (Patterson/Cogdill, majority, Bird and Dobbs - no, Friedman absent) Ordinance No. 2834-C.S. introduced granting the license to Rudy Bonzi, Inc. (Clerk to handle)

7. Hearing to consider approval of the issuance of refunding revenue bonds in an amount of \$5,600,000 for the purpose of assisting in the refinancing of the acquisition, construction and development of a multifamily rental housing development in the City of Modesto known as Westdale Commons Apartments.

ACTION: Res. 92-641 adopted (Cogdill/Muratore, unan., Friedman absent) approving issuance of refunding revenue bonds. (Finance to handle)

11/24/92

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the water/sewer bore and jack project across State Route 99.
(Suggested bid opening: December 17, 1992, at 11:00 a.m. This project will provide water and sewer to property located south of Pelandale Avenue, west of State Route 99 and east of Salida Boulevard. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$89,412 (contract \$77,975; \$10,137 eng. & cont.; \$1,300 Caltrans insp.) Funds are budgeted.)

ACTION: Res. 92-642 adopted approving plans and specifications and calling for bids. (Public Works & Trans. to handle)

CONSENT

9. Consider waiving formal bid procedures and authorizing the purchase of geodimeter surveying station equipment for a total cost of \$26,598.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

Dropped from agenda.

CONSENT

10. Consider waiving formal bid procedures and authorizing the purchase of one Police vehicle through the State of California Cooperative Purchasing Contract for a total price of \$15,447.50.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 92-643 adopted waiving formal bid procedures and authorizing purchase. (Finance to handle)

NEW BUSINESS

11. Consider acknowledging donation of play equipment from Modesto Rotary Club and approving an agreement for the installation of the play equipment at Robertson Road Neighborhood Park.
(Report with agenda. Motion acknowledging receipt of play equipment needed, and resolution approving agreement needed.)

ACTION: By motion (Muratore/Dobbs, unan., Friedman absent) receipt of play equipment was acknowledged with appreciation.

Res. 92-644 adopted (same vote) approving agreement.
(Parks & Recreation to handle)

11/24/92

12. Consider directing staff on amount of allocation for an agreement with The William Lyon Company and Del Monte Corporation to relocate Del Monte's main entrance.
(The Yosemite Meadows Vesting Tentative Subdivision map has a condition requiring a three-way agreement between The William Lyon Company and Del Monte Corporation to relocate Del Monte's main entrance. Motion directing staff needed.)

Dropped from agenda.

13. Consider recommending that the County deny Use Permit No. 92-23 by Martin David for proposed golf driving range with volleyball, restaurant/retail store facilities on the north side of Bangs Avenue, east of Dale Road.
(Report with agenda. The City Council is to review "Conditional Use Permits for new uses (other than for churches and agricultural uses that are permitted)" per Modesto-County agreement dated March 13, 1992. Resolution recommending County denial of Zoning Use Permit No. 92-93 needed.)

ACTION: Res. 92-645 adopted (Dobbs/Lang, unan., Friedman absent) recommending denial. (Planning & C. D. to handle)

CONSENT

14. Consider authorizing appropriation transfers totaling \$146,422.48 from CFF Parks Contingency Reserve, Expressway Loop Reserve and Sewer Contingency Reserve to Yosemite Neighborhood Park Development, Claus Road Street Construction and Extend Subtrunk Sewers to fund three existing approved reimbursement agreements with the William Lyon Company, and consider establishing a \$268,000 trust account for money owned to City by the William Lyon Company.
(Report with agenda. Resolution approving appropriation transfer needed, and resolution establishing trust account needed.)

ACTION: Res. 92-646 adopted approving appropriation transfer.
Res. 92-647 adopted establishing trust account (Finance to handle)

CONSENT

15. Consider annual approval of City's current investment policy as required by State law.
(Report with agenda. Motion approving policy needed.)

ACTION: By motion current investment policy approved. (Finance to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

11/24/92

CONSENT

17. Consider approving agreement with Margaret R. Sahlman, Trustee for the Margaret R. Sahlman Trust, for the acquisition of 1,633 square feet of her property needed to widen Scenic Avenue for the appraised value of \$12,200. (Report with agenda. Resolution approving agreement needed. Estimated total cost: \$13,700 (property \$12,200; est. escrow \$1,500) Funds are budgeted.)

ACTION: Res. 92-648 adopted approving agreement. (Attorney to handle)

CONSENT

18. Consider approving agreement with Shimon Amadin for the acquisition of 1,500 square feet of his property needed to widen Scenic Avenue for the appraised value of \$7,400. (Report with agenda. Resolution approving agreement needed. Estimated total cost: \$8,900 (property \$7,400; est. escrow \$1,500) Funds are budgeted.)

ACTION: Res. 92-649 adopted approving agreement. (Attorney to handle)

CONSENT

19. 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 lease agreement needed.)

ACTION: Res. 92-650 adopted approving lease agreement.(Attorney to handle)

CONSENT

20. Consider acceptance of improvements in Dry Creek Meadows No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: The William Lyons Company)
(Report with agenda. Dry Creek Meadows No. 1 is located west of Claus Road and south of MID Lateral No. 2. 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. 92-651 adopted accepting improvements. (Clerk to handle)

CONSENT

21. Consider authorizing application for \$217,400 in funding under the State Environmental Enhancement and Mitigation Grant Program for the construction of a pedestrian/bicycle trail and undercrossing at Claus Road and Scenic Drive. (Report with agenda. Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 92-652 adopted authorizing City Manager to sign grant application. (Parks & Recreation to handle)

11/24/92

CONSENT

22. Consider authorizing application for \$55,660 in funding from the Federal Land and Water Conservation Fund for the construction of a group picnic shade structure at East La Loma Park.
(Report with agenda. Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 92-653 adopted authorizing City Manager to sign grant application.
(Parks & Recreation to handle)

23. Consider approving an agreement with Vail Engineering for consultant services for Village One Financing Plan, and consider amending budget to transfer \$38,500 from the General Fund Contingency Reserve to a new project - Village One Final Facilities Financing Plan.
(On October 16, 1990, the City Council adopted a Preliminary Finance Plan for Village One's Public Facilities prepared by Economic and Planning Systems (EPS). EPS provided professional services to the City during the development of the Facilities Master Plan, and the contract was completed August 1, 1992. Report with agenda. Resolution approving agreement and resolution amending the budget needed.)

ACTION: Res. 92-654 adopted (Cogdill/Muratore, majority, Dobbs - no, Friedman absent) approving agreement.
Res. 92-655 adopted (same vote) amending the budget.
(Planning & C. D./Finance to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

CLOSED SESSION

25. Closed session to consider the following:
- a. The purchase, sale, exchange or lease of the real property, inclusive of all lands, whatever may be erected and growing upon or affixed to said lands, and all rights issuing out of, annexed to, and exercisable within or about said lands, of the Del Este Water Company, pursuant to Section 54956.8 of the Government Code.
 - b. 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.

11/24/92

- c. The purchase, sale, exchange or lease of the real property, inclusive of all lands and whatever may be erected and growing upon or affixed to said lands, and all rights issuing out of, annexed to and exercisable within or about said lands, of the Johansen High School Park, pursuant to Section 54956.8 of the Government Code.

ADJOURNMENT

Meeting adjourned to closed session at 5:14 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

December 1, 1992

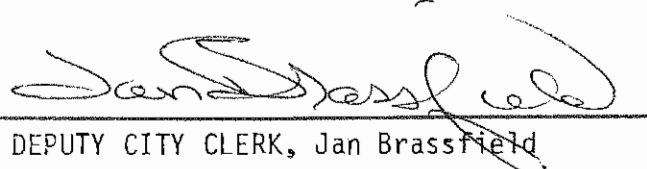
The meeting of the City Council was called to order at 7:30 p.m. in the City Council Chambers, City Hall, Modesto, California, by the Deputy City Clerk.

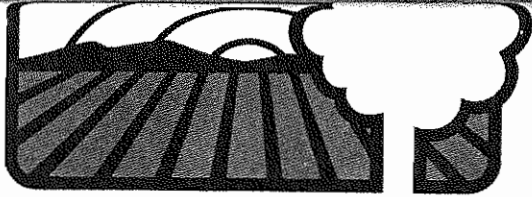
Present: Councilmember Dobbs

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

There being a lack of a quorum, the meeting was adjourned.

ATTEST:


DEPUTY CITY CLERK, Jan Brassfield



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 8, 1992, 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 Shakelford, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items: 2, 9, 10, 11, 12, 14, 15, 16,
18, 19, 20, 21, 23, 24, 25, 27, 28

Removed from consent: 13

ACTION: (Friedman/Dobbs, unan.)

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 17

COUNCILMEMBER FRIEDMAN EXCUSED DUE TO A CONFLICT OF INTEREST

ACTION: (Patterson/Muratore, 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.)

12/8/92

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

Acting City Attorney Mike Milich introduced Deputy City Attorney David Cervantes.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of November 24, 1992.
(Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

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

None

UNFINISHED BUSINESS

4. Final adoption of Ord. No. 2834-C.S. granting to Rudy Bonzi, Inc. licenses for the collection of industrial garbage and salvageable waste.
(Motion adopting needed.)

ACTION: By motion (Muratore/Lang, majority, Bird and Dobbs-no) Ord. No. 2834 C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the appeal of F. M. Fabian to a Planning Commission decision concerning an application for an amendment to Section 28-3-9 of the Zoning Map to rezone from R-1 to P-D for a 45-unit, two- and three-story apartment project targeted for single parents and including a child day care center, property located on the south side of Evergreen Avenue east of Orangeburg Avenue.
(Continued from October 20, 1992, City Council meeting.)

ACTION: Res. 92-656 adopted (Bird/Muratore, unan.) denying the appeal without prejudice. (Planning to handle)

12/8/92

6. Hearing to consider the appeal of Dennis Wilson, Mid-Valley Engineering, Inc. to a staff decision regarding an application for the Pelandale-Snyder Reorganization, General Plan Amendment, prezone and change of Sphere of Influence, property located on the north side of Snyder Avenue and MID Lateral No. 6, between Dale Road and the Union Pacific Railroad.
(Continued from November 10, 1992, City Council meeting.)
City Clerk Norrine Coyle excused due to a conflict of interest.

ACTION: Res. 92-657 adopted (Muratore/Cogdill, majority, Bird and Patterson-no) granting the appeal. (Planning to handle)

7. Hearing to consider an amendment to Section 30-3-10 of the Zoning Map to prezone to R-1, property located on the east side of Claus Road and south of M D Lateral No. 2. (Modesto City School District)

ACTION: By motion (Friedman/Dobbs, unan.) Ord. No. 2835-C.S. introduced. (Clerk to handle)

8. Hearing to consider the proposed designation of the following locations as City of Modesto Landmark Preservation Sites:

- A. Enslin Park, located at Stoddard Avenue and Enslin Avenue.

ACTION: Res. 92-658 adopted (Patterson/Bird, unan.) designating location as Landmark Preservation site.

- B. Graceada Park, located at Needham Street and Sycamore Avenue.

ACTION: Res. 92-659 adopted (Patterson/Bird, unan.) designating location as Landmark Preservation site. (P/R, Clerk to handle)

NEW BUSINESS

CONSENT

9. Consider approving a new Chapter (Chapter 19) to the City of Modesto Policy and Procedures Manual for the new HOME-funded Housing Rehabilitation Program.
(Report with agenda. Resolution approving new Chapter to the Community Development Program Policy and Procedure Manual needed.)

ACTION: Res. 92-660 adopted approving new Chapter to Policy and Procedures Manual. (Planning to handle)

CONSENT

10. Consider acceptance of improvements in Collier Park Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: Barry Highiet - DANO Construction.
(Collier Park is located on the west side of Collier Avenue, north of East Roseburg Avenue. All improvements have been completed to the satisfaction of the Public Works and Transportation Department. Inspection fees have

12/8/92

been paid. Report with agenda. Resolution accepting improvements as complete needed.)

ACTION: Res. 92-661 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

11. Consider acceptance of improvements in Pine Tree Village No. 3 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: James Horn Construction (Pine Tree Village No. 3 is located at the northeast corner of Robertson Road and Marlo Street. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 92-662 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

12. Consider approving a cooperative annual agreement between the City and Stanislaus County for providing automotive replacement parts from four local (Modesto) firms. (Report with agenda. Resolution approving a cooperative agreement with Stanislaus County needed. Estimated Cost: \$208,830. Funds are budgeted.)

ACTION: Res. 92-663 adopted approving agreement. (Finance to handle)

13. Consider authorizing staff to initiate Request for Proposals process to obtain professional services to update Capital Facility Fee project definitions and corresponding preliminary cost estimates on projects currently included in the City's CFF Program. (Report with agenda. Motion directing staff to initiate the Request for Proposals process needed.)

ACTION: By motion (Patterson/Bird, unan.) staff directed to initiate Request for Proposals. (P/W to handle)

CONSENT

14. Consider approving lease agreement with Wings Express, Inc. for their operations at the Airport. (Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 92-664 adopted approving lease agreement. (Attorney to handle)

CONSENT

15. Consider approving agreement with Joseph J. and Anna M. Gomes for the acquisition of 1320 s.f. of their property needed to widen Scenic Avenue for the appraised value of \$6,350. (Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 92-665 adopted approving agreement. (Attorney to handle)

12/8/92

CONSENT

16. Consider approving an agreement with Georgia E. Barnard, Trustee for the Barnard Living Trust, for the acquisition of 1300 s.f. of her property needed to widen Scenic Avenue for \$9,624.
(Report with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 92-666 adopted approving agreement. (Attorney to handle)

CONSENT COUNCILMEMBER FRIEDMAN EXCUSED DUE TO A CONFLICT OF INTEREST

17. Consider approving lease agreement with Gallo Glass Company for the lease of Mark Twain Park site.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 92-667 adopted approving agreement. (Attorney to handle)

CONSENT

18. Consider approving amendment to lease agreement with Charles J. Carnabucci, doing business as Nibbles, at the Modesto Airport.
(Report with agenda. Resolution approving amendment to lease agreement needed.)

ACTION: Res. 92-668 adopted approving agreement. (Attorney to handle)

CONSENT

19. Consider adopting a conflict of interest code for the Disabled Access Appeals Board as required by the State Fair Political Practices Commission.
(Report with agenda. Resolution adopting conflict of interest code needed.)

ACTION: Res. 92-669 adopted adopting conflict of interest code.
(Clerk to handle)

CONSENT

20. Consider a request from Modesto Babe Ruth Baseball for additional City Assistance in the amount of \$2,500.
(Report with agenda. Resolution approving request needed.)

ACTION: Res. 92-670 adopted approving request. (P/R to handle)

CONSENT

21. Consider request from Bravo! Repertory Dance Theatre for City Financial Assistance in the amount of \$2,700.
(Report with agenda. Resolution approving request needed.)

ACTION: Res. 92-671 adopted approving request. (P/R to handle)

22. Consider amending the budget to estimate and appropriate donation revenue for the purchase of portable spray equipment and related supplies and hiring of temporary worker to abate graffiti citywide.
(Resolution amending the budget needed. Estimated Cost: \$8,000.)

ACTION: Res. 92-672 adopted (Friedman/Bird, unan.) amending budget.
(Finance to handle)

12/8/92

CONSENT

23. Consider approving an appropriation transfer from the Sewer Fund Contingency Reserve to the Unit 2/3 Wastewater Treatment Plant Expansion project account.
(Funding for additional City staff time is necessary to achieve resolution of the contractor's claim. Additional staff time will also be required to prepare for the final EPA audit and proceed with final project closeout. Resolution approving an appropriation transfer needed. Estimated Cost: \$30,000. Funds are budgeted.)

ACTION: Res. 92-673 adopted approving appropriation transfer.
(P/W and Finance to handle)

CONSENT

24. City of Modesto's audited Comprehensive Annual Financial Report for the fiscal year ended June 30, 1992.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

25. Consider the City being a co-sponsor of "Earth Day in the Park 1993", authorize the City Manager to enter into a contract with a private special events coordinator and allow the sale of merchandise in the park during the event.
(Report with agenda. In 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources. Last year, the City Council made "Earth Day in the Park" an annual event. Resolution authorizing City to co-sponsor "Earth Day in the Park 1993", authorizing the City Manager to enter into a contract with a private special events coordinator and allowing the sale of merchandise in the park during the event needed.)

ACTION: Res. 92-674 adopted authorizing City to co-sponsor event, authorizing Manager to contract a private events coordinator, and allowing sale of merchandise in the park.
(P/W to handle)

26. Consider resolution of negotiations impasse with Modesto City Fire Fighters Association (MCFFA).
(Report with agenda. Resolution resolving negotiations impasse and authorizing implementation of City's last offer needed.)

ACTION: Res. 92-675 adopted (Friedman/Cogdill, unan.) approving staff recommendations.
(Personnel to handle)

WRITTEN COMMUNICATIONS

CONSENT

27. Letter of resignation from the International Friendship Committee from Margaret Snyder.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 92-676 adopted accepting resignation. (Clerk to handle)

12/8/92

CONSENT

28. Letter of resignation from the International Friendship Committee from Carol Quinlan.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 92-677 adopted accepting resignation. (Clerk to handle)

29. 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

30. Closed session to consider the following:

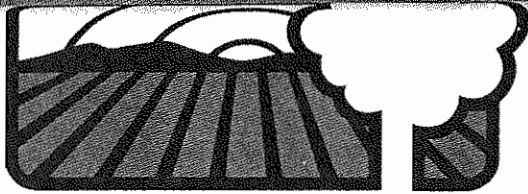
- a. The purchase, sale, exchange, or lease of real property inclusive of all lands and whatever may be erected and growing upon or affixed to said lands, and all rights issuing out of, annexed to, and exercisable within or about said lands, of the Del Este Water Company, pursuant to Section 54956.8 of the Government Code.
- b. To confer with or receive advice from legal counsel regarding pending litigation regarding Homer J. Olsen v. City of Modesto when discussion in open session concerning these matters would prejudice the position of the City in the litigation, pursuant to Section 54956.9(a).
- c. To confer with or receive advice from legal counsel regarding pending litigation regarding the cases of Kaufman & Broad v. City of Modesto and Golden State Homebuilding Assoc., et al, v. City of Modesto, County of Stanislaus, et al. when discussion in open session concerning these matters would prejudice the position of the City in the litigation, pursuant to Section 54956.9(a).

ADJOURNMENT

The meeting adjourned at 6:49 p.m. to closed session.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

12/8/92



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 15, 1992, AT 7:30 P.M.

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

Absent: None

A moment of silence was observed in memory of Garth Lipsky, former City Manager.

Pledge of Allegiance to the Flag

Invocation: Rabbi Gary Ellison, Congregation Beth Shalom

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

ACTION: (Dobbs/Cogdill, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of
December 8, 1992.
(Motion approving needed.)

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

12/15/92

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. 2835-C.S. rezoning to R-1, property located on the east side of Claus Road and south of M.I.D. Lateral No. 2. (Modesto City School District)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2835-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider increase in tipping fees at the Stanislaus Waste-to-Energy Facility.

ACTION: Res. 92-678 adopted (Patterson/Muratore, majority, Bird - no) approving increase. Public Works & Trans/Finance to handle)

6. Hearing to consider changes in garbage rates as a result of the annual garbage rate review.

ACTION: Res. 92-679 adopted (Patterson/Muratore, majority, Bird - no) approving garbage rate increase.
(Public Works & Trans/Finance to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the Linden Street, Martin Luther King Boulevard and Laurel Avenue storm drain extension.
(Suggested bid opening: January 14, 1993, at 11:00 a.m. The construction of this project will reconfigure the drainage pattern in this area and eliminate a major maintenance problem. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated total cost: \$78,284.14 (contract \$69,278; contingencies \$3,463.90; contract admin. \$5,542.24) Funds are budgeted.)

ACTION: Res. 92-680 adopted approving plans and specifications and calling for bids. (Public Works & Trans. to handle)

12/15/92

CONSENT

8. Consider approving specifications and authorizing call for bids for furnishing two street sweepers.
(Suggested bid opening: January 4, 1993. Report with agenda. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$246,674. Funds are budgeted.)

ACTION: Res. 92-681 adopted approving specifications and calling for bids.
(Finance to handle)

CONSENT

9. Consider authorizing the purchase of two thermoplastic trailers with premelting kettles from Hiway Marking Systems, Inc. for a total price of \$27,737, rejecting bids received for the thermoplastic applicator, and rebidding for the thermoplastic pavement marking applicator through the informal bid process.
(Report with agenda. Resolution authorizing purchase needed, and resolution rejecting bids received for thermoplastic applicator and authorizing informal rebidding needed. Estimated cost: \$27,737. Funds are budgeted.)

ACTION: Res. 92-682 adopted authorizing purchase of trailers.
Res/ 92-683 adopted rejecting bids and authorizing informal rebidding for applicator.
(Finance to handle)

NEW BUSINESS

10. Consider approval of conceptual street alignments for certain streets in Village One.
(Report with agenda. Staff has further studied realignment of certain streets as directed at the September 15, 1992, Council meeting during review of the Village One Facilities Master Plan. Funds are needed to develop precise engineered realignments. Motion approving conceptual street alignments, resolution amending the 1992-93 Budget, and resolution authorizing an informal selection process for consultant services and authorizing the City Manager to execute the agreement for consultant services needed. Estimated cost: \$50,000.)

ACTION: By motion (Friedman/Muratore, unan.) conceptual street alignments were approved.
Res. 92-684 adopted (same vote) amending the 1992-93 Budget.
Res. 92-685 adopted (same vote) approving recommendation concerning consultant selection. (Public Works & Trans./Finance to handle)

CONSENT

11. Consider excusing Mayor Lang, Councilmembers Bird, Dobbs, Friedman, Muratore, and Patterson for their absence from the December 1, 1992, City Council meeting due to their attendance at the Congress of Cities Conference in New Orleans, Louisiana, November 29 - December 2, 1992.
(Motion excusing needed.)

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

12/15/92

CONSENT

12. Consider amending the City's ordinance for commercial landscape and irrigation standards to include provisions for compliance with the State Legislature's Assembly Bill, Drought Ordinance.
(Report with agenda. Motion introducing ordinance needed.)

ACTION: By motion, Ordinance 2836-C.S. introduced amending the commercial landscape and irrigation standards and required. (Clerk to handle)

CONSENT

13. Consider authorizing City Manager to execute financing agreements with owners of properties (Johnnie F. Lau, Mike Christoulakis and Rodolfo Sandoval) for the purpose of rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation Program.
(Report with agenda. Agreements will enable the provision of financing to property owners for rehabilitation of properties. Resolution approving agreements needed.)

ACTION: Res. 92-686 adopted approving agreements.
(Planning & C.D. to handle)

MISCELLANEOUS

Appointments

14. a. Affirmative Action/Disability Commission

ACTION: Res. 92-687 (Muratore/Dobbs, unan.) appointing Zana Roberson and Robert Andrews.

- b. Human Relations Commission

ACTION: Res. 92-688 (Muratore/Dobbs, unan.) appointing Terry Manzoni.

- c. Housing Rehabilitation Loan Committee

ACTION: Res. 92-689 (Muratore/Dobbs, unan.) appointing William Fagan.

- d. International Friendship Committee

ACTION: Res. 92-690 (Muratore/Dobbs, unan.) appointing Michael Franzia.

Reappointments

- e. International Friendship Committee

ACTION: Res. 92-691 (Muratore/Dobbs, unan.) reappointing Alberta Martone.

- f. Human Relations Commission

ACTION: Res. 92-692 (Muratore/Dobbs, unan.) reappointing Louis Levin.

12/15/92

- g. Housing Rehabilitation Loan Committee
ACTION: Res. 92-693 (Muratore/Dobbs, unan.) reappointing William Covey.
- h. Economic Development Loan Committee
ACTION: Res. 92-694 (Muratore/Dobbs, unan.) reappointing Sylvester Aguilar.
- i. Affirmative Action/Disability Commission
ACTION: Res. 92-6954 (Muratore/Dobbs, unan.) reappointing Karl Mason and Darth Miller.
(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

CLOSED SESSION

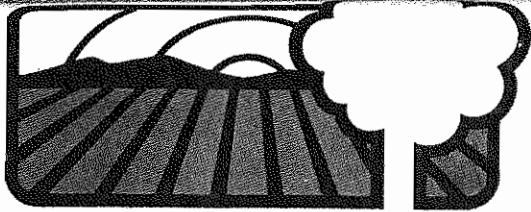
16. Closed session to consider the following:
- a. To confer with or receive advice from legal counsel when, based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation, pursuant to Government Code Section 54956.9(c).
 - b. 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 Kaufman & Broad v. City of Modesto and Golden State Homebuilding Assoc., et al. v. City of Modesto, County of Stanislaus, et al., pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

The meeting will adjourned at 9:06 p.m. to closed session and then to Friday, December 18, 1992, at 7:30 a.m. at the Red Lion Hotel in Salon Two, 1150 9th Street, Modesto, California, for a meeting with Assembly Member Sal Cannella.

ATTEST: 
NORRINE COYLE, City Clerk

12/15/92



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, December 18, 1992, at the Red Lion Hotel, 1150 9th Street, Modesto, California.

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

Councilmember Dobbs arrived at 8:10 a.m.

Absent: Mayor Lang

The Council met with Assemblyman Sal Cannella to discuss state legislation and the needs and problems of cities.

The meeting adjourned at 9:25 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

12/18/92



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, December 22, 1992 in the Mayor's Office at City Hall, 801 11th Street, Modesto, California, for a closed session.

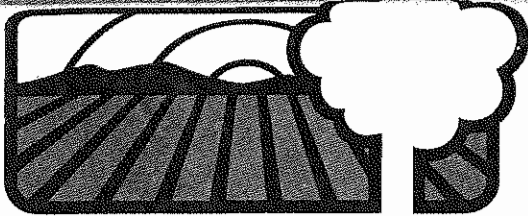
Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
Councilmember Dobbs arrived at 3:15 p.m.

Absent: Councilmember Patterson

The Council held a closed session to consider employment of a Council appointee, pursuant to Section 54957 of the Government Code; to confer with or receive advise from legal counsel regarding pending litigation (discussion in open session would prejudice the position of the City in litigation) on Kaufman & Broad v. City of Modesto, and MCFFA (Thomas Reusher) v. City of Modesto, pursuant to Section 54956.9(a) of the Government Code, and 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 .

The meeting recessed at 4:00 p.m. and returned to closed session at 8:15 p.m. upon the adjournment of the regular City Council meeting.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 22, 1992, 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, 7, 10, 11, 12, 14, 15

Dropped from agenda: 13

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.

12-22-92

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced Tom McCaffrey, a member of the Governor's staff in Washington, D.C.

MINUTES

CONSENT

2. Approval of the corrected minutes of the regular City Council meeting of April 7, 1992, and the minutes of the regular City Council meeting of December 15, 1992.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

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

None

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2836-C.S. amending the Municipal Code relating to landscaping and irrigation standards.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2836-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the appeal of Rudolph A. Strunk to a Board of Zoning Adjustment decision denying an application for a variance to allow the development of two single-family homes to encroach into the required rear yard setbacks of two through lots on properties located at the southern end of Montrose Court, on the north side of Scenic Drive between Brighton Avenue and Sunnyside Avenue in an R-1 zone.

ACTION: Res. 92-696 adopted (Dobbs/Friedman, majority, Bird and Cogdill-no) denying the appeal. (Planning to handle)

12-22-92

BIDS

CONSENT

6. Consider approving specifications and authorize call for bids for furnishing one fire apparatus for the Fire Department.
(Suggested bid opening: January 25, 1993, at 11:00 a.m. Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$500,000 (\$65,000 budgeted for first year's debt service). Financing package to be presented at time of award of bid.)

ACTION: Res. 92-697 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider waiving formal bid procedures and authorizing the purchase of eleven used four-door and two-door 1992 sedans from Golden Gate Auto Auction and Bay Cities Auto Auction for a total cost not to exceed \$154,250.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: \$154,250. Funds are budgeted.)

ACTION: Res. 92-698 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

8. Consider adoption of a Prezone/Annexation Policy.
(Report with agenda. In recent annexations LAFCO has required the City to be responsible for the cost of County services for ultimate development of annexed areas. Proposed policy puts the proponents on notice about the risks of proceeding with annexation before resolution of the County "revenue neutral" issue. Resolution adopting policy needed.)

ACTION: Res. 92-699 adopted (Muratore/Bird, unan.) adopting the recommended policy. (Planning to handle)

9. Consider acceptance of report regarding Modesto Economic Development Strategy prepared by Kreines and Kreines.
(Report with agenda. Motion accepting report and referring to Planning Commission and the General Plan Steering needed.)

ACTION: By motion (Muratore/Bird, unan.) recommendations approved.
(Economic Development Mgr to handle)

CONSENT

10. Staff report on proposed changes to Parks and Recreation fees for facilities, equipment rental and staff services.
(Report with agenda. A hearing has been set for January 5, 1993, at 7:30 p.m. Motion acknowledging receipt of report needed.)

ACTION: By motion receipt of report acknowledged.

12-22-92

CONSENT

11. Consider adopting the City of Modesto's 1993 Annual Update of the Comprehensive Housing Affordability Strategy (CHAS).
(Report with agenda. Resolution adopting CHAS Annual Update and authorizing City Manager to sign and submit the CHAS to HUD needed.)

ACTION: Res. 92-700 adopted, adopting the 1992 Annual Update of the Comprehensive Housing Affordability Strategy. (Planning to handle)

CONSENT

12. Consider approving the Fiscal Year 1991-92 Annual Performance Report related to the City of Modesto's Comprehensive Housing Affordability Strategy (CHAS).
(Report with agenda. Resolution approving FY 1991-92 Annual Performance Report and authorizing City Manager to submit to HUD needed.)

ACTION: Res. 92-701 adopted approving 1991-92 Annual Performance Report and authorizing submittal to HUD. (Planning to handle)

CONSENT

13. Consider approving financing agreement with Betty Rivera for the purpose of rehabilitating property, pursuant to the City of Modesto's Housing Rehabilitation Program.
(Report with agenda. Resolution approving financing agreements needed. Estimated cost: Not to exceed \$60,341.20. Funds are budgeted.)

Dropped from agenda.

CONSENT

14. Consider amendments to the Standard Specifications of the City of Modesto. (On December 7, 1992, the Planning Commission adopted Resolution No. 92-58 recommending to the City Council amendments to the Standard Specifications of the City of Modesto. Report with agenda. Resolution amending Standard Specifications needed.)

ACTION: Res. 92-702 adopted amending Standard Specifications. (P/W to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

At 6:10 p.m., a five minute recess was taken.

16. Report concerning schools financing - impact of SB 1287.
(Report with agenda. The Community Development and Housing Committee of the City Council recommends that the agreements with school districts which provide for the collection of statutory school fees be terminated unless the school districts agree to allow the City to place \$1 of a proposed schools \$2 per square foot residential development fee in escrow until legislation or litigation determines that more than a \$1 increase is appropriate. Motion directing staff needed.)

12-22-92

ACTION: Res. 92-703 adopted (Cogdill/Muratore, unan.) giving the school districts 90-day notice of cancellation of the agreements.
(Planning to handle)

Mayor Lang excused at 6:45 p.m.

WRITTEN COMMUNICATIONS

17. Letter from Russell A. Newman, Law Offices of Normoyle & Newman, regarding the existing proposed Pelandale alignment and its relationship to the proposed Pelandale-Snyder Annexation to the City of Modesto.
City Clerk excused due to a potential conflict of interest.

ACTION: A motion (Muratore/Friedman, Bird, Dobbs, Patterson, Acting Mayor Cogdill - no) to accept staff position failed to carry.

By motion (Bird/Patterson, majority, Friedman and Muratore-no, Lang-absent) the matter was referred to staff for further study with any costs to be paid by the proponent.
(P/W to handle)

MISCELLANEOUS

Legislation

18. Consider supporting the Federal Mandate Relief Act of 1993 - (Condit) (Report with agenda. Motion supporting Federal Mandate Act of 1993 needed.)

ACTION: By motion (Friedman/Bird, unan., Lang absent) supported.
(P/W to handle)

19. Consider amending the legislative platform outlining the City's overall legislative concerns.
(Report with agenda. Motion approving recommending needed.)

ACTION: By motion (Friedman/Patterson, unan., Lang absent) recommendations approved with reports to be made to Council.

APPOINTMENTS

20. Recommendations for appointment to the Citizens Quality Committee from Human Services Committee.

ACTION: Res. 92-704 adopted (Friedman/Bird, unan., Lang absent) appointing twenty-five committee members.
(Clerk to handle)

12-22-92

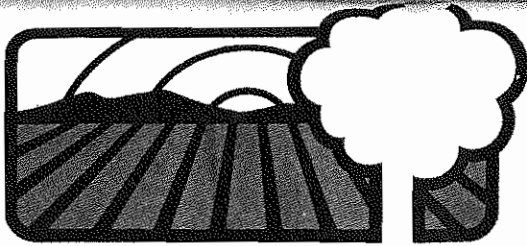
MATTERS TOO LATE FOR THE AGENDA

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

ADJOURNMENT

The meeting will adjourned at 8:15 p.m. to return to the closed session which began at 3:00 p.m. and then to Wednesday, December 23, 1992, at 10:00 a.m. in Congressman Condit's office at 920 13th Street, Modesto, California.

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 10:00 a.m. on Wednesday, December 23, 1992, at the office of Congressman Gary Condit, 920 13th Street, Modesto, California.

Present: Councilmembers Cogdill, Friedman, Mayor Lang

Absent: Councilmembers Bird, Dobbs, Muratore, Patterson

The meeting adjourned due to lack of a quorum.

Those present thanked and commended Congressman Condit for being a sponsor of legislation concerning funding Federal mandates. Other Federal legislation and Modesto programs and projects were discussed including the status of the removal of the trains from Ninth Street, the Transportation Center, and the newly-adopted economic development plan.

ATTEST: 
NORRINE COYLE, CITY CLERK