

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., January 2, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a closed session.

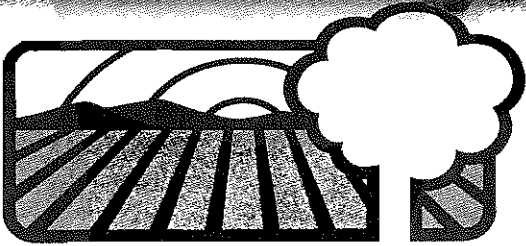
Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

Absent: None

The Council met in closed session to consider the appointment, employment or evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code

The meeting adjourned at 7:25 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 ^{WEDNESDAY} / JANUARY 2, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore,
Patterson, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7

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 Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council.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

WPCC223

1

1-2-91

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 26, 1990.
(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

CONSENT

4. Hearing to consider the appeal of James R. Benoit to a Planning Commission decision regarding an application for creation and development of two flag lots on an R-1 property, and an application for a tentative parcel map to create two parcels on property located on the east side of East Fairmont Avenue.
(At its meeting on December 26, 1990, the City Council, by motion, continued this hearing to January 15, 1991, at 7:30 p.m. No further action needed.)

No action needed.

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for Project No. 18 - replacement of curb, drive aprons and sidewalks.
(Suggested bid opening - January 24, 1991, at 11:00 a.m. This project is required to restore proper drainage to curbs damaged by street tree roots. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$128,150 (contract - \$116,500, eng. - \$11,650) Funds are budgeted.)

ACTION: Res. 91-1 adopted calling for bids. (P/W to handle)

NEW BUSINESS

CONSENT

6. Consider acceptance of improvements in Fairmont Court Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Woodland Construction (Fairmont Court Subdivision is located between East Fairmont Avenue east of Melrose 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. 91-2 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

7. Consider acceptance of improvements in Mountainview Terrace Unit 2 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Security Owners Corp. (Mountain Terrace Unit 2 Subdivision is located on the north side of Kansas Avenue east of 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. 91-3 adopted accepting improvements as complete.
(Clerk to handle)

8.

MATTERS TOO LATE FOR THE AGENDA

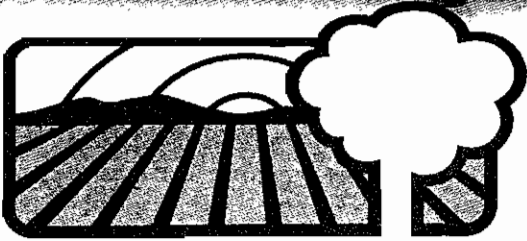
(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 7:32 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 3:30 p.m., January 8, 1990, at City Hall, 801 H Street, Modesto, California, for a meeting concerning the new City buses.

Present: Councilmembers Lang, Muratore, Mayor Whiteside

Absent: Councilmembers Bird, Dobbs, Irizarry, Patterson

The meeting adjourned due to lack of a quorum. The members present had a demonstration ride in the new bus.

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 8, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore,
Patterson, Mayor Whiteside
Councilmember Patterson arrived at 4:03 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Bud LaCore, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 8, 9, 11, 12, 13,
15, 16, 17, 18, 29, 20, 21, 22, 23

Removed from consent: 10,20

ACTION: (Lang/Bird, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 14

COUNCILMEMBER DOBBS EXCUSED DUE TO A CONFLICT OF INTEREST.

ACTION: (Bird/Irizarry, 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.

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 adjourned and regular City Council meetings of January 2, 1991.
(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. Oral report concerning progress on the construction project at the airport, as requested by Councilmember Dobbs.

Report made by the Acting Director of Public Works and Transportation. No action taken.

CONSENT

5. Consider accepting staff report and recommendations on the feasibility of a lighting assessment district for residential areas.
(Memo with agenda. Motion accepting report and recommendations needed.)

ACTION: By motion, report and recommendations accepted. (P/W to handle)

CONSENT

- 5A. Status report on Village One.
(The staff report with agenda is to inform the City Council on the progress of Village One implementation. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

HEARINGS

6. Hearing to consider adoption of revision to Route 3 of Modesto's public transit system.

ACTION: By motion (Muratore/Bird, unan.) recommendations approved.
(P/W to handle)

WPCC225

2

1-8-91

BIDS

CONSENT

7. Consider approving specifications and authorizing call for bids to be opened February 4, 1991, at 10:00 a.m. for furnishing one articulating loader.

(Requested by the Service Division of the Public Works and Transportation Department, this will replace existing equipment that is 17 years old and is unserviceable. The existing equipment will be offered as a trade-in toward the purchase of new equipment. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$62,060. Funds are budgeted.)

ACTION: Res. 91-4 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for restriping of Carpenter Road overpass and traffic signal modification for Briggsmore/Carpenter and Orangeburg/Sisk.

(Suggested bid opening: January 31, 1991, at 11:00 a.m. This project will make traffic safety modifications to the Briggsmore overpass. Memo with agenda. Resolution approving plans and specifications and calling for bids, and resolution certifying the Negative Declaration needed. Estimated cost: \$207,000 (contract - \$180,000; eng. - \$27,000). Funds are budgeted.)

ACTION: Res. 91-5 adopted calling for bids.
Res. 91-6 adopted certifying the Negative Declaration. (P/W to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for a booster pump station for water tank No. 3.

(Suggested bid opening: January 31, 1991, at 11:05 a.m. Memo with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$421,146 (contract - \$382,860; eng. & cont. - \$38,286) Funds are partially budgeted. An appropriation transfer will be requested after bid opening when exact amount needed is known.)

ACTION: Res. 91-7 adopted calling for bids. (P/W to handle)

NEW BUSINESS

10. Consider policy on development proposals to the County within Modesto's Sphere of Influence.

(The Public Projects Committee recommends approval of the policy and transmittal of the policy to the County. Memo and staff report with agenda. Motion approving policy and motion directing staff to transmit a copy of the policy to the Stanislaus County Planning and Community Development Department needed.)

ACTION: By motion (Lang/Dobbs, unan.) the policy was approved and staff directed to transmit copy to the County. (Planning to handle)

WPCC225

3

1-8-91

CONSENT

11. Consider certifying right of way for the traffic signal project at Sisk and Rumble Roads.
(Memo with agenda. Resolution certifying right of way needed.)

ACTION: Res. 91-8 adopted certifying right of way. (Attorney to handle)

CONSENT

12. Consider approving agreement with Sanders Construction Company, et. al., for the right of way needed at Sisk and Rumble.
(Sanders Construction has agreed to sell the required easement for the appraised value. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-9 adopted approving agreement. (Attorney to handle)

CONSENT

13. Consider accepting parcel of land with a lift station in the Fleur de Ville subdivision.
(Memo with agenda. Resolution accepting property needed.)

ACTION: Res. 91-10 adopted accepting property. (Attorney to handle)

CONSENT -- COUNCILMEMBER DOBBS EXCUSED DUE TO A CONFLICT OF INTEREST

14. Consider authorizing Acting City Manager and City Clerk to execute quitclaim deed for the Roselle Middle School site to Sylvan Union School District.
(Memo with agenda. Resolution authorizing Acting City Manager and City Clerk to execute quitclaim deed needed.)

ACTION: Res. 91-11 adopted authorizing Acting City Manager and City Clerk to execute quitclaim deed. (Attorney to handle)

CONSENT

15. Consider approving agreement with Donald F. Monaco and Charles Thompson for the lease of a corporate hangar plot at the Airport.
(Mr. Monaco and Mr. Thompson desire to build a storage hangar on the corporate side of the Airport. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-12 adopted approving agreement. (Attorney to handle)

CONSENT

16. Consider authorizing the Airport Manager to advertise for and accept proposals for a concessionaire to equip and operate a snack bar in the Airport passenger terminal. Memo with agenda. Resolution authorizing issuance of request for proposals for a snack bar needed. Estimated cost: \$150. Funds are budgeted.)

ACTION: Res. 91-13 adopted authorizing issuance of request for proposals. (P/W to handle)

CONSENT

17. Consider authorizing the Airport Manager to advertise for and accept proposals for a concessionaire to equip and operate a mini business center in the Airport passenger terminal. Memo with agenda. Resolution authorizing issuance of request for proposals for a mini business center needed. Estimated cost: \$200. Funds are budgeted.)

ACTION: Res. 91-14 adopted authorizing issuance of request for proposals. (P/W to handle)

CONSENT

18. Upon concurrence of Stanislaus County Board of Supervisors, consider waiving the \$25 per ton tipping fee for refuse brought by the San Joaquin County Public Works Department to the Stanislaus Waste-to-Energy Facility. (Memo with agenda. Resolution waiving tipping fee for refuse brought in by San Joaquin County needed.)

ACTION: Res. 91-15 adopted waiving tipping fee. (P/W to handle)

CONSENT

19. Consider approving agreement between the City of Modesto and Evans-Executone to provide maintenance and service coverage for the City's telephone system. (Memo with agenda. Resolution approving contract needed. Estimated cost: \$22,652 Funds are budgeted.)

ACTION: Res. 91-16 adopted approving contract. (Finance to handle)

20. Consider providing funds to print Village One Specific Plan final document. (The final document of the Village One Specific Plan is almost ready to be printed. The consultant agreement states that the City is to provide for printing and distribution of the final document. The proposed resolution will estimate and appropriate revenue for printing of the Specific Plan document. Memo with agenda. Estimated cost: \$16,500. Resolution amending the budget to provide funding for printing needed.)

ACTION: Res. 91-17 adopted (Dobbs/Lang, unan.) amending the budget. (Planning to handle)

CONSENT

21. Consider authorizing staff to negotiate a contract with Leedshill-Herkenhoff, Inc., to design a new water and sewer Control and Data Acquisition System (SCADA System). (Improvements are needed both in the Water SCADA and the sewage collection SCADA systems. Memo with agenda. Resolution authorizing staff to negotiate contract needed. Estimated cost: \$150,000. Funds are budgeted.)

ACTION: Res. 91-18 adopted authorizing staff to negotiate contract. (P/W to handle)

CONSENT

22. Consider approving the Modesto City-County Airport's preapplication for federal funds to reconstruct a portion and widen the airline and corporate aircraft parking apron. Memo with agenda. Resolution approving preapplication needed. Estimated cost: \$152,100 (Federal - \$136,890; City/County - \$15,210).

ACTION: Res. 91-19 adopted approving preapplication.

(P/W to handle)

CONSENT

23. Consider upgrading the City's Emergency Operation Center's communications capacities.
(Memo with agenda. Resolution approving an appropriation transfer, and resolution authorizing acquisition of equipment and services needed. Estimated cost: Not to exceed \$10,000.)

ACTION: Res. 91-20 adopted approving an appropriation transfer.

Res. 91-21 adopted authorizing acquisition of equipment and services.
(Police/Fire to handle)

MISCELLANEOUS

Appointments

24. Consider reappointments to the following Boards and Commissions:

a. Culture Commission

ACTION: Res. 91-22 adopted reappointing Phillip Martin

b. Human Relations Commission

ACTION: Res. 91-23 adopted reappointing Barbariae Boyette

c. International Frinedship Committee

ACTION: Res. 91-24 adopted reappointing Donald Knies and Albert Thompson

f. Airport Advisory Committee

ACTION: Res. 91-25 adopted reappointing David Mesenhimer, Victor Hollingshead and Janice Gray.

g. Board of Building Appeals

ACTION: Res. 91-26 adopted reappointing Randall Cavanagh.

h. Board of Zoning Adjustment

ACTION: Res. 91-27 adopted reappointing Jerry Matsunaga.

- i. Local Cable Programming Committee

ACTION: Res. 91-28 adopted reappointing Douglas Hillblom and George Pettygrove.

- j. Economic Development Loan Pool Subcommittee

ACTION: Res. 91-29 adopted reappointing Able Acosta and Sophie Karet.

MATTERS TOO LATE FOR THE AGENDA

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


None

CLOSED SESSION

26. Closed session pursuant to Government Code Section 54956.8 to instruct the City's negotiator regarding real property to be purchased, sold, exchanged or leased.
- 26A. Closed session pursuant to Government Code Section 54956.9(c) regarding pending litigation.

ADJOURNMENT

The meeting adjourned at 5:13 p.m. to closed session and then to 7:30 p.m., January 8, 1991, at Modesto Centre Plaza, Ginkgo Room, 1000 L Street, Modesto, California, for a meeting with the Board of Directors of the Modesto Irrigation District to receive a progress report regarding the surface water treatment plant study; and then to 8:30 a.m., Sunday, January 13, 1991, at the Red Lion Hotel, 1150 9th Street, Modesto, California for a closed session to consider the appointment, employment or evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code

ATTEST: 
MORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an adjourned session at 7:30 p.m., January 8, 1990, in the Ginkgo Room, Modesto Centre Plaza, 1000 L Street, Modesto, California, for a meeting with the Modesto Irrigation District Board of Directors and representatives of Del Este Water Company concerning the water study.

Present: Councilmembers Bird, Irizarry, Muratore, Mayor Whiteside

Absent: Councilmembers Dobbs, Lang, Patterson

After opening remarks by Mayor Whiteside, President Beck and Kennan Beard, Joe Marcotte opened the meeting with an historical overview of the project. Dave Holton and Kennan Beard discussed the status of water conservation programs being followed and groundwater supply improvements in the area. Allen Short gave an update of the status of the project and of litigation concerning the project, and reviewed the schedule for preparing and approving agreements between the three bodies for proceeding with the project.

There was a general discussion of the project.

The meeting adjourned at 8:50 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 at 8:30 a.m., January 13, 1991, at the Red Lion Hotel, 1150 9th Street, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

Absent: None

The meeting adjourned at 8:30 a.m. to closed session to consider the appointment, employment or evaluation of performance of certain public employees, pursuant to Section 54957 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, JANUARY 15, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore,
Patterson, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Father Joseph Terra, St. Stanislaus Catholic Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 12, 13,
14, 15, 16, 17, 18

ACTION: (Lang/Irizarry, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 11

COUNCILMEMBER MURATORE EXCUSED DUE TO A CONFLICT OF INTEREST.

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

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. String Quartet composed of Modesto Symphony Orchestra members to commemorate the Symphony's 60th anniversary.
The group played Mozart's "Quartett in C Major"
- b. Presentation to Kamruddin Shams, International Friendship Committee.
Mayor Whiteside presented plaque to Mr . Shams.
- c. Mayor Whiteside introduced members and leaders of Cub Scout Pack #299, Sylvan School.

MINUTES

CONSENT

2. Approval of the minutes of the special, regular, and adjourned regular City Council meetings of January 8, 1991.
(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.)

Andy Parks asked that the status of Robertson Road Park be discussed at the next Council meeting.

UNFINISHED BUSINESS

CONSENT

4. Quarterly status report on City Council goals and objectives.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

HEARINGS

5. Hearing to consider the appeal of James R. Benoit to a Planning Commission decision regarding an application for creation and development of two flag lots on an R-1 property, and an application for a tentative parcel map to create two parcels on property located on the east side of East Fairmont Avenue.
(Continued from the January 2, 1991, City Council meeting.)

ACTION: Res. 91-30 adopted (Lang/Irizarry, majority, Dobbs-no) denying the appeal, with the fence to be 8 feet high. (Planning to handle)

BIDS

CONSENT

6. Consider award of contract for the Kansas and Lone Palm water line to Joe Martin Pipeline, Inc.
(Bids were opened January 3, 1991. The low bid of \$39,984, submitted by Joe Martin Pipeline, Inc., is 9.72 percent below the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to him. Resolution awarding contract needed.
Estimated cost: \$43,982 (contract - \$39,984; eng. & cont. - \$3,998)
Funds are budgeted.)

ACTION: Res. 91-31 adopted awarding contract. (P/W to handle)

CONSENT

7. Consider declaring Resource Information and Control Corp. low bidder and authorize the purchase of Centre Plaza computer equipment for the total price of \$27,891.
(Memo with agenda. Resolution authorizing purchase needed. Estimated cost: \$27,891. Funds are budgeted.)

ACTION: Res. 91-32 adopted authorizing purchase. (Finance to handle)

CONSENT

8. Consider declaring Weco Industries, Inc., sole bidder and authorize the purchase of one truck-load machine and one pull-in machine for the total price of \$37,524.
(Memo with agenda. Resolution declaring Weco Industries sole bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 91-33 adopted awarding bid. (Finance to handle)

NEW BUSINESS

CONSENT

9. Consider approving lease agreement with George Frederickson for the lease of a portion of Fire Station #5 for a garden.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-34 adopted approving agreement. (Attorney to handle)

CONSENT

10. Consider extension of contract regarding 9th Street tracks.
(Memo with agenda. An extension of six months from January 5 to July 5, 1991, is recommended. The railroad negotiations are very slow. Resolution extending contract six months needed.)

ACTION: Res. 91-35 adopted extending contract. (P/W to handle)

CONSENT -- COUNCILMEMBER MURATORE EXCUSED DUE TO A CONFLICT OF INTEREST

11. Consider including Brady Avenue from Coldwell Avenue to Carolyn Avenue in the Mandatory Sidewalk Project.
(Memo with agenda. Motion directing staff to add Brady Avenue to the list of streets in the Mandatory Sidewalk Program.)

ACTION: By motion, Brady Avenue was added to the Mandatory Sidewalk Program. (P/W to handle)

CONSENT

12. Consider authorizing the Acting City Manager to sign a hold harmless agreement with the Yosemite Community College District for the use of their facilities for recreation activities during 1991.
(Memo with agenda. Resolution approving hold harmless agreement needed.)

ACTION: Res. 91-36 adopted approving agreement. (P/R to handle)

CONSENT

13. Consider approving an easement agreement with Southern Pacific Transportation Company.
(The easement is needed to allow the installation of a force main in conjunction with construction of a sewer lift station on Jefferson Street. Resolution approving agreement needed. Estimated cost: \$460 Funds are budgeted.)

ACTION: Res. 91-37 adopted approving agreement. (P/W to handle)

CONSENT

14. Consider approving an agreement between the City of Modesto and Stan Phillips and Associates, Inc., for a duplicating video licensing agreement to be used in the Water Conservation Program.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-38 adopted approving agreement. (P/W to handle)

CONSENT

15. Consider approving an agreement awarding a grant to Randy Tillery to produce a local public access program.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$1,449. Funds are budgeted.)

ACTION: Res. 91-39 adopted approving agreement. (Manager to handle)

WRITTEN COMMUNICATIONS

CONSENT

16. Letter from Quincy K. Hamilton resigning from the Human Relations Commission and the Affirmative Action Commission.
(Resolution accepting resignation with regret.)

ACTION: Res. 91-40 adopted accepting resignation. (Clerk to handle)

CONSENT

17. Letter from Harlan E. Smith, Modesto Camellia Society, requesting that the City again donate a trophy for the 30th Annual Camellia Cavalcade. (Motion referring to staff to handle needed.)

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

MISCELLANEOUS

Appointments

CONSENT

18. Consider recommendation by the Planning Commission that Art Martin be appointed as the Commission's representative on the Board of Zoning adjustment. (Resolution appointing Art Martin to the Board of Zoning Adjustment needed.)

ACTION: Res. 91-41 adopted appointing Art Martin. (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

ADJOURNMENT

The meeting adjourned at 8:39 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., January 17, and continuing to January 18 and January 19, 1991, at City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

Absent: None

The meeting adjourned to closed session to consider the appointment, employment or evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code, and then adjourned to 3:00 p.m., January 22, 1991, in the Mayor's Office, City Hall, 801 11th Street, Modesto.

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 22, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore,
Patterson, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Father Jon Magoulas, Greek Orthodox Church of the Annunciation

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 12, 13,
14, 16, 17, 18, 19, 21, 21A, 26, 27

ACTION: (Irizarry/Bird, unan.)

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

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

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

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Student Council of Eisenhower School.
Mayor Whiteside introduced the students.
- b. Presentation of Special Recognition Plaques and Certificates to co-sponsorships of the City's 1990 Recreation Program.
Plaques and Certificates were presented.

MINUTES

CONSENT

- 2. Approval of the minutes of the adjourned regular City Council meeting of January 13, 1991, and the regular City Council meeting of January 15, 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.)

Mike Garcia spoke about drug activity behind Stop and Save Liquors on Paradise and in Fourth Street Park.

Hugh Ellis spoke about naming Dry Creek Golf Course Rio Seco Golf Course.

HEARINGS

- 5. Hearing to consider an amendment to P-D(450) to allow a Walgreen's Retail Drug Store on the southeast corner of Standiford Avenue and Carver Road.
(Leonard Soranno)

ACTION: By motion (Lang/Muratore, unan.) Ord. No. 2749-C.S. introduced.
Res. 91-42 adopted (same vote) approving plan.
Res. 91-43 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

- 6. Hearing to consider an amendment to Section 20-3-9 of the Zoning map to rezone from C-2 and P-0 Zones to P-D(481), property located on the south side of West Orangeburg Avenue and west of McHenry Avenue. (Phillips Electric Company)

ACTION: By motion (Muratore/Lang, unan.) Ord. No. 2750-C.S. introduced.
Res. 91-44 adopted (same vote) approving plan.
Res. 91-45 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the construction of Jefferson Street sewer lift station.
(Memo with agenda. Suggested bid opening: February 14, 1991, at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$215,600 (contract - \$196,000; eng. & cont. - \$19,600) Funds are budgeted.)

ACTION: Res. 91-46 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for furnishing and installing two electronic entry door systems at the Senior Citizens Center.
(Memo with agenda. Suggested bid opening: February 25, 1991, at 11:00 a.m. Requested by the Parks and Recreation Department to convert the entry ways into the Senior Citizens' Center to handicapped accessible. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$25,000. Funds are budgeted.)

ACTION: Res. 91-47 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for furnishing mobile wheel lift jacks.
(Memo with agenda. Suggested bid opening: February 11, 1991, at 11:05 a.m. Requested by the Fire Department, these mobile wheel lift jacks will provide Fire Department mechanics with the equipment necessary to lift their smallest to largest fire apparatus for maintenance work. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$50,400. Funds are budgeted.)

ACTION: Res. 91-48 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider award of contract for the John Thurman Field bleacher renovation to Playground Products, Inc.
(Bids were opened January 10, 1991. The low bid of \$44,972, submitted by Playground Products, Inc., is 39.55% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract to Playground Products, Inc., needed. Estimated cost: \$49,469 (contract - \$44,972; eng. & cont. - \$4,497) Funds are budgeted.)

ACTION: Res. 91-49 adopted awarding contract. (P/W to handle)

CONSENT

11. Consider award of contract for the Scenic Bend pump station odor control project to B & L Builders.
(Bids were opened January 10, 1991. The low bid of \$43,400, submitted by B & L Builders, is 16.35% above the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract to B & L Builders needed.
Estimated cost: \$47,740 (contract - \$43,400; eng. & cont. - \$4,340)
Funds are budgeted.)

ACTION: Res. 91-50 adopted awarding contract. (P/W to handle)

CONSENT

12. Consider acceptance of Rolfe Construction's contract for the sewer and water line relocations at North Madison Street and Linden Street.
Original contract: \$133,505.60
(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: \$139,281.60.
Funds are budgeted.)

ACTION: Res. 91-51 adopted accepting as complete. (Clerk to handle)

CONSENT

13. Consider acceptance of Conco-West, Inc.'s contract for the construction of pump station No. 51. Original contract: \$110,000.
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion.
Resolution accepting work as complete needed. Final cost: \$111,904.
Funds are budgeted.)

ACTION: Res. 91-52 adopted accepting as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of Conco-West, Inc.'s contract for the construction of pump station No. 48. Original contract and final cost: \$86,060.
(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. 91-53 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

15. Consider amending the 1990-91 Capital Improvement Program to add four additional traffic circulation projects - Proposition 111 Funds.
(Memo with agenda. Resolution amending the 1990-91 Capital Improvement Program needed.)

ACTION: Res. 91-54 adopted (Dobbs/Muratore, unan.) amending the 1990-9. Capital Improvement Program. (P/W, Finance to handle)

CONSENT

16. Consider certifying Environmental Review of a project titled "Improvement District No. 29."
(Memo with agenda. Resolution certifying Environmental Review (Negative Declaration) needed.)

ACTION: Res. 91-55 adopted certifying Environmental Review. (P/W to handle)

CONSENT

17. Presentation of the monthly Treasurer's Report for December, 1990.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

18. Consider request for refund of \$3,924.74 for overpayment of Business License Tax and Business Improvement Area Tax by International Truck Rental.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 91-56 adopted approving refund. (Finance to handle)

CONSENT

19. Consider report on status of removal of an underground play structure at Beard Brook Park donated by the California School Employees Association.
(Memo with agenda. Motion acknowledging receipt of report and authorizing removal of play structure needed.)

ACTION: By motion, removal of play structure approved. (P/R to handle)

20. Report on Operation Budget Freedom.
(Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Muratore/Dobbs, unan.) receipt of report acknowledged and S.B. 169 was supported. (Manager to handle)

CONSENT

21. Consider expressing concerns to the State legislators concerning new standards for temporary food booths.
(Memo with agenda. Resolution expressing concerns needed.)

ACTION: Res. 91-57 adopted expressing concerns. (Manager to handle)

CONSENT

- 21A. Consider expressing opposition to County referral of an Open Space Contract Application 91-4212 (Superseding Contract No. 74-1574) - Evelyn I. Martz, 1329 Vella Way.
(Memo with agenda. The property consists of 23.88 acres located on the north side of Vella Way, east of Coffee Road. Resolution expressing opposition needed.)

ACTION: Res. 91-58 adopted expressing opposition. (Planning to handle)

WRITTEN COMMUNICATIONS

22. Letter from Bob Scott, on behalf of Sylvan Drake Associates, concerning additional capital facilities fees being requested for buildings at 809 Sylvan Avenue.

Dropped from agenda.

23. Letter from James Costello, Modesto Peace/Life Center, requesting a resolution concerning the gulf crisis.

Dropped from agenda.

24. Letter from Jesse Stanley concerning requirement of a tentative parcel map, property located on Woodman Way.

Dropped from agenda.

25. Letter from Timothy Ewell, Safetech, concerning providing golf cars at the Dry Creek Golf Course.

ACTION: By order of the Chair, this item was referred to the Golf Study Committee. (P/R to handle)

CONSENT

26. Letter from Lynn Darpinian resigning from the Citizens' Advisory Committee on Recycling.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 91-59 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Legislation

CONSENT

27. Staff recommends support of SB 124 (McCorquodale), San Joaquin Valley Air Quality Management District.
(Motion approving recommendation needed.)

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

Appointments

28. Consider appointments to the following Commissions and Committees:

a. Culture Commission

ACTION: Res. 91-60 adopted appointing Mike Royer to the Culture Commission.

b. Human Relations Commission

ACTION: Res. 91-61 adopted appointing Martha Bautista to the Human Relations Commission.

c. International Friendship Committee

ACTION: Res. 91-62 adopted appointing Alberta Martone to the International Friendship Committee.

d. Rehabilitation Loan Pool Subcommittee

ACTION: Res. 91-63 adopted appointing Steve Franklin and Brad Pitts to the Rehabilitation Loan Pool Subcommittee. (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 5:10 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an adjourned special session at 3:00 p.m., January 22, 1991, in the Mayor's Office, City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

Absent: None

The meeting adjourned to closed session to consider the appointment, employment or evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code, and then adjourned at 3:45 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 5:00 p.m., January 29, 1991, in the City Attorney's Office, City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson

Absent: Mayor Whiteside

The meeting adjourned to closed session at 5:00 p.m. to consider the appointment, employment, or evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

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., February 1, 1991, in the City Attorney's Office, City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

Absent: None

The meeting adjourned at 7:00 p.m. to closed session to consider the appointment, employment or evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:45 p.m., February 5, 1991, in the Mayor's Office, City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

Absent: Councilmember Muratore

The meeting adjourned at 6:45 p.m. to closed session to consider the appointment, employment or evaluation of performance of certain public employees, pursuant to Section 54957 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, FEBRUARY 5, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Patterson,
Mayor Whiteside

Absent: Councilmember Muratore

Pledge of allegiance to the Flag

Invocation: Dr. Robert Smythe, First Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 12,
13, 16, 17, 18, 19, 20, 21, 22, 23,
24, 25, 26, 27, 28, 32, 33

Dropped from agenda: 19

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

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Announcement concerning Vocational Education Week in Stanislaus County, February 17 through 23, 1991.

The Mayor's Proclamation was presented by Vice Mayor Dobbs to Fran Trout.

- b. Announcement concerning Child Passenger Safety Awareness Week, February 10 through 16, 1991.

Mayor's Proclamation presented by Vice Mayor Dobbs to Denis Holmes.

- c. Accept Mancini Bowl Band Shell constructed and donated by the Modesto Lions Club, and present Certificate of Recognition. (Memo with agenda. Motion accepting band shell and acknowledging donation.)

Certificate of Recognition presented by Vice Mayor Dobbs to Saxon Downs.

Item 34 considered after Item 1.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meetings of January 17, 18, and 19, 1991, the adjourned special meeting of January 22, 1991, the special meeting of January 29, 1991, and the regular City Council meeting of January 22, 1991. (Motion approving needed.)

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

ORAL COMMUNICATIONS

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

None

UNFINISHED BUSINESS

4. Presentation concerning Robertson Road Park, as requested by Andy Parks.

ACTION: Mr. Parks urged that the park be developed. Councilmember Lang announced that the Citizens Housing and Community Development Committee approved Community Development Block Grant funds for development of the park.

CONSENT

5. Consider progress report on Modesto Airport terminal expansion project.
(Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

6. Final adoption of:

- a. Ordinance No. 2749-C.S. amending P-D(450) to allow a Walgreen's retail drug store on the southeast corner of Standiford Avenue and Carver Road (Leonard Soranno).
- b. Ordinance No. 2750-C.S. amending the Zoning Map to rezone from C-2 and P-O to P-D(481), property on the south side of West Orangeburg Avenue and west of McHenry Avenue (Phillips Electric Company).

(Motion adopting needed.)

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

BIDS

CONSENT

7. Consider approving specifications and authorizing call for bids to be opened March 4, 1991, at 11:00 a.m., for furnishing utility trucks and vans.
(Memo with agenda. Estimated cost: \$524,371. Funds are budgeted. Resolution approving specifications and calling for bids needed.)

ACTION: Res. 91-64 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider award of contract for the Wesson Ranch Park restroom to Ireland's.
(Memo with agenda. Bids were opened January 17, 1991. The low bid of \$77,990, submitted by Ireland's, is 10.33% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$85,789 (contract - \$77,990; eng. & cont. - \$7,799) Funds are budgeted.)

ACTION: Res. 91-65 adopted awarding bid. (P/W to handle)

CONSENT

9. Consider award of contract for Project No. 18, replacement of curbs, drive aprons and sidewalks at various locations to Leroy Griffith Concrete.

(Memo and bid tabulation with agenda. Bids were opened January 24, 1991. The low bid of \$102,690.48, submitted by Leroy Griffith Concrete, is 11.85% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$114,341.00 (contract - \$102,690.48; eng. & cont. - \$11,650.52) Funds are budgeted.)

ACTION: Res. 91-66 adopted awarding ontract. (P/W to handle)

CONSENT

10. Consider acceptance of George Reed, Inc.'s contract for the residential alley paving project No. 16. Original contract: \$124,785.00

(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. Resolution accepting work as complete needed. Final cost: \$121,758.10. Funds are budgeted.)

ACTION: Res. 91-67 adopted accepting as complete. (Clerk to handle)

CONSENT

11. Consider authorizing the purchase of two new trucks and chassis with dump bodies from Country Ford Trucks, Inc., for a total price of \$74,766.88.

(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 91-68 adopted awarding bid. (Finance to hgandle)

CONSENT

12. Consider conditional acceptance of nine transit buses and authorize payment of 98% (\$1,696,781.90) of the contract price to the Gillig Corporation, and payment of the remaining 2% within 75 days of the date of Council acceptance upon final acceptance of the buses by the Acting Public Works and Transportation Director.

(Memo with agenda. The total contract amount is \$1,731,410.10. Delivery is complete. All buses meet specifications and are operating satisfactorily. Resolution conditionally accepting buses needed. Estimated total cost: \$1,731,410.10. Funds are budgeted.)

ACTION: Res. 91-69 adopted approving conditional acceptance. (P/W to handle)

CONSENT

13. Consider waiving formal bid procedures and authorizing the purchase of seven used four-door and two-door 1990 sedans from Golden Gate Auto Auction and Bay Cities Auto Auction for a total cost not to exceed \$92,012.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 91-70 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

14. Consider pay and benefits for reservists called to active duty.
(Memo with agenda. Resolution modifying pay and benefit procedures for reservists called up due to war in the Persian Gulf needed.)

ACTION: By motion (Lang/Patterson, unan., Muratore absent) the matter was referred back to staff for further information.
(Manager to handle)

15. Consider resolution concerning hate crimes which includes endorsement of brochure entitled "Resources for Victims of Hate Crimes."
(Memo with agenda. Adoption of resolution needed.)

ACTION: Res. 91-71 adopted (Lang/Dobbs, unan., Muratore absent) approving the brochure.
(Manager to handle)

CONSENT

16. Consider a Code text amendment concerning promotional signs for subdivisions.
(Developers working through the Building Industry Association have requested more liberal provisions for promotional signs for subdivisions. Staff has met with the builders and Executive Vice President Paul Stewart on three occasions. An agreement was reached and the report is with the agenda. Motion referring the matter to the Planning Commission for a public hearing needed.)

ACTION: By motion, matter referred to Planning Commission.
(Planning to handle)

CONSENT

17. Consider renewal of Centre Plaza property insurance from February 5, 1991, through February 5, 1991, with Kemper Insurance Company through broker Hamilton/Meridian.
(Memo with agenda. Resolution approving renewal needed. Estimated cost: \$18,854. Funds are budgeted.)

ACTION: Res. 91-72 adopted approving renewal. (Attorney to handle)

CONSENT

18. Consider acceptance of Redevelopment Agency Conflict of Interest Code. (Memo with agenda. Motion accepting Redevelopment Agency Conflict of Interest Code needed.)

ACTION: By motion, Conflict of Interest Code accepted.

(Clerk to handle)

CONSENT

19. Consider authorizing City Manager to sign an agreement with Richard L. Marks for contract subdivision inspection services. (Memo with agenda. Resolution authorizing City Manager to sign agreement needed. Estimated cost: not to exceed \$50,000. Funds are budgeted.)

Dropped from agenda.

CONSENT

20. Consider authorizing release of bonds for Glenn Avenue street improvements between Crows Landing Road and the Union Pacific Railroad. Owner - Union Pacific Railroad Co. (Planning Commission Resolution No. 88-38 required a financial guarantee for street improvements along the north side of Glenn Avenue for a tentative parcel map. Owner posted 100% and 50% bonds for improvements costing \$306,600. A new owner, Modesto Industrial Park, Inc., has processed a vesting tentative subdivision map for the property (Planning Commission Resolution 90-93). The Glenn Avenue frontage will be guaranteed with future development by the new owner. Union Pacific Railroad bonds are no longer required and should be released. Resolution authorizing release of bonds needed.)

ACTION: Res. 91-73 adopted authorizing release of bonds. (Clerk to handle)

CONSENT

21. Consider acceptance of improvements in Willow Grove Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Lyon Redev II (All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Willow Grove is located north of Princewood Lane between Coffee Road and Kingswood Drive. Resolution accepting improvements needed.)

ACTION: Res. 91-74 adopted accepting improvements as complete.

(Clerk to handle)

CONSENT

22. Consider acceptance of improvements in Crown Ridge Condominiums and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Leason Investments (All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees have been paid. Crown Ridge Condominiums is located on the northwest corner of Claus Road and Scenic Drive. Resolution accepting improvements needed.)

ACTION: Res. 91-75 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

23. Consider approval of the final map of California Glen 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: Kaufman and Broad of Northern California. (The subdivision agreement has been signed and all fees paid. California Glen is located south of West Hatch Road, west of Ustick Avenue. It contains 12.120 acres. Resolution approving final map needed.)

ACTION: Res. 91-76 adopted approving final map. (Clerk to handle)

CONSENT

24. Consider an agreement with Athens Benefits Insurance Services, Inc., to design and implement an IRS Section 125 Benefits Plan. (Memo with agenda. Resolution approving agreement and resolution approving an appropriation transfer needed. Estimated cost: \$9,000.)

ACTION: Res. 91-77 adopted approving agreement.
Res. 91-78 adopted approving appropriation transfer. (Manager to handle)

CONSENT

25. Consider authorizing the Director of Parks and Recreation to advertise for and accept proposals for a concessionaire to equip and operate a food and beverage concession at Modesto Dry Creek Golf Course. (Memo with agenda. Resolution approving requests for proposals needed.)

ACTION: Res. 91-790 adopted approving requests for proposals. (P/R to handle)

CONSENT

26. Consider approving a request for refund of \$3,207.47 for overpayment of Business License Tax by Save Mart Supermarkets. (Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 91-80 adopted approving refund. (Finance to handle)

CONSENT

27. Consider deleting Article 2 from Chapter 2 of Title VIII of the Modesto Municipal Code due to recent legal challenges to the Admissions Tax.
(Memo with agenda. Motion introducing an ordinance needed.)

ACTION: By motion, Ord. No. 2751-C.S. introduced. (Clerk to handle)

CONSENT

28. Consider approving the Citizen Participation Plan and funding priorities for the 1991-92 fiscal year Community Development Block Grant (CDBG) application.
(Memo with agenda. Resolution approving plan and priorities needed.)

ACTION: Res. 91-81 adopted approving plan and priorities.
(Planning to handle)

WRITTEN COMMUNICATIONS

29. Letter from Dennis E. Wilson, Mid-Valley Engineering, on behalf of property owners in the North Beyer Park area, requesting a "can serve" letter from the City of Modesto.
(Motion referring to or directing staff needed.)

ACTION: By motion (Lang/Bird, unan., Muratore absent) request referred to staff for recommendation.
(Planning to handle)

30. Letter from Sara Brown concerning the Modesto Police Department.
(Motion referring to or directing staff needed.)

No action taken.

31. Letter from Beverly Jones requesting funds and direct assistance with the 1991 Picnic in the Park.
(Motion referring to or directing staff needed.)

ACTION: By order of the Chair, request referred to staff for recommendation.
(P/R to handle)

CONSENT

32. Letter from Peter S. Pen resigning from the Human Relations Commission.
(Resolution accepting with regret needed.)

ACTION: Res. 91-82 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Legislation

CONSENT

33. Staff recommends support of:

- a. SB 1x (Boatwright) and SB 29 (Boatwright) Sales Tax - Elimination of Specified Exemptions
- b. SB 2x (Boatwright) and SB 30 (Boatwright) Sales Tax - Elimination of Candy or Confectionery
- c. SB 5x (Boatwright) Sales Tax - Elimination of Exemptions

(Memos with agenda. Motion accepting recommendations needed.)

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

MATTERS TOO LATE FOR THE AGENDA

34. (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.)

This item taken up after item 1.

ACTION: By motion (Bird/Irizarry, unan., Muratore absent) it was determined that the need to take action on this item arose after the agenda was prepared.
Res. 91-83 adopted (Lang/Irizarry, unan., Muratore absent)
appointing Ed Tewes as City Manager. (Manager to handle)

ADJOURNMENT

The meeting adjourned at 8:23 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 12, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Dobbs, Irizarry, Muratore, Patterson,
Mayor Whiteside

Absent: Councilmembers Bird, Lang

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, 11, 12,
14, 15, 15A

Dropped from agenda: 13

ACTION: (Muratore/Dobbs, unan., Bird 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. Mary Grogan introduced Gwendolyn (Wendy) Byrd, newly-hired Youth Program Supervisor.
- b. Recognition of Jeffery Cook and Erika Niemann as Outstanding Youth for 1990.

Plaques were presented by Vice Mayor Dobbs to Jeffery Cook and Erika Niemann.

MINUTES

CONSENT

- 2. Approval of the minutes of the special City Council meetings of February 1 and February 5, and the regular City Council meeting of February 5, 1991.
(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. Consider acceptance of Johansen High School Pedestrian Overcrossing Project Location Study and directing staff to proceed with negotiations with Bissell and Karn for design services.
(Memo and study with agenda. A copy of the study complete with drawings is on file in the City Clerk's Office. Motion accepting study and directing staff to proceed needed.)

ACTION: By motion (Dobbs/Muratore, unan., Bird and Lang absent), study was accepted and staff directed to proceed.
(Public Works & Trans. to handle)

CONSENT

- 5. Consider report regarding 90-day trial of nonclosure of barricades on McHenry Avenue cross streets.
(Memo with agenda. Staff recommends discontinuing barricade use. Motion accepting report and approving recommendation needed.)

ACTION: By motion, report accepted and recommendation approved.
(Police to handle)

CONSENT

6. Final adoption of Ordinance No. 2751-C.S. repealing Municipal Code sections pertaining to the admission tax.
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2751-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

7. Consider award of contract for the booster pump station for water tank No. 3 to Conco West, Inc.
(Bids were opened January 31, 1991. The low bid of \$282,465, submitted by Conco West, Inc., is 26.22% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$310,712 (contract - \$282,465; eng. & cont. - \$28,247) Funds are budgeted.)

ACTION: Res. 91-84 adopted awarding contract.
(Public Works & Trans. to handle)

CONSENT

8. Consider acceptance of Graham Contractors, Inc.,'s contract for the 1990 street slurry seals as complete. Original contract: \$181,994.78
(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: \$200,527.48. Funds are budgeted.)

ACTION: Res. 91-85 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

9. Consider request for exemption to Capital Facilities Fees for 3,000 square feet of a new 4,000-square foot building for the Red Cross.
(Memo with agenda. Staff recommends that an exemption not be granted. Motion directing staff needed.)

Dropped from agenda at the request of Tom Van Groningen.

10. Consider determining City Capital Facilities Fees (CFF) for Fleur de Ville Subdivision.
(Memo with agenda. Motion selecting appropriate level of fees needed.)

ACTION: A motion to not assess the parks fees failed to carry (Patterson/Dobbs, Irizarry and Whiteside - no, Bird and Lang absent).

By motion (Muratore/Dobbs, majority, Patterson - no, Bird and Lang absent) staff recommendation approved, including the parks fees, with this determination to be documented during the Environmental Assessment Committee's process.

CONSENT

11. Consider approval of \$5,400 of Administrative Capital Facilities Fees to pay for consultant services by Recht, Hausrath and Associates. (Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 91-86 adopted approving appropriation transfer. (Planning & C. D./Finance to handle)

CONSENT

12. Consider approving the Modesto City-County Airport's application for federal funds to reconstruct a portion and widen the airline and corporate aircraft parking apron. (Memo with agenda. Resolution approving application needed. Estimated cost: \$152,100 (Federal - \$136,890; City/County - \$15,210).)

ACTION: Res. 91-87 adopted approving application. (Public Works & Trans. to handle)

CONSENT

13. Consider revising the Modesto Municipal Code sections concerning noise to eliminate references to decibel levels and incorporate, instead, the standard of "loud and raucous" noise, a standard used successfully in many cities. (Memo with agenda. This revision addresses two items in the Forward Modesto IV Environmental/Public Works category dealing with the use of leaf blowers. Motion introducing an ordinance needed.)

Dropped from agenda and continued to JFekbruary 19, 1991, at 7:30 p.m. at the request of Jennie Zeff.

CONSENT

14. Consider request for refund of \$2,279.40 for overpayment of Business License Tax by A & A Chemical Toilet Company. (Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 91-88 adopted approving refund. (Finance to handle)

CONSENT

15. Consider authorization to negotiate a contract with the McHenry-Dry Creek Fire Protection District for fire and emergency medical service to be provided by the City of Modesto to the District.
(Memo with agenda. Motion authorizing negotiations needed.)

ACTION: By motion, negotiations authorized. (Fire to handle)

CONSENT

- 15A. Consider excusing Councilmember Muratore for being absent from the February 5, 1991, City Council meeting due to his representing the Stanislaus Area Association of Governments at a conference.
(Motion excusing absence needed.)

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

WRITTEN COMMUNICATIONS

16. Request by Dennis Wilson, on behalf of St. Paul's Church, to reconsider wording in the resolution approved on November 13, 1990, concerning Briggsmore Avenue ingress and egress.
(Memo with agenda. Motion referring to or directing staff, or resolution amending previous resolution needed.)

ACTION: Res. 91-89 adopted (Muratore/Dobbs, unan., Bird and Lang absent) changing the wording in Res. 90-892 to provide ingress and egress to Briggsmore Avenue. (Public Works & Trans. to handle)

17. Letter from Steven A. Herum, on behalf of property owners in the Merle-Roselle area, requesting a Modesto Council resolution stating it has the capacity to provide necessary services to that area.
(Motion referring to or directing staff needed.)

Dropped from agenda and continued to February 19, 1991, at 7:30 p.m. at Mr. Herum's request.

18. Letter from the Beyer High School Band requesting funds for a trip to Santa Clara to perform at the California Music Educators Association convention.
(Motion referring to or directing staff needed.)

ACTION: By order of the Chair, request referred to staff for recommendation. (Finance to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

Meeting adjourned at 5:43 p.m. to Tuesday, February 19, 1991, at 5:30 p.m. in the third floor conference room, City Hall, 801 11th Street, Modesto, for a study session to concerning library issues.

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 5:30 p.m., February 19, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a study session.

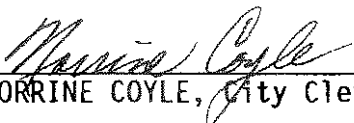
Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

Councilmember Patterson arrived at 5:45 p.m.

Absent: None

The Council held a study session concerning library issues. The possibility of using a joint powers agreement or form a county service area as a means of operating and funding the library was mentioned. The Village I library and the need for a library master plan were discussed.

The meeting adjourned at 6:25 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m., February 19, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

Absent:

The Council adjourned to closed session to consider 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, FEBRUARY 19, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore,
Patterson, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 13, 14,
15, 16

ACTION: (Lang/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.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of February 12, 1991.
(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.)

Carmen Sabatino spoke about press coverage in the community.
Robert H. Smith commended Mayor Whiteside and asked the Council to appoint Peggy Mensinger as interim Mayor.

HEARINGS

4. Hearing to consider the 1990 Annual Adjustment of Capital Facilities Fees.

ACTION: Res. 91-90 adopted (Lang/Muratore, unan.) with cutoff for residential plans set on March 9, 1991. (Planning to handle)
By motion (Lang/Muratore, unan.) staff directed to contact the County Chief Administrative Officer concerning adopting an increased streets component to their Capital Facilities Fees similar to the City's.

BIDS

CONSENT

5. Consider awarding contract to Richard A. Heaps, Electrical Contractor, Inc., for modifications of traffic signals at Briggsmore/Carpenter and Orangeburg/Sisk, and for restriping Carpenter Road between Orangeburg/Sisk and Blue Gum.
(Memo with agenda. Bids were opened on Thursday, January 31, 1991. Six bids were received. Richard A. Heaps was the second low bidder at \$85,512. This is 17.8% below the estimate and is considered acceptable. Resolution awarding the contract needed. Funds are budgeted.)

ACTION: Res. 91-91 adopted awarding contract. (P/W to handle)

CONSENT

6. Consider authorizing the purchase of one new articulating loader from Modesto Ford Tractor, Inc., for a total price of \$57,506.89. (Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 91-92 adopted authorizing purchase. (Finance to handle)

CONSENT

7. Consider declaring Sefac Lift & Equipment Corp. low bidder and authorize the purchase of mobile wheel lift jacks for the total cost of \$41,435. (Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 91-93 adopted authorizing purchase. (Finance to handle)

CONSENT

8. Consider waiving formal bid procedures and authorizing the purchase of twenty-one trucks through the State of California Cooperative Purchasing Contract for a total price of \$266,794.25. (Memo with agenda. Resolution waiving formal bid procedures (five affirmative votes needed) and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 91-94 adopted authorizing purchase. (Finance to handle)

CONSENT

9. Consider rejecting all bids and terminating request for bids for water adsorption system. In accordance with Modesto Municipal Code Section 8-3.07, for the urgent necessity for the preservation of life, health, or property, consider waiving formal bid procedures and authorize the purchase of three water adsorption systems from Calgon Carbon Corporation for \$597,840. (Memo with agenda. Resolution rejecting bids and terminating request for bids; and resolution waiving formal bid procedures and authorizing purchase from Calgon Carbon Corporation needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 91-95 adopted rejecting bids.
Res. 91-96 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

10. Consider sanitary sewer service request to Modesto Galleria Shopping Center in Village One. (Memo with agenda. Staff recommends an agreement that, in exchange for sewer service, applicant agrees to pay full City Capital Facilities Fees and Village One Area of Benefit Assessment. Motion directing staff needed.)

ACTION: By motion (Lang/Irizarry, majority, Bird, Dobbs, Patterson-no) this item was continued to March 5, 1991, at 7:30 p.m. (Atty/Planning to handle)

11. Consider revising the Modesto Municipal Code sections concerning noise to eliminate references to decibel levels and incorporate, instead, the standard of "loud and raucous" noise, a standard used successfully in many cities.
(Continued from the February 12, 1991, Council meeting. Memo with agenda. This revision addresses two items in the Forward Modesto IV Environmental/Public Works category dealing with the use of leaf blowers. Motion introducing an ordinance needed.)

ACTION: By motion (Muratore/Irizarry, unan.) Ord. No. 2752-C.S. introduced.
(Clerk to handle)

12. Consider appointing a Council representative and alternates to the Stanislaus County Water Coordination Advisory Committee.
(Memo with agenda. Resolution appointing representatives.)

ACTION: Res. 91-97 adopted (Dobbs/Lang, unan.) appointing Councilmember Patterson, Councilmember Muratore as alternate and Public Works & Transportation Director or designee as alternate #2.
(Manager to handle)

CONSENT

13. Consider authorizing the transfer of Asset Forfeiture Funds to the General Fund, Police Department 1990-91 Capital Outlay accounts for purchase of communication equipment.
(Memo with agenda. Resolution approving transfer needed. Estimated cost: \$12,773.)

ACTION: Res. 91-98 adopted approving transfer. (Police/Finance to handle)

CONSENT

14. Consider authorizing City Manager to sign agreement with Stanislaus County concerning the City's obligation related to an encroachment permit to install a 10" waterline in Lone Palm Avenue.
(Memo with agenda. The County has required the execution of this agreement before an encroachment permit will be issued. Resolution approving agreement needed.)

ACTION: Res. 91-99 adopted approving agreement. (P/W to handle)

CONSENT

15. Consider approval of the final map of Woodland Woods Subdivision of the City of Modesto and consider accepting the improvements. Subdividers: Greg A. and Sandra Smith, A. Russell and Wilma Von Flue Evers, and David E. and Carole Lynn Kamrar
(All improvements have been completed to the satisfaction of the Public Works and Transportation Department. Woodland Woods is located at the northwest corner of Woodland Avenue and Bennett Road. It contains 2.036 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 91-100 adopted approving final map. (Clerk to handle)

CONSENT

16. Presentation of monthly Treasurer's Report for January 6, 1991.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of the report acknowledged.

WRITTEN COMMUNICATIONS

17. Letter from Steven A. Herum, on behalf of property owners in the Merle-Roselle area, requesting a Modesto Council resolution stating it has the capacity to provide necessary services to that area.
(Continued from the February 12, 1991, Council meeting. Motion referring to or directing staff needed.)

ACTION: By motion (Lang/Irizarry, unan., Bird - no) request for a "can serve" letter denied. (Planning to handle)

MISCELLANEOUS

Appointments

18. Consider appointments to the following:

a. Citizens Advisory Committee on Recycling

ACTION: Res. 91-101 adopted appointing Lori Neimark.

b. Culture Commission

ACTION: Res. 91-102 adopted appointing Clarissa Tenorio.

c. Human Relations Commission

ACTION: Res. 91-103 adopted appointing Louis Levin.

d. International Friendship Committee

ACTION: Res. 91-104 adopted appointing Carol Quinlan.

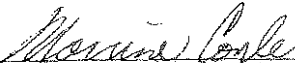
MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 9:55 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 26, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore,
Patterson, Mayor Whiteside
Councilmember Patterson arrived at 4:06 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Truman Northup, Church of the Brethren

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 11, 12, 13, 14, 15,
17, 19, 20, 21, 23, 24, 26

ACTION: (Lang/Bird, 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

Introduction of members of Boy Scout Troop 133.

Mayor Whiteside introduced members of the Scout Troop.

MINUTES

CONSENT

2. Approval of the minutes of the adjourned, special and regular City Council meetings of February 19, 1991.
(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 pay and benefits for reservists.
(Memo with agenda. Resolution approving pay and benefits needed.)

ACTION: Res. 91-105 adopted (Muratore/Lang, unan.) approving pay and benefits. (Manager to handle)

CONSENT

5. Consider approval of the request of the Beyer High School Wind Ensemble for financial assistance for a special appearance at the California Music Educators Association Convention in Santa Clara and for concert appearances in the Bay Area.
(Memo with agenda. Resolution approving \$1,000 in financial assistance needed. Funds are budgeted.)

ACTION: Res. 91-106 adopted approving financial assistance. (Finance to handle)

CONSENT

6. Final adoption of Ordinance No. 2752-C.S. amending the Modesto Municipal Code sections relating to noise regulations.
(Motion adopting needed.)

ACTION: By motion, Ord. 2752-C.S. adopted. (Clerk to handle)

HEARINGS

7. Hearing to consider an amendment to Section 27-3-9 of the Zoning Map to rezone from P-D(420) to P-D(482), property located on the south side of Scenic Drive, west of Rose Avenue. (John Doxey & Associates)

ACTION: By motion (Irizarry/Muratore, unan.) Ord. No. 2753-C.S. introduced.
Res. 91-107 introduced (same vote) approving plan.
Res. 91-108 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

8. Hearing to consider the proposed designation of the Black House, located at 1025 14th Street as a City of Modesto Landmark Preservation Site.

ACTION: By motion (Muratore/Irizarry, unan.) this item delayed until further information can be obtained. (P/R to handle)

9. Hearing to consider the proposed designation of the Old Crocker Bank Building, located at 850 10th Street, as a City of Modesto Landmark Preservation Site.

ACTION: By motion (Muratore/Irizarry, unan.) this item delayed until further information can be obtained. (P/R to handle)

10. Hearing to consider amendments to Chapter 2 of Title X of the Modesto Municipal Code (Zoning and Sign Regulations) pertaining to the use of inflatable devices as signs.

ACTION: By motion (Dobbs/Lang, unan.) Ord. No. 2754-C.S. introduced. (Clerk to handle)

BIDS

CONSENT

11. Consider adoption of resolutions related to Improvement District 29 for appointment of Engineer of Work and Attorney; declaring intention to make acquisitions and improvements; approving Engineer's Report; setting time of protest hearing, approving and filing of boundary maps; approving plans and specifications and calling for bids.

(The purpose of Improvement District 29 is to improve the traffic flow in the vicinity of the Standiford-Sisk-Dale intersection. Proposed Council action is prescribed in the California Streets and Highways Code. Four resolutions needed. Funds will be provided through assessment district proceedings after sale of bonds.)

ACTION: Res. 91-109 adopted preliminarily approving Engineer's report, appointing time and place of hearing protests, describing proposed boundaries of assessment district and directing filing of boundary map.

Res. 91-110 adopted approving plans and specifications and authorizing call for bids.
Res. 91-111 adopted appointing Alfred Kaufman as Engineer, and Jones, Hall, Hill & White as Attorneys.
Res. 91-112 adopted approving a Resolution of Intention to make acquisitions and improvements. (P/W to handle)

CONSENT

12. Consider approving specifications and authorize a call for proposals to be opened March 25, 1991, at 10:00 a.m., for possibly replacing the word processing system in City Hall.
(Requested by the City Manager's Office, the request for proposals will determine the feasibility of replacing the current word processing system, identify potential equipment systems and cost. Based on the response, equipment proposed and cost, the request may not result in a procurement. Resolution approving specifications and authorizing call for proposals needed. The estimated cost is unknown at this time. If the cost is unreasonable, other options will be evaluated.)

ACTION: Res. 91-113 adopted calling for proposals. (Finance to handle)

CONSENT

13. Consider approval of plans and specifications and call for bids for the removal of five fuel tanks at the Modesto City-County Airport.
(Memo with agenda. Suggested bid opening: March 21, 1991, at 11:05 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$43,450 (contract - \$39,500; eng. & cont. - \$3,950). Funds are budgeted.)

ACTION: Res. 91-114 adopted calling for bids. (P/W to handle)

CONSENT

14. Consider approval of plans and specifications and call for bids for Yosemite Park street improvements.
(Memo with agenda. Suggested bid opening: March 21, 1991, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$30,400 (contract - \$27,633; eng. & cont. - \$2,767). Funds are budgeted.)

ACTION: Res. 91-115 adopted calling for bids. (P/W to handle)

CONSENT

15. Consider award of contract for the Jefferson Street sewer lift station to Western Stone Products, Inc.
(Bids were opened February 14, 1991. The low bid of \$194,197, submitted by Western Stone Products, is 0.92% below the engineer's estimate and considered acceptable. It is therefore recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$213,717 (contract - \$194,197; eng. & cont. - \$19,420). Funds are budgeted.)

ACTION: Res. 91-116 adopted awarding contract. (P/W to handle)

CONSENT

17. Consider waiving formal bid procedures and authorizing the emergency purchase of an air conditioning system from Commair for the Data Processing Department.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase (Five affirmative votes needed), and resolution approving appropriation transfer needed. Estimated cost: \$20,000.)

ACTION: Res. 91-117 adopted waiving formal bid procedures.
Res. 91-118 adopted approving appropriation transfer.
(Finance to handle)

NEW BUSINESS

18. Consider approval of Village One implementation program and allocation of funds for Step One.
(Before proceeding with the next phase of Village One, the Council needs to consider approval of the Implementation Work Program including tasks, responsibilities, schedule and budgets. Allocation of funds of \$337,000 is recommended for consulting services and costs associated with the ongoing tasks of Step One of the Work Program. Resolution amending the budget, two resolutions approving agreements, one resolution adopting a policy, one motion approving Village One Implementation Work Program, and one motion directing staff to schedule a Village One property owner meeting needed.)

ACTION: Res. 91-119 adopted amending budget.
Res. 91-120 adopted approving agreement with Economic Planning Systems (EPA).
Res. 91-121 adopted approving agreement with ROMA Design Group.
Res. 91-122 adopted adopting policy.
By motion (Patterson/Lang, unan.) approved the Village One Implementation Program, including: tasks, responsibilities, time frame and budget for Step One, directed staff to schedule and hold a meeting with the Village One property owners to review with them the Implementation Program adopted by the City Council, and approved option 2 excluding staff time.
(Planning to handle)

CONSENT

19. Consider renewal of Tuolumne River Regional Park errors & omissions insurance policy with American Empire Surplus Lines for policy year February 27, 1991 - February 27, 1992.
(Memo with agenda. Resolution approving renewal needed. Estimated cost: \$4,141.25 Funds are budgeted.)

ACTION: Res. 91-123 adopted approving renewal. (Attorney to handle)

CONSENT

20. Consider authorizing the City Manager to sign a three year term lease agreement with owner of the commercial office building at 401 H Street used by the Housing Program Office.
(Memo with agenda. The Housing Program Office has leased the building at 401 H Street for the administration of community development activities funded by an annual HUD Community Development Block Grant. Resolution approving three year agreement needed. Estimated cost: Year 1: \$20,136; Year 2: \$21,144; Year 3: \$22,200. Funds are budgeted.)

ACTION: Res. 91-124 adopted approving agreement. (Planning to handle)

CONSENT

21. Consider approving amendment to agreement with Amos DeGroot and Hein Hettinga for the lease of the remote sewer ponds property.
(Memo with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 91-125 adopted approving amended agreement. (Attorney to handle)

22. Consider authorizing execution of Memorandum of Understanding with Modesto Irrigation District and Del Este Water Co. for design, financing and construction of a surface water treatment plant, transmission pipelines and reservoirs.
(Negotiations have been completed. The City Council Water Committee has reviewed the M.O.U. and recommends approval. Memo with agenda. Resolution approving Memorandum of Understanding needed. Financing of design and construction will be arranged by M.I.D. with City and Del Este participation.)

ACTION: Res. 91-126 adopted (Patterson/Muratore, unan.) approving a Memorandum of Understanding with M.I.D. and Del Este Water Co.
(P/W to handle)

CONSENT

23. Consider authorizing the Acting City Manager to sign agreements with Jones, Hall, Hill & White, Inc., to provide legal advise to the City for the surface water treatment plant project and with Seidler-Fitzgerald Public Finance to provide financial advisory services at a cost not to exceed \$15,500 (\$10,000 Jones, Hall, Hill & White; \$5,500 Seidler-Fitzgerald). Payment to be made from the proceeds of the bond issue.
(Memo with agenda. Two resolutions approving agreements needed.)

ACTION: Res. 91-127 adopted approving agreement with Jones, Hall, Hill and White, Inc.
Res. 91-128 adopted approving agreement with Seidler-Fitzgerald Public Finance.
(Finance to handle)

CONSENT

24. Consider amending the Municipal Code and Personnel Rules on binding disciplinary arbitration and consider adopting comprehensive Memorandum of Understanding with Modesto City Firefighters Association.
(Motion introducing an ordinance amending the Municipal Code, resolution amending the Personnel Rules, and resolution adopting Memorandum of Understanding needed.)

ACTION: By motion, Ord. No. 2755-C.S. introduced.
Res. 91-129 adopted amending Personnel Rules.
Res. 91-130 adopted adopting Memorandum of Understanding.
(Manager/City Clerk to handle)

25. Consider denial of request to accept water connection fees for property located at 2254 Floyd Avenue in the amount of \$6,470.23. Owner: Ross Briles. Occupant: Putt-Putt Miniature Golf Course.
(Memo with agenda. Property owner is requesting that the City accept water connection fees based on the 1990 fees rate schedule. Resolution denying request needed.)

ACTION: Res. 91-131 adopted (Lang/Dobbs, unan.) denying request).
(P/W to handle)

CONSENT

26. Consider approval of the final map of Standiford Avenue Professional Offices subdivision and consider accepting the improvements.
Subdivider: Phillip O. Overholtzer
(All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees paid. Standiford Avenue Professional Office Subdivision is located on the south side of Standiford Avenue, opposite Longbridge Drive. It contains 1.14 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 91-132 adopted approving final map and accepting improvements as complete.
(Clerk to handle)

WRITTEN COMMUNICATIONS

27. Letter from Peter Herrmann, Chamber of Commerce, requesting assistance with the Graffiti Festival set for June 7 - 9, 1991.
(Motion directing staff needed.)

ACTION: By motion (Bird/Lang, unan.) request referred to staff for recommendation.
(P/R to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

Meeting adjourned at 6:01 p.m. to February 26, 1991, 6:30 p.m. at the Sundial Restaurant, 806 McHenry Avenue, Modesto, for a meeting with the Modesto Board of Education.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

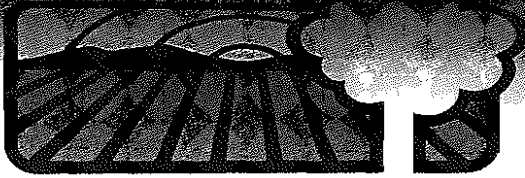
The Council of the City of Modesto met in a special session at the close of the regular City Council meeting at 6:01 p.m., February 26, 1991, in the Mayor's Office, City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

Absent: None

The meeting adjourned at 6:01 p.m. to closed session to consider the appointment, employment or evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

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 6:30 p.m., February 26, 1991, at the Sundial Restaurant, 806 McHenry Avenue, Modesto, California, for a meeting with the Modesto Board of Education.

Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

Councilmember Dobbs was excused at 7:20 p.m.

Councilmember Patterson was excused at 8:30 p.m.

Absent: None

There was a discussion of matters of mutual concern and interest. 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 at 7:15 p.m., March 5, 1991, in the Mayor's Office, City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

Councilmember Muratore arrived at 7:20 p.m.

Absent: None

The meeting adjourned at 7:15 p.m. to closed session to consider pending litigation, pursuant to Section 54956.9(a) 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, MARCH 5, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore,
Patterson, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Theodore Ness, Bethel Retirement Community

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 12, 19, 20,
21, 22, 23, 24, 25, 26, 27, 28, 29,
30, 31, 32, 33, 34, 36

ACTION: (Lang/Irizarry, 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

- a. Presentation by Bill Seavy, Division Manager of P. G. & E., concerning Global Cities Program.

Bill Seavy presented a copy of the P.G. & E. environment guide for local government to the City.

- b. Presentation by Dave George and the SPLASH Committee concerning 50 meter pool project at Johansen High School.

Dave George discussed the project and announced that the Committee had collected \$220,000 toward the cost of the pool.

- c. Introduction of the newly hired Affirmative Action Officer

Mike Herrero introduced Dan Reed who was recently appointed as Affirmative Action Officer.

- d. Mayor Whiteside displayed a painting done by Shirley Elke which Dick Elke had presented to the City of Modesto.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of February 26, 1991.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

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

None

UNFINISHED BUSINESS

4. Further consideration of request for sanitary sewer service to Modesto Galleria Shopping Center in Village One.
(Memo with agenda. Staff recommends an agreement that, in exchange for sewer service, applicant agrees to pay full City Capital Facilities Fees, agrees to annex to the City, and agrees to join in the formation of an Area of Benefit Assessment District. Motion expressing intention to serve Modesto Galleria Shopping Center with sanitary sewer once an agreement has been completed, and motion directing staff to prepare agreement needed.)

ACTION: By motion (Bird/Patterson, majority, Whiteside-no) staff recommendations approved except that the applicant will not be asked to enter into an agreement concerning the Benefit Assessment District. (Planning to handle)

5. Consider City Council position to LAFCO regarding a proposed North Beyer Park Annexation.
(LAFCO needs to know what the City position is on this annexation proposal. After LAFCO deliberation, if favorable, a protest hearing is held by the City Council. The result is a non-discretionary, ministerial action by the City Council. Memo with agenda. Resolution transmitting the Council's position to LAFCO, and motion directing staff needed.)
Councilmember Dobbs excused due to a conflict of interest.

ACTION: Res. 91-133 adopted (Bird/Lang, majority, Irizarry and Whiteside-no, Dobbs absent) requesting LAFCO to assume the role of lead agency and requiring an E.I.R., similar to the Claratina-Coffee annexation.

6. Consider adoption of a School Impact Mitigation Policy and Procedure.
(The proposed policy and procedure is recommended by the Public Projects Committee. The matter was referred to the Committee by the City Council at its October 16, 1990, meeting and continued several times since that date at the request of one of the parties involved. Resolution adopting policy and procedure needed.)

ACTION: Res. 91-134 adopted (Lang/Dobbs, unan.) approving school mitigation fees except for infill projects classified as residential for the General Plan. (Planning to handle)

CONSENT

7. Consider progress report on Modesto Airport terminal expansion project.
(Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

8. Consider staff report regarding regulation of taxicabs.
(Memo with agenda. The City Council has asked staff to review what other cities are doing to enhance the image of the taxi services. Motion accepting report needed.)

ACTION: By motion, report accepted. (P/W to handle)

CONSENT

9. Consider final adoption of the following:
- a. Ordinance No. 2753-C.S. amending from P-D(420) to P-D(428) property on the south side of Scenic Drive west of Rose Avenue. (Scenic Drive #1 - John Doxey & Associates)
 - b. Ordinance No. 2754-C.S. amending the Municipal Code relating to inflatable devices.

- c. Ordinance No. 2755-C.S. amending the Municipal Code relating to disciplinary probation.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

BIDS

CONSENT

10. Consider approval of plans and specifications and call for bids to sand blast and recoat clarifier No. 2 at the Water Quality Control Plant. (Suggested bid opening: March 28, 1991, at 11:00 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$107,000 (contract - \$97,300; eng. & cont. - \$9,700). Funds are budgeted.)

ACTION: Res. 91-135 adopted calling for bids.

(P/W to handle)

CONSENT

11. Consider authorizing the purchase of installation of two electronic entry door systems at the Senior Citizens' Center. (Memo with agenda. Resolution authorizing purchase needed. Estimated cost: \$26,436. Funds are budgeted.)

ACTION: Res. 91-136 adopted authorizing purchase.

(Finance to handle)

CONSENT

12. Consider accepting the contract of Western Stone Products, Inc., for the Sylvan Avenue improvements at Beyer High School. Original contract: \$166,666 (Memo 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: \$171,048.07. Funds are budgeted.)

ACTION: Res. 91-137 adopted accepting as complete.

(Clerk to handle)

NEW BUSINESS

13. Consider authorizing water rate increase of 30% to pay for groundwater system improvements and the surface water project. (The City Council Water Committee has reviewed forecasts of needed improvements and additions, and it recommends a 30% rate increase. It recommends not establishing a Water Capital Facilities Fees. Resolution revising water rates needed.)

ACTION: Res. 91-138 adopted (Patterson/Muratore, unan.) approving new rates. (Finance to handle)

14. Consider review of monthly sewer rates.
(Memo with agenda. Resolution updating monthly sewer service charges needed.)

ACTION: Res. 91-139 adopted (Lang/Patterson, unan.) approving new rates and directing staff to proceed with the study of the Empire Sanitation District's charges. (Finance to handle)

15. Consider authorizing 10% increase in fines for industries violating their waste discharge permit limits.
(The fine schedule should be increased to reflect the new sewer rates in effect April 1, 1991. Resolution revising industrial discharge fines needed.)

ACTION: Res. 91-140 adopted (Bird/Irizarry, unan.) increasing fines. (Finance to handle)

16. Consider revising fine schedule for violations of categorical pretreatment standards.
(The Regional Water Quality Control Board recommended that the City increase its maximum fines and provide discretion in levying fines to make the City's pretreatment program more effective. Resolution revising fine schedule needed.)

ACTION: Res. 91-141 adopted (Bird/Irizarry, unan.) revising fine schedule. (Finance to handle)

A ten minute recess was taken at 10:23 p.m.

17. Consider City response to the County's referral of Berberian Land Trust proposal at the southwest corner of McHenry Avenue and Bangs Avenue.
(Memo with agenda. Determination to be made on extent of traffic data and analysis that is needed. Motion directing staff needed.)

ACTION: A motion to direct staff to pursue option 2 failed (Irizarry/Lang, Bird, Dobbs, Lang, Muratore-No)
By motion (Lang/Bird, majority, Irizarry, Patterson and Whiteside-no) staff directed to pursue option 3. (Planning to handle)

18. Consider whether to form a Project Area Committee for the Modesto Redevelopment Project.
(Memo with agenda. Resolution determining not to form a Project Area Committee needed.)

ACTION: Res. 91-142 adopted (Lang/Dobbs, unan.) approving recommendation. (Manager to handle)

CONSENT

19. Consider annual renewal of airport liability insurance policy with Southern Marine and Aviation/IRIS, Ltd.
(Memo with agenda. Estimated cost: \$10,000. Funds are budgeted.)

ACTION: Res. 91-143 adopted approving renewal of insurance. (Attorney to handle)

CONSENT

20. Consider annual renewal of transit liability insurance policy with Carolina Casualty/Hamilton Meridian.
(Memo with agenda. Estimated cost: \$192,292.69. Funds are budgeted.)

ACTION: Res. 91-144 adopted approving renewal of insurance.
(Attorney to handle)

CONSENT

21. Consider request for water service to property outside City limits at 1315 Carpenter Road, located on the west side of Carpenter Road between Woodland Avenue and Shaddox Avenue. Owners: Curtis C. and Mary L. Lemmons
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 91-145 adopted approving agreement. (P/W to handle)

CONSENT

22. Consider request for sewer service to property outside City limits at 1746 Eureka Street, located on the east side of Eureka Street between Colusa Avenue and Glenn Avenue. Owners: Richard L. and Sherry O. Nelson
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City but a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 91-146 adopted approving agreement. (P/W to handle)

CONSENT

23. Consider approval of the final map of Remax Professional Plaza Subdivision and consider accepting the improvements. Subdivider: Coffee Road Investors Limited
(All improvements have been completed to the satisfaction of the Public Works and Transportation Department and all fees paid. Remax Professional Plaza is located on the west side of Coffee Road south of Sylvan Avenue. It contains 1.537 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 91-147 adopted approving final map. (Clerk to handle)

CONSENT

24. Consider enacting new radar-enforceable speed limits on Scenic Drive and Rosemore Avenue.
(Memo with agenda. The City Council Traffic Committee recommends 40 mph speed limits on Scenic Drive from El Vista to Lakewood (now 45 mph), and Rosemore Avenue from Blue Gum to Kansas (now 35 mph), based on speed surveys. The Traffic Committee recommends deferring change on Coffee Road, Sylvan to Mable, pending further study. Introduction of ordinance amending the Municipal Code needed. Estimated cost: \$500. Funds are budgeted.)

ACTION: By motion, Ord. No. 2756-C.S. introduced. (Clerk to handle)

CONSENT

25. Consider recommendation to modify striping on I Street from the alley between 12th and 13th Streets to the alley between 14th and 15th Streets. (This action would provide left-turn pockets on I Street at 13th and 14th Streets, with no loss of on-street parking. Motion approving recommendation and directing staff to proceed needed. Estimated cost: \$2,000. Funds are budgeted.)

ACTION: By motion, recommendation approved and staff directed to proceed. (P/W to handle)

CONSENT

26. Consider authorizing City Manager to execute an agreement with Bissell and Karn for design services for a pedestrian over-crossing over Claus Road at Johansen High School. (Staff has completed negotiations with Bissell and Karn for design services for the project and recommends execution of the agreement to keep the project on schedule. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$141,272.95. Funds are budgeted.)

ACTION: Res. 91-148 adopted approving agreement. (P/W to handle)

CONSENT

27. Consider authorizing the Modesto Irrigation District to proceed with engineering services agreement with Black and Veatch for designs of the surface water treatment plant and transmission system. (The M.I.D., the City, and Del Este Water Company have negotiated an engineering agreement, scope of work and payment with Black and Veatch for design of the surface water project. Resolution authorizing M.I.D. to proceed with agreement needed. Estimated cost: City's share - \$1,700,000. Financing of design and construction is being negotiated with M.I.D. and Del Este.)

ACTION: Res. 91-149 adopted authorizing M.I.D. to proceed with agreement. (P/W to handle)

CONSENT

28. Consider authorizing City Manager to sign agreement with Leedshill-Herkenhoff, Inc., for engineering services and construction administration for design for a new water/sewer supervisory control and data acquisition (SCADA) system. (Improvements are needed both for the water SCADA and the sewer collection SCADA system. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-150 adopted approving agreement. (P/W to handle)

CONSENT

29. Consider approving an agreement with Chani L. and Rebecca A. Villanueva for the lease of the Mancini house at Mancini Park. (The Villanuevas would like to lease the Mancini house, which has recently become vacant. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-151 adopted approving agreement. (Attorney to handle)

CONSENT

30. Consider amending the 1990-91 Final Statement of Community Development Objectives to allocate \$200,000 unused funds from Stanislaus County Economic Development Corporation to \$100,000 for City's Economic Development Revolving Loan Fund, and \$100,000 for City's Rehabilitation Programs, as recommended by Citizens' Housing and Community Development Committee.

(Memo with agenda. Resolution amending 1990-91 Final Statement of Community Development Objectives needed.)

ACTION: Res. 91-152 adopted amending 1990-91 Final Statement.
(Planning to handle)

CONSENT

31. Consider amending the 1990-91 Final Statement of Community Development Objectives to approve \$6,200 to City Public Works and Transportation Department to install audible traffic signals at Briggsmore/Prescott and McHenry/Floyd intersections, under the Handicapped Barrier Removal Program, as recommended by Citizens' Housing and Community Development Committee.

(Memo with agenda. Resolution amending 1990-91 Final Statement of Community Development Objectives needed. Funds are budgeted.)

ACTION: Res. 91-153 adopted amending 1990-91 Final Statement.
(Planning to handle)

CONSENT

32. Consider amending the 1990-91 Final Statement of Community Development Objectives by approving an amendment to the agreement with Senior Opportunities Service Program/Senior Nutrition Program to increase their grant by \$19,616 to prevent cutbacks in services, as recommended by Citizens' Housing and Community Development Committee.

(Memo with agenda. Resolution amending 1990-91 Final Statement of Community Development Objectives needed. Funds are budgeted.)

ACTION: Res. 91-154 adopted amending 1990-91 Final Statement.
(Planning to handle)

CONSENT

33. Consider re-funding of the 1987 Certificates of Participation for the Modesto Centre Plaza.

(Memo with agenda. Resolution authorizing and directing the preparation and execution of certain lease financing documents, authorizing the preparation and distribution of a preliminary official statement in connection with the offering and sale of Certificates of Participation relating thereto, and authorizing and directing certain actions with respect thereto.)

ACTION: Res. 91-155 adopted authorizing and directing the preparation and execution of certain lease financing documents.
(Finance to handle)

CONSENT

34. Consider amending the hiring date of City Manager, J. Edward Tewes, from March 18, 1991, to March 10, 1991.
(Memo with agenda. Resolution amending Res. No. 91-83 needed.)

ACTION: Res. 91-156 adopted amending Res. No. 91-83. (Atty to handle)

WRITTEN COMMUNICATIONS

35. Letter from Bill Reeves, Business Representative for Operating Engineers Local Union No. 3, requesting a job audit for two employees in the Engineering Division of the Public Works and Transportation Department.

ACTION: By motion (Bird/Irizarry, majority, Dobbs, Lang and Muratore-no) this matter was referred to the meet and confer session.
(Manager to handle)

CONSENT

36. Letter from Jim Thayer, Chairman of Building Industry Association Schools Funding Task Force, requesting City Council support for a sales tax increase for school facilities and local government.
(Motion referring to staff for recommendation needed.)

ACTION: By motion, request referred to staff for recommendation.
(Manager to handle)

MISCELLANEOUS

Appointments

37. Consider appointments to the following:

a. Airport Advisory Committee

ACTION: Res. 91-157 adopted (Lang/Bird, unan.) appointing Larry Davis.

c. International Friendship Committee

ACTION: Res. 91-158 adopted (Lang/Bird, unan.) appointing Nina Zagaris.

d. Landmark Preservation Commission

ACTION: Res. 91-159 adopted (Lang/Bird, unan.) appointing Martha Cowdrey
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

38. (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 11:35 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 12, 1991, AT 4:00 P.M.

NOTICE

THERE WILL BE NO MEETING OF THE CITY COUNCIL
ON TUESDAY, MARCH 12, 1991
DUE TO LACK OF A QUORUM.

THE NEXT CITY COUNCIL MEETING WILL BE HELD ON
TUESDAY, MARCH 19, 1991,
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 7:00 a.m., March 19, 1991, at the Sundial Restaurant, 806 McHenry Avenue, Modesto, California, for a meeting with Chamber of Commerce members.

Present: Councilmembers Bird, Dobbs, Irizarry, Muratore, Mayor Whiteside

Absent: Councilmembers Lang, Patterson

The Mayor and City Councilmembers answered questions asked by Chamber of Commerce members on the following topics:

Laws concerning and philosophy behind the capital facilities fees.

Affordable housing in Village I and the work of a committee that is attempting to come up with methods of providing affordable housing.

The process of establishing a redevelopment area and how it can benefit the City, County and School Districts while revitalizing run-down areas in the City.

Water quantity and quality, and the mandatory drought-resistant landscaping which the Planning Commission included in the Village I Plan.

Chamber of Commerce representatives made presentations to Mayor Whiteside, including a Chamber lifetime membership.

The meeting adjourned at 8:40 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

WPCC256

1

3-19-91



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
807 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 19, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore,
Patterson, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Steve Elliott, Prescott Evangelical Free Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 22, 23, 24,
25, 26, 27, 29, 30, 33, 34

Dropped from agenda: 21, 28, 32

ACTION: (Lang/Bird, unan.)

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

a. **Presentation of Suggestion Awards:**

Charles Gilstrap, Parks & Recreation Department employee, \$50.00

George Papadopoulos, Police Department employee, \$50.00

Dropped from agenda.

b. **Presentation of plaque to Martha Cowdrey for service on the Greater Modesto Community Foundation.**

Plaque presented by Vice Mayor Dobbs.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of March 5, 1991.
(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. Consider cost sharing arrangement between the City of Modesto and the Modesto High School District for the Claus Road pedestrian overcrossing at Johansen High School.
(Memo with agenda. Resolution indicating commitment by the City to pay for 40% of the total project cost needed. Estimated cost: \$1,411,600 (City 40% - \$564,600; School District 60% - \$847,000). Funds are partially budgeted. Remainder of City funds to be included in 1991-92 Capital Improvement Program request.)

ACTION: Res. 91-161 adopted (Lang/Irizarry, unan.) indicating commitment.
(P/W and Finance to handle)

5. Consider staff report and recommendations concerning City assistance to the Modesto Chamber of Commerce for Graffiti, USA.
(Memo with agenda. Motion acknowledging receipt of report and accepting recommendations needed.)

Dropped from agenda.

WPCC255

2

3-19-91

6. Consider staff report and recommendation concerning City assistance for the Fourth of July parade, picnic at Graceada Park and fireworks, requested by the Junior Chamber of Commerce.
(Memo with agenda. Resolution acknowledging receipt of report and approving staff recommendations needed.)

ACTION: Res. 91-162 adopted (Muratore/Bird, unan.) acknowledging receipt of report and approving recommendations. (P/R to handle)

7. Consider staff report and recommendation concerning City assistance for the Fourth of July picnic at Tuolumne River Regional Park, requested by Ms. Beverly Jones.
(Memo with agenda. Motion acknowledging receipt of report and approving staff recommendations needed.)

ACTION: By motion (Irizarry/Patterson, unan.) receipt of report acknowledged and request for assistance denied, with appreciation to Ms. Jones for her contributions.

8. Consider recognizing the establishment of a Steering Committee for Festival '91.
(An International Festival in Modesto was suggested by the Cultural Opportunities Parks and Recreation Task Force of the Forward Modesto IV Committee. This is a further step in carrying out this proposal. Memo with agenda. Motion recognizing Steering Committee needed.)

Dropped from agenda.

CONSENT

9. Consider re-designating the City Council Water Committee as the "City Council Utility Services Committee."
(Memo with agenda. Motion re-designating Committee name needed.)

ACTION: By motion, committee renamed. (P/W to handle)

CONSENT

10. Consider staff report regarding traffic improvement prioritization.
(Memo with agenda. The City Council has asked staff to review with the Council and Planning Commission the priority of traffic improvement projects and available funding resources. Motion accepting staff report and findings, and resolution amending the 1990-91 budget needed.)

ACTION: By motion, report and findings approved.
Res. 91-163 adopted amending budget. (P/W to handle)

CONSENT

11. Final adoption of Ordinance No. 2756-C.S. amending the Modesto Municipal Code section relating to speed limits.
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2756-C.S. adopted. (Clerk to handle)

WPCC255

3

3-19-91

BIDS

CONSENT

12. Consider approval of plans and specifications and call for bids for Floyd Neighborhood Park.
(Suggested bid opening: April 11, 1991, at 11:00 a.m. This project consists of site work, landscaping and irrigation. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$473,876 (contract - \$429,799.62; eng. & cont. - \$44,076.38). Funds are budgeted.)

ACTION: Res. 91-164 adopted calling for bids. (P/W to handle)

CONSENT

13. Consider declaring Country Ford Trucks, Dow Hammond Trucks, and F. B. Hart Co. as low bidders on and authorize the purchase of utility trucks and vans for the total price of \$481,730.
(Memo with agenda. Three resolutions authorizing purchase needed.)

ACTION: Res. 91-165 adopted awarding bid to Country Ford Trucks.
Res. 91-166 adopted awarding bid to Dow Hammond Trucks
Res. 91-167 adopted awarding bid to F.B. Hart Co. (Finance to handle)

CONSENT

14. Consider accepting the contract of Cimarron Construction for additional rip rap repair at the storage ponds. Original contract: \$27,250
(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. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$38,250. Funds are budgeted.)

ACTION: Res. 91-168 adopted accepting work as complete. (Clerk to handle)

CONSENT

15. Consider accepting the contract of Western Stone Products, Inc., for Union Avenue railroad crossing. Original contract: \$26,062
(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. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$26,158.80. Funds are budgeted.)

ACTION: Res. 91-169 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

16. Consider authorization to request legislation allowing the 2% increase in aviation taxes to be used for airport security required by the F.A.A. because of the war in the Persian Gulf.
(Memo with agenda. Motion approving request for legislation needed.)

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

CONSENT

17. Request for refund of \$660.62 for overpayment of business license tax by Liquor Barn.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 91-170 adopted approving refund. (Finance to handle)

CONSENT

18. Consider two agreements with the Stanislaus County Housing Authority regarding Single Family Mortgage Revenue Bonds (SFMRB).
(The Housing Authority is lead agent and is seeking \$20 million in SFMRB for financing approximately 200 homes. The City has the opportunity of doubling the amount of benefit. Resolution approving agreement with the Housing Authority and resolution authorizing participation needed.)

ACTION: Res. 91-171 adopted approving agreement.
Res. 91-172 adopted authorizing participation. (Planning to handle)

CONSENT

19. Consider approving two agreements with Larry A. & Patricia L. Askew and David & Sandra Mesenhimer, dba Modesto Flight Center.
(Modesto Flight Center leases a portion of hangar No. 1 and four tie-downs in one lease, and office building No. 1, hangar No. 5, and tie-downs in a separate lease at the Airport. Memo with agenda. Two resolutions approving agreements needed.)

ACTION: Res. 91-173 adopted approving lease agreement for portion Hangar No.1 and tie-downs.
Res. 91-174 adopted approving lease agreement for office building No. 1, Hangar No. 5 and tie-downs. (Attorney to handle)

CONSENT

20. Consider request for sewer service to property outside City limits at 717 Briggs Avenue, located on the north side of Briggs Avenue between Wheatley Avenue and Spencer Avenue. Owners: Jay A. & Patricia G. Friesen.
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 91-175 adopted approving agreement. (P/W to handle)

WPCC255

5

3-19-91

CONSENT

21. Consider administrative guidelines for residential credits for Capital Facilities Fees.
(When homes are removed from property undergoing residential subdivision, Capital Facilities Fees credits are created. The Infrastructure Staff Task Force has developed administrative guidelines it recommends be reviewed and approved by the City Council. Memo with agenda. Motion approving recommended guidelines needed.)

Dropped from agenda.

CONSENT

22. Consider approving agreement with and accepting right of entry from Ralph Perry, Jr.
(Memo with agenda. Resolution approving agreement and resolution authorizing City Manager to accept right of entry needed.)

ACTION: Res. 91-176 adopted approving agreement.
Res. 91-177 adopted accepting right of entry. (Attorney to handle)

CONSENT

23. Consider the acceptance of City of Modesto's regional housing needs, as contained in the "Housing Needs Report, Stanislaus County and its Cities, Volume III, 1990-1997."
(State law requires each city to incorporate its share of regional housing needs into its Housing Element update. Modesto's 1990-1997 regional housing needs are contained in the "Regional Housing Needs Report" adopted by SAAG on February 13, 1991. Resolution accepting the City's share of the regional housing needs needed.)

ACTION: Res. 91-178 adopted accepting City's share of regional housing needs.
(Planning to handle)

CONSENT

24. Consider approving the class specification and salary for Assistant Traffic Engineer.
(Memo with agenda. Resolution amending the Position Classification Plan to add the position and resolution amending the Class Range Table needed.)

ACTION: Res. 91-179 adopted amending Position Classification Plan.
Res. 91-180 adopted amending Class Range Table. (Manager to handle)

CONSENT

25. Consider third quarter payment to the County Library as part of the City's contribution toward library operations.
(Memo with agenda. Resolution authorizing payment needed. Estimated cost: \$160,000. Funds are budgeted.)

ACTION: Res. 91-181 adopted authorizing payment. (Mgr./Finance to handle)

CONSENT

26. Consider excusing absences of Councilmembers Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, and Mayor Whiteside from the March 12, 1991, City Council meeting due to their attendance at the National League of Cities' Congressional-Cities Conference.
(Motion excusing absences needed.)

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

CONSENT

27. Consider a procedure to implement AB 3158, Fees for Filing Notices of Determination.
(AB 3158 requires the payment of a "review fee" for all environmental documents reviewed by the Department of Fish and Game and authorizes the County Clerk-Recorder to charge a \$25 administrative fee for all filings of Notices of Determination. The review fees are \$850 for EIR's and \$1,250 for Negative Declarations. Memo with agenda. Resolution amending Resolution No. 90-925 as recommended needed.)

ACTION: Res. 91-182 adopted amending resolution implementing AB 3158.
(Planning to handle)

CONSENT

28. Consider approving a logo for the Modesto City-County Airport, and allowing the Airport Advisory Committee to hold a contest to select a design.
(Memo with agenda. Motion approving a logo for the airport and allowing a contest for a design needed.)

Dropped from agenda.

CONSENT

29. Consider referral of draft Indirect Source Rule to Public Projects Committee for comment and response.
(The San Joaquin Valley Unified Air Pollution Control District is inviting comments from local jurisdictions on an initial draft of the Indirect Source Rule. Memo with agenda. Motion referring the matter to the Public Projects Committee needed.)

ACTION: By motion, this matter was referred to the Public Projects Committee.
(Planning to handle)

CONSENT

30. Consider acceptance of improvements in Country Ranch IV Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Bright Development
(Country Ranch IV Subdivision is located between Merle Avenue and MID Lateral No. 3, east of Oakdale Road. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 91-183 adopted accepting improvements as complete.

WRITTEN COMMUNICATIONS

31. Letter from Linda Major concerning traffic and parking in the 200 block of Yosemite Avenue.
(Motion referring to or directing staff needed.)

ACTION: By motion (Muratore/Irizarry, unan.) this matter was referred to staff for a report on April 16. (Manager to handle)

CONSENT

32. Request by Christian Berets and K093 Radio Station for direct City assistance with a parade on April 20, 1991, to welcome the troops home from the Gulf.
(Motion referring to staff for recommendation needed.)

Dropped from agenda.

CONSENT

33. Letter from Elwyn L. Johnson resigning from the International Friendship Committee.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 91-184 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Legislation

CONSENT

34. Staff recommends support of:

- a. AB 613 (Cannella) Eminent Domain - Parklands
- b. AB 1264 (Cannella) Temporary Food Facilities

Staff recommends opposition to:

- c. AB 315 (Friedman) Redevelopment - Housing Set-Aside Requirements
- d. SB 27 (Kopp) Charter Amendments by Initiative
- e. SB 97 (Torres) Solid Waste: Transformation
- f. SB 203 (Maddy) Clean-up Bill to SB 2557 (1990)

(Memo with agenda. Motion accepting recommendations needed.)

ACTION: By motion, recommendations accepted. (Manager to handle)

Other

35. Discussion of appointment of new Mayor.

Mayor Whiteside resigned with the following statement:

"It has truly been my honor and my pleasure to be the Mayor of this magnificent community. It is neighborhoods like the one from Yosemite Avenue and lots of folks who work for the betterment of this community that has made Modesto as strong as it is. I was thinking today about the literally hundreds of people who serve on boards and commissions, who work in our hospitals and our museums and our schools without any pay or remuneration, and sometimes without recognition or thanks, work to help the community.

"I can't leave without thanking City staff, which is extraordinarily dedicated. I occasionally come in here on weekends and I frequently find people from all levels of City staff working hard, whether its repairing offices or cleaning floors or doing one more computer run of a financial report, or whatever it happens to be. Our City staff, I think, is not often recognized for all of their efforts. They want to make the City as good as we want to make it, and they need the opportunity to be able to do that and support us.

"I certainly want to thank and recognize the City Council. We have all had our opportunities to be the one person in a six-to-one vote, or the short man on a different kind of a vote, but I think what we have learned to do well is to disagree at times and yet respect each other as people and for the service that we perform. I have said often to kids in school, and I will say it to you right now, local government is the most important level of government. It is where the action is and it is where every single individual, whether its Mr. DiPiero or the neighborhood or whatever, can all make a difference by participating and by showing up and by stating an opinion and getting this Council to look at what you want, and really have an impact. That's something that I think we need to protect and treasure a great deal.

"This month marks the end of my twelfth year of public service in Modesto. It truly has been my great honor. There is one of those wonderful little books that we read frequently by Robert Fulghum called, "All I Ever Needed to Know I Learned in Kindergartgen." My very favorite reading from that book expresses a little bit of what I feel about this community and that says simply, "When you go out into the world, it is best to hold hands and stick together." And, I think if the community and the staff and the Council and the volunteers and the neighborhoods all stick together, then surely our future is bright. And I want to thank you all for this opportunity."

She was then excused from the meeting, and Vice Mayor Dobbs assumed the Mayor's chair. He presented a resolution of commendation to Mayor Whiteside on behalf of the City Council.

ACTION: By motion (Dobbs/Patterson, unan.) the intention was stated to appoint a Mayor during the April 2 meeting.

MATTERS TOO LATE FOR THE AGENDA

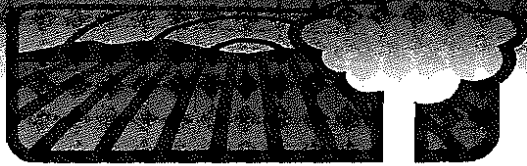
36. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 26, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Irizarry, Lang, Muratore,
Patterson, Acting Mayor Dobbs,
Councilmember Patterson arrived at 4:17 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, 4, 5, 6, 7, 8, 9, 10, 11

ACTION: (Lang/Irizarry, 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

Presentation of Suggestion Awards:

Charles Gilstrap, Parks & Recreation Department employee, \$50.00

George Papadopoulos, Police Department employee, \$50.00

After an explanation by Acting Mayor Dobbs, Councilmember Bird presented the check to Chuck Gilstrap. A check will be sent to George Papadopoulos who was unable to attend. (Clerk to handle)

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of March 19, 1991.
(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

NEW BUSINESS

CONSENT

4. Consider establishing procedures and requirements for the consideration of development agreements.
(Memo with agenda. Resolution establishing procedures and requirements needed.)

ACTION: Res. 91-185 adopted establishing procedures and requirements.
(Economic Development Dept)

CONSENT

5. Consider amending the City of Modesto's Affirmative Action Policy.
(Memo with agenda. Resolution amending Affirmative Action Policy needed.)

ACTION: Res. 91-186 adopted amending Affirmative Action Policy.
(Manager to handle)

CONSENT

6. Presentation of monthly Treasurer's Report for February, 1991.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

7. Consider the annual approval of the City's current investment policy required by State law.
(Memo with agenda. Motion approving City's current investment policy needed.)

ACTION: By motion, City's current investment policy approved.

CONSENT

8. Consider accepting a grant offer for Federal funds to complete the reconstruction of a portion of the Airport's air carrier and transient aircraft parking apron, and amend the Airport's capital improvement budget to include City funds.
(Memo with agenda. Resolution accepting grant offer, and resolution amending the Airport's capital improvement budget needed. Estimated cost: \$152,100 (Federal - \$136,890; City/County - \$15,210).)

ACTION: Res. 91-187 adopted accepting the grant offer.
Res. 91-188 adopted amending the Airport's Capital Improvement budget. (P/W to handle)

CONSENT

9. Consider request for water service to property outside City limits at 1333 Watts Avenue, located on the west side of Watts Avenue between Woodland Avenue and Shaddox Avenue. Owner: Esther J. Ratliff
(The property owner has signed an agreement to annex when requested to do so by City. The property is not contiguous. A line exists to serve the property. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 91-189 adopted approving agreement. (P/W to handle)

CONSENT

10. Consider resolution in recognition of Mayor Whiteside's service to the community.
(Adoption of resolution needed.)

ACTION: Res. 91-190 adopted recognizing Mayor Whiteside. (Clerk to handle)

- 10A. Consideration of request of Ernest P. Graham Development Company to alter the requirements of Condition No. 14 of the project approval resolution.

ACTION: Res. 91-191 adopted (Muratore/Lang, unan.) revising requirements of Condition No. 14 of P-D(451). (P/W to handle)

MISCELLANEOUS

Legislation

CONSENT

11. Staff recommends:

Support of:

- a. AB 58 (Statham) Sales and Use Taxes - Allocations to Counties
- b. AB 2092 (Sher) Solid Waste - Plans and Fees

Opposition to:

- c. Pass-through Coverage for Deferred Compensation Programs ("457" Plans)

(Memos with agenda. Motion accepting recommendations needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

Appointments

12. Consider appointment to the Citizens Advisory Committee on Recycling.

Dropped from agenda.

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

Meeting adjourned at 4:24 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

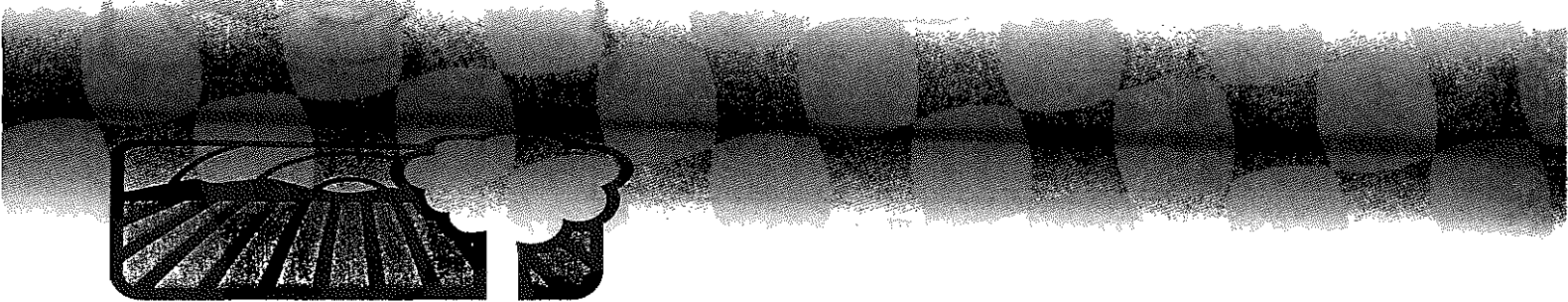
The Council of the City of Modesto met in a special session at 5:30 p.m., April 2, 1991, in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California, for a closed session.

Present: Councilmembers Bird, Irizarry, Lang, Muratore, Patterson, Mayor Dobbs

Absent: None

The meeting adjourned at 5:30 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

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 2, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Irizarry, Lang, Muratore,
Patterson, Acting Mayor Dobbs

Absent: None

Pledge of allegiance to the Flag

Invocation: Mark Randy, Church of Jesus Christ

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

Removed from consent: 11, 13

ACTION: (Lang/Irizarry, 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

Presentation by Bill Hallissey concerning "Fair Housing Month" in April, and "Community Development Week" April 1 - 7, 1991. Mr. Hallissey discussed the Community Block Grant Program in Modesto. Proclamations were presented to Mr. Hallissey by Councilmember Bird.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of March 26, 1991.
(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. Consider staff report and recommendations for City assistance to the Modesto Chamber of Commerce for Graffiti, USA.
(Memo with agenda. Resolution acknowledging receipt of report and accepting recommendations needed.)

ACTION: Res. 91-192 adopted acknowledging report and accepting recommendations.
(Parks & Recreation to handle)

CONSENT

5. Consider progress report on Modesto Airport Terminal Expansion Project.
(Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

HEARINGS

6. Hearing to consider amendments, additions, and deletions to the Modesto Municipal Code pertaining to residential subdivision promotional signs.

ACTION: By motion (Muratore/Irizarry, unan.) Ord. No. 2757-C.S. introduced.
(Clerk to handle)

7. Hearing to consider additions to the Modesto Municipal Code creating the Affordable Housing Chapter and allowing density bonuses.

ACTION: By motion (Muratore/Bird, unan.) Ord. No. 2758-C.S. introduced.
Res. 91-193 adopted (same vote) creating Affordable Housing Chapter and allowing density bonuses. (Clerk to handle)

13. Consider administrative guidelines for residential credits for Capital Facilities Fees.
(When homes are removed from property undergoing residential subdivision, Capital Facilities Fees credits are created. The Infrastructure Staff Task Force has developed administrative guidelines it recommends be reviewed and approved by the City Council. Motion approving guidelines as recommended by staff needed.)

ACTION: By motion (Irizarry/Lang, unan.) (Attorney to handle)
guidelines approved.

CONSENT

14. Consider request for sewer service to property outside City limits at 533-37 Briggs Avenue, located on the north side of Briggs Avenue between Ackerman Way and Martin Luther King Drive. Owner: Carroll W. Dunkel
(The property owner has signed an agreement to annex when requested to do so by City. The property is not contiguous. A line exists to serve the property. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 91-198 adopted approving agreement. (Public Works to handle)

CONSENT

15. Consider authorizing staff to request proposals from qualified vendors to update and modify Industrial Waste Division' computer program, not to exceed \$25,000.
(Memo with agenda. Resolution authorizing staff to request proposals needed. Funds are budgeted.)

ACTION: Res. 91-199 adopted authorizing staff to request proposals.
(Public Works to handle)

WRITTEN COMMUNICATIONS

16. Letter from Peggy Mensinger requesting a review of the City of Modesto's Campaign Reform ordinance.
(Motion referring to or directing staff needed.)

ACTION: By motion (Bird/Irizarry, unan.) this matter was referred to staff for review to determine whether it is being followed and whether any changes need to be made.

By motion (Irizarry/Patterson, majority, Bird-no) item 16 was reconsidered after item 17.

After discussion concerning whether the original motion included adding PAC's to the present reporting requirements, a second vote on the motion (Bird/Irizarry, majority, Irizarry-no) sustained the original action.
(Attorney/Clerk to handle)

17. Letter from Mr. & Mrs. Fred Chacon concerning problems with people drinking liquor in Fourth Street park.
(Motion referring to or directing staff needed.)

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

BIDS

CONSENT

8. Consider award of contract for removing five fuel tanks at Modesto City-County Airport to Don Lambert & Sons, Inc.
(Bids were opened March 21, 1991. The low bid of \$36,995, submitted by Don Lambert & Sons, Inc., is 6.34% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$40,691 (contract - \$36,995; eng. & cont. - \$3,696). Funds are budgeted.)

ACTION: Res. 91-194 adopted awarding contract. (Public Works to handle)

CONSENT

9. Consider award of contract for Yosemite Park Streets to Western Stone Products, Inc.
(Bids were opened March 21, 1991. The low bid of \$25,392, submitted by Western Stone Products, Inc., is 8.11% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$27,931 (contract - \$25,392; eng. & cont. - \$2,539). Funds are budgeted.)

ACTION: Res. 91-195 adopted awarding contract. (Public Works to handle)

CONSENT

10. Consider acceptance of the contract of Ms. Machines Construction, Inc., for the construction of Public Facilities District No. 6. Original contract: \$875,323.25
(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. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$1,109,512.14. Funds are budgeted.)

ACTION: Res. 91-196 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

11. Consider fiscal year 1990-91 Annual Budget status report and proposed adjustments.
(Report with agenda. Resolution amending the 1990-91 Budget needed.)

ACTION: Res. 91-197 adopted (Bird/Lang, unan.) amending budget and approving adjustments. (Finance to handle)

MISCELLANEOUS

Other

18. Selection of Mayor

ACTION: Res. 91-200 adopted (Muratore/Bird, unan.) appointing Councilmember
Richard A. Lang as Mayor. (Clerk to handle)

19. Discussion of process to fill City Council vacancy.

ACTION: By motion (Lang/Patterson, unan.) it was determined that an appointment
will be made with the Council Appointments Committee to make a recom-
mendation from past Councilmembers, past and present Planning Commissioners,
and past and present Board of Zoning Adjustment members.

MATTERS TOO LATE FOR THE AGENDA

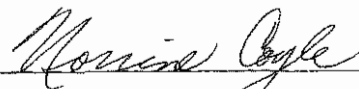
20. (These may be presented by members of the City Council and staff upon
determination that an emergency exists, as defined by State law, or that
the need to take action on the matter arose subsequent to the publishing
of this agenda.)

None

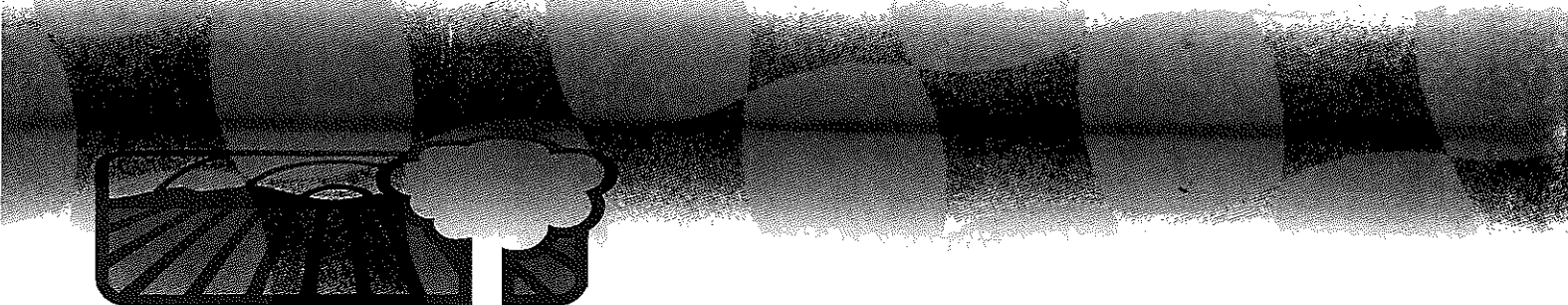
ADJOURNMENT

The meeting adjourned at 9:12 p.m.

ATTEST:



NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 9, 1991, AT 4:00 P.M.

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

Absent: None

Pledge of Allegiance to the Flag

Invocation: A moment of silence was observed.

1. Oath of Office was taken by Mayor Richard A. Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 3, 5, 6, 7, 8, 9, 11, 12,
13, 14, 14A, 15, 16

Dropped from agenda: 10

ACTION: (Muratore/Irizarry, 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.)

WPCC259

4-9-91

2.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Councilmember Irizarry announced Earth Week April 15-22 with a celebration on April 21.
Councilmember Patterson announced Ralph Nader will be at University of California Stanislaus on April 25.

MINUTES

CONSENT

3. Approval of the minutes of the special and regular City Council meetings of April 2, 1991.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

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

None

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for 1991 Cold-in-Place Recycling project.
(Suggested bid opening: May 2, 1991, at 11:00 a.m. The recycling project will consist of a 2" thick layer of existing aged asphalt concrete surfacing being milled off, mixed with a recycling agent and then replaced and compacted. This will be followed with a 0.10' thick overlay of hot mix asphalt concrete. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$196,648 (contract - \$178,770; eng. - \$8,939; contingencies - \$8,939) Funds are budgeted.)

ACTION: Res. 91-201 adopted calling for bids. (P/W to handle)

CONSENT

6. Consider approving specifications and authorizing call for bids to be opened May 6, 1991, at 11:00 a.m. for furnishing golf course turf maintenance equipment.
(Memo with agenda. Resolution approving specifications and calling for bids needed. Estimated cost: \$196,000. Funds are budgeted.)

ACTION: Res. 91-202 adopted calling for bids. (Finance to handle)

WPCC259

2

4-9-91

CONSENT

7. Consider award of contract for sand blasting and recoating clarifier No. 2 at City's Water Quality Control Plant to Sancon Engineering, Inc. (Bids were opened March 28, 1991. The low bid of \$73,500, submitted by Sancon Engineering, Inc., is 24.4% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to Sancon Engineering, Inc. needed. Estimated cost: \$80,850 (contract - \$73,500; eng. & cont. - \$7,350). Funds are budgeted.)

ACTION: Res. 91-203 adopted awarding contract. (P/W to handle)

CONSENT

8. Consider waiving formal bid procedures and authorize the purchase of engine diagnostic equipment from Sun Electric Corp. for the total cost of \$47,367. (Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 91-204 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

CONSENT

9. Consider approving class specification and salary for Cross Connection Specialist. (Memo with agenda. Resolution amending the Position Classification Plan, and resolution amending the Class Range Table needed.)

ACTION: Res. 91-205 adopted amending the Position Classification Plan.
Res. 91-206 adopted amending the Class Range Table. (Manager to handle)

CONSENT

10. Consider accepting staff report regarding the next proposed activity for the Mandatory Sidewalk Program. (Staff believes Council should be informed as to the plan to send letters to property owners in the El Vista School Neighborhood that will request the installation of sidewalks. Memo with agenda. Motion accepting staff report needed.)

Dropped from agenda.

CONSENT

11. Consider approval of grant agreement amendment with the State of California for an additional \$606,000 for the Transportation Center project under the State Transit Capital Improvement Program. (Memo with agenda. Resolution approving the grant agreement amendment needed.)

ACTION: Res. 91-207 adopted approving the grant agreement amendment. (P/W to handle)

WPCC259

3

4-9-91

CONSENT

12. Consider approving agreement amendment to provide for use of additional vans by Modesto-Stanislaus Dial-a-Ride (DAR) and consider approving a small expansion of DAR's service area boundary.
(Memo with agenda. The City-County Joint Transportation Committee recommends approval. Extra vans are needed to meet passenger demand. Annual cost of the additional vans is estimated at \$45,250, split between the City (\$38,648) and the County (\$6,602). The boundary expansion is not expected to increase costs. Funding for the extra vans is included in the mid-year budget adjustment. The extra vans would be placed into service upon execution of the agreement amendment by the City. Resolution approving amendment to agreement to provide additional vans, and motion approving boundary expansion needed. Funds are budgeted.)

ACTION: Res. 91-208 adopted approving agreement.
By motion, boundary expansion approved. (P/W to handle)

CONSENT

13. Consider amendments to the Standard Specifications of the City of Modesto.
(On March 18, 1991, the Planning Commission adopted Resolution 91-15 recommending to the City Council amendments to the Standard Specifications of the City of Modesto. Planning Commission resolution and minutes, memo from Public Works and Transportation Department, and proposed Standard Specifications with agenda. Resolution amending the Standard Specifications needed.)

ACTION: Res. 91-209 adopted amending the Standard Specifications.
(P/W to handle)

CONSENT

14. Presentation of the Monthly Treasurer's Report for March 1991.
(Copies of the report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

- 14A. Consider designating the City Manager, Deputy City Manager or the Assistant to the City Manager as agents for the City for the purpose of executing applications for financial assistance under the Disaster Relief and Emergency Assistance Act of 1988 and P. L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988.
(Copy of proposed resolution with agenda. Resolution so designating needed.)

ACTION: Res. 91-210 adopted designating City officials to execute applications.
(Manager to handle)

WRITTEN COMMUNICATIONS

CONSENT

15. Letter from Mary Ann Greenwood resigning from the Modesto Affirmative Action Commission.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 91-211 adopted accepting resignation. (Clerk to handle)

CONSENT

16. Letter from Sally A. Shepherd, Chairperson of the Education Subcommittee of the Stanislaus County Mayor's Committee for the Employment of Persons with Disabilities, requesting dial-a-ride and financial assistance with the productions of Access Theatre's "Storm Reading."
(Motion referring the request to staff for recommendation needed.)

ACTION: By motion, request referred to staff for recommendation.
(Finance to handle)

17. Letter from Bill Seavy, Festival '91 President, concerning plans for the festival commencing on October 5, 1991.
(Motion referring to or directing staff needed.)

ACTION: Res. 91-212 adopted (Irizarry/Muratore, unan.) expressing Council support for Festival '91. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

CLOSED SESSION

19. Closed session to consider 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.

Closed session to consider litigation, pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 5:30 p.m., April 16, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a study session.

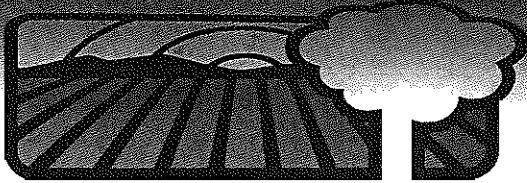
Present: Councilmembers Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

Absent: None

The staff reviewed the history of the library and the agreement between the City and County for constructing and operating the library. It was the consensus of the City Council that if the City continues to assist the library financially, then the City needs to have some involvement in the management of the library.

The meeting adjourned at 6:55 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 16, 1991, AT 7:30 P.M.

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

Absent: None

Pledge of allegiance to the Flag

Invocation: Steve Barron, First Church of Christ, Scientist

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 5A, 8, 9, 10, 11, 12, 13,
14, 15, 16, 17, 18, 20

ACTION: (Bird/Muratore, unan.)

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of April 9, 1991.
(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.)

Mark Runnels would like to be able to have flower carts similar to the hot dog carts.

Bridgette Watson asked that a left turn signal be installed on Standiford at Carver.

UNFINISHED BUSINESS

4. Consider recommendations of the Village One Affordable Housing Committee. (In January, 1991, the City Council appointed a 13-member committee, representing various organizations interested in housing, to recommend appropriate ways for developers to participate in the Village One Affordable Housing Program. Memo with agenda. Motion initiating the amendment of the Village One Specific Plan as recommended by the Village One Affordable Housing Committee needed.)

ACTION: By motion (Bird/Irizarry, unan.) initiated amendment of the Village One Specific Plan's Affordable Housing Program, incorporating the Village One Affordable Housing Committee's findings and specific program recommendations.

By motion (Bird/Irizarry, unan.) directed staff to assess the impact that growth controls, such as Measure A, have on the supply of residential land and the price of housing when the City of Modesto's Housing Element is updated in 1992.

CONSENT

5. Final adoption of:

- a. Ordinance 2757-C.S. amending the Modesto Municipal Code section relating to residential subdivision promotional signs.
- b. Ordinance 2758-C.S. adding a chapter to the Modesto Municipal Code concerning affordable housing.
(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)
WPCC262 2 4-16-91

CONSENT

- 5A. Status report on traffic and parking problems in the 200 block of Yosemite Avenue.
(Memo with agenda. Motion acknowledging receipt of status report needed.)

ACTION: By motion, receipt of status report acknowledged.

HEARINGS

6. Hearing to hear protests and to consider and determine whether the public interest, convenience and necessity require the acquisitions and improvements for Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott):

1. Mayor makes opening remarks, collects written protests, declares public hearing open
2. Staff and Consulting Engineer summary of the project
3. Bond Counsel explanation of financing
4. Reading of written protests
5. Hear oral protests
6. Hear proponents

By motion, item 19 was taken up at this point and then a recess was taken at 9:15 p.m. to allow time to calculate the protest percentage. The hearing reconvened at 9:26 p.m.

7. Bond Counsel request that Engineer's Report, etc., be made part of the public hearing record
8. Mayor declares public hearing closed

ACTION: Res. 91-213 adopted (Irizarry/Muratore, unan.) ordering changes and modifications.

Res. 91-214 adopted (same vote) overruling protests.

Res. 91-215 adopted (same vote) adopting Engineer's Report, confirming the assessment and ordering the work and acquisitions, and directing actions with respect thereto.

(P/W to handle)

7. Hearing to consider the appeal of Erik Johnson to a Board of Zoning Adjustment decision concerning an application for a C-3 Conditional Use Permit to allow conversion of the California Highway Patrol Office and facilities at 2067 West Orangeburg to a nightclub including expansion of the parking area.

ACTION: Res. 91-216 adopted (Irizarry/Muratore, majority, Patterson-no) denying the appeal. (Planning to handle)

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for pump station No. 20 emergency generator set addition.
(Suggested bid opening: May 9, 1991, at 11:05 a.m. Memo with agenda. Pump station No. 20 is located in South Modesto at Whitmore and the Union Pacific Railroad tracks. The project will replace a gas engine and right angle gear drive which wore out and was removed. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$65,100 (contract - \$54,250; eng. & cont. - \$10,850). Funds are partially budgeted. Additional funds are available for transfer from another account.)

ACTION: Res. 91-217 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for eight inch sanitary sewer rehabilitation, La Loma at Dry Creek.
(Suggested bid opening: May 9, 1991, at 11:00 a.m. Memo with agenda. This project will reline the existing sewer with a polyester lining, restoring the interior condition of the pipeline like new. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$28,600 (contract - \$26,000; eng. & cont. - \$2,600). Funds are budgeted.

ACTION: Res. 91-218 adopted calling for bids. (P/W to handle)

CONSENT

10. Consider approving specifications and authorize call for bids to be opened May 6, at 11:05 a.m. for furnishing one brush fire fighting truck.
(Requested by the Fire Department, the truck will replace an existing 14-year old truck. The truck will be utilized for fighting brush fires in areas inaccessible to larger trucks, and will transport firefighters and gear safely into these areas. Resolution approving specifications and calling for bids needed. Estimated cost: \$58,000. Funds are budgeted.)

ACTION: Res. 91-219 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider approving specifications and authorize call for bids to be opened May 13, at 11:05 a.m. for furnishing one vector truck.
(Requested by the Service Division of Public Works and Transportation Department, the truck will be an additional unit used for vacuuming and cleaning out wastewater from areas such as pump stations, sewer lines, and manholes. Resolution approving specifications and calling for bids needed. Estimated cost: \$165,000. Funds are budgeted.)

ACTION: Res. 91-220 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider approving specifications and authorize call for bids to be opened May 13, at 11:00 a.m. for 20 traffic signal controllers. (Requested by the Electrical Division of Public Works and Transportation Department, the controllers will be replacements at various City locations. Resolution approving specifications and calling for bids needed. Estimated cost: \$127,200. Funds are budgeted.)

ACTION: Res. 91-221 adopted calling for bids. (Finance to handle)

NEW BUSINESS

CONSENT

13. Consider report on Requests for Funding under the 1991-92 Community Development Block Grant (CDBG) Application. (Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

14. Consider renewal of all-risk property insurance on levees at the water quality treatment plant. (Memo with agenda. Resolution approving renewal of insurance needed. Estimated cost: \$15,480. Funds are budgeted.)

ACTION: Res. 91-222 adopted approving renewal of insurance. (Attorney to handle)

CONSENT

15. Consider authorizing staff to file an application with California Energy Commission to participate in its Energy Conservation Study Partnership Program. (Memo with agenda. Resolution approving application needed.)

ACTION: Res. 91-223 adopted approving application. (P/W to handle)

CONSENT

16. Consider retaining contractor for traffic signals synchronization under the 1991 Fuel Efficient Traffic Signal Management (FETSIM) program. (Memo with agenda. The Selection Committee selected DKS Associates to help the City staff in retiming traffic signals at 17 intersections under the 1991 FETSIM program. Resolution approving agreement with DKS Associates needed. Estimated cost: \$129,190 (State Grant - \$36,040; City share - \$93,150). Funds are budgeted.)

ACTION: Res. 91-224 adopted approving agreement. (P/W to handle)

CONSENT

17. Consider request for sewer service to property outside City limits at 1206 Garden Avenue, located on the south side of Garden Avenue between Sutter Avenue and Colorado Avenue. Owners: Daniel M. and Angelica M. Juarez.

(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 91-225 adopted approving agreement. (P/W to handle)

CONSENT

18. Consider proposed Health Care Facilities Revenue Bond Issue for Memorial Hospital.

(Memorial Hospital Association proposes a revenue bond issue of up to \$25,750,000 to finance expansion of services, capital equipment, and refinance existing tax-exempt debts. Memo with agenda. Resolution providing preliminary approval for issuance of bonds needed.)

ACTION: Res. 91-226 adopted approving issuance of bonds.
Res. 91-227 adopted certifying review of Environmental Assessment.
(Planning to handle)

By motion (Irizarry/Muratore, unan.) it was agreed to take up item 19 during a break in the item 6 hearing.

19. Consider establishing discounts on water and sewer utility rates for qualifying senior citizens and disabled persons and authorizing the City Manager to sign an agreement with the Senior Opportunity Service Program of Stanislaus County (SOSP) to administer the discount program.

(Memo with agenda. Resolution approving establishment of discounts and resolution approving agreement with SOSP needed. Estimated cost during 1991-92: Water Fund - \$165,720; Sewer Fund - \$147,539.)

ACTION: Res. 91-228 adopted (Muratore/Irizarry, unan.) approving establishment of discounts.
Res. 91-229 adopted (same vote) approving agreement with SOSP.
(Finance to handle)

CONSENT

20. Consider report on the annual testing of Post Newsweek Cable, and consider amending the franchise ordinance.

(Memo with agenda. Motion accepting report and ordinance modifying the franchise needed.)

ACTION: By motion, report accepted.
By motion, Ord. No. 2759-C.S. introduced. (Clerk to handle)

WRITTEN COMMUNICATIONS

21. Letter from Lisa Howard, League of Women Voters, concerning filling the Council vacancy.

ACTION: By motion (Patterson/Irizarry, majority, Dobbs and Muratore-no) the appointment process of filling the vacancy was opened to the public with the deadline set for noon on Friday, April 19.

MATTERS TOO LATE FOR THE AGENDA

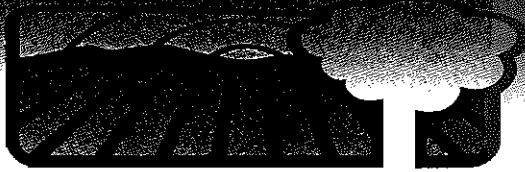
22. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

Meeting adjourned at 11:34 p.m. to Friday, April 19, 1991, at 8:00 a.m., at the Red Lion Hotel, Salon 1, 1150 Ninth Street, Modesto, for a meeting with Assembly Member Sal Cannella.

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 8:00 a.m., April 19, 1991, at the Red Lion Hotel, 1150 Ninth Street, Modesto, California, for a meeting with Assembly Member Sal Cannella .

Present: Councilmembers Bird, Irizarry, Muratore, Mayor Lang

Absent: Councilmembers Dobbs, Patterson

There was a discussion of various State legislative matters that affect cities.

The meeting adjourned at 9:25 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, APRIL 23, 1991, AT 4:00 P.M.

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

Absent: None

Pledge of allegiance to the Flag

Invocation: Rick Fritzmeier, Youth for Christ

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

Dropped from agenda: 20

Removed from Consent: 14

ACTION: (Dobbs/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.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of April 16, 1991.
(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

5. Hearing to consider the proposed designation of the Turner Hitching Post, located at 1104 14th Street, as a City of Modesto Landmark Preservation Site.

ACTION: Res. 91-230 adopted (Irizarry/Dobbs, unan.) designating Turner Hitching Post as a City of Modesto Landmark Preservation site.
(P/R to handle)

6. Hearing to consider the proposed designation of the building located at 726 10th Street (the Bienvenu Law Office) as a City of Modesto Landmark Preservation Site.

ACTION: Res. 91-231 adopted (Irizarry/Dobbs, unan.) designating 726 10th Street as a City of Modesto Landmark Preservation site.
(P/R to handle)

7. Hearing to consider the proposed designation of the Hawke Castle, located 115 Magnolia Avenue, as a City of Modesto Landmark Preservation Site.

ACTION: Res. 232 adopted (Irizarry/Dobbs, unan.) designating Hawke Castle as a City of Modesto Landmark Preservation site.
(P/R to handle)

8. Hearing to consider an amendment to the General Plan Map to include residential designation at the northwest corner of Dale Road and Peilandale Avenue - Fleur de Ville General Plan Amendment.
Councilmember Bird excused due to a conflict of interest.

ACTION: Res. 91-233 adopted (Muratore/Dobbs, unan., Bird absent) amending the General Plan. (Planning, Clerk to handle)

WPCC263

2

4-23-91

9. Hearing to consider an amendment to Section 9-3-9 of the Zoning Map to rezone from R-1 to P-0, property located on the west side of Coffee Road north of Rumble Road. (Tim Fisher)

ACTION: By motion (Bird/Dobbs, unan.) Ord. 2760-C.S. introduced.
Res. 91-234 adopted (same vote) approving plan and certifying review of Environmental Assessment.
By motion (Irizarry/Bird, unan.) matter of turn lane referred to staff. (Planning, Clerk to handle)

10. Hearing to consider an amendment to Sections 14-3-9 and 23-3-9 of the Zoning Map to rezone from R-1 to P-D(147), to allow a Wells Fargo Bank and an elderly housing project, property located on the southeast corner of Briggsmore Avenue and Oakdale Road. (St. Paul's Church)

ACTION: By motion (Muratore/Dobbs, unan.) Ord. No. 2761-C.S. introduced.
Res. 91-235 adopted (same vote) approving development plan.
Res. 91-236 adopted (same vote) certifying review of Environmental Assessment. (Planning, Clerk to handle)

BIDS

CONSENT

11. Consider approving specifications and authorizing call for bids to be opened May 20, 1991, for the furnishing of discing services for up to three years.
(The Parks and Recreation Department and the Fire Department have requested this purchase. Service will be performed at sixteen undeveloped various City sites. Resolution approving specifications and calling for bids needed. Estimated cost for 1991-92: \$19,855. Funds will be included in the 1991-92 budget.)

ACTION: Res. 91-237 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider award of contract for construction of Floyd Neighborhood Park. (Bids were opened on April 11, 1991. The low bid of \$408,022.69, submitted by George Reed, Inc., is 26.63% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$448,802.69 (contract - \$408,002.69; eng. & cont. - \$40,800) Funds are budgeted.)

ACTION: Res. 91-238 adopted awarding contract. (P/W to handle)

NEW BUSINESS

- 12A. Consider recommendations of the Public Projects Committee regarding the draft Indirect Source Review rule.
(The San Joaquin Valley Unified Air Pollution Control District has asked for comments on its draft Indirect Source Review rule. On March 19, 1991, the City Council referred the rule to the Public Projects Committee for review and recommendations. Motion establishing the City's position on the draft Indirect Source Review Rule, and motion directing staff to analyze the pros and cons of City administration of the Indirect Source Review rule and report back to the Public Projects Committee.)

ACTION: By motion (Bird/Irizarry, unan.) position on draft Indirect Source Review Rule established and staff directed to analyze and report to Public Projects Committee. (Planning to handle)

CONSENT

13. Consider accepting staff report regarding the next proposed activity for the Mandatory Sidewalk Program.
(Staff believes Council should be informed as to the plan to send letters to property owners in the El Vista School Neighborhood that will request the installation of sidewalk. Memo with agenda. Motion accepting staff report needed.)

ACTION: By motion, accepted staff report. (P/W to handle)

14. Report and recommendations from City Council Golf Advisory Committee.
(Memo with agenda. Motion accepting recommendations directing staff to enter into negotiations with the present golf professional to extend her contract to include the new golf course, and distributing a form to the golfing community concerning selecting a name for the new course needed.)

ACTION: By motion (Muratore/Dobbs, unan.) recommendations accepted. (P/R to handle)

CONSENT

15. Consider amending Memorandums of Understanding with MCEA and MPOA regarding disciplinary appeals, and amending MOU with MPOA regarding scheduling, non-disciplinary action, non-discrimination and Master Officer and Master Detective qualifications.
(Memo with agenda. Two resolutions amending the Memos of Understanding needed.)

ACTION: Res. 91-239 adopted amending the Memorandum of Understanding with MCEA.
Res. 91-240 adopted amending the Memorandum of Understanding with MPOA. (City Manager to handle)

CONSENT

16. Consider authorizing the City Manager to execute a grant re-application for fifth-year funding in the amount of \$97,683 to the State of California Office of Criminal Justice Planning for the Modesto Gang Violence Suppression Program.
(Memo with agenda. Resolution approving grant re-application needed. Estimated cost: \$24,421 -- City's cash match. Funds are budgeted.)

ACTION: Res. 91-241 adopted approving grant reapplication.
(Police to handle)

CONSENT

17. Consider approving an appropriation transfer of \$10,088.97 from the Contingency Reserve to reimburse Overholtzer Construction for design costs incurred in complying with Condition 13 to Shaker Estates Subdivision
(Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 91-242 adopted approving appropriation transfer.
(Atty/Finance to handle)

CONSENT

18. Consider approval of annual claim for Local Transportation Funds.
(Each year the City makes a claim to the Stanislaus Area Association of Governments (SAAG) for its apportionment of Transportation Development Funds. This year's claim is \$4,228,389. Resolution approving submission of claim needed.)

ACTION: Res. 91-243 adopted approving submission of claim.
(Finance to handle)

CONSENT

19. Management Letter from auditors Deloitte & Touche submitted as a result of the 1989-90 fiscal year audit of the City's Comprehensive Annual Financial Report (CAFR).
(Memo with agenda. Motion acknowledging receipt of Management Letter needed.)

ACTION: By motion, receipt of Management Letter acknowledged.
(Finance to handle)

CONSENT

20. Consider authorizing City Manager to sign agreement with Richard L. Marks for contract subdivision inspection services.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$50,000. Funds are budgeted.)

Dropped from agenda

CONSENT

21. Consider request for sewer service to property outside City limits at 545 Maze Boulevard, located on the south side of Maze Boulevard between Spencer and N. Martin Luther King Drive. Owner: Leopold T. Prescott (The property owner has signed an agreement to annex when requested to do so by City. The property is contiguous to City limits and a line exists to serve the property. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 91-244 adopted approving agreement. (P/W to handle)

MISCELLANEOUS

Legislation

CONSENT

23. Staff recommends support of SB 358 (Davis) Logo Signs Demonstration Project.
(Memo with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations accepted. (Manager to handle)

CONSENT

24. Consider City representation/selection on San Joaquin Valley Unified Air Pollution Control District.
(Memo with agenda. Motion determining to continue the current position (support of SB 124) until meeting with other Central Valley and/or South San Joaquin cities to determine a unified approach needed.)

ACTION: By motion it was determined to continue current position.
(Manager to handle)

Other

25. Consider appointment to fill City Council Chair 5.

ACTION: A motion (Muratore/Irizarry) to refer the appointment to the November election failed.
By motion (Patterson/Bird, majority, Irizarry-no) Art Martin was appointed to the position.

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

CLOSED SESSION

27. Closed session concerning litigation, pursuant to Section 54956.9(a) of the Government Code.

ADJOURNMENT

The meeting adjourned at 5:45 p.m. to closed session.

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

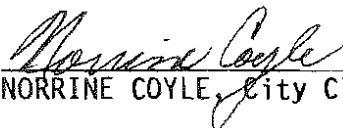
City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m., May 7, 1991, in the Council Chambers, City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

Absent: None

The meeting adjourned at 7:00 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, 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 7, 1991, AT 7:30 P.M.

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

Absent:

Pledge of allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 4, 8, 10, 11, 12, 13, 14,
18, 19, 20, 21, 22, 23, 24, 26,
27, 28, 29, 30, 31, 32, 33, 34, 35,
36, 37, 38, 39, 40, 42, 43, 45, 47

Removed from consent: 7, 25

ACTION: (Irizarry/Bird, unan.)

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

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

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

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

Oath of Office by Arthur Martin
Arthur Martin took the oath of office.

ACKNOWLEDGEMENTS AND PRESENTATIONS

2. Presentation by Robert Machado, supervisor of the Bureau of Automotive Repair's Modesto office, concerning National Clean Air Week - May 7 through 12.

Vice Mayor Dobbs presented a proclamation to Mr. Machado.
3. Consider designating the week of May 13, 1991, as "Modesto Means Business Week."
(Memo and sample resolution with agenda. Resolution needed.)

ACTION: Res. 91-245 adopted (Patterson/Bird, unan.) designating week.

Mayor Lang introduced Boy Scouts working on merit badges.

MINUTES

CONSENT

4. Approval of the minutes of the adjourned City Council meeting of April 19, and the regular City Council meeting of April 23, 1991.
(Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

5. (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.)

Rev. Charles Stringer asked if funds from drug arrests could be used for rehabilitation, and mentioned drug activity during night-time hours on the west side.

UNFINISHED BUSINESS

6. Consider accepting staff report regarding citizens' concerns about Yosemite Avenue and directing City Attorney's Office to prepare an ordinance which would allow for "resident only" parking.
(Memo with agenda. Motion accepting report and directing City Attorney needed.)

ACTION: By motion, the report was accepted and the City Attorney was directed to prepare the recommended ordinance. (Attorney to handle)

7. Consider progress report on Modesto Airport terminal expansion project.
(Memo with agenda. Motion acknowledging receipt of report needed.)

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

CONSENT

8. Final adoption of:

- a. Ord. No. 2759-C.S. relating to the nonexclusive franchise granted to Post-Newsweek Cable, Inc. to modify the list of production equipment.
- b. Ord. No. 2760-C.S. rezoning from R-1 to P-0 property on the west side of Coffee Road north of East Rumble Road (Tim Fisher, Architecture Plus).
- c. Ord. No. 2761-C.S. amending the Zoning Map to rezone from R-1 to P-D(147) to allow a Wells Fargo Bank and an elderly housing project on the southeast corner of Briggsmore Avenue and Oakdale Road (St. Paul's Church).

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

HEARINGS

9. Hearing to consider establishing a storm drainage surcharge of an estimated \$6.48/month (ERU) Equivalent Residential Unit for the purpose of storm water management.

Mayor Lang excused at 8:47 p.m.

ACTION: By motion (Patterson/Bird, unan., Lang absent) hearing was continued to June 11, at 4:00 p.m. Staff report accepted and staff was directed to bring back answers to questions raised.

(P/W to handle)

BIDS

CONSENT

10. Consider approval of plans and specifications and call for bids for McHenry Mansion Restoration, Phase III.
(Suggested bid opening: May 30, 1991, at 11:00 a.m. This project will provide partial heating and air conditioning for the second and third floors of the McHenry Mansion. Memo with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$88,000 (contract - \$80,000; eng. & cont. - \$8,000). Funds are budgeted.

ACTION: Res. 91-246 adopted calling for bids.

(P/W to handle)

CONSENT

11. Consider approving specifications and calling for bids for the of the monthly utility bill insert and the quarterly employees newsletter on recycled paper, for up to three years. (Suggested bid opening: June 3, 1991, at 11:00 a.m. The Public Information Office of the City Manager's Office has requested this purchase. Resolution approving specifications and calling for bids needed. Estimated cost: \$28,000. Funds are budgeted.)

ACTION: Res. 91-247 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider approving specifications and calling for bids for furnishing one polymer mix and feed units. (Suggested bid opening: May 27, 1991, at 11:00 a.m. Requested by the Operations Division of the Public Works & Transportation Department, the addition of polymer to the dissolved flotation units will aid in the operation and efficiency of the sludge thickening operation. Resolution approving specifications and calling for bids needed. Estimated cost: \$75,000. Funds are budgeted.)

ACTION: Res. 91-248 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider acceptance of the contract of Joe Martin Pipeline, Inc., for the Kansas Avenue and Lone Palm Avenue waterline extension. Original contract: \$39,984. (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: \$39,951.50. Funds are budgeted.)

ACTION: Res. 91-249 adopted accepting as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of the contract of H. Max Lee, Inc., for the canal crossing at M.I.D. Lateral No. 4 at Carpenter Road. Original contract: \$83,210. (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: \$82,940.84. Funds are budgeted.)

ACTION: Res. 91-250 adopted accepting as complete. (Clerk to handle)

15. Presentation of the 1991-92 Proposed Budget and 1991-92 through 1994-95 Capital Improvement Program.
(Documents will be presented at the meeting. Resolution setting public hearing for June 11, 1991, at 4:00 p.m. needed.)

ACTION: Res. 91-251 adopted (Irizarry/Bird, unan., Lang absent) setting hearing. (Clerk to handle)

16. Consider dates for review of the 1991-92 Proposed Operating Budget and the Four-Year Capital Improvement Program.
(Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Patterson/Bird, unan., Lang absent) proposed budget workshop dates approved. (Finance to handle)

17. Consider directing staff to either pursue an agreement to exchange FAU funds designated for the Standiford Avenue widening project, or to continue to pursue the release of FAU funds for the project.
(The release of FAU funds designated for the project has been delayed at the Federal level due to statewide air quality concerns. If alternate actions are not pursued, the project could be delayed at least one year. Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Patterson/Irizarry, unan., Lang absent) staff directed to pursue an exchange of FAU funds with another agency. (P/W to handle)

CONSENT

18. Consider certification of Negative Declaration of Environmental Impact for the widening of Standiford Avenue to four lanes between Dale Road and 600 feet west of Prescott Road.
(The Environmental Assessment Committee has completed its initial study of the project and recommends a finding of Negative Declaration. Memo with agenda. Resolution certifying review of environmental document needed.)

ACTION: Res. 91-252 adopted certifying review of environmental document. (P/W to handle)

CONSENT

19. Consider setting a Hearing of Necessity to acquire real property for Improvement District No. 29.
(Recommended hearing date: May 28, 1991, at 4:00 p.m. Eminent Domain proceedings must be started now to keep this project on schedule. Memo with agenda. Resolution setting Hearing of Necessity needed.)

ACTION: Res. 91-253 adopted setting Hearing of Necessity. (Clerk to handle)

CONSENT

20. Consider authorizing sewer rate increase of 15 percent for sewage treatment provided by City to Empire Sanitary District customers.
(Memo with agenda. Resolution revising sewer rates needed.)

ACTION: Res. 91-254 adopted revising sewer rates. (Finance to handle)

CONSENT

21. Consider approving lease agreement with E&J Gallo Winery for the use of Hangar No. 6 at the Modesto Airport. (Memo with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 91-255 adopted approving lease agreement. (Attorney to handle)

CONSENT

22. Set hearing to consider confirmation of the Report of Superintendent of Streets on the costs of residential alley resurfacing - Project No. 16.

SITE ADDRESS	PROPERTY OWNER	OWNER'S COST
<u>Block 6728, Monte Verde Avenue-Monticello Avenue-Bowen-Avenue Mt. Vernon Drive</u>		
2206 Monticello Avenue	Shaw, Winthrop, et ux	\$ 922.44
2210 Monticello Avenue	Heyman, Edward S., et ux	\$ 922.44
2214 Monticello Avenue	Wright, William L., et ux	\$ 909.07
2218 Monticello Avenue	Barker, Kyle G., et ux	\$ 909.07
2302 Monticello Avenue	Mc Dermott, Lester E., et ux	\$ 909.07
2306 Monticello Avenue	Quilici, Mose G., et ux	\$ 909.07
2310 Monticello Avenue	Young, William J., et ux	\$ 909.07
2314 Monticello Avenue	Gray, James L., et ux	\$ 909.07
2318 Monticello Avenue	Silva, John D.	\$ 885.94
1201 Bowen Avenue	Amaral, Steven J., et ux	\$1,012.14
2201 Monte Verde Avenue	Erickson, Ruby G. TR	\$ 944.10
2205 Monte Verde Avenue	Bryant, Charles L., et ux	\$ 922.44
2209 Monte Verde Avenue	Olmheim, John A., et ux	\$ 922.44
2213 Monte Verde Avenue	Elliott, David L., et ux	\$ 909.07
2217 Monte Verde Avenue	Jarrett, Billy W., et ux	\$ 909.07
2301 Monte Verde Avenue	Riddle, Jane	\$ 909.07
2305 Monte Verde Avenue	Bingham, Z. L.	\$ 909.07
2309 Monte Verde Avenue	Ambrose, Dorothy F., et al	\$ 909.07
2313 Monte Verde Avenue	Rodrigues, Estella	\$ 909.07
2317 Monte Verde Avenue	Blackmore, Forrest S., et ux	\$ 953.99

Block 6016, Roseburg Avenue-Ashwood Drive-Greenwood Drive-Del Rey Avenue

1239 W. Roseburg Avenue	Ennen, Curtis A.	\$1,013.93
1206 Del Rey Avenue	Teas, Ruby I.	\$1,013.93
1210 Del Rey Avenue	Tucker, Amy	\$1,013.93
1214 Del Rey Avenue	Caylor, James H., et ux	\$ 880.52
1218 Del Rey Avenue	Madden, Susan I.	\$ 813.01
1222 Del Rey Avenue	Gagliari, Carl A., et ux	\$ 533.65
1226 Del Rey Avenue	Reilly, Phillip J.	\$ 565.53
1320 Ashwood Drive	Andritsis, Helen, et al	\$ 845.30
1201 Greenwood Drive	Graham, Kenneth W., et ux	\$1,013.93
1205 Greenwood Drive	Hagen, Kathy G.	\$1,013.93
1209 Greenwood Drive	Winke, Dorothy	\$1,013.93
1213 Greenwood Drive	Miller, Clyde W., et ux	\$1,063.56
1217 Greenwood Drive	Greener, Earl D., et ux	\$1,189.50
1221 Greenwood Drive	Millerville, Paul L., et ux	\$1,188.30

Block 6012, College Avenue, Com. Exp. May 1991, 11th Cir. West, Roseburg, Ore.

1109 Oberlin Circle	Wright, George W., et ux	\$1,997.92
1112 Oberlin Circle	Crites, Darrel W., et ux	\$1,527.76
1116 Oberlin Circle	Reynolds, Roger W., et ux	\$1,051.20
1120 Oberlin Circle	Coover, Clarke C., et ux	\$ 931.93
1124 Oberlin Circle	Johnson, James L., et ux	\$ 965.90
1117 West Roseburg Avenue	Simmons, James E., et ux	\$1,795.43
1127 West Roseburg Avenue	Wiley, Alfred, et ux	\$1,539.52
1133 West Roseburg Avenue	Lyon, Robert W., et ux	\$1,292.88
1221 College Avenue	Verville, Russel J., et ux	\$ 814.36
1225 College Avenue	Zwahlen, Kenneth D., et ux	\$1,096.53
1231 College Avenue	McCourtie, Michael J., et ux	\$1,096.53
1237 College Avenue	Boland, Violet G.	\$1,096.53

The information listed reflects 100% of the contract costs, including engineering, staff time and all aspects of resurfacing the alleys from clearing to raising water valve boxes. Notices and reports will be mailed and posted for the affected property owners, with copies distributed to staff, prior to the hearing. Resolution setting hearing on May 21, 1991 at 7:30 p.m. needed.)

ACTION: Res. 91-256 adopted setting hearing. (Clerk to handle)

CONSENT

23. Consider request for sewer service to property outside City limits at 2101 Cox Avenue, located on the north side of Cox Avenue between Rosemore Avenue and Maddox Avenue. Owner: Vernon Huston Wells (The property owner has signed an agreement to annex when requested to do so by City. The property is contiguous to City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 91-257 adopted approving agreement. (P/W to handle)

CONSENT

24. Consider request for sewer service to property outside City limits at 2011 Cox Avenue, located on the north side of Cox Avenue between Maddox Avenue and Prichard Avenue. Owner: Edna June Peabody (The property owner has signed an agreement to annex when requested to do so by City. The property is contiguous to City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 91-258 adopted approving agreement. (P/W to handle)

25. Consider commending Modesto Police Reserves for contributions to the community welfare and safety. (In 1990, 47 Modesto Police Reserves contributed a total of 19,140 hours of time to the City. Duties including enforcing laws and helping with various community activities. Resolution of commendation needed.)

ACTION: Res. 91-259 adopted (Muratore/Irizarry, unan., Lang absent) commending Police Reserves. (Police to handle)

26. Consider amending the 1990-91 fiscal year budget to appropriate \$2,242 donated for a memorial to Janet Simidian at Graceada Park.
(Resolution amending budget needed.)

ACTION: Res. 91-260 adopted amending budget. (Finance to handle)

CONSENT

27. Consider authorizing the City Manager to sign an application to the State Department of Parks and Recreation for \$40,000 in funding under the Land and Water Conservation Fund for a group picnic shade structure at East LaLoma Park.
(Memo with agenda. Resolution authorizing City Manager to sign needed.)

ACTION: Res. 91-261 adopted authorizing application. (P/R to handle)

CONSENT

28. Consider authorizing the City Manager to sign an application to the State Department of Parks and Recreation for \$20,685 in Public Resources Account funding for game courts and horseshoe pits at Sonoma Park.
(Memo with agenda. Resolution authorizing City Manager to sign needed.)

ACTION: Res. 91-262 adopted authorizing application. (P/R to handle)

CONSENT

29. Consider accepting a Grant Offer for Federal funds to complete a Federal Aviation Administration Regulation (FAR) Part 150 and Airport Approach Protection study, and amend the Airport's Capital Improvement budget to include City funds.
(Memo with agenda. Resolution accepting Grant Offer and resolution amending the Airport's Capital Improvement budget needed. Estimated cost: \$90,200 (Federal - \$81,180; City - \$9,020). Funds are available in the Airport Reserves.)

ACTION: Res. 91-263 adopted accepting grant offer.
Res. 91-264 adopted amending the Airport's Capital Improvement budget. (P/W, Finance to handle)

CONSENT

30. Consider accepting a Grant Offer for Federal funds to complete an Airport Master Plan E.I.R. and Commercial Air Service Initial Study, and amend the Airport's Capital Improvement budget to include City funds.
(Memo with agenda. Resolution accepting Grant Offer and resolution amending the Airport's Capital Improvement budget needed. Estimated cost: \$69,300 (Federal - \$62,370; City - \$6,930). Funds are available in the Airport Reserves.)

ACTION: Res. 91-265 adopted accepting grant offer.
Res. 91-266 adopted amending the Airport's Capital Improvement budget. (P/W, Finance to handle)

CONSENT

31. Consider approval of professional services agreement between the City of Modesto and McClintock Beckwith Associates to complete an Airport Master Plan E.I.R. and an FAR Part 150 Noise Compatibility Study. (Memo with agenda. Resolution approving professional services agreement needed. Estimated cost: \$159,500 (Federal - \$143,550; City - \$15,950). Funds will be appropriated in conjunction with Federal grants for Environmental Impact Report and Noise Study.)

ACTION: Res. 91-267 adopted approving agreement. (P/W to handle)

CONSENT

32. Consider approving transfer of land between the City of Modesto and the Redevelopment Agency of the City of Modesto. (Memo with agenda. Resolution authorizing City Manager and City Clerk to sign grant deed needed.)

ACTION: Res. 91-268 adopted approving grant deed. (Attorney to handle)

CONSENT

33. Consider authorizing the City Manager to execute an agreement by and between Stanislaus County, National Investment Properties, and the City of Modesto, allowing for payment of traffic mitigation fees on a proportionate basis for Wood Colony Plaza, P-D(330). (Memo with agenda. The proposed agreement would allow for payment of the \$472,995.05 traffic mitigation fee to be paid on a proportionate basis as various phases of the project are developed. Resolution approving agreement needed.)

ACTION: Res. 91-269 adopted approving agreement. (Planning to handle)

CONSENT

34. Consider modifying speed limits on various streets (Memo with agenda. One updated and three new radar-enforceable speed limits are proposed. The Traffic Committee has reviewed these and concurs. Motion introducing an ordinance amending Municipal Code Section 3-1.1401.1, Radar, needed. Estimated cost: \$600. Funds are budgeted.)

ACTION: By motion, Ord. No. 2762-C.S. introduced. (Clerk to handle)

CONSENT

35. Consider authorizing City Manager to sign applications to the Federal Communications Commission for licenses to operate three fixed microwave radio stations in connection with the proposed water/sewer Supervisory Control and Data Acquisition (SCADA) System. (This is the first step in obtaining microwave radio stations to provide telemetry (communications) necessary to monitor and control the City's water well pumps and wastewater collection lift station. Memo with agenda. Resolution approving applications to the Federal Communications Commission needed.)

ACTION: Res. 91-270 adopted approving applications. (P/W to handle)

36
for contract subdivision inspection services.
(Memo with agenda. Resolution approving agreement needed. Estimated
cost: \$50,000. Funds are budgeted.)

ACTION: Res. 91-271 adopted approving agreement. (P/W to handle)

CONSENT

37. Consider acceptance of improvements in Briggs Gardens Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: P & R Enterprises (Briggs Gardens Subdivision is located on the south side of Briggs Avenue east of Wheatley 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. 91-272 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

38. Consider approval of hanging two "Graffiti USA" Banners in downtown Modesto. (The Modesto Chamber of Commerce Graffiti USA Committee recommends a banner across J Street near McHenry Five Points and across I Street suspended from the Modesto Arch. Memo with agenda. Resolution approving request needed.)

ACTION: Res. 91-273 adopted approving request. (Planning to handle)

CONSENT

39. 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 actions to be conducted by Roger Ernst and Associates, at 824 Kiernan Avenue on June 1 and June 3, 1991. (Resolution declaring surplus property and authorizing the Purchasing Officer to sell it at public auction needed.)

ACTION: Res. 91-274 adopted authorizing sale of surplus property. (Finance to handle)

CONSENT

40. Consider supporting City of Berkeley as Amicus in the appeal of Giardina v. Marie McKechnie. (An Alameda County Superior Court has determined that it is inappropriate for the Berkeley City Clerk to count absentee ballots if they were not received by close of the polls on election day. Memo with agenda. Motion authorizing joining in as Amicus in the appeal of Giardina v. Marie McKechnie needed.)

ACTION: By motion, authorization was granted.

41. Letter from Marvin J. Henry concerning four stop signs on Snyder Avenue.

ACTION: By motion (Irizarry/Patterson, unan., Lang absent) the matter was referred to staff for recommendation. (P/W to handle)

CONSENT

42. Letter from Arthur A. Martin resigning from the Planning Commission, Board of Zoning Adjustment, Economic Development Loan Pool Subcommittee, and the Citizens' Housing and Community Development Committee. (Resolution accepting resignation needed.)

ACTION: Res. 91-275 adopted accepting resignation. (Clerk to handle)

CONSENT

43. Letter from Phillip G. Martin resigning from the Culture Commission. (Resolution accepting resignation with regret needed.)

ACTION: Res. 91-276 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Legislation

44. Consider proposed legislative action policies. (Memo with agenda. Motion accepting staff report and approving recommended policies needed.)

ACTION: (Martin/Muratore, unan., Lang absent) (Manager to handle)

CONSENT

45. Report on request from Building Industry Association to support half-cent sales tax measure. (Memo with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendation accepted. (Manager to handle)

Appointments

46. Consider appointments to the following:

Affirmative Action Commission

ACTION: Res. 91-277 adopted appointing James David Lynch, Darth Miller, Edward Gonzales, and Johnna Bryant to Commission.

Culture Commission

ACTION: Res. 91-278 adopted appointing Helen White.

Human Relations Commission

ACTION: Res. 91-279 adopted appointing Jess Dacuycuy.
Landmark Preservation Commission

ACTION: Res. 91-280 adopted appointing Dirk Hoek.
Local Cable Programming Committee

ACTION: Res. 91-281 adopted appointing Sharon Leicham.
Planning Commission

ACTION: Res. 91-282 adopted appointing Fred Cruz.
Citizens Advisory Committee on Recycling

ACTION: Res. 91-283 adopted appointing Steve Burke.

CONSENT

47. Consider appointments to the Advisory Committee for the M.I.D. Surface Water Project.
(The Memorandum of Understanding between the Modesto Irrigation District, City of Modesto and Del Este Water Company provides for two advisory committees to assist the Project Manager with the implementation of the Surface Water Project -- the Policy Committee and the Technical Committee. Two resolutions making appointments needed.)

ACTION: Res. 91-284 adopted appointing Councilmembers Muratore and Patterson as members of the Policy Committee with Councilmember Dobbs as alternate.
Res. 91-285 adopted appointing Deputy Director Operations Holton as a member of the Technical Committee with Sr. Civil Engineer Water Gilton as alternate. (P/W to handle)

MATTERS TOO LATE FOR THE AGENDA

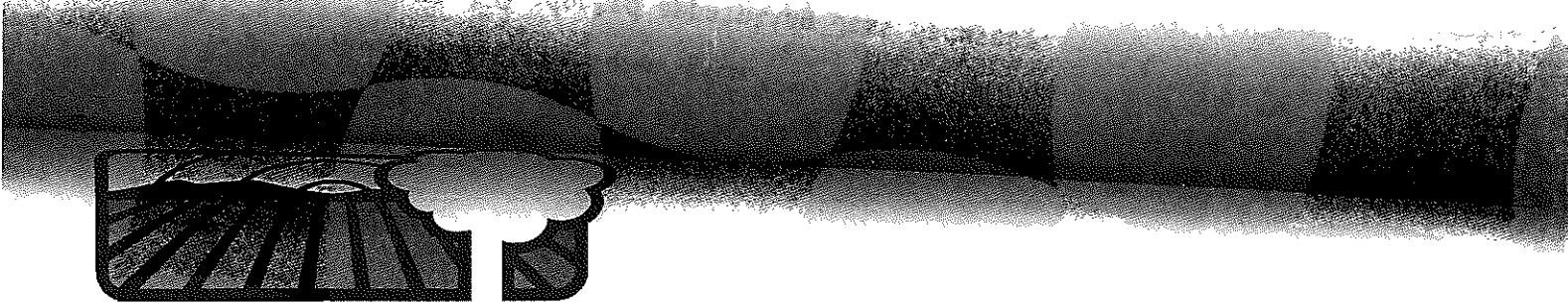
48. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 9:52 p.m. to Friday, May 10, 1991, at 8:00 a.m. at the Sundial Lodge, 808 McHenry Avenue, for a meeting with Senator Dan McCorquodale.

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 8:00 a.m., May 10, 1991, in the Council Chambers, City Hall, Modesto, California, for a meeting with Senator Dan McCorquodale.

Present: Councilmembers Bird, Irizarry, Martin, Muratore, Mayor Lang

Absent: Councilmembers Dobbs, Patterson

There was a general discussion about various pieces of State legislation. The meeting adjourned at 9:35 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, MAY 14, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Don McBride, First Foursquare Gospel Church

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

ACTION: (Muratore/Irizarry, 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

Presentation concerning the City of Modesto's award from the California Water Pollution Control Association for the best mid-size collection system for 1990.

Dave Holton displayed the award and discussed the award process.

Presentation by the Fraternal Order of Eagles of a check for \$2,000 for high school scholarships.

Check for \$2,000 was presented by Order of Eagles members to be established as the "Mayor's Scholarship Fund" to be used for a \$500 scholarship at each of the four high schools.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of May 7, 1991.
(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. Consider staff report on Golf Professional contract.
(Memo with agenda. Motion accepting report and directing staff to finalize agreement with Golf Professional needed.)

ACTION: By motion (Patterson/Muratore, unan.) accepted report and directed staff to finalize agreement. (P/R to handle)

CONSENT

5. Final adoption of Ordinance No. 2762-C.S. amending the Modesto Municipal Code sections concerning speed limits.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2762-C.S. adopted. (Clerk to handle)

HEARINGS

- 6. Hearing to receive, amend, and/or approve the recommendations from the Citizens Housing and Community Development Committee on the Proposed 1991-92 Community Development Block Grant (CDBG) Program, and to authorize the City Manager to submit an application for \$1,270,000 CDBG Funds to the U.S. Department of Housing and Urban Development.

ACTION: Res. 91-286 adopted (Patterson/Bird, unan.) approving application as recommended, except that a category on "Water Conservation" is to be added to Item I.A., and Section 108 loans are to be excluded from Item VI. (Planning to handle)

- 7. Hearing to consider the proposed issuance of Health Care Facilities Revenue Bonds for up to \$25,750,000 for Memorial Hospitals Association to finance health care facilities at 1700 Coffee Road, Modesto, California.

ACTION: Res. 91-287 adopted (Muratore/Dobbs, unan.) approving issuance of Bonds. (Planning to handle)

BIDS

CONSENT

- 8. Consider approving specifications and authorizing call for bids to be opened June 3, 1991, at 11:05 a.m. for the purchase of annual ready-mix concrete requirements for up to three years. (The Streets Maintenance Section of Public Works & Transportation Operation Division has requested this purchase. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$15,000. Funds are included in the 1991-92 fiscal year budget for the first year's costs.)

ACTION: Res. 91-288 adopted calling for bids. (Finance to handle)

CONSENT

- 9. Consider award of contract to George Reed, Inc., for the 1991 cold in-place recycling. (Bids were opened May 2, 1991. The low bid of \$155,595.50, submitted by George Reed, Inc., is 17.25% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$171,155 (contract - \$155,595.50; eng. & cont. - \$15,559.50). Funds are budgeted.)

ACTION: Res. 91-289 adopted awarding contract. (P/W to handle)

NEW BUSINESS

10. Consider amending the Municipal Code sections on water meter installation and water use regulations, and consider acceptance of staff report on Drought Contingency Plan.
(Memo with agenda. Introduction of ordinance and 2 resolutions establishing guidelines, and accepting Drought Contingency Plan and implementing Stage 1 conditions needed.)

ACTION: By motion (Muratore/Irizarry, unan.) Ord. No. 2763-C.S. introduced. Res. 91-290 adopted Same vote) establishing guidelines.
Res. 91-291 adopted (same vote) accepting Plan and implementing Stage 1 with the fee for the 2nd violation to be \$50.
(P/W to handle)

CONSENT

11. Consider approving second amendment to agreement with Modesto Executive Air Charter, Inc., for the construction of a hangar at the Modesto Airport.
(Memo with agenda. Resolution approving second amendment to agreement needed.)

ACTION: Res. 91-292 adopted approving second amendment to agreement.
(Attorney to handle)

CONSENT

12. Consider proposed revisions to authorized mid-block crosswalks on Scenic Drive between Bodem Street and Coffee Road.
(Memo with agenda. Removal of two of three existing mid-block crosswalks on Scenic Drive between Bodem and Coffee has been requested by the Director of Mental Health of Stanislaus County. Revisions to the guidelines for marked crosswalks in the California Traffic Manual and City staff support the request to remove the crosswalks. Resolution rescinding Resolution 80-79 and approving a new mid-block crosswalk on Scenic Drive needed. Estimated cost: \$1,400. Funds are budgeted.)

ACTION: Res. 91-293 adopted approving new mid-block crosswalk on Scenic Drive.
(P/W to handle)

CONSENT

13. Presentation of the Monthly Treasurer's Report for April, 1991.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

14. Consider request of Robert J. McNair, on behalf of Richard Van Winkle, for permission to file a late claim against the City of Modesto. (Resolution denying request needed.)

ACTION: Res. 91-294 adopted denying request. (Clerk to handle)

MISCELLANEOUS

Appointments

15. Consider appointment to the Planning Commission.

No action.

MATTERS TOO LATE FOR THE AGENDA

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

None

CLOSED SESSION

17. Closed session to consider pending litigation pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

The meeting adjourned to closed session at 5:50 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 4:00 p.m., May 16, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a budget study session.

Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

Councilmember Dobbs arrived at 4:10 p.m.

Absent: None

After introductory remarks by the City Manager and the Finance Director about the budget preparation process and the City's financial status, the following department heads summarized their General Fund budgets:

Police Chief Gerald McKinsey
Fire Chief Larry Sheldon
Planning & Community Development Director Bill Nichols
Acting Public Works & Transportation Director Van Switzer
Parks & Recreation Director Mary Grogan

Cuts that have been made to the departments' budgets and anticipated revenues were discussed by the City Council and department heads.

The meeting adjourned at 6:00 p.m. to May 20, 1991, at 4:00 p.m. in the City Hall Third Floor Conference Room, to continue review of the budget.

ATTEST: 
NORRINE COYLE, City Clerk

WPCC276

1

5-16-91



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an adjourned special session at 4:00 p.m., May 20, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a budget study session.

Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

Councilmember Irizarry excused at 5:35 p.m.
Councilmember Dobbs excused at 5:53 p.m.

Absent: Councilmember Patterson

The following department heads summarized their General Fund and capital improvement funds budgets:

Norrine Coyle - City Council and City Clerk & Auditor's Office
Stan Yamamoto - City Attorney's Office, Property Management, and Self Insurance
Harlan Westenberg - Economic Development
Pete Kolf - Finance Department, Music & Promotion, Insurance, and Miscellaneous Unclassified
George Osner - Housing & Community Development
Mary Grogan - Golf Courses, Centre Plaza, Tuolumne River Regional Park
Van Switzer - Parking, Sewer & Storm Drain, Water, Airport, Bus Service, Service Division, Methane Gas Generation

The meeting adjourned at 6:03 p.m. to May 23, 1991, at 4:00 p.m. in the City Hall Third Floor Conference Room, to continue review of the budget.

ATTEST:


NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 21, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 11, 12,
16, 17, 18, 19, 20, 21,
23, 25

Removed from consent: 14, 15, 22

ACTION: (Muratore/Irizarry, 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.

None

MINUTES

CONSENT

- 2. Approval of the minutes of the regular City Council meeting of May 7, 1991, and the adjourned City Council meeting of May 10, 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.)

None

UNFINISHED BUSINESS

CONSENT

- 4. Final adoption of Ordinance No. 2763-C.S. amending the Modesto Municipal Code relating to water use regulations and metered services. (Motion adopting needed.)

ACTION: By motion, Ord. No. 2763-C.S. adopted. (Clerk to handle)

HEARINGS

- 5. Hearing to consider confirmation of the Report of the Superintendent of Streets on the costs of residential alley resurfacing Project No. 16 as follows:

SITE ADDRESS	PROPERTY OWNER	OWNER'S COST
<u>Block 6728, Monte Verde Avenue-Monticello Avenue-Bowen-Avenue Mt. Vernon Drive</u>		
2206 Monticello Avenue	Shaw, Winthrop, et ux	\$ 922.44

ACTION: Res. 91-295 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

2210 Monticello Avenue	Heyman, Edward S., et ux	\$ 922.44
------------------------	--------------------------	-----------

ACTION: Res. 91-296 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

2214 Monticello Avenue

ACTION: Res. 91-297 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2218 Monticello Avenue Barker, Kyle G., et ux \$ 909.07

ACTION: Res. 91-298 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2302 Monticello Avenue Mc Dermott, Lester E., et ux \$ 909.07

ACTION: Res. 91-299 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2306 Monticello Avenue Quilici, Mose G., et ux \$ 909.07

ACTION: Res. 91-300 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2310 Monticello Avenue Young, William J., et ux \$ 909.07

ACTION: Res. 91-301 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2314 Monticello Avenue Gray, James L., et ux \$ 909.07

ACTION: Res. 91-302 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2318 Monticello Avenue Silva, John D. \$ 885.94

ACTION: Res. 91-303 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

1201 Bowen Avenue Amaral, Steven J., et ux \$1,012.14

ACTION: Res. 91-304 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2201 Monte Verde Avenue Erickson, Ruby G. TR \$ 944.10

ACTION: Res. 91-305 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2205 Monte Verde Avenue

Bryant, Charles L., et ux

\$ 922.44

ACTION: Res. 91-306 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2209 Monte Verde Avenue

Olmheim, John A., et ux

\$ 922.44

ACTION: Res. 91-307 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2213 Monte Verde Avenue

Elliott, David L., et ux

\$ 909.07

ACTION: Res. 91-308 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2217 Monte Verde Avenue

Jarrett, Billy W., et ux

\$ 909.07

ACTION: Res. 91-309 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2301 Monte Verde Avenue

Riddle, Jane

\$ 909.07

ACTION: Res. 91-310 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2305 Monte Verde Avenue

Bingham, Z. L.

\$ 909.07

ACTION: Res. 91-311 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2309 Monte Verde Avenue

Ambrose, Dorothy F., et al

\$ 909.07

ACTION: Res. 91-312 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2313 Monte Verde Avenue

Rodrigues, Estella

\$ 909.07

ACTION: Res. 91-313 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

2317 Monte Verde Avenue

Blackmore, Forrest S., et ux

\$ 953.99

ACTION: Res. 91-314 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

WPC273

4

5-21-91

~~Block 6016, Roseburg Avenue-Ashwood Drive-Greenwood Drive-Del Rey Avenue~~
1329 W. Roseburg Avenue Ennen, Curtis A. \$1,013.93

ACTION: Res. 91-315 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection. (Finance to handle)

1206 Del Rey Avenue Teas, Ruby I. \$1,013.93

ACTION: Res. 91-316 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection. (Finance to handle)

1210 Del Rey Avenue Tucker, Amy \$1,013.93

ACTION: Res. 91-317 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection. (Finance to handle)

1214 Del Rey Avenue Caylor, James H., et ux \$ 880.52

ACTION: Res. 91-318 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection. (Finance to handle)

1218 Del Rey Avenue Madden, Susan I. \$ 813.01

ACTION: Res. 91-319 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection. (Finance to handle)

1222 Del Rey Avenue Gagliari, Carl A., et ux \$ 533.65

ACTION: Res. 91-320 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection. (Finance to handle)

1226 Del Rey Avenue Reilly, Phillip J. \$ 565.53

ACTION: Res. 91-321 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection. (Finance to handle)

1320 Ashwood Drive Andritsis, Helen, et al \$ 845.30

ACTION: Res. 91-322 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection. (Finance to handle)

1201 Greenwood Drive
ACTION: Res. 91-323 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

1205 Greenwood Drive Hagen, Kathy G. \$1,013.93

ACTION: Res. 91-324 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

1209 Greenwood Drive Winke, Dorothy \$1,013.93

ACTION: Res. 91-325 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

1213 Greenwood Drive Miller, Clyde W., et ux \$1,063.56

ACTION: Res. 91-326 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

1217 Greenwood Drive Greener, Earl D., et ux \$1,189.50

ACTION: Res. 91-327 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

1221 Greenwood Drive Millerville, Paul L., et ux \$1,188.30

ACTION: Res. 91-328 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

Block 6012, College Avenue-Como Park Way-Oberlin Circle-W. Roseburg
1109 Oberlin Circle Wright, George W., et ux \$1,997.92

ACTION: Res. 91-329 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

1112 Oberlin Circle Crites, Darrel W., et ux \$1,527.76

ACTION: Res. 91-330 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

1116 Oberlin Circle Reynolds, Roger W., et ux \$1,051.20

ACTION: Res. 91-331 adopted (Muratore/Dobbs, unan.) confirming report,
assessing costs and directing method of collection.
(Finance to handle)

1120 Oberlin Circle	Coover, Clarke C., et ux	\$ 931.93
<u>ACTION:</u> Res. 91-332 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)		
1124 Oberlin Circle	Johnson, James L., et ux	\$ 965.90
<u>ACTION:</u> Res. 91-333 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)		
1117 West Roseburg Avenue	Simmons, James E., et ux	\$1,795.43
<u>ACTION:</u> Res. 91-334 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)		
1127 West Roseburg Avenue	Wiley, Alfred, et ux	\$1,539.52
<u>ACTION:</u> Res. 91-335 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)		
1133 West Roseburg Avenue	Lyon, Robert W., et ux	\$1,292.88
<u>ACTION:</u> Res. 91-336 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)		
1221 College Avenue	Verville, Russel J., et ux	\$ 814.36
<u>ACTION:</u> Res. 91-337 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)		
1225 College Avenue	Zwahlen, Kenneth D., et ux	\$1,096.53
<u>ACTION:</u> Res. 91-338 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)		
1231 College Avenue	McCourtie, Michael J., et ux	\$1,096.53
<u>ACTION:</u> Res. 91-339 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)		
1237 College Avenue	Boland, Violet G.	\$1,096.53
<u>ACTION:</u> Res. 91-340 adopted (Muratore/Dobbs, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)		

BIDS

CONSENT

6. Consider approving plans and specifications and calling for bids for traffic signal modifications at Coffee Road and Orangeburg Avenue. (Suggested bid opening: June 11, 1991, 11:05 a.m. Report with agenda. The traffic signal will be modified to provide protected left-turn phases for both Coffee and Orangeburg. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$115,000. Funds are budgeted.)

ACTION: Res. 91-341 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approving plans and specifications and calling for bids for traffic signal construction and street improvements at the following two locations: (1) Claus Road and Scenic Drive; and (2) Sisk Road and Rumble Road. (Suggested bid opening: June 11, 1991, 11:00 a.m. Report with agenda. Two traffic-actuated signals with protected left-turn phases are proposed. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$308,870. Funds are partially budgeted. Additional funds will be requested after bids are opened and actual amount needed is known.)

ACTION: Res. 91-342 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approving plans and specifications and calling for bids for a project titled, "Standiford Avenue Improvements, Prescott to Dale. (Suggested bid opening: June 13, 1991, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and calling for bids, and resolution amending the budget needed. Estimated cost: \$1,232,852 (contract - \$1,072,045; eng. & cont. - \$160,807).

ACTION: Res. 91-343 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider award of contract to Gelco Insituform West for eight inch sanitary sewer rehabilitation, LaLoma at Dry Creek. (Report and bid tabulation with agenda. Bids were opened on May 9, 1991. The low bid of \$26,000, submitted by Gelco Insituform West, is the same amount as the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Gelco Insituform West. Resolution awarding contract needed. Estimated cost: \$28,600 (contract - \$26,000; eng. & cont. - \$2,600). Funds are budgeted.)

ACTION: Res. 91-344 adopted awarding contract. (P/W to handle)

CONSENT

10. Consider award of contract to Conco West, Inc., for pump station No. 20 emergency generator.
(Report and bid tabulation with agenda. Bids were opened on May 9, 1991. The low bid of \$41,825, submitted by Conco West, Inc., is 22.90% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Conco West, Inc. Resolution awarding contract needed. Estimated cost: \$43,920 (contract - \$41,825; eng. & cont. - \$2,095). Funds are budgeted.)

ACTION: Res. 91-345 adopted awarding contract. (P/W to handle)

CONSENT

11. Consider declaring Signal Control Company low bidder and authorizing the purchase of twenty traffic signal controllers for the total price of \$107,600.60.
(Report with agenda. Resolution declaring low bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 91-346 adopted awarding bid. (P/W to handle)

CONSENT

12. Consider declaring three low responsible bidders and authorizing the purchase of golf course turf maintenance equipment as follows: (1) Duke Equipment - \$58,781; (2) H. V. Carter - \$78,946; and (3) Ramacher Mfg. - \$15,434.
(Report with agenda. Three resolutions declaring low responsible bidders and authorizing purchase needed. Total estimated cost: \$153,161. Funds are budgeted.)

ACTION: Res. 91-347 adopted awarding bid to Duke Equipment.
Res. 91-348 adopted awarding bid to H.V. Carter.
Res. 91-349 adopted awarding bid to Ramacher Mfg.
(Finance to handle)

NEW BUSINESS

13. Consider Environmental Impact Report for Stanislaus County Social Services building.
(Report with agenda. Motion approving or modifying staff comments for forwarding to the County of Stanislaus needed.)

ACTION: By motion (Dobbs/Martin, unan.) staff recommendations approved.
(Planning to handle)

14. Consider revising the policy providing for discount on water and sewer rates for qualifying seniors and disabled persons, limiting the discount to water rates only.
(Report with agenda. Resolution revising policy needed.)

ACTION: Res. 91-350 adopted (Muratore/Dobbs, unan.) revising policy.
(Finance to handle)

15. Consider amending the Modesto Municipal Code sections regarding approval of agreements for sewer service outside the Sewer District or water service outside the City limits to allow approval by the City Manager. (Report with agenda. Motion introducing an ordinance amending the Municipal Code needed.)

ACTION: By motion (Bird/Patterson, unan.) Ord. No. 2764-C.S. introduced. (Clerk to handle)

CONSENT

16. Consider amending the Modesto Municipal Code sections regarding regulation of sound vehicles and sound-amplifying equipment to allow exceptions under certain conditions. (Report with agenda. Motion introducing an ordinance amending the Municipal Code needed.)

ACTION: By motion, Ord. No. 2765-C.S. introduced. (Clerk to handle)

CONSENT

17. Consider approving an agreement with Crownridge for installation of street improvements adjacent to its development at Claus Road and Scenic Drive. (Report with agenda. The owner constructed the City's required pavement in conjunction with installation of other street improvements. Resolution approving agreement needed. Estimated cost: \$36,763. Funds are budgeted.)

ACTION: Res. 91-351 adopted approving agreement. (P/W to handle)

CONSENT

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

ACTION: Res. 91-352 adopted ordering preparation and filing of annual report. (P/W to handle)

CONSENT

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

ACTION: Res. 91-353 adopted ordering preparation and filing of annual report. (P/W to handle)

CONSENT

20. Consider opposing the Federal Aviation Administration's plans to curtail daily hours of operation of the Airport control tower and requesting assistance from our United States Senators and Congressional District Representative.
(Report with agenda. Resolution opposing curtailment of control tower hours needed.)

ACTION: Res. 91-354 adopted opposing curtailment of control tower hours.
(P/W to handle)

CONSENT

21. Report on cost of Village One plan preparation.
(Report with agenda. At its February 26, 1991, meeting, the Council asked the Planning Staff to report on the City's cost to prepare the Village One Specific Plan and Financing Plan. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

22. Consider authorizing negotiation of agreement with consultant for Village One Facilities Master Plan.
(Report with agenda. The Consultant Review Board has interviewed four firms and determined that Brown & Caldwell Consultants is best suited to prepare the Village One Facilities Master Plan. Motion authorizing staff to negotiate agreement needed.)

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

WRITTEN COMMUNICATIONS

CONSENT

23. Letter from Leigh Looney requesting permission to file a late claim.
(Resolution denying request needed.)

ACTION: Res. 91-355 adopted denying request. (Clerk to handle)

MISCELLANEOUS

Appointments

24. Consider appointment to the Planning Commission.

No action taken.

CONSENT

25. Consider appointment of Jeff Grover as the Planning Commission representative to the Board of Zoning Adjustment. (Report and Planning Commission resolution with agenda. Commissioner Martin was recently appointed to the City Council. By resolution, the Planning Commission recommends that Commissioner Grover be appointed to fill his place. Resolution appointing Jeff Grover to the Board of Zoning Adjustment needed.)

ACTION: Res. 91-356 adopted appointing Jeff Grover. (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

The meeting adjourned at 8:55 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

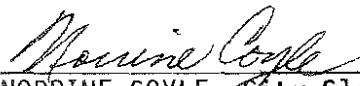
City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session at 3:45 p.m., May 23, 1991, in the Mayor's Office, City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

Absent: Councilmember Patterson

The meeting adjourned at 3:45 p.m. to closed session to consider pending litigation, pursuant to Government Code Section 54956.9(a).

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 special session at 4:00 p.m., May 23, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a budget study session.

Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

Absent: Councilmember Patterson

The meeting convened at 4:20 p.m.

After Paul Baxter, Pete Kolf and Catherine Walker made some introductory remarks concerning questions asked at previous sessions and about the proposed Capital Improvement Program budget and format, the following department heads discussed their portions of the proposed Capital Improvement Program:

Marshall Elizer -- Traffic Circulation, Airport, Bus, Parking, Sewer, Storm Drainage, Water, and various other public improvements

Gerald McKinsey -- Police

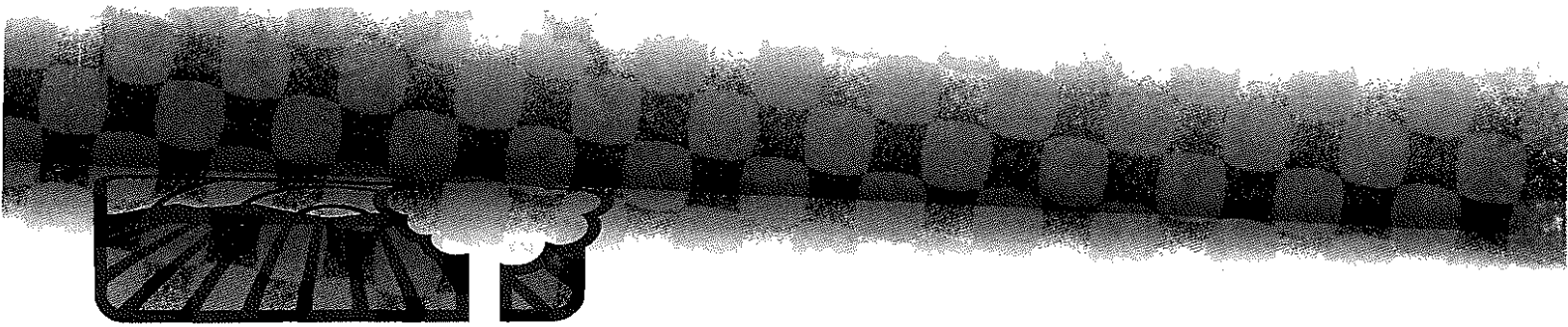
Larry Sheldon -- Fire

Mary Grogan -- Parks & Recreation

There was a general discussion about the proposed budget and capital improvement program. A report was requested on the status of the current year's capital improvement program projects.

The meeting adjourned at 6:10 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 28, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Glenn Price, Calvary Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 9, 12, 13, 14,
15, 16, 17

Removed from consent: 8, 9

ACTION: (Dobbs/Martin, 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

- a. Mayor Lang presented a \$500 scholarship from the funds donated by the Eagles organization to Lee Bee, David High School student.
- b. Mayor Lang introduced students, principal and teacher from Standiford Elementary School
- c. Presentation by Mike Johnson concerning "Ribbons Across the Valley." Mike Johnson presented copies of the book to the City.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of May 14, 1991, the special meeting of May 16, 1991, and the adjourned special meeting of May 20, 1991.
(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 Ordinance No. 2764-C.S. amending the Modesto Municipal Code sections regarding approval of agreements for sewer service outside the Sewer District or water service outside the City limits.
(Motion adopting needed.)

ACTION: By motion ordinance No. 2764-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing of Necessity to acquire real property for Improvement District No. 29.
(Standiford - Sisk - Dale - Prescott)

ACTION: Res. 91-357 (Muratore/Martin, unan.) adopting a Resolution of Necessity to acquire property for eminent domain for Municipal purposes for the improvement of the intersection of Standiford, Dale and Sisk and improvement of Sisk, and strengthening of water main system. (Sears, Roebuck and Company).

Res. 91-358 (Muratore/Martin, unan.) adopting a Resolution of Necessity to acquire property for eminent domain for Municipal purposes for the improvement of the intersection of Standiford, Dale and Sisk and improvement of Sisk, and strengthening of water main system. (Modesto Irrigation District).

Res. 91-359 (Muratore/Martin, unan.) adopting a Resolution of Necessity to acquire property for eminent domain for Municipal purposes for the improvement of the intersection of Standiford, Dale and Sisk and improvement of Sisk, and strengthening of water main system. (Teachers Insurance and Annuity Asso. of America).
(P/W to handle)

6. Hearing to consider revising charges and fees at the Modesto City-County Airport for hangars, office space, and aircraft tie-downs.

ACTION: Res. 91-360 adopted (Dobbs/Irizarry, unan.) revising fees.
(P/W to handle)

- 7a. Hearing to consider adopting the animal service fee structure periodically established by the Stanislaus County Board of Supervisors.

ACTION: By motion (Patterson/Muratore, majority, Bird-no) Ord. No. 2766-C.S. introduced with new fee structure to go into effect on September 5, 1991.
(Clerk to handle)

- 7b. Consider approving a Dog License Awareness Program and the hiring of two temporary employees to canvass for unlicensed dogs.
(This item needs to be considered in conjunction with the hearings concerning the fees.)

ACTION: By motion (Bird/Irizarry, unan.) approved hiring two temporary employees for six months starting July 1, 1991

Res. 91-360A approved (Bird/Irizarry, unan.) approving appropriation transfer of \$20,000 for hiring two temporary employees to canvass for unlicensed dogs.
(Finance to handle)

BIDS

8. Consider approval of plans and specifications and call for bids for the 1991 streets cape seal project.
(Suggested bid opening: June 20, 1991, at 11:05 a.m. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$739,254 (construction - \$672,049.90; eng. & cont. - \$67,254). Funds are budgeted.)
Councilmember Irizarry excused due to a conflict of interest.

ACTION: By motion (Muratore/Martin, majority, Irizarry absent) this item was continued for two weeks.
(P/W to handle)

9. Consider approval of plans and specifications and call for bids for the reconstruction of Coffee Road, Floyd Avenue to Rumble Road. (Suggested bid opening: June 27, 1991, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$682,661 (construction - \$593,618; eng. & cont. - \$89,043). Funds are budgeted.)

ACTION: Res. 91-361 adopted (Patterson/Martin, unan.) calling for bids. (P/W to handle)

NEW BUSINESS

10. Consider report by the City Council Golf Advisory Committee concerning the name of the new golf course, and negotiating for the food and beverage concession at the course. (Report with agenda. Motion acknowledging receipt of report and approving recommendations needed.)

ACTION: By motion (Martin/Muratore, unan.) receipt of report acknowledged, and recommendations approved. (P/R to handle)

11. Consider accepting the master plan and certifying the environmental review for Aqueduct Neighborhood Park. (Report with agenda. Resolution accepting master plan and certifying environmental review needed.)

ACTION: Res. 91-362 adopted (Dobbs/Patterson, unan.) accepting master plan and certifying environmental review. (P/R to handle)

CONSENT

12. Consider abandonment of a portion of the 10.00 foot public utility easement in Block 11151 of the New England Square Subdivision of the City of Modesto. (Report with agenda. Resolution vacating and abandoning a portion of the public utility easement needed.)

ACTION: Res. 91-363 adopted abandoning portion of public utility easement. (P/W to handle)

CONSENT

13. Consider authorizing issuance of bonds and providing for the execution of Fiscal Agent agreement with State Street Bank and Trust Company and calling for bids for bonds and other related actions with regard to Improvement District No. 29. (Report with agenda. Property owners have been advised of their assessments, and it is now time to sell bonds to finance the construction. Two resolutions needed.)

ACTION: Res. 91-364 adopted approving issuance of bonds and approving agreement.
Res. 91-365 adopted calling for bids. (P/W to handle)

CONSENT

14. Consider approving an agreement with Alameda County Transportation Authority to assign the City's Combined Road Program (CRP, formerly FAU) funds to that agency in exchange for other transportation funds. (Report with agenda. Estimated cost: \$838,532. Funds are budgeted.)

ACTION: Res. 91-366 adopted approving agreement. (P/W to handle)

CONSENT

15. Consider authorizing staff to negotiate an agreement with Computer Resource Group (CRG) for consulting services to improve and update the Industrial Waste computer program. (Report with agenda. Motion authorizing staff to negotiate an agreement needed.)

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

CONSENT

16. Consider approving the City Engineer's annual report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions No. 1-6; and consider setting a hearing on the levy of the proposed assessment on June 18, 1991, at 7:30 p.m. (Report with agenda. Motion approving annual report and resolution of intention setting hearing needed.)

ACTION: By motion, annual report approved. (P/W and Clerk to handle)
Res. 91-367 adopted setting hearing.

CONSENT

17. Consider approving the City Engineer's annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions No. 7-10; and consider setting a hearing on the levy of the proposed assessment on June 18, 1991, at 7:30 p.m. (Report with agenda. Motion approving annual report and resolution of intention setting hearing needed.)

ACTION: By motion, annual report approved. (P/W and Clerk to handle)
Res. 91-368 adopted setting hearing.

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.

ADJOURNMENT

The meeting adjourned at 5:46 p.m. to closed session.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

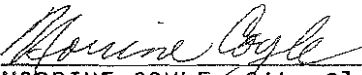
The Council of the City of Modesto met in a special session at 6:30 p.m., June 4, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a study session.

Present: Councilmembers Dobbs, Irizarry, Martin, Patterson, Mayor Lang

Absent: Councilmembers Bird, Muratore

The Public Works and Transportation Director discussed the City's street maintenance program and the costs of various maintenance and reconstruction programs.

The meeting adjourned at 7:20 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 4, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: Councilmember Bird

Pledge of allegiance to the Flag

Invocation: Rev. Ted Ness, Retired, Bethel Church

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

ACTION: (Dobbs/Muratore, 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.

None

MINUTESCONSENT

2. Approval of the minutes of the special and adjourned special City Council meetings of May 23, 1991, and the regular City Council meeting of May 28, 1991.
(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 Ordinance 2766-C.S. amending the Modesto Municipal Code provisions concerning dog licenses.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2766-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the appeal of Robert Braden Consulting, on behalf of The William Lyon Company, to a Planning Commission decision denying an application to rezone from R-3 to R-1, and a vesting tentative subdivision map, property located on the north side of Yosemite Boulevard between Creekwood and New Claus Road.
(Councilmember Martin excused because he was a member of the Planning Commission when it considered this item.)

ACTION: By motion (Muratore/Patterson, maj., Irizarry, no, Bird and Martin, absent) Ord. No. 2767-C.S. introduced.
Res. 91-369 adopted (same vote) granting appeal
Res. 91-370 adopted (same vote) certifying review of Environmental Assessment.
(Clerk/Planning to handle)

6. Hearing to consider an amendment to Sections 2-3-8 and 1-3-8 of the Zoning Map to prezone to City P-D for single family residential and commercial uses, property located at the northwest corner of Pelandale Avenue and Dale Road.

ACTION: By motion (Muratore/Patterson, unan. Bird, absent) Ord. No. 2768-C.S. introduced.
Res. 91-371 adopted (same vote) approving development plan.
Res. 91-372 adopted certifying review of Environmental Assessment.
(Clerk/Planning to handle)

The following matter is not a hearing but should be considered in conjunction with the above hearing:

7. Consider approval of LAFCO Questionnaire indicating no opposition to the Fleur de Ville Reorganization and request expansion of the Modesto Sphere of Influence.
(Report with agenda. Proponents wish to annex the 75 acres to the City of Modesto and Modesto Sewer District No. 1, and simultaneously detach the area from the Salida Fire Protection District. The site is at the northwest corner of Pelandale Avenue and Dale Road. Expansion of the Modesto Sphere of Influence is also needed. Resolution approving LAFCO questionnaire and resolution requesting expansion of the Modesto Sphere of Influence needed.)

ACTION: Res. 91-373 adopted (Muratore/Patterson, unan., Bird absent) approving LAFCO Questionnaire.
Res. 91-374 adopted (same vote) requesting expansion of the Modesto Sphere of Influence.
(Planning to handle)

BIDS

CONSENT

8. Consider declaring Nixon-Egli Equipment Co. low responsible bidder on, and authorize purchase of one vactor truck for the total cost of \$149,419. (Report with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 91-375 awarding bid. (Finance to handle)

NEW BUSINESS

9. Consider certification of environmental Negative Declaration for Transportation Center, authorization to proceed with preparation of 95% complete plans, and approval of the project schedule.
(Report with agenda. Staff is ready to proceed with preparation of 95% complete plans for the project. The Negative Declaration was recommended by the Environmental Assessment Committee. Construction on the project is anticipated to begin February 1, 1992, and be complete by November 30, 1992. Resolution certifying Negative Declaration, motion authorizing staff to proceed with 95% plans, and approving project schedule needed. Estimated cost: \$6,192,000. Funds are budgeted.)

ACTION: Res. 91-376 adopted (Muratore/Dobbs, unan., Bird, absent) certifying Negative Declaration
By motion (same vote) project schedule approved. (PW&T to handle)

10. Consider request of Modesto Centre Plaza Associates, Limited Partnership, for consent to additional loan for the Red Lion Hotel/Office Project.
(Report with agenda. Resolution authorizing City Manager to execute the necessary documents.)

ACTION: Res. 91-377 adopted (Muratore/Lang, unan., Bird, absent) authorizing City Manager to execute documents.
Res. 91-378 adopted (same vote) amending catering agreement.
Res. 91-379 adopted (same vote) thanking Dan Costa of Mallards.
(Mgr to handle)

CONSENT

11. Consider amending the Modesto Municipal Code to change the method of collecting landscaping and irrigation plan review fees.
(Report with agenda. Motion introducing an ordinance amending the Municipal Code needed.)

ACTION: By motion, Ord. No. 2769-C.S. introduced. (Clerk to handle)

CONSENT

12. Consider authorizing City Manager to execute two Program Supplements to the existing Local Agency - State Agreement for Federal Aid Projects.
(Report with agenda. The Program Supplements secure funding for the two FAU projects, the Coffee Road reconstruction project and the Sisk/Rumble and Scenic/Claus traffic signal project. Resolution authorizing City Manager to sign two program supplements needed.)

ACTION: Res. 91-380 adopted authorizing City Manager to sign two program supplements. (PW&T to handle)

WRITTEN COMMUNICATIONS

CONSENT

13. Letter from Kai Robinson resigning from the Citizens' Advisory Committee on Recycling.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 91-381 adopted accepting resignation. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 9:47 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 11, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: None

Pledge of allegiance to the Flag:

Invocation: Councilmember Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5a, 5c, 9, 10, 12, 14
15, 17, 18, 19, 20, 21, 22,
23, 24, 25, 26, 27

Removed from consent: 5b, 11, 13, 16
ACTION: (Patterson/Martin, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 4, 5b
COUNCILMEMBERS BIRD AND IRIZARRY EXCUSED DUE TO A CONFLICT OF INTEREST.

ACTION: (Patterson/Martin, unan., Bird and Irizarry 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
RECORDS, REPORTS AND PRESENTATIONS
Presentation of proclamation citing Flag Day on June 14, 1991.

Mayor Lang presented the proclamation to Floyd Ebbers representing the Veterans of Foreign Wars.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of June 4, 1991.
(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 -- COUNCILMAN IRIZARRY EXCUSED DUE TO A CONFLICT OF INTEREST

4. Consider approval of plans and specifications and call for bids for the 1991 streets cape seal project.
(This item was continued from the May 28, 1991, City Council meeting. Suggested bid opening: July 2, 1991, at 11:05 a.m. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$739,254 (construction - \$672,049.90; eng. & cont. - \$67,254). Funds are budgeted.)

ACTION: Res. 91-382 adopted calling for bids. (P/W to handle)

CONSENT

5. Final adoption of:

- a. Ordinance No. 2765-C.S. amending the Modesto Municipal Code sections relating to regulation of sound vehicles and sound-amplifying equipment.
- c. Ordinance No. 2769-C.S. amending the Modesto Municipal Code section relating to landscaping and irrigation fees.

ACTION: By motion, Ordinances 2765-C.S. and 2769-C.S. adopted. (Clerk to handle)

CONSENT

- b. Ordinance No. 2768-C.S. rezoning to PP-D(147) property on the northeast corner of Pelandaie Avenue and Dale Road(Rule Development)

ACTION: By motion, Ordinance No. 2768-C.S. adopted. (Clerk to handle)

WPCC283

6-11-91

HEARINGS

6. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Randy Thomas, to a Planning Commission decision concerning an application for an amendment to P-D(253) to allow a parking area addition to the commercial development located at the northwest corner of Prescott Road and Standiford Avenue.
Councilmember Martin excused due to a conflict of interest.

ACTION: Res. 91-383 adopted (Muratore/Bird, unan., Martin absent) granting appeal. (Planning to handle)

7. Hearing to consider the proposed 1991 Budget and 1991-92 through 1994-95 Capital Improvement Program.

ACTION: By motion (Martin/Bird, unan.) this item was continued to June 25, 1991. (Clerk to handle)

8. Hearing to consider establishing a storm drainage surcharge of an estimated \$6.48/month (ERU) Equivalent Residential Unit for the purpose of storm water management. (Continued from May 7, 1991, City Council meeting.)

ACTION: A motion to approve (Patterson/Muratore, Bird, Dobbs, Irizarry, Martin-no) failed to carry.
Issue to be considered as a part of the budget process.

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for improvements at the Senior Citizens Center.
(Suggested bid opening: July 2, 1991, at 11:00 a.m. Report with agenda. The project is to remodel the restrooms for handicapped access and replace the hardwood dance floor which is worn due to heavy use. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$59,400 (construction - \$54,000; 10% eng. & cont. - \$5,400). Funds are budgeted.)

ACTION: Res. 91-387 adopted calling for bids. (P/W to handle)

CONSENT

10. Consider declaring Parks Printing low bidder and authorizing the purchase of printing of monthly utility bill insert on non-recycled paper and the quarterly employees' newsletter on recycled paper for 1991-92 for the total price of \$24,757.92, and authorizing the purchase of printing the monthly utility bill insert and quarterly employees newsletter for two additional years, up to and including 1993-94.
(Report with agenda. Resolution declaring Parks Printing low bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 91-388 adopted awarding bid. (Finance to handle)

11. Consider declaring Scoto and Son Farming low bidder and authorizing purchase of discing services for 1991-92 for the total price of \$17,183 and authorizing the purchase of discing services for two additional years, up to and including 1993-94.
(Report with agenda. Resolution declaring Scoto and Son Farming low bidder and authorizing purchase needed. Estimated annual cost: \$18,400. Funds are budgeted.)

ACTION: Res. 91-389 adopted (Dobbs/Martin, unan.) authorizing purchase for 1991-92 only. (Finance to handle)

CONSENT

12. Consider acceptance of W. M. Lyles Company's contract for the 18" waterline in Crows Landing Road, Zeff Road, Tuolumne Boulevard, B Street and 10th Street. Original contract: \$639,878.40.
(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: \$726,558.58. Funds are budgeted.)

ACTION: Res. 91-390 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

13. Consider directing staff to research and develop a Community Reinvestment Plan for the City.
(Report with agenda. Motion directing staff needed.)

ACTION: By motion (Muratore/Dobbs, unan.) directed staff to proceed with research and development of plan. (Finance to handle)

CONSENT

14. Consider approving an agreement with Computer Resource Group (CRG) to update and improve the Industrial Waste Division's computer program.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$24,750. Funds are budgeted.)

ACTION: Res. 91-391 adopted approving agreement. (P/W to handle)

CONSENT

15. Consider approving amendment to agreement with Chani L. and Rebecca A. Villanueva for the lease of 1204 River Road.
(Report with agenda. Resolution approving amendment to agreement.)

ACTION: Res. 91-392 adopted approving amended agreement. (Attorney to handle)

16. Consider approving option and lease agreement with Modesto Cellular Partnership for the placement of cellular telephone antennas on the City-owned water tank at Tenth and D Streets.
(Report with agenda. Resolution approving agreement and authorizing City Manager to execute all documents pertaining to the option and lease needed.)

ACTION: Res. 91-393 adopted (Martin/Irizarry, unan.) approving agreement. (Attorney to handle)

CONSENT

17. Consider approving a cooperative agreement with Stanislaus County to overlay Crows Landing Road from Highway 99 to Whitmore Avenue. (Report with agenda. This project involves placing an asphalt overlay on Crows Landing Road from Highway 99 to Whitmore Avenue. The County is the lead agency on this cooperative project. Resolution approving agreement and resolution amending the budget to indicate County as lead agency on this cooperative project. Estimated cost: \$33,323. Funds are budgeted.)

ACTION: Res. 91-394 adopted approving agreement.
Res. 91-395 adopted amending the budget. (P/W to handle)

CONSENT

18. Consider authorizing the City Manager to sign an application for \$40,000 in funding from the State Department of Forestry for the Modesto Reforestation Project 1991. (report with agenda. Resolution authorizing City Manager to sign application needed.)

ACTION: Res. 91-396 adopted authorizing application. (P/R to handle)

CONSENT

19. Consider approving the acceptance of a Federal Grant Amendment for the Modesto City-County Airport to construct T-hangar area apron and taxiway, terminal access road, and helicopter landing pad (AIP Project 3-06-0153-04). (Report with agenda. Resolution approving acceptance of Federal Grant Amendment needed.)

ACTION: Res. 91-397 adopted approving acceptance of grant amendment. (P/W to handle)

CONSENT

20. Consider approving the acceptance of a Federal Grant Amendment for the Modesto City-County Airport to construct a blast pad for Runway 10L, construct and light Taxiways C and D, and extend the terminal apron (AIP Project 3-06-0153-06). (Report with agenda. Resolution approving acceptance of Federal Grant Amendment needed.)

ACTION: Res. 91-398 adopted approving acceptance of grant amendment. (P/W to handle)

CONSENT

21. Consider acceptance of improvements in California Glen Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Kaufman and Broad (California Glen Subdivision is located south of West Hatch Road, west of Ustick Avenue. All improvements have been completed to the satisfaction of the Public Works and Transportation Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 91-399 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

22. Consider accepting staff report relating to garbage rates and introducing an ordinance to amend the Municipal Code section concerning "Hours of Collection for garbage service.
(Report with agenda. Motion accepting staff report and introducing an ordinance amending the Municipal Code needed.)

ACTION: By motion, report accepted. (Clerk to handle)
Ord. No. 2771-C.S. introduced amending Code.

CONSENT

23. Consider excusing Councilmember Bird from the June 4, 1991, City Council meeting due to his attendance at the annual conference of the Government Finance Officers Association held in Denver June 1-5, 1991.
(Motion excusing absence needed.)

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

CONSENT

24. Consider progress report on Modesto Airport terminal expansion project.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

25. Consider approving an appropriation transfer of \$232,000 from the Service Fund Contingency Reserve for attorneys' fees due in the Tink, Inc., vs. City of Modesto case.
(Report with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 91-400 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

Legislation

CONSENT

26. Staff recommends supporting amendments to AB 72 (Cortese), California Park Bonds; and opposing SB 959 (Presley), Water Utilities--Surcharge on Urban Water Retailers.
(Report with agenda. Motion accepting recommendations needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

Appointments

CONSENT

27. Consider appointment Councilmember Frank Muratore to the Stanislaus Waste-to-Energy Financing Agency (JPA) to replace agency member Mayor Richard Lang.
(Report with agenda. Resolution making appointment needed.)

ACTION: Res. 91-401 adopted appointing. (P/W to handle)
WPCC283 6 6-11-91

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.)

ACTION: By motion (Patterson/Irizarry, unan.) it was determined that this item arose after the agenda was prepared.
Res. 91-402 adopted (Bird/Dobbs, unan.) approving an agreement with Santa Clara County for exchange of FAU funds. (P/W to handle)

CLOSED SESSION

29. Closed session to consider pending litigation pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

The meeting adjourned at 6:35 p.m. to closed session.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

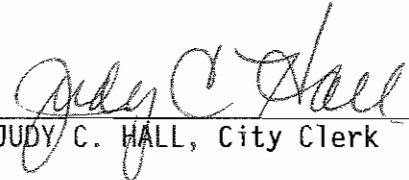
The Council of the City of Modesto met in a special session at 5:00 p.m., June 13, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a study session.

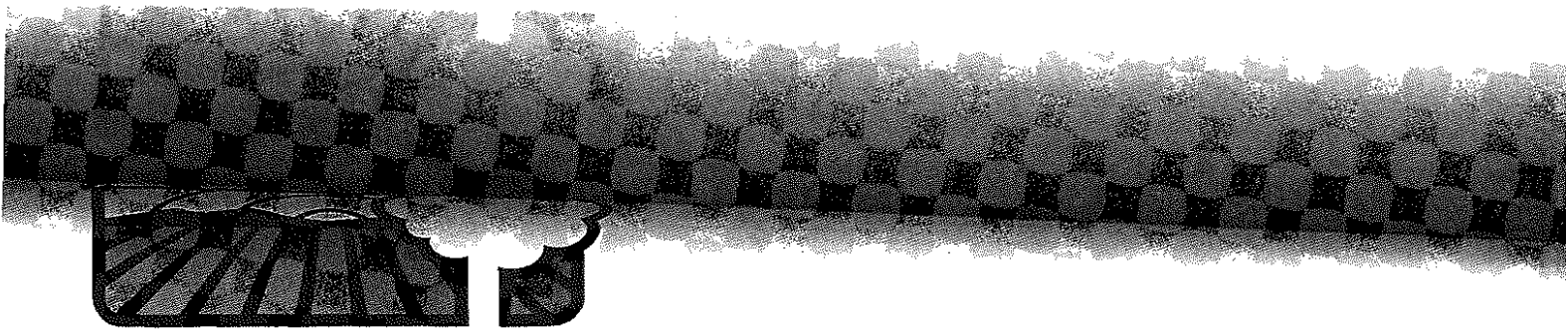
Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

Absent: None

The City Manager discussed the following issues: fund balance, adequacy of contingency reserve, the cost of four Police Officer positions, tree planting in new subdivisions, storm drain financing, training and conference expenses. There was a discussion about the recommended adjustments to the proposed budget.

The meeting adjourned at 6:01 p.m.

ATTEST: 
JUDY C. HALL, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 17th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 18, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

Absent: Muratore, Mayor Lang

Pledge of allegiance to the Flag

Invocation: Rev. Mel Turner, Christian Berets

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 11, 12, 13, 14,
16, 17, 18, 19

Removed from consent: 15

ACTION: (Bird/Martin, unan., Muratore 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

Modesto Chamber of Commerce expression of appreciation for assistance with Graffiti USA '91.

Tom Ciccarelli and Pete Herrmann thanked the City staff for assistance.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of June 11, 1991.
(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 Ordinance No. 2771-C.S. amending the Modesto Municipal Code section relating to hours of collection of garbage.
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2771-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the levy of the proposed annual assessment for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

ACTION: Res. 91-403 adopted (Bird/Irizarry, unan., Muratore and Lang absent) approving annual assessment. (P/W to handle)

6. Hearing to consider the levy of the proposed annual assessment for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10.

ACTION: Res. 91-404 adopted (Bird/Irizarry, unan., Muratore and Lang absent) approving annual assessment. (P/W to handle)

By consensus, the order of the next four items was changed as follows:

7. Hearing to consider a proposed amendment to the Village One Specific Plan's Affordable Housing Program which implements the recommendations of the Village One Affordable Housing Committee.
(Although the proposed amendment significantly changes the way the program operates, it preserves the original 25 percent affordability goal.)
Councilmember Martin excused due to a conflict of interest.

ACTION: Res. 91-405 adopted (Bird/Irizarry, unan., Martin, Muratore and Lang absent) amending the Village One Specific Plan.
Res. 91-406 adopted (same vote) certifying review of Environmental Assessment. (Planning to handle)

8. Hearing to consider a proposed amendment to the Zoning text that adds two new zones, the A-10, or General Agricultural Zone and SP, or Specific Plan zone. Both zones will be used to implement the Village One Specific Plan by providing for agricultural uses in the interim and requiring Precise Plans prior to development.

ACTION: By motion (Patterson/Bird, unan., Muratore and Lang absent) Ord. No. 2772-C.S. introduced amending the Zoning text to add two new zones.
Res. 91-407 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

9. Hearing to consider rezoning the entire Village One area, exclusive of the area north of Sylvan Avenue to Specific Plan Zone, SP, General Commercial Zone, C-2, and Planned Development Zone, P-D, property bounded by Sylvan Avenue on the north, the Santa Fe Railroad on the east, Briggsmore Avenue on the south, and Roselle Avenue, Floyd Avenue, and Oakdale Road on the west.
Councilmember Martin excused due to a conflict of interest.

ACTION: By motion (Irizarry/Patterson, unan., Martin, Muratore and Lang absent) Ord. No. 2773-C.S. introduced rezoning to Specific Plan Zone P-SP.
By motion (same vote) Ord. No. 2774-C.S. introduced rezoning to General Commercial Zone, P-C2.
By motion (same vote) Ord. No. 2775-C.S. introduced rezoning to Planned Development Zone P-PD(484).
Res. 91-408 adopted (same vote) approving plan.
Res. 91-409 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

By consensus, the order of the next four items was changed as follows:

7. Hearing to consider a proposed amendment to the Zoning text that adds two new zones, the A-10, or General Agricultural Zone and SP, or Specific Plan zone. Both zones will be used to implement the Village One Specific Plan by providing for agricultural uses in the interim and requiring Precise Plans prior to development.
Councilmember Martin excused due to a conflict of interest.

ACTION: Res. 91-405 adopted (Bird/Irizarry, unan., Martin, Muratore and Lang absent) amending the Village One Specific Plan.
Res. 91-406 adopted (same vote) certifying review of Environmental Assessment. (Planning to handle)

8. Hearing to consider rezoning the entire Village One area, exclusive of the area north of Sylvan Avenue to Specific Plan Zone, SP, General Commercial Zone, C-2, and Planned Development Zone, P-D, property bounded by Sylvan Avenue on the north, the Santa Fe Railroad on the east, Briggsmore Avenue on the south, and Roselle Avenue, Floyd Avenue, and Oakdale Road on the west.

ACTION: By motion (Patterson/Bird, unan., Muratore and Lang absent) Ord. No. 2772-C.S. introduced amending the Zoning text to add two new zones.
Res. 91-407 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

9. Consider initiating the Village One Reorganization. (This item is not a hearing but should be considered with the above items concerning rezoning and Zoning Code text amendment.)
(Report with agenda. The reorganization proposes to annex approximately 1,700 acres to the City of Modesto and the Modesto Municipal Sewer District No. 1, and simultaneously detach said territory from the Empire and Riverbank Fire Districts. The McHenry-Dry Creek Fire District is to be dissolved. Resolution initiating the Village Reorganization needed.)
Councilmember Martin excused due to a conflict of interest.

ACTION: By motion (Irizarry/Patterson, unan., Martin, Muratore and Lang absent) Ord. No. 2773-C.S. introduced rezoning to Specific Plan Zone P-SP.
By motion (same vote) Ord. No. 2774-C.S. introduced rezoning to General Commercial Zone, P-C2.
By motion (same vote) Ord. No. 2775-C.S. introduced rezoning to Planned Development Zone P-PD(484).
Res. 91-408 adopted (same vote) approving plan.
Res. 91-409 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

10. Consider initiating the Village One Reorganization hearing but should be considered with the above items concerning rezoning and Zoning Code text amendment.)
(Report with agenda. The reorganization proposes to annex approximately 1,700 acres to the City of Modesto and the Modesto Municipal Sewer District No. 1, and simultaneously detach said territory from the Empire and Riverbank Fire Districts. The McHenry-Dry Creek Fire District is to be dissolved. Resolution initiating the Village Reorganization needed.)
Councilmember Martin excused due to a conflict of interest.

ACTION: Res. 91-410 adopted (Patterson/Bird, unan., Martin, Muratore and Lang absent) initiating the Village One Reorganization.
Res. 91-410A adopted (same vote) requesting modification of Modesto Sphere of Influence.
Res. 91-411 adopted (same vote) certifying review of Environmental Assessment. (Planning to handle)

BIDS

CONSENT

11. Consider waiving formal bid procedures and authorize the purchase of traffic line paint from Pervo Paint Company for a total cost of \$34,942. (Report with agenda. Resolution waiving formal bid procedures and authorizing the purchase need. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 91-412 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

CONSENT

12. Consider approval of the City's proposed Injury and Illness Prevention Program, as required by Senate Bill 198. (Report with agenda. Resolution approving proposed policy needed.)

ACTION: Res. 91-413 adopted approving proposed policy. (Attorney to handle)

CONSENT

13. Consider vacation and abandonment of the westernmost 724.18 feet of Lincoln Avenue right-of-way alignment, and reservation of an easement for public use. (Report with agenda. Resolution of intention to abandon and vacate the westernmost 724.18 feet of Lincoln Avenue and reserve easement for public use, and setting hearing for July 9, 1991, at 4:00 p.m. needed.)

ACTION: Res. 91-414 adopted abandoning the right-of-way. (Clerk to handle)

CONSENT

14. 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. 91-415 adopted approving agreement. (Police to handle)
WPCC286 4 6-18-91

10. Hearing to consider a proposed amendment to the Village One Affordable Housing Plan's Affordable Housing Program which implements the recommendations of the Village One Affordable Housing Committee. (Although the proposed amendment significantly changes the way the program operates, it preserves the original 25 percent affordability goal.)
Councilmember Martin excused due to a conflict of interest.

ACTION: Res. 91-410 adopted (Patterson/Bird, unan., Martin, Muratore and Lang absent) initiating the Village One Reorganization.
Res. 91-410A adopted (same vote) requesting modification of Modesto Sphere of Influence.
Res. 91-411 adopted (same vote) certifying review of Environmental Assessment. (Planning to handle)

BIDS

CONSENT

11. Consider waiving formal bid procedures and authorize the purchase of traffic line paint from Pervo Paint Company for a total cost of \$34,942. (Report with agenda. Resolution waiving formal bid procedures and authorizing the purchase need. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 91-412 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

CONSENT

12. Consider approval of the City's proposed Injury and Illness Prevention Program, as required by Senate Bill 198. (Report with agenda. Resolution approving proposed policy needed.)

ACTION: Res. 91-413 adopted approving proposed policy. (Attorney to handle)

CONSENT

13. Consider vacation and abandonment of the westernmost 724.18 feet of Lincoln Avenue right-of-way alignment, and reservation of an easement for public use. (Report with agenda. Resolution of intention to abandon and vacate the westernmost 724.18 feet of Lincoln Avenue and reserve easement for public use, and setting hearing for July 9, 1991, at 4:00 p.m. needed.)

ACTION: Res. 91-414 adopted abandoning the right-of-way. (Clerk to handle)

CONSENT

14. Consider authorizing the City Manager to sign an agreement with Dr. Philip Trompeter 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. 91-415 adopted approving agreement. (Police to handle)

15. Consider revisions to contract regarding 9th Street tracks.
(Report with agenda. An extension of DeLeuw, Cather & Company's contract to December 5, 1991, and payment of extra \$38,400 are recommended. Resolution amending contract needed. Funds are budgeted.)

ACTION: By motion (Martin/Patterson, Muratore and Lang absent) this matter continued until the consultant can make a report. (P/W to handle)

CONSENT

16. Consider approving lease agreement with Dennis Casey for the lease of 1813 W. Hatch Road.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-416 adopted approving agreement. (Attorney to handle)

CONSENT

17. Consider Density Bonus Agreement for a 16-unit apartment complex (Thomas B. Balch)
(Report with agenda. On January 28, 1991, the Planning Commission, by Resolution No. 91-5, approved a plot plan for a 16-unit apartment complex in the R-2 zone at 908 Byron Lane. Under the Affordable Housing Chapter of the Modesto Municipal Code, a density bonus of four units was included in the approval. Condition No. 19 of that approval required the applicant to record a "Density Bonus Agreement. This agreement requires Council approval prior to recording. Resolution approving agreement needed.)

ACTION: Res. 91-417 adopted approving agreement. (Planning to handle)

CONSENT

18. Consider authorizing the Director of Public Works and Transportation to sign applications on behalf of the City for State-Local Transportation Partnership Program Funds.
(Report with agenda. This is an ongoing program administered by Caltrans which allows the City to submit qualified transportation projects for up to 50 percent State funding. Since the application does not obligate the City in any manner, staff feels this authorization would help lessen the number of routine agenda items. Resolution authorizing Director of Public Works and Transportation to sign State-Local Transportation Partnership Program applications needed.)

ACTION: Res. 91-418 adopted authorizing Director of Public Works and Transportation to sign applications. (P/W to handle)

CONSENT

19. Consider authorizing City Manager to execute necessary actions to complete documents for 1991 refinancing of the Community Center Project, actions necessary to complete a lot line adjustment between the Red Lion and Community Center complex, and staff report on Modesto Centre Plaza Associates additional advancement construction loan.
(Report with agenda. Resolution authorizing City Manager to execute documents necessary to complete refunding needed, and resolution authorizing City Manager to sign necessary documents to complete lot line adjustment needed.)

ACTION: Res. 91-419 adopted approving execution of documents necessary to complete refunding.
Res. 91-420 adopted approving necessary documents to complete lot line adjustment. (Attorney to handle)

MISCELLANEOUS

Appointments

20. Citizens Housing and Community Development Committee

a. Citizens Housing and Community Development Committee

ACTION: Res. 91-421 adopted (Irizarry/Martin, unan., Muratore, Lang absent) reappointing Nick Blom.

b. Rehabilitation Loan Pool Subcommittee

ACTION: Res. 91-422 adopted (Irizarry/Martin, unan., Muratore, Lang absent) reappointing Don Jordan

c. Economic Development Loan Pool Subcommittee

ACTION: Res. 91-423 adopted (Irizarry/Martin, unan., Muratore, Lang absent) reappointing Duane Fager and Dan Freeman.

d. Citizens Advisory Committee on Recycling

ACTION: Res. 91-424 adopted (Irizarry/Martin, unan., Muratore, Lang absent) reappointing Myrtle Osner. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 9:12 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 25, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, 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, 4A, 6, 10, 11, 12,
13, 14, 15, 16, 17, 18, 19, 20,
21, 22, 23, 26

Removed from consent: 7, 9

ACTION: (Muratore/Bird, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 4B(a)
COUNCILMEMBER MARTIN EXCUSED DUE TO HIS BEING A MEMBER OF THE PLANNING
COMMISSION WHEN THIS ITEM WAS CONSIDERED AND COUNCILMEMBER IRIZARRY EXCUSED
DUE TO A CONFLICT OF INTEREST.

ACTION: (Patterson/Dobbs, unan., Martin and Irizarry absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 4B(b), 4B(c), B(d)
COUNCILMEMBER MARTIN EXCUSED DUE TO A CONFLICT OF INTEREST

ACTION: (Patterson/Bird, majority, Irizarry-no, Martin 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

Presentation of awards for financial reporting excellence in the Annual Financial Report for year ended June 30, 1990.

Pete Kolf and Barry Newlin presented the awards to Mayor Lang for the City of Modesto.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of June 13, 1991, and the regular City Council meeting of June 18, 1991.
(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.)

Ann Miller spoke about a friend arrested on a warrant and held for three days.

UNFINISHED BUSINESS

CONSENT

- 4A. Final adoption of Ord. No. 2772-C.S. amending the Modesto Municipal Code relating to General Agricultural Zone, (A-10), and Specific Plan Zone, (SP).
(Motion adopting needed.)

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

CONSENT

- 4B. Final adoption of

COUNCILMEMBER MARTIN EXCUSED DUE TO HIS BEING A MEMBER OF THE PLANNING COMMISSION WHEN THIS ITEM WAS CONSIDERED AND COUNCILMEMBER IRIZARRY EXCUSED DUE TO A CONFLICT OF INTEREST.

- a. Ordinance No. 2767-C.S. amending the Zoning Map to rezone from R-3 to R-1 property located north of Yosemite Boulevard between Creekwood Drive and New Claus Road (The William Lyon Company)

COUNCILMEMBER MARTIN EXCUSED DUE TO A CONFLICT OF INTEREST.

- b. Ord. No. 2773-C.S. rezoning to A-10 and SP property located in the Village I area. (City Initiated)
- c. Ord. No. 2774-C.S. rezoning to P-C2 property located in the Village I area. (City Initiated)
- d. Ord. No. 2775-C.S. rezoning to P-PD(484) property located in the Village I area. (City Initiated)

(Motion adopting needed.)

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

HEARINGS

- 5. Hearing to consider establishing a storm drainage surcharge of an estimated \$6.28/month (ERU) Equivalent Residential Unit for the purpose of storm water management.

ACTION: By motion (Muratore/Lang, majority, Bird, Dobbs, and Irizarry-no) Ord. 2776-C.S. amending Code and establishing storm drainage surcharge introduced.
Res. 91-425 adopted (Muratore/Lang, majority, Bird, Dobbs, and Irizarry-no) approving, with the fees to be capped at \$4.62.
Res. 91-425A adopted (same vote) amending budget.

(P/W to handle)

BIDS

CONSENT

- 6. Consider acceptance of bid and award of contract for the Standiford Avenue improvements to George Reed, Inc., and consider amending the budget to provide funding for the project.
(Report and bid tabulation with agenda. Bids were opened on June 13, 1991. The low bid of \$868,435, submitted by George Reed, Inc., is 18.99% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Resolution awarding contract and resolution amending budget needed. Estimated cost: \$998,700 (contract - \$868,435; eng. - \$130,265). Funds are partially budgeted.)

ACTION: Res. 91-426 adopted awarding contract.
Res. 91-427 adopted amending budget. (P/W, Finance to handle)

7. Consider acceptance of bid and award of contract for Improvement District No. 29 project to Western Stone Products, Inc., and consider amending the budget to provide funding for the project.
(Report and bid tabulation with agenda. Bids were opened on March 26, 1991. The low bid of \$464,090, submitted by Western Stone Products, is 6.71% 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: \$603,317 (contract - \$464,090; eng. - \$139,227). Funds are partially budgeted.)

ACTION: Res. 91-428 adopted (Dobbs/Bird, unan.) awarding the bid subject to the sale of the bonds.
Res. 91-429 adopted (same vote) amending budget.
(P/W, Finance to handle)

NEW BUSINESS

8. Consider adoption of the Fiscal Year 1991-92 Annual Budget, including the first year of the Four-Year Capital Improvement Program.
(Report with agenda. Motion introducing an ordinance adopting the budget needed.)

ACTION: By motion (Muratore/Irizarry, majority, Bird-no) Ordinance No.2777-C.S. adopted.
(Clerk/Finance to handle)

Councilmember Irizarry excused at 5:35 p.m. and returned at 5:40 p.m.

9. Consider amendment of the Annual Budget of the City of Modesto for the 1990-91 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, 1991.
(Report with agenda. This is an annual identification of reserves to comply with Article XIII B of the State Constitution. Resolution authorizing establishment of reserves needed.)

ACTION: Res. 91-430 adopted (Dobbs/Martin, unan., Irizarry absent) authorizing establishment of reserves.
(Finance to handle)

CONSENT

10. Consider proposed County General Plan amendment and rezoning for a sports club on the south side of Wells Avenue, west of McHenry Avenue. (Bill Hughes)
(Report with agenda. This matter has been referred to the City for comment because it falls within the City's Sphere of Influence. City Council Policy No. 4.028, "Policy Regarding Development Proposals Within Modesto's Sphere of Influence," provides that applications such as this shall be submitted to the City Council for consideration. Resolution conditionally recommending project approval to Stanislaus County needed.)

ACTION: Res. 91-431 adopted recommending project approval.
(Planning to handle)

CONSENT

11. Consider authorizing the City Manager to execute a Plan Document providing benefits under the City of Modesto Flexible Benefits Plan and appointing the City Manager or designee as Administrator of the Plan. (Report with agenda. Resolution authorizing City Manager to execute Plan Document and appointing him as Administrator needed.)

ACTION: Res. 91-432 adopted authorizing execution of Plan Document and appointing Administrator. (Manager to handle)

CONSENT

12. Consider adoption of form to be used for evaluating economic necessity in density bonus projects. (Report with agenda. The density bonus ordinance recently adopted by the City Council requires developers seeking an additional incentive for density bonus projects to submit information on a standardized form to prove economic necessity. The form must be adopted by the City Council. Resolution adopting form needed.)

ACTION: Res. 91-433 adopted adopting form. (Planning to handle)

CONSENT

13. Consider excusing Councilmember Muratore and Mayor Lang from the June 18, 1991, City Council meeting due to their attendance at the National Association of Regional Councils Conference and the U. S. Conference of Mayors meeting, respectively. (Motion excusing absences needed.)

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

CONSENT

14. Presentation of the Monthly Treasurer's report for May, 1991. (Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

15. Consider establishing the "Conditions of Approval" for agreements for water or sewer service outside the current service areas. (Report with agenda. Resolution establishing "Conditions of Approval" needed.)

ACTION: Res. 91-434 adopted establishing Conditions of Approval. (P/W to handle)

CONSENT

16. Consider approval of the final map of River Terrace No. 2 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: Kaufman and Broad Central Valley, Inc.
(Report with agenda. The subdivision agreement has been signed and all fees paid. River Terrace No. 2 Subdivision is located on the north side of West Hatch Road, west of Dallas Street. It contains 2.226 acres. Resolution approving final map and authorizing City Manager to sign subdivision agreement needed.)

ACTION: Res. 91-435 adopted approving final map. (Clerk to handle)

CONSENT

17. Consider agreement with McHenry-Dry Creek Fire Protection District for fire and emergency medical service to be provided by Modesto to the district.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-436 adopted approving agreement. (Fire to handle)

CONSENT

18. Consider authorizing City Manager to sign a sewer reimbursement agreement with Leonard and Diana Soranno for an 8 inch sewer lateral in Pelandale Avenue.
(Report with agenda. The owners have installed 853 linear feet of 8 inch sewer to serve their property at the southwest corner of Pelandale and Sisk. The line will also serve other properties on the south side of Pelandale, and the owners have requested reimbursement for a portion of the sewer lateral charges that may be received for service connections to the sewer lateral. Resolution approving agreement needed. Estimated cost: \$9,212.30. Funds are budgeted.)

ACTION: Res. 91-437 adopted approving agreement. (P/W to handle)

CONSENT

19. Consider approval of 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. 91-438 adopted approving agreement. (Finance to handle)

CONSENT

20. Consider approving an agreement with Habitat for Humanity to build a home on Oak Street in Modesto.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$20,000. Funds are budgeted.)

ACTION: Res. 91-439 adopted approving agreement. (Planning to handle)

CONSENT

21. Consider certifying the environmental review for the project titled "Bike Trail Under the El Vista Bridge."
(The California Environmental Quality Act (CEQA) requires the governing body to certify the environmental review of all non-exempt projects. The City's Environmental Assessment Committee has reviewed the project and recommends a disposition of Negative Declaration of Environmental Impact. Resolution certifying environmental review needed.)

ACTION: Res. 91-440 adopted certifying review of Environmental Assessment.
(P/W to handle)

CONSENT

22. Consider certifying the environmental review for the project titled "East La Loma Lights."
(The California Environmental Quality Act (CEQA) requires the governing body to certify the environmental review of all non-exempt projects. The City's Environmental Assessment Committee has reviewed the project and recommends a disposition of Negative Declaration of Environmental Impact. Resolution certifying environmental review needed.)

ACTION: Res. 91-441 adopted certifying review of Environmental Assessment.
(P/W to handle)

CONSENT

23. Consider certifying the environmental review for the project titled "Erosion Control at Beard Brook Park."
(The California Environmental Quality Act (CEQA) requires the governing body to certify the environmental review of all non-exempt projects. The City's Environmental Assessment Committee has reviewed the project and recommends a disposition of Negative Declaration of Environmental Impact. Resolution certifying environmental review needed.)

ACTION: Res. 91-442 adopted certifying review of Environmental Assessment.
(P/W to handle)

WRITTEN COMMUNICATIONS

24. Letter from the Modesto Chamber of Commerce concerning a proposed business park.

ACTION: By motion (Muratore/Martin, unan.) this item was continued as requested by the Chamber of Commerce.

25. Letter from Peggy Mensinger regarding the TIN CUP Ordinance and campaign contributions.

ACTION: By motion (Dobbs/Martin, majority, Bird and Patterson-no) it was decided that a committee will be established to study the issue and report back by August 9.
(Clerk to handle)

CONSENT

26. Letter from Fred Hill, Yellow-Checker Cabs, applying for a certificate to operate taxicabs within the City of Modesto.
(Resolution setting hearing July 23, 1991, at 4:00 p.m. needed.)

ACTION: Res. 91-443 setting hearing. (Clerk to handle)

MISCELLANEOUS

Appointments

27. Appointments to the Downtown Improvement District Advisory Board.

ACTION: Res. 91-444 adopted (Dobbs/Martin, unan.) reappointing Tom Slater and Frank Boots to the Board. (Clerk to handle)

CLOSED SESSION

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

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

Meeting was adjourned at 6:05 p.m. to closed session and then to June 25, 1991, at 7:30 p.m., in the Modesto Irrigation District Board Room, 1231 11th Street, Modesto, for a joint City Council/Modesto Irrigation District Board/De] Este Water Company meeting concerning the proposed water treatment project.

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 7:30 p.m., June 25, 1991, in the Modesto Irrigation District Board Room, 1231 11th Street, Modesto, California, for a meeting concerning the proposed water treatment project.

Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore, Patterson,
Mayor Lang

Absent: None

After introductory remarks by Mayor Lang, President Beck, and President Beard, the M.I.D. staff and consultants presented an update on the status of the project, a review of the City's water conservation program, and the results of a water opinion survey.

The meeting adjourned at 9:12 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 2, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang
Councilmember Patterson arrived at 7:36 p.m.

Absent: Councilmember Bird

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 8, 9, 10, 11, 12, 16, 17,
18, 20

Removed from consent: 17

ACTION: (Muratore/Martin, unan., Bird and Patterson absent)

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

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

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

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

ACKNOWLEDGEMENTS

Presentation of a resolution to Mr. Dan Costa expressing gratitude and appreciation for his service to the City of Modesto and the Modesto Centre Plaza.

Mayor Lang presented the resolution to Dan Costa.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of June 25, 1991.
(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.)

Daniel Marsh requested a public hearing concerning the E.I.R. on the proposed redevelopment area.

UNFINISHED BUSINESS

4. Letter from Modesto Chamber of Commerce concerning a proposed business park.
(This item was continued from the June 25, 1991, Council meeting as requested by the Chamber of Commerce.)

ACTION: By motion (Muratore/Irizarry, unan., Bird absent) the matter was referred to staff. (Planning to handle)

5. Final adoption of Ord. No. 2776-C.S. adding sections to the Municipal Code relating to storm drainage and surface water runoff management.
(Motion adopting needed.)

ACTION: By motion (Muratore/Martin, majority, Dobbs and Irizarry-no, Bird absent) Ord. No. 2776-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider the appeal of A. R. Chubon, Executive Director, Housing Authority of the County of Stanislaus, to a decision of the Environmental Assessment Committee requiring a focused EIR on the proposed Pelton Avenue Street Closure. (A letter has been received from Mr. Chubon requesting that this item be continued to the August 6, 1991, City Council meeting. Motion continuing hearing to August 6, 1991, at 7:30 p.m. needed.)

ACTION: By motion, hearing continued to August 6, 1991, at 7:30 p.m.

7. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Jack McCoy, to a decision of the Environmental Assessment Committee requiring an EIR for the proposed Modesto Motorsports Park.

ACTION: Res. 91-445 adopted (Irizarry/Patterson, unan., Bird-absent) denying the appeal and requiring an E.I.R. (Planning to handle)

Item 19 was taken up after item 7.

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the reroofing of Fire Station No. 5.
(Suggested bid opening: July 25, 1991, at 11:05 a.m. The project will overlay the flat roof and a portion of the mansard roof at Fire Station No. 5 on Briggsmore Avenue. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$51,049 (contract \$46,408; eng. & cont. \$4,641). Funds are budgeted.)

ACTION: Res. 91-446 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider acceptance of Rolfe Construction Company's contract for the 12th Street subtrunk sewer replacement between "B" Street and Morton Boulevard as complete and authorize City Clerk to file Notice of Completion.
(Original contract: \$83,053)
(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: \$112,919.55. Funds are budgeted.)

ACTION: Res. 91-447 adopted accepting work as complete. (Clerk to handle)

CONSENT

6. Hearing to consider the appeal of A. R. Chubon, Executive Director, Housing Authority of the County of Stanislaus, to a decision of the Environmental Assessment Committee requiring a focused EIR on the proposed Pelton Avenue Street Closure. (A letter has been received from Mr. Chubon requesting that this item be continued to the August 6, 1991, City Council meeting. Motion continuing hearing to August 6, 1991, at 7:30 p.m. needed.)

ACTION: By motion, hearing continued to August 6, 1991, at 7:30 p.m.

7. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Jack McCoy, to a decision of the Environmental Assessment Committee requiring an EIR for the proposed Modesto Motorsports Park.

ACTION: Res. 91-445 adopted (Irizarry/Patterson, unan., Bird-no) denying the appeal and requiring an E.I.R. (Planning to handle)

Item 19 was taken up after item 7.

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the reroofing of Fire Station No. 5.
(Suggested bid opening: July 25, 1991, at 11:05 a.m. The project will overlay the flat roof and a portion of the mansard roof at Fire Station No. 5 on Briggsmore Avenue. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$51,049 (contract \$46,408; eng. & cont. \$4,641). Funds are budgeted.)

ACTION: Res. 91-446 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider acceptance of Rolfe Construction Company's contract for the 12th Street subtrunk sewer replacement between "B" Street and Morton Boulevard as complete and authorize City Clerk to file Notice of Completion.
(Original contract: \$83,053)
(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: \$112,919.55. Funds are budgeted.)

ACTION: Res. 91-447 adopted accepting work as complete. (Clerk to handle)

CONSENT

10. Consider acceptance of Granite Construction Company's contract for the Airport runway and overlay and improvements (Project No. 03-06-0153-08 and 10) as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$280,662.70)
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department and the Federal Aviation Administration. 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: \$299,237.50. Funds are budgeted.)

ACTION: Res. 91-448 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. 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 1991-1992.
(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: \$528,703.72. Funds are budgeted.)

ACTION: Res. 91-449 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

CONSENT

12. Consider requiring candidates to pay the cost of publishing the candidates' statements in the ballot pamphlet.
(Report with agenda. According to a Fair Political Practices Commission ruling, cities cannot legally bear any expense of candidates statements. Resolution requiring candidates to pay statement costs needed.)

ACTION: Res. 91-450 adopted requiring candidates to pay statement costs. (Clerk to handle)

13. Consider indicating the intention to conduct the run-off election, if needed, by mail.
(Report with agenda. Motion indicating the intention to conduct the run-off election by mail needed.)

ACTION: By motion (Dobbs/Irizarry, unan., Bird absent) it was determined that the run-off election, if any, will be conducted by mail. (Clerk to handle)

14. Consider directing staff to request proposals to prepare National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Application: Characterization (Part I)
(Report with agenda. Resolution authorizing Request for Proposals needed. Estimated cost: \$100,000. Funds are budgeted.)

ACTION: Res. 91-451 adopted (Patterson/Martin, majority, Dobbs and Irizarry-no, Bird absent). (P/W to handle)

WPCC291

4

7-2-91

15. Consider directing staff to request proposals to prepare National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Application: System Map (Part I).
(Report with agenda. Resolution authorizing Request for Proposals needed. Estimated cost: \$120,000. Funds are budgeted.)

ACTION: Res. 91-452 adopted (Patterson/Martin, majority, Dobbs and Irizarry-no, Bird absent). (P/W to handle)

CONSENT

16. Consider authorizing the Modesto City Fire Fighters Association to move the bell now located at Graceada Park to Fire Station No. 2.
(Report with agenda. Resolution authorizing Modesto City Fire Fighters Association to move bell needed.)

ACTION: Res. 91-453 adopted authorizing City Fire Fighters Association to move bell. (Fire/P.R. to handle)

17. Consider authorizing City Manager to sign an agreement with Brown & Caldwell Consultants for preparation of Village One Facilities Master Plan, and consider amending the appropriations ordinance.
(Development of a Facilities Master Plan is one of the tasks in the implementation program for Village One. Negotiations with Brown and Caldwell have been completed and the firm is prepared to begin work as soon as the agreement is authorized and executed. Report with agenda. Resolution approving agreement and resolution amending budget needed. Estimated cost: \$260,669. Funds are partially budgeted.)
Councilmember Martin excused due to a potential conflict of interest.

ACTION: Res. 91-454 adopted (Patterson/Muratore, unan., Bird and Martin absent) approving agreement.
Res. 91-455 adopted (same vote) amending budget.
(P/W, Finance to handle)

CONSENT

18. Consider amending the position classification plan to revise class specification for Principal Planner.
(Report with agenda. Resolution amending position classification plan needed.)

ACTION: Res. 91-456 adopted amending position classification plan.
(Manager to handle)

By motion (Patterson/Irizarry, unan., Bird absent) this item was taken up after item 7).

19. Letter from Gail P. Keller regarding speeding and traffic on Dry Creek Drive.

ACTION: By motion (Dobbs/Martin, unan., Bird absent) staff directed to work with people in the neighborhood on a solution, and increase police enforcement on that street. (P/W, Police to handle)

MISCELLANEOUS

Legislation

CONSENT

20. Human Relations Commission recommends support of:

- a. AB 1286 (Vasconcellos) Discrimination: Physical Disability
- b. AB 1301 (Klehs) Peace Officer Training: Prejudice-Based Incidents
- c. AB 1945 (Lee) California Schools Hate Violence Reduction Act
- d. SB 98 (Lockyer) Crime - Civil Rights
- e. SB 363 (Watson) Criminal Records: Hate Crimes
- f. SB 1078 (Marks) California Schools Hate Violence Reduction Act of 1991

(Report with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations approved. (Manager 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 10:40 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, JULY 9, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang
Councilmember Irizarry arrived at 4:03 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 8, 9, 10, 11, 12, 13,
14, 15, 18, 19, 20, 21, 22,
23, 24, 25

Removed from consent: 16, 17

ACTION: (Dobbs/Martin, 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

- a. Presentation by Citizens for Modesto: An All America City of the National Civic League's Award, for being named one of the 30 community finalists for All America City designation.

Presentation of the certificate was made to the City Council by the members of the committee.

- b. Presentation of Award of Merit, Planned Communities of 100 Acres or More, for the Village One Specific Plan.
(This award was given at the Pacific Coast Builders Conference on June 26, 1991.)

The award was presented to the City Council by John Zagaris on behalf of the Building Industry Association.

- c. Presentation of Gold Leaf Award from the International Society of Arboriculture for the City's Arbor Day activities.
(The award was given at the 1991 annual meeting of the Western Chapter of the International Society of Arboriculture.)

Mayor Lang presented the award to Mary Grogan, Director of Parks & Recreation.

- d. Recognition of the Parks & Recreation Department's Tree Division as an Accredited Forestry Department by the Society of Municipal Arborists.
(In April, 1990, the City of Modesto successfully met the requirements for accreditation by the Society of Municipal Arborists. This is one of the industry's methods of determining the credibility and performance of a municipal tree program.)

Mayor Lang presented the award to Mary Grogan, Director of Parks & Recreation.

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular City Council meeting of June 25, 1991, and the regular City Council meeting of July 2, 1991.
(Motion approving needed.)

ACTION: By motion, minutes approved.

(Clerk to handle)

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.)

Margaret Snyder, Chairperson of the International Friendship Committee, spoke about changing the Committee to the Parks and Recreation Department, and asked that this matter be placed on a future Council agenda.

HEARINGS

4. Hearing to consider the vacation and abandonment of the westernmost 724.18 feet of Lincoln Avenue right of way alignment, and reservation of an easement for public use.

ACTION: Res. 91-457 adopted (Martin/Irizarry, unan.) abandoning right of way alignment. (Planning to handle)

BIDS

CONSENT

5. Consider declaring Pol E Duc Manufacturing of Englewood, Colorado, low responsive and responsible bidder on and authorize purchase of one each polymer mix and feed unit for the total cost of \$67,304.03. (Report with agenda. Resolution declaring lowest responsive responsible bidder authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 91-458 adopted awarding bid. (Finance to handle)

CONSENT

6. Consider rejecting all bids received for the modification of the traffic signals at Coffee Road and Orangeburg Avenue. (Report with agenda. This project is now eligible for FAU funds. In order to receive the FAU funds, the project plans and specifications must be modified to meet FAU funding requirements. Resolution rejecting bids needed.)

ACTION: Res. 91-459 adopted rejecting bids. (P/W to handle)

NEW BUSINESS

7. Consider staff report on the Ash Whitefly. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Irizarry/Muratore, unan.) receipt of report acknowledged.

CONSENT

8. Consider accepting the annual staff report on the City of Modesto's Recycling Program.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

9. Consider amending the Modesto Municipal Code Section that provides for a Director of Personnel position.
(Report with agenda. Ordinance amending Municipal Code Section 2-5.04 needed.)

ACTION: By motion, Ord. No. 2778-C.S. introduced. (Clerk to handle)

CONSENT

10. Consider amending the Modesto Municipal Code to add Article 16, Chapter 3, to Title II, to establish a Personnel Department.
(Report with agenda. Ordinance amending the Municipal Code needed.)

ACTION: By motion, Ord. No. 2779-C.S. introduced. (Clerk to handle)

CONSENT

11. Consider class specifications and salary ranges for Personnel Director and Assistant Personnel Director.
(Report with agenda. Resolution amending the Position Classification Plan to create the classifications of Personnel Director and Assistant Personnel Director, and resolution amending the class range tables needed.)

ACTION: Res. 91-460 adopted amending Position Classification Plan.
Res. 91-461 adopted amending the class range tables.
(Manager to handle)

CONSENT

12. Consider approving Memorandum of Understanding with the Modesto Police Officers Association; establishing salary ranges, salary schedules and other benefits for management and confidential employees.
(Report with agenda. Three resolutions needed.)

ACTION: Res. 91-462 adopted approving the Memorandum of Understanding.
Res. 91-463 adopted amending the Deferred Compensation Program.
Res. 91-464 adopted establishing salary ranges, salary schedules and other benefits for management and confidential employees.

CONSENT

13. Consider Section 457 Deferred Compensation Plan as an alternative to Social Security for part-time, seasonal, and temporary employees. (Report with agenda. Resolution adopting Plan, setting City contribution at 3.75%, and authorizing City Manager to execute agreement for investment of deferred compensation funds with Sacramento Savings Bank. Estimated cost: \$56,000. Funds are budgeted.)

ACTION: Res. 91-466 adopted, adopting Plan and authorizing City Manager to execute agreement. (Finance to handle)

CONSENT

14. Consider approving lease agreement with Raymond L. and Ruby C. Marsh for the lease of 1004 Thrasher Avenue. (Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-467 adopted approving agreement. (Finance to handle)

CONSENT

15. Consider approving lease agreement with Larry and Carole Luke for the lease of 660 El Vista Avenue. (Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-468 adopted approving agreement. (Attorney to handle)

16. Consider agreement with HUD to lease with option to purchase single family home for homeless transitional housing. (Report with agenda. Resolution approving agreement needed. Estimated cost: \$1.00. Funds are budgeted.) Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 91-469 adopted (Dobbs/Martin, unan., Muratore absent) approving lease agreement. (Planning to handle)

17. Consider agreement with Community Temporary Shelter Services to provide homeless transitional housing counseling. (Report with agenda. Resolution approving agreement needed.) Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 91-470 adopted (Dobbs/Martin, unan., Muratore absent) approving agreement. (Planning to handle)

CONSENT

18. Consider approval of the final map of Las Brisas No. 1 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: Busby Development Corporation. (The subdivision agreement has been signed and all fees paid. Las Brisas No. 1 Subdivision is located on the east side of Rosemore Avenue, north of Shaddox Avenue. It contains 1.91 acres. Resolution approving the final map and authorizing City Manager to sign subdivision agreement needed.)

ACTION: Res. 91-471 adopted approving final map. (Clerk to handle)

CONSENT

19. Consider authorizing City Manager to sign a Right of Way Certification for traffic signal modifications at Coffee Road and Orangeburg Avenue. (This project is expected to be funded in part with Federal Aid funds. State and Federal programs require the local agency to certify right of way for the projects. Resolution approving right of way certification needed.)

ACTION: Res. 91-472 adopted approving right of way certification. (P/W to handle)

CONSENT

20. Consider renewing City's Excess Workers' Compensation Insurance Policy with National Union/Sedgwick James of California, Inc., for policy year July 1, 1991-92. (Report with agenda. Resolution approving insurance renewal needed. Estimated cost: \$42,195. Funds are budgeted.)

ACTION: Res. 91-473 adopted approving insurance renewal. (Attorney to handle)

CONSENT

21. Consider renewing Property Insurance Policy with Fireman's Fund/Hamilton Meridian Insurance Associates for policy year July 1, 1991-92. (Report with agenda. Resolution approving insurance renewal needed. Estimated cost: \$63,845. Funds are budgeted.)

ACTION: Res. 91-474 adopted approving insurance renewal. (Attorney to handle)

WRITTEN COMMUNICATIONS

CONSENT

22. Letter from Arnold Arrambide, A Touch of Class Limousine Service, applying for a certificate to operate taxicabs within the City of Modesto. (Resolution setting hearing August 6, 1991, at 7:30 p.m. needed.)

ACTION: Res. 91-475 adopted setting hearing. (Clerk to handle)

CONSENT

23. Letter from Pearl Hough resigning from the Affirmative Action Commission. (Resolution accepting resignation with regret needed.)

ACTION: Res. 91-476 adopted accepting resignation. (Clerk to handle)

CONSENT

24. Letter from Susan Hackett resigning from the Downtown Improvement District Board of Directors. (Resolution accepting resignation with regret needed.)

ACTION: Res. 91-477 adopted accepting resignation. (Clerk to handle)

CONSENT

25. Letter from Terri Amerio-Bell resigning from the Downtown Improvement District Board of Directors.

(Resolution accepting resignation with regret needed.)

ACTION: Res. 91-478 adopted accepting resignation. (Clerk to handle)

26. Letter from William F. King, American Legion Post 74, requesting permission to move the sign listing names of Stanislaus County Service personnel from the Courthouse lawn to the vacant lot on K Street between 9th and 10th Streets, across from Modesto Centre Plaza.

ACTION: By motion (Martin/Muratore, unan.) request approved. (Planning to handle)

MISCELLANEOUS

Appointments

27. Consider appointment to the Modesto Planning Commission.

ACTION: Res. 91-479 adopted (Martin/Irizarry, unan.) appointing Lynn Gonzales-Collins to the Planning Commission. (Planning to handle)

28. MATTERS TOO LATE FOR THE AGENDA

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

ACTION: By motion (Patterson/Bird, unan.) it was determined that the need to take action on this matter arose after the agenda was prepared.

Res. 91-480 adopted (Muratore/Dobbs, unan.) reaffirming the City Council's support for switching the AMTRAK "San Joaquin" train to the Southern Pacific tracks.

(Public Works & Trans. to handle)

Mayor Lang announced that a group would be established in the near future to study the gang and drug problem.

Councilmember Patterson requested a study of the affirmative action program and how it related to the reorganization approved in agenda items 9, 10, and 11. By order of the Chair, staff was directed to prepare information for the City Council. (Manager to handle)

ADJOURNMENT

The meeting adjourned at 4:50 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 16, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

Absent: Councilmember Patterson

Pledge of allegiance to the Flag

Invocation: Rev. Gayden Frazier, Bible Literature International

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

Removed from consent: 4

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

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of July 9, 1991.
(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:

- a. Ordinance No. 2778-C.S. amending the Municipal Code section relating to the Director of Personnel.
- b. Ordinance No. 2779-C.S. adding an article to the Municipal Code to establish a Personnel Department.

(Motion adopting needed.)

ACTION: By motion (Muratore/Martin, unan., Patterson absent)
Ord. No. 2778-C.S. adopted, and Ord. No. 2779-C.S. adopted as amended.

(Clerk to handle)

BIDS

CONSENT

5. Consider acceptance of bid and award of contract for the 1991 streets cape seal project to Graham Contractors, Inc.
(Bids were opened on July 2, 1991. The low bid of \$548,676.22 submitted by Graham Contractors, Inc., is 18.36% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$603,543.84 (contract - \$548,676.22; eng. & cont. - \$54,867.62) Funds are budgeted.)

ACTION: Res. 91-481 adopted awarding contract.

(P/W to handle)

CONSENT

6. Consider acceptance of bid and award of contract for the Senior Citizens Center improvements to Ira Matheny, Inc. (Bids were opened on July 2, 1991. The low bid of \$52,819 submitted by Ira Matheny, Inc., is 2.19% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$58,100.90 (contract - \$52,819; eng. & cont. - \$5,281.90) Funds are budgeted.)

ACTION: Res. 91-482 adopted awarding contract. (P/W to handle)

NEW BUSINESS

8. Presentation of report by DeLeuw, Cather and Company and consider revisions to contract regarding 9th Street tracks. (Report with agenda. An extension of DeLeuw, Cather & Company's contract to December 5, 1991, and payment of an extra \$38,400 to DeLeuw, Cather are recommended. Resolution amending contract needed. Funds are budgeted.)

ACTION: Res. 91-483 adopted (Muratore/Lang, unan., Patterson absent) amending contract. (P/W to handle)

CONSENT

9. Consider approval of the Stanislaus County Final Draft Hazardous Waste Management Plan dated June 1, 1991. (Report with agenda. Resolution approving plan needed.)

ACTION: Res. 91-484 adopted approving plan. (P/W to handle)

CONSENT

10. Consider authorizing the City Manager to sign an agreement with Kaufman and Broad to install City's storm drain trunk facilities at the River Terrace Subdivision and approving an appropriation of \$90,000. (Report with agenda. The Ustick Drainage Area Master Storm Drainage Plan requires construction of a 30-inch storm drain trunk line at the River Terrace Subdivision. The developer has requested permission to install the required storm drain trunk facilities in conjunction with installation of all other improvements for the River Terrace Subdivision. Developer fees for the Ustick Drainage Area will pay all costs. Resolution approving agreement and resolution approving appropriation transfer needed. Estimated cost: \$90,000 (contract - \$80,345.50; eng. & cont. - \$9,654.50).)

ACTION: Res. 91-485 adopted approving agreement.
Res. 91-486 adopted approving appropriation transfer. (P/W to handle)

CONSENT

11. Consider renewing City's Boiler & Machinery Insurance with Kemper Insurance Co. for policy year July 15, 1991-92.
(Report with agenda. Resolution approving insurance renewal needed.
Estimated cost: \$5.980. Funds are budgeted.)

ACTION: Res. 91-487 adopted approving renewal. (Attorney to handle)

CONSENT

12. Consider renewing Excess Liability Coverage through the Authority for California Cities Excess Liability (ACCEL) for policy year July 1, 1991-92.
(Report with agenda. Resolution approving insurance renewal needed.
Estimated cost: \$354,563. Funds are budgeted.)

ACTION: Res. 91-488 adopted approving renewal. (Attorney to handle)

13.

MATTERS TOO LATE FOR THE AGENDA

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

None

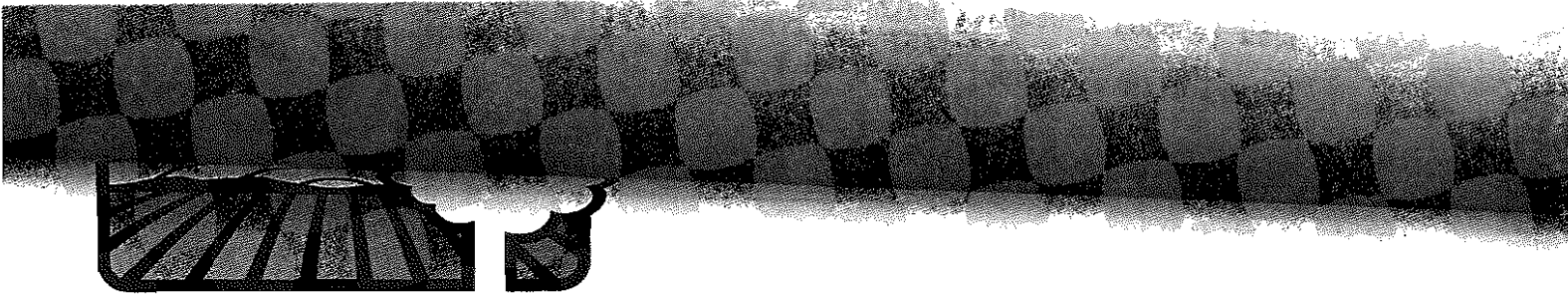
CLOSED SESSION

14. Closed session regarding 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 closed session to consider the appointment, employment or evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

ADJOURNMENT

The meeting adjourned at 8:59 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, JULY 23, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

Absent: Councilmember Patterson

Pledge of allegiance to the Flag

Invocation: Rev. James Crowley, Church of the Nazarene

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18, 20

ACTION: (Muratore/Irizarry, 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.



a. Presentation of a proclamation to Carnation Product/Baking Division.

Mayor Lang presented the proclamation to Dainis Vedejs.

b. Presentation of plaque to William Bradford for service on the Airport Advisory Committee.

Mayor Lang presented the plaque to Mr. Bradford.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of July 16, 1991.
(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 revising water meter installation fees to add water meter installation fees for one-inch water meters installed on new water services.

ACTION: Res. 91-489 adopted (Bird/Martin, unan., Patterson absent) revising fees. (P/W to handle)

CONSENT

5. Hearing to consider whether the public convenience and necessity require the taxicab serviced proposed by Frank Hill, Yellow-Checker Cabs.
(Mr. Hill has requested that this item be dropped from the agenda.
Motion acknowledging receipt of request to withdraw application needed.)

ACTION: By motion, receipt of request acknowledged.

CONSENT

6. Consider accepting the work of Sancon Engineering for the contract titled "Sand Blast and Recoat Clarifier No. 2 at City Water Quality Control Plant" as complete, and authorize the City Clerk to file a Notice of Completion. (Original contract and final cost: \$73,500)
(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. 90-490 adopted accepting work as complete. (Clerk to handle)

CONSENT

7. Consider accepting the work of Western Stone Products for the contract titled "Yosemite Park Street Improvements" as complete, and authorize the City Clerk to file a Notice of Completion. (Original contract: \$25,392)
(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: (Decreased by two change orders) \$24,286.78. Funds are budgeted.)

ACTION: Res. 91-491 adopted accepting work as complete. (Clerk to handle)

CONSENT

8. Consider award of contract to reconstruct Coffee Road - Floyd Avenue to Rumble Road, to Ross F. Carroll, Inc.
(Bids were opened on July 2, 1991. The low bid of \$378,465, submitted by Ross F. Carroll, Inc., is 36.34% below the Engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$435,234.75 (contract \$378,465; eng. & contin. \$56,769.75) Funds are budgeted.)

ACTION: Res. 91-492 adopted awarding contract. (P/W to handle)

NEW BUSINESS

CONSENT

9. Memo from Councilmember Martin proposing the addition of Air Quality Element and Water Element to the City of Modesto General Plan.
(Motion referring to staff needed.)

ACTION: By motion, proposal referred to staff. (Planning to handle)

10. Consider adoption of a resolution supporting and proclaiming Tuesday, August 6, 1991, as "National Night Out" in Modesto. (Report with agenda. Forward Modesto IV Follow-up: Security/Law Enforcement Task Force: The City Council should revitalize and expand the activities of the Neighborhood Watch Program. Adoption of a resolution needed.)

ACTION: Res. 91-493 adopted supporting "National Night Out".
(Police to handle)

CONSENT

11. Consider acceptance of Right of Entry from Modesto Irrigation District for Improvement District No. 29. (Report with agenda. Resolution accepting Right of Entry needed. Estimated cost: \$72. Funds are budgeted.)

ACTION: Res. 91-494 adopted accepting Right of Entry.
(Attorney to handle)

CONSENT

12. Consider amending two lease agreements between the City of Modesto and the Redevelopment Agency for the Community Center. (Agenda report with agenda. Two resolutions amending agreements needed.)

ACTION: Res. 91-495 adopted amending the 1985 lease agreement.
Res. 91-496 adopted amending the 1991 lease agreement.
(Attorney to handle)

CONSENT

13. Consider amending the position classification plan to revise and retitle the class specification of Chief of Survey Party to Land Surveyor and consider amending the class range table to establish the salary. (Report with agenda. Resolution amending position classification plan and resolution amending class range table needed.)

ACTION: Res. 91-497 adopted amending position classification plan.
Res. 91-498 adopted amending class range table. (Personnel to handle)

CONSENT

14. Consider accepting a \$20,685 grant from the State for Phase V construction at Sonoma Neighborhood Park and consider amending the budget to show additional revenue. (Report with agenda. Resolution accepting grant and resolution amending budget needed.)

ACTION: Res. 91-499 adopted accepting grant.
Res. 91-500 adopted amending budget. (P/R, Finance to handle)

CONSENT

15. Consider authorizing an appropriation transfer of \$11,000 to establish a new capital project - Pool Repairs - Davis & Modesto High Schools. (Agenda report with agenda. Resolution authorizing appropriation transfer needed.)

ACTION: Res. 91-501 adopted authorizing appropriation transfer. (P/R, Finance to handle)

CONSENT

16. Consider approving the renewal of Fine Arts Museum Floater Insurance with Great American Insurance Company through Giddings, Corby, Hynes, Inc. for the policy year August 6, 1991 - August 6, 1992. (Report with agenda. Resolution approving renewal needed. Estimated cost: \$5,674; funds are budgeted.)

ACTION: Res. 91-502 adopted approving renewal. (Attorney to handle)

CONSENT

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

ACTION: By motion, receipt of report acknowledged.

CONSENT

18. Consider approving Memorandum of Understanding with Modesto City Employees Association. (Resolution approving Memorandum of Understanding needed.)

ACTION: Res. 91-503 adopted approving Memorandum of Understanding. (Personnel to handle)

WRITTEN COMMUNICATIONS

19. Letter from Gyler Harris and Lamont Warren requesting access to Mellis Park every Saturday available until the end of summer for "Concerts on the Green" free of charge to the public.

ACTION: By motion (Bird/Dobbs, unan., Patterson absent) this matter was referred to staff for study and report to Council. (P/R to handle)

CONSENT

20. Letters from Jack H. Schmid resigning from of the Rehabilitation Loan Pool Subcommittee and the Citizens Housing and Community Development Committee. (Resolution accepting resignations with regret needed.)

ACTION: Res. 91-504 adopted accepting resignation. (Clerk to handle)

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 4:13 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

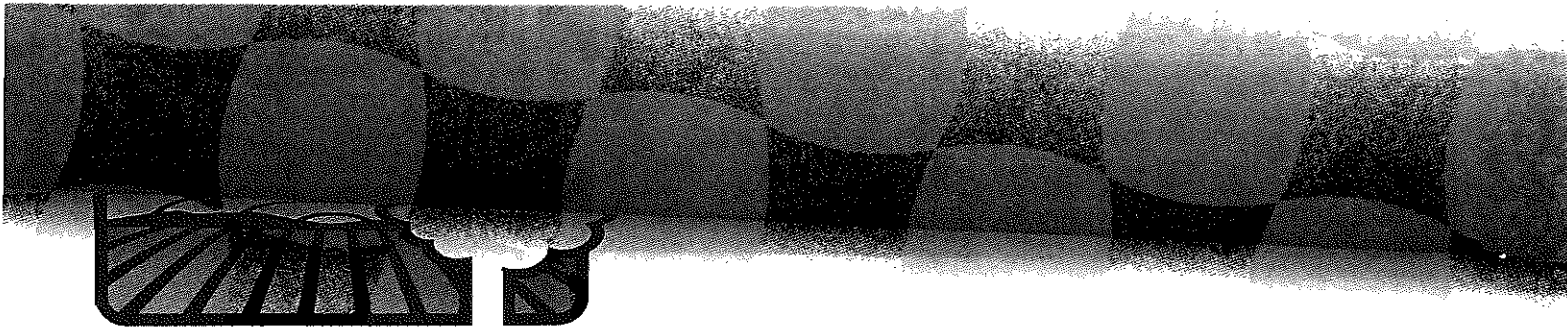
The Council of the City of Modesto met in a special session at 6:30 p.m., August 6, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a closed session.

Present: Councilmembers Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

Absent: Councilmember Martin

The meeting adjourned at 6:30 p.m. to closed session to consider pending litigation pursuant to Government Code Section 54956.9(a), and 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.

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 6, 1991, AT 7:30 P.M.

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

Absent: Councilmember Martin

Pledge of allegiance to the Flag

Invocation: Rev. Steve Elliott, Prescott Evangelical Free Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 10, 11, 12, 13,
18, 19, 21, 23

Removed from consent: 17, 20

ACTION: (Irizarry/Dobbs, unan., Martin absent)

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

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

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

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



1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

- 2. Approval of the minutes of the regular City Council meeting of July 23, 1991.
(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.)

Wylie McAbee, Helping Hands and Open Hearts of Stanislaus County invited the Council to "An Affair to Remember" on August 10.

UNFINISHED BUSINESS

- 4. Consideration of a process for evaluating and implementing a Chamber of Commerce Business Park proposal.
(Report with agenda. During 1992 and 1993, SAAG will complete an EIR on the Countywide Expressway Study and the Planning & Community Development Department will rewrite the General Plan. These efforts will address the short term and long term economic development needs raised by the Chamber. Motion referring request and staff response to the Planning Commission for report and recommendation needed.)

ACTION: By motion (Dobbs/Muratore, unan., Martin absent) the matter was referred to the Planning Commission. (Planning to handle)

HEARINGS

CONSENT

- 5. Hearing to consider the appeal of A. R. Chubon, Executive Director, Housing Authority of the County of Stanislaus, to a decision of the Environmental Assessment Committee requiring a focused EIR on the proposed Pelton Avenue Street Closure. (Continued from the July 2, 1991, City Council meeting.)
(Appellant has withdrawn appeal. Motion acknowledging withdrawal of appeal needed.)

ACTION: By motion, withdrawal of appeal acknowledged.

Hearing to consider whether the public should be allowed
the taxi service proposed by Arnold Arrambide - A Touch of Class
Limousine Service.

ACTION: Res. 91-505 adopted (Patterson/Irizarry, unan., Martin absent)
approving taxi service for three cabs. (P/T to handle)

7. Appeal of Board of Zoning Adjustment decision by Sign Designs, regarding
a sign on Sisk Road.

ACTION: Res. 91-506 adopted (Patterson/Bird, unan., Martin absent) granting
the appeal and allowing the sign. (Planning to handle)

8. Hearing to consider amendment to P-D(480) for office buildings at 16th
and G Streets (George Simvoulakis).

ACTION: By motion (Dobbs/Irizarry, unan., Martin absent) Ord. No. 2780-C.S.
introduced. (Clerk to handle)

9. Hearing to consider revision to golf rates and approval of 1991-92
Supplemental Requests and Five Year Capital Improvement Plan.
(Report of Golf Advisory Committee.)

ACTION: By motion (Dobbs/Bird, unan., Martin absent) this item was continued
one week. (P/R to handle)

BIDS

CONSENT

10. Consider approving substitution of underground construction subcontractor
on Improvement District No. 29 project as requested by Western Stone
Products, Inc.
(Report with agenda. The subcontractor listed in the contractor's bid
proposal for the underground construction work is retiring, necessitating
the substitution of a different subcontractor. Resolution authorizing
substitution of T & T Pipeline as underground construction subcontractor
on the project needed.)

ACTION: Res. 91-507 adopted authorizing substitution. (P/W to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for a
project entitled "Rockwell Storm Drain Replacement 1991."
(Suggested bid opening: August 27, 1991, at 11:00 a.m. The project will
replace or enhance poorly functioning or nonfunction rockwells in order
to alleviate drainage problems throughout the City. Report with agenda.
Resolution approving plans and specifications and call for bids needed.
Estimated cost: \$337,179.15 (construction \$306,516.50; eng. & cont.
\$337,179.15). Funds are budgeted.

ACTION: Res. 91-508 adopted calling for bids. (P/W to handle)

CONSENT

12. Consider acceptance of bid and award contract to Richard A. Heaps, Electrical Contractor for the construction of traffic signals at the following locations: Claus Road and Scenic Drive; Sisk Road and Rumble Road.
(Report with agenda. Bids were opened on June 11, 1991. The low bid of \$282,470, submitted by Richard A. Heaps, is 8.55% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Resolution awarding contract needed, and resolution amending budget needed. Estimated cost: \$324,840 (contract \$282,470; eng. & contin. \$42,370. Funds are budgeted.)

ACTION: Res. 91-509 adopted awarding contract.
Res. 91-510 adopted amending budget. (P/W, Finance to handle)

CONSENT

13. Consider waiving formal bid procedures and authorize the purchase of polymer from Western Polymer, Inc. for the total price of \$78,829.
(Report with agenda. Resolution waiving formal bid procedures and authorizing the purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 91-511 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

14. Consider designating the voting delegate and alternate for the annual League of California Cities conference.
(Motion designating voting delegate and alternate needed.)

ACTION: By motion (Patterson/Bird, unan., Martin absent) Mayor Lang designated as voting delegate and Vice Mayor Dobbs designated alternate.
(Clerk to handle)

15. Report on status of General Fund balance as of June 30, 1991.
(Report with agenda. Motion acknowledging receipt of report needed.)

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

16. Discussion of sister communities water project, as requested by Councilmember Patterson.
(Resolution endorsing relationship with Pasadena relating to water needed.)

ACTION: Res. 91-512 adopted (Patterson/Dobbs, unan., Martin absent) endorsing relationship.
(Manager to handle)

17. Consider approval of the Whitmore-Gutherie Reorganization which specify the portion south of the Whitmore Avenue centerline to be accepted as part of the City's street system. (This reorganization proposes to annex about 17.93 acres to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and simultaneously detach said territory from the Industrial Fire Protection District. LAFCO approved this reorganization on May 29, 1992. There is 100% consent of property owners and no hearing is needed. Report with agenda. Resolution ordering the Whitmore-Gutherie Reorganization needed.)

ACTION: Res. 91-513 adopted (Dobbs/Bird, unan., Martin absent) approving the reorganization and approving the option to maintain the portion of Whitmore to the centerline. (Planning to handle)

CONSENT

18. Consider amending the City policy against harassment to include the ten required bases or protected groups. (Report with agenda. Resolution amending policy needed.)

ACTION: Res. 91-514 adopted amending policy. (Personnel to handle)

CONSENT

19. Consider approving an agreement with R & C Foods for food and beverage concession services at Modesto Creekside Golf Course and approving an agreement with Susan Fiscoe for golf professional services at Modesto Municipal, Dryden Park and Modesto Creekside Golf Courses. (Report with agenda. Resolution approving agreement with R & C Foods and resolution approving agreement with Susan Fiscoe needed.)

ACTION: Res. 91-515 adopted approving agreement with R & C Foods.
Res. 91-516 adopted approving agreement with Susan Fiscoe. (P/R to handle)

20. Consider adopting the Landscape Drought Policy for the City of Modesto. (Report with agenda. Resolution adopting the Landscape Drought Policy needed.)

ACTION: Res. 91-517 adopted (Dobbs/Patterson, unan., Martin absent) adopting the Policy. (P/R to handle)

CONSENT

21. Consider awarding cable programming grant of \$1,420 to the Great Valley Museum. (Report with agenda. Resolution approving grant agreement needed. Funds are budgeted.)

ACTION: Res. 91-518 adopted approving grant agreement. (Manager to handle)

22. Letter from Deborah S. Bailey, Director of Planning & Research, Modesto City Schools, appealing a staff decision regarding capital facilities fees.

ACTION: By motion (Dobbs/Irizarry, unan., Martin absent) this item was continued one week. (Clerk to handle)

CONSENT

23. Application for leave to present a late claim by Carlo M. Garcia, Attorney, for Teresa Carolla on behalf of Sean Michael Carolla. (Resolution denying application needed.)

ACTION: Res. 91-519 adopted denying application. (Clerk to handle)

MISCELLANEOUS

Appointments

24. Consider appointments to:

- a. Downtown Improvement District Advisory Board

ACTION: Res. 91-520 adopted (Dobbs/Muratore, unan., Martin absent) appointing Sheldon Spencer.

- b. Citizens Advisory Committee on Recycling

ACTION: Res. 91-521 adopted (Dobbs/Muratore, unan., Martin absent) appointing Kenneth Plough. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 10:51 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 13, 1991, AT 4:00 P.M.

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

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Tony Jones, Trinity Nazarene Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 8, 9, 10, 11, 12, 13,
14, 15, 16, 17, 18, 23

Dropped from agenda: 10

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

Councilmember Irizarry excused due to a conflict of interest.

ACTION: Item 13 (Muratore/Martin, unan., Irizarry and Patterson absent)

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

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

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

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



ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of plaque to David Dill for service on Human Relations Committee.

Mayor Lang presented the plaque to David Dill.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of August 6, 1991.
(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 revision to golf rates and approval of 1991-92 Supplemental Requests and Five Year Capital Improvement Plan. (Continued from August 6, 1991, City Council meeting.)

ACTION: Res. 91-522 adopted (Patterson/Martin, majority, Bird and Dobbs-no) establishing rates and conditions for play.
Res. 91-523 adopted (same vote) accepting 1991-92 Golf Enterprise Fund Supplemental Requests and the Golf Enterprise Fund five-year C.I.P. (P/R, Finance to handle)

CONSENT

5. Final adoption of Ord. No. 2780-C.S. amending P-D(480) for office buildings at 16th and G Streets (George Simvoulakis).
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2780-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider revision to rental rates at the Modesto Centre Plaza.

ACTION: By motion (Dobbs/Bird, unan.) this item was continued to August 27, 1991, to allow staff to provide additional information.
(P/R to handle)

7. Hearing to consider letter from Deborah S. Bailey, Director of Planning & Research, Modesto City Schools, appealing a staff decision regarding capital facilities fees on an office building leased by Modesto City Schools on Reno Avenue.

ACTION: Res. 91-524 adopted (Martin/Bird, unan.) denying the appeal.
(Planning to handle)

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for Airport Terminal Apron Reconstruction (AIP 3-06-0153-12).
(Suggested bid opening: September 12, 1991, at 11:00 a.m. Report with agenda. The Federal Aviation Administration has approved the plans and specifications and the project consists of widening, strengthening and reconstructing the terminal apron. The project will be funded 90% by FAA and 10% by City. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$139,910.10 (contract \$127,191; eng. & cont. \$12,719.10). Funds are budgeted.)

ACTION: Res. 91-525 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider award of contract for the reroofing of Fire Station No. 5 to C. W. Delta Roofing, Inc.
(Report with agenda. Bids were opened on July 25, 1991. The low bid of \$45,162.88, submitted by C. W. Delta Roofing, Inc. is 7.24% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to C.W. Delta Roofing, Inc. needed. Estimated cost: \$49,679.17 (contract \$45,162.88; eng. & cont. \$4,516.29). Funds are budgeted.)

ACTION: Res. 91-526 adopted awarding contract. (P/W to handle)

CONSENT

10. Consider approving proposal to upgrade Wang word processing system at City Hall and upgrade computer in Police Department.
(Report with agenda. Resolution awarding contract to Prime Computer and Wang Incorporated; resolution amending FY 91-92 budget for financing; resolution amending the Position Classification Plan to revise and retitle classification of Word Processing System Supervisor to Office Systems Specialist; and resolution amending class range table to establish salary needed. Estimated cost: \$500,000.)

Dropped from agenda.

NEW BUSINESS

CONSENT

11. Monthly Treasurer's report for July 1991.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

12. 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 1991-1992.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$36,347. Funds are budgeted.)

ACTION: Res. 91-527 adopted approving agreement. (Planning to handle)

Councilmember Irizarry excused due to a conflict of interest.

CONSENT

13. Consider authorizing the City Manager to sign an 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 1991-92.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$15,000. Funds are budgeted.)

ACTION: Res. 91-528 adopted approving agreement. (Planning to handle)

CONSENT

14. Consider authorizing staff to request proposals for topographical surveying and mapping for a project to widen Briggsmore Avenue from Orangeburg/Sisk to Tully Road.
(Report with agenda. The proposed surveying and mapping work is the first step in designing the widening. The map produced by the consultant will become the base drawing for the project. Motion authorizing staff to request proposals needed. Estimated cost: \$25,000. Funds are budgeted.)

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

CONSENT

15. Consider authorizing City Manager to sign a sewer reimbursement agreement with Horn Construction Company for sewer lateral extension for the Pine Tree Village No. 3 subdivision at Robertson Road and Marlow Street.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$22,621. Funds are budgeted.)

ACTION: Res. 91-529 adopted approving agreement. (P/W to handle)

CONSENT

16. Consider authorizing City Manager to sign a sewer reimbursement agreement with Orangeburg Park, Inc. for increased costs to install a sanitary sewer lift station at the Orangeburg Park subdivision on E. Orangeburg Avenue and Citrus Drive.
(Report with agenda. The developer has requested City to pay \$36,456 for increased costs to install a sanitary lift station. Zagaris Management will construct the lift station as the general contractor for the developer. Modesto Municipal Code Section 5-6.09 authorizes the City to provide the increased costs. Resolution approving agreement needed. Estimated cost: \$36,456. Funds are budgeted.)

ACTION: Res. 91-530 adopted approving agreement. (P/W to handle)

CONSENT

17. Consider acceptance of improvements in River Bend Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Daniel and Joan Dickey)
(River Bend subdivision is located north of Hatch Road between Ustick Road and Boise Avenue. 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. 91-531 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

18. Consider approving Memorandum of Understanding with Modesto Fire Fighters Association.
(Report with agenda. Resolution approving Memorandum of Understanding needed. Estimated cost: \$270,000.)

ACTION: Res. 91-532 adopted approving Memorandum of Understanding.
(Personnel to handle)

WRITTEN COMMUNICATIONS

19. Letter from Darwin Inman, Program Director, Stanislaus County Affordable Housing Corporation, regarding housing concerns.

ACTION: Res. 91-533 adopted (Patterson/Dobbs, unan.) agreeing to become a member of STANCO. (Planning to handle)

21. Letter from R. Kirk Lindsey regarding water and sewer service to his home site on Mable Avenue.
Councilmember Dobbs excused due to a conflict of interest.

ACTION: By motion (Irizarry/Patterson, unan., Dobbs absent) request for sewer service was denied. (P/W to handle)

CONSENT

23. Application by Jack M. Jacobson, law offices of Trimbur, Davis, Clark, Jacobson & Avila, on behalf of Modesto City Schools, for permission for leave to present late claim.
(Resolution denying request needed.)

ACTION: Res. 91-534 adopted denying request.

(Clerk to handle)

MISCELLANEOUS

Appointments

24. a. Economic Development Loan Pool Subcommittee
b. Rehabilitation and Loan Pool Subcommittee

Dropped from agenda.

MATTERS TOO LATE FOR THE AGENDA

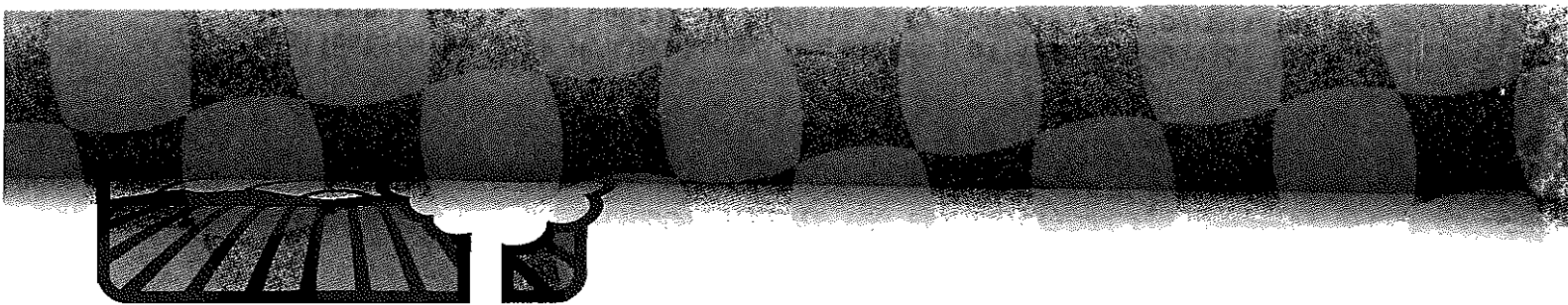
25. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 6:40 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, AUGUST 20, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: Dobbs

Pledge of allegiance to the Flag

Invocation: by Councilmember Muratore

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

Removed from consent: 11

ACTION: (Patterson/Martin, 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.

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



1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Proclamation declaring August 31, 1991, Ray Lankford Day .
(In recognition and honor of Ray Lankford, centerfielder for the St. Louis Cardinals and former Davis High School and MJC athlete, Bel Passi Youth Baseball and Sportsmen of Stanislaus Club are sponsoring a Modesto Community Day at Candlestick Park, San Francisco on Saturday, August 31, 1991.)

Mayor Lang presented proclamation to Bill Hallissey, member of Bel Passi Board of Directors.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 13, 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.)

None

HEARINGS

4. Hearing to consider the appeal of E. Paul Fulfer, Attorney for Eric Grimes, to a Planning Commission decision regarding the vesting status of vesting final subdivision map for English Meadows, located west of Harris Avenue and south of Chicago Avenue.
(Mr. Fulfer has requested that this hearing be continued to September 17, 1991, at 7:30 p.m. Motion continuing hearing needed.)

ACTION: By motion (Muratore/Martin, unan., Dobbs absent) hearing continued)
(Clerk to handle)

NEW BUSINESS

5. CONSENT
Consider approving amendment to agreement with Parsons Brinckerhoff Quade & Douglas to provide architectural services for the Transportation Center project which were not included in the scope of work of the original agreement.

(Report with agenda. The amendment provides for design and construction support for building additions, undergrounding utilities, and the site identification sign and preparation of bid alternates. The additional cost would be a maximum of \$83,900. Building additions and utility undergrounding were previously approved by the City Council. Resolution approving amendment to agreement needed. Funds are budgeted.)

ACTION: Res. 91-535 adopted approving amended agreement. (P/T to handle)

CONSENT

6. Consider amending the Fiscal Year 91-92 Budget by \$4,314 from the Police Asset Forfeiture Account for the purchase of a paper shredder and photo processor which is replacement equipment for the Police Department.
(Report with agenda. Resolution amending budget needed.)

ACTION: Res. 91-536 adopted amending budget. (Finance to handle)

CONSENT

7. Consider approving lease agreement with Gallo Glass Company for the lease of Mark Twain Park site.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-537 adopted approving agreement. (Attorney to handle)

CONSENT

8. Consider granting an easement to Turlock Irrigation District for an electrical service easement needed to operate City water tank on Crows Landing Road.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-538 adopted approving agreement. (Attorney to handle)

CONSENT

9. Consider approving lease agreement with the County of Stanislaus for the Mancini Band Hall.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-539 adopted approving agreement. (Attorney to handle)

CONSENT

10. Consider authorizing the City Manager to sign a Memorandum of Understanding with the Housing Authority of Stanislaus County for the Rental Rehab Program.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-540 adopted approving agreement. (Planning to handle)

CONSENT

11. Consider adopting the City of Modesto Rental Rehabilitation Program Tenant Assistance Policy (TAP).
(Report with agenda. Resolution adopting City of Modesto Rental Rehabilitation Program Tenant Assistance Policy needed.)

ACTION: Res. 91-541 adopted (Muratore/Martin, unan., Dobbs absent) adopting policy. (Planning to handle)

CONSENT

12. Consider authorizing City Manager to submit an application to the U.S. Department of Housing and Urban Development for \$250,000 for the Rental Rehabilitation Program under the State of California's competitive Small Cities Program for the City's Housing Program Office for 1991-92.
(Report with agenda. Resolution authorizing the City Manager to submit application needed.)

ACTION: Res. 91-542 adopted submitting application. (Planning to handle)

WRITTEN COMMUNICATIONS

CONSENT

13. Letter from Ridge Sutter, Sutco Construction, appealing the decision of the Chief Building Official concerning payment of plan check fees for Promenade Park Townhouse Project
(Resolution setting hearing September 10, 1991, at 4:00 p.m. needed.)

ACTION: Res. 91-543 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

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.)

ACTION: By motion (Bird/Muratore, unan., Dobbs absent) it was determined an emergency exists and the following matter was acted upon.
By motion (Irizarry/Bird, unan., Dobbs absent) McCorquodale's Bill No. 124 regarding air quality was supported and Costa to be encouraged to amend Bill 620 to include provisions of McCorquodale's Bill.

ADJOURNMENT

The meeting adjourned at 7:51 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 27, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. John Baker, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 10, 11,
12, 13, 14, 18

ACTION: (Martin/Bird, unan.)

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

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

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

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

Mayor Lang introduced members of Webelo Pack No. 30.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 20, 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.)

Carmen Sabatino spoke about the Community Center.

UNFINISHED BUSINESS

4. Hearing to consider revising rental rates for the Modesto Centre Plaza.
(Continued from the August 13, 1991, City Council meeting.)

ACTION: Res. 91-544 adopted revising rental rates. (P/R to handle)

HEARINGS

5. Hearing to consider revising fees for services in regard to processing applications, permits, licenses, and reports for the Police Department (Introduction of three ordinances amending the Modesto Municipal Code to provide authority for establishing fees by resolution needed; and adoption of nine resolutions implementing fee increases needed.)

ACTION: By motion (Muratore/Martin, unan.) Ord. No. 2781-C.S. introduced amending Code relating to application permit fees for private patrol service.
By motion (same vote) Ord. No. 2782-C.S. introduced amending Code relating to taxicab driver's permits.
By motion (same vote) Ord. No. 2783-C.S. introduced amending Code relating to the regulation of amusements and amusement devices.
Res. 91-545 adopted (same vote) establishing fees for permits to operate amusement machines and for location permits.
Res. 91-546 adopted (same vote) establishing fees for taxicab drivers permits.
Res. 91-547 adopted (same vote) establishing fees for obtaining a permit to operate or act as a private patrol service.

sell concealable weapons, and rescinding Resolution No. 85-102.
Res. 91-549 adopted (same vote) establishing fees for processing of applications by towing service operator and attendants and rescinding Resolution No. 85-102.
Res. 91-550 adopted (same vote) establishing fees for fingerprinting, and rescinding Resolution No. 80-679.
Res. 91-551 adopted (same vote) establishing fees for obtaining copies of official police reports and police photographs, and rescinding Resolution No. 87-627.
Res. 91-552 adopted (same vote) establishing a parade application processing fee and rescinding Resolution No. 87-676.
Res. 91-553 adopted (same vote) establishing fees for public dance hall permit and public dance permit. (Police to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for miscellaneous storm drain repairs - 3rd and I/ 4th and F Streets. (Suggested bid opening: September 19, 1991 at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$82,021 (\$74,564 Contract/\$7,457 Eng.). Funds are budgeted.)

ACTION: Res. 91-554 adopted calling for bids. (P/W to handle)

CONSENT

7. Consider approving plans and specifications and authorizing call for bids to be opened September 23, 1991, at 11:00 a.m., for water well construction and testing services. (Memo with agenda. Resolution approving plans and specifications and authorizing call for bids needed. Estimated Cost: \$250,000. Funds are budgeted.)

ACTION: Res. 91-555 adopted calling for bids. (Finance to handle)

NEW BUSINESS

CONSENT

8. Consider authorizing staff to negotiate a consultant contract with Brown & Caldwell, to prepare the Characterization section of the Part 1 application for the NPDES Stormwater Permit. (Report with agenda. Motion authorizing staff to negotiate needed. Estimated Cost: \$100,000. Funds are budgeted.)

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

CONSENT

9. Consider authorizing staff to negotiate a consultant contract with Lew-Garcia-Davis, to prepare the System Map for the NPDES Stormwater Permit Application.
(Report with agenda. Motion authorizing staff to negotiate needed. Estimated Cost: \$120,000. Funds are budgeted.)

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

CONSENT

10. Consider restating Mandatory and Voluntary Deferred Compensation Plans.
(Report with agenda. Resolution amending and restating the Mandatory Deferred Compensation Plan needed. Resolution amending and restating the Voluntary Deferred Compensation Plan needed.)

ACTION: Res. 91-556 adopted amending and restating the Mandatory Deferred Compensation Plan.
Res. 91-557 adopted amending and restating the Voluntary Deferred Compensation Plan. (Personnel to handle)

CONSENT

11. Consider acceptance of improvements in Adobe Abode Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Leon Johnson.)
(Adobe Abode Subdivision is located at the northeast corner of Madison Street and Linden Street. 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. 91-558 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

12. Consider authorizing City Manager to sign Program Supplement No. 95 to the Master Agreement with the State for the Coffee Road/Orangeburg Avenue traffic signal modification.
(The Program Supplement provides FAU funding for the project and commits the City to the terms of the original agreement and the Program Supplement. Report with agenda. Resolution authorizing City Manager to sign Program Supplement needed.)

ACTION: Res. 91-559 adopted authorizing City Manger to sign Program Supplement. (P/W to handle)

CONSENT

13. Consider report by staff on the use of gas tax funds for additional capital improvement projects related to streets.
(Report with agenda. Motion directing staff on the use of gas tax funds needed. Estimated cost: \$135,710. Funds are budgeted.)

ACTION: By motion, directed staff on the use of gas tax funds. (P/W to handle)

CONSENT

- 14. Consider authorizing City Manager to sign agreement with Robert D. Mangum for contract subdivision inspection services. (Report with agenda. Resolution authorizing City Manager to sign agreement needed. Estimated cost: \$32,000. Funds are budgeted.)

ACTION: Res. 91-560 adopted approving agreement. (P/W to handle)

- 15. Status report on Festival '91 by Councilmember Irizarry.

Councilmember Irizarry updated the Councilmembers on preparations for Festival.

WRITTEN COMMUNICATIONS

- 16. Letter from Amy R. Wolfe, Chairperson, Festival '91, requesting City assistance for the use of the Police Department Reserve Officers for the parade and street fair and the waiver of ten permit fees charged by the Fire Prevention Bureau.

ACTION: Res. 91-561 adopted (Muratore/Patterson, unan.) request for assistance approved. (Police/Fire to handle)

- 17. Letter from Mid-Valley Engineering on behalf of Jim Van Heukelem, owner of Sky Trek Aviation, requesting the phasing of capital facilities fees in the amount of \$24,021.20 over a period of five years in equal payments.

ACTION: By motion (Patterson/Martin, unan.) request referred to staff. (Manager to handle)

MISCELLANEOUS

Legislation

CONSENT

- 18. Support AB 620 (Costa) Air Quality - as amended August 21, 1991. (Memo with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations accepted. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

Adjourned to closed session at 5:08 p.m. to consider litigation pursuant to Government Code Section 54956.9(a).

ATTEST: 
JUDY E. HALL, Acting City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 3, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: None

Pledge of allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4b, 4c, 10, 11, 12, 15,
16, 17

Dropped from agenda: 4a
ACTION: (Bird/Martin, 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 August 27, 1991.
(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.)

Carmen Sabatino spoke about the Chamber of Commerce problems and requested the City stop payments to the Chamber until audits have been made.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of:

- a. Ord. No. 2781-C.S. amending the Municipal Code relating to application permit fees for private patrol service.

Dropped from agenda

- b. Ord. No. 2782-C.S. amending the Municipal Code relating to taxicab driver's permits.

- c. Ord. No. 2783-C.S. amending the Municipal Code relating to the regulation of amusement and amusement devises.

(Motion adopting needed.)

ACTION: By motion, Ordinances No. 2782-C.S. and 2783-C.S. adopted.
(Clerk to handle)

5. Hearing to consider protests and objections to the work of construction of improvements along certain streets in the City of Modesto (Encina, Colfax, Haddon, El Vista, Mamilane, Coffee, E. Coolidge and El Vecino Avenues)
(Resolution ordering the work of construction needed.)
- a. Sidewalk along Encina Avenue at 437 Parry Avenue (George Sartor)
 - b. Sidewalk at 2104 Encina Avenue (Florence Correa)
 - c. Sidewalk along Encina Avenue at 431 Fortuna Avenue (Roy Correa)
 - d. Sidewalk at 2036 Encina Avenue (Maria Arenas)
 - e. Sidewalk at 130 Colfax Avenue (HarpaI Gill)
 - f. Curb and sidewalk at 340 Colfax Avenue (Bud Smith, Jr.)
 - g. Sidewalk along Haddon Avenue at 310 El Vista Avenue (Michael Rosenke)
 - h. Sidewalk along Haddon Avenue at 304 Colfax (Donald Breck)
 - i. Sidewalk at 2313 Haddon Avenue (Olga Martinez)
 - j. Sidewalk along Haddon Avenue at 233 Renee Drive (Robert Dotry)
 - k. Sidewalk at 2317 Haddon Avenue (Corlee Willey)
 - l. Sidewalk along Haddon Avenue at 233 Trask Lane (Tedford Gilton)
 - m. Sidewalk at 2425 Haddon Avenue (Dee Gonzales)
 - n. Sidewalk at 328 El Vista Avenue (Frank Bell)
 - o. Sidewalk at 439 Coffee Road (William Salter)
 - p. Sidewalk at 519 Coffee Road (Downey Park Medical)
 - q. Sidewalk at 527 Coffee Road (Horace Brooks)
 - r. Sidewalk along Mamilane at 1709 Rouse Avenue (Augustine Andrade)
 - s. Sidewalk at 630 Mamilane (Larry Swier)
 - t. Sidewalk along Mamilane at 1700 Tonilane (Martin Rico)
 - u. Curb at 316 E. Coolidge Avenue (Orangeburg Baptist Church)
 - v. Curb at 236 E. Coolidge Avenue (Gus Constantinou)

- at 1444 E. Coolidge Avenue, Casa Blanca, Modesto, CA 95350
- x. Drive approach along E. Coolidge Avenue at 1444 Casa Blanca (Wendell Thompson).
 - y. Curb and sidewalk along El Vecino Avenue at 1000 Betty Lane (Edward Adams).

ACTION: Res. 91-562 adopted (Muratore/Patterson, unan.) ordering the work of construction. (P/W to handle)

6. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Zora Zipser, to a Planning Commission decision concerning a requirement for the abandonment of Reno Avenue between Kansas Avenue and Franzia Court for a vesting parcel map, property located on the east side of Reno Avenue north of Kansas Avenue.

ACTION: Res. 91-563 adopted (Dobbs/Muratore, unan.) approving the appeal with conditions 8 and 9 to change to be required prior to issuance of building permits. (Planning to handle)

7. Hearing to consider an amendment to Sections 3-3-8 and 10-3-8 of the Zoning Map of the City of Modesto to rezone from Planned Development Zone, P-D(431), to a new Planned Development Zone, P-D(485), to allow a motel and other Highway Commercial Zone, C-3 Zone uses, property on the northeast side of Salida Boulevard south of Pelandale Avenue. (Raman Patel)

ACTION: By motion (Muratore/Patterson, unan.) Ord. No. 2784-C.S. introduced. Res. 91-564 adopted (same vote) rezoning from P-D(431) to P-D(485). Res. 91-565 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

8. Hearing to consider an amendment to Section 24-3-9 of the Zoning Map to rezone from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(486), for senior Housing, property located on the north side of East Orangeburg Avenue and West of Claus Road. (P & R Enterprises)

ACTION: By motion (Dobbs/Irizarry, unan.) Ord. No. 2785-C.S. introduced. Res. 91-566 adopted (same vote) rezoning R-2 to P-D(486). Res. 91-567 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

9. Consider acceptance of Collins Electrical Company, Inc.'s contract for traffic signals, street improvements and striping modifications at Briggsmore at Lakewood; Carpenter at Kansas; Coffee at Norwegian; Coffee between Briggsmore and Scenic; and Coffee between Ensenada and Spanos as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$410,840)
(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: \$412,539.20. Funds are budgeted.)

ACTION: Res. 91-568 adopted (Dobbs/Muratore, unan.) accepting work as complete. (Clerk to handle)

CONSENT

10. Consider approving specifications and authorizing call for bids to be opened October 1, 1991, at 11:00 a.m. for furnishing and installing a 100 foot Microwave Tower at Fire House No. 9.
(Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$25,000. Funds are budgeted.)

ACTION: Res. 91-569 adopted (Dobbs/Muratore, unan.) calling for bids. (Clerk to handle)

CONSENT

11. Consider acceptance of Ireland's contract for the Wesson Ranch Park Restroom as complete and authorize City Clerk to file Notice of Completion. (Original contract and final cost: \$77,990)
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department and the Parks and Recreation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 91-570 adopted accepting work as complete. (Clerk to handle)

CONSENT

12. Consider acceptance of Gelco Insituform West's contract for the eight-inch sanitary sewer rehabilitation at La Loma and Dry Creek as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$26,000)
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$27,961.14. Funds are budgeted.)

ACTION: Res. 91-571 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

- 13. Consider directing staff to proceed with the installation of speed humps on Dry Creek Drive and Sheldon Drive on a demonstration basis. (Report with agenda. Speed humps would be place on two collector streets (Sheldon and Dry Creek) on a trial basis and evaluated on their effectiveness to reduce speeding. Motion directing staff needed.)

ACTION: By motion (Martin/Muratore, majority, Lang-no) staff directed to proceed as recommended. (P/W to handle)

- 14. Consider options for planting of street trees in new subdivisions. (Report with agenda. Motion directing staff needed.)

ACTION: By motion (Patterson/Dobbs, unan.) staff directed to develop a budget plan and fee structure to continue providing trees to new subdivisions. (P/R to handle)

CONSENT

- 15. Consider approving renewal of Public Officials Fidelity Bonds and Public Employee Blanket Bond for Policy Year September 10, 1991 to September 10, 1994 through Giddings, Corby, Hynes, Inc. (Report with agenda. Resolution approving renewal needed. Estimated cost: \$10,221. Funds are budgeted.)

ACTION: Res. 91-572 adopted approving renewal. (Personnel to handle)

CONSENT

- 16. Consider approving the acceptance of a \$125,000 - 100% Federal grant from the Federal Trust Fund in the Petroleum Violation Escrow Account (PVEA) to carry out a new project to update eight signalized intersections on "I" and "J" Streets in Modesto. (Report with agenda. The grant will replace and retime eight traffic signal controllers in downtown Modesto. Accepting the grant and selecting a consultant and establishing a new CIP project are the first steps in this process. Resolution authorizing the City Manager to grant acceptance agreement needed; resolution amending the budget to increase the estimated grant revenue and appropriate funds for a new CIP project needed; and resolution authorizing staff to proceed with Request for Proposals for consultant services needed.)

ACTION: Res. 91-573 adopted accepting the grant agreement.
 Res. 91-574 adopted amending budget and appropriating funds.
 Res. 91-575 adopted authorizing Request for Proposals for consultant services. (P/W to handle)

CONSENT

17. Consider abandonment of a portion of the 20-foot alley in Block 88 of the City of Modesto.
(Report with agenda. Resolution vacating and abandoning a portion of the 20-foot alley in Block 88 needed.)

ACTION: Res. 91-576 adopted abandoning portion of alley.

(P/W to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 10, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent:

Pledge of allegiance to the Flag

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 9, 10, 11, 12,
13, 15, 16, 17, 18

ACTION: (Muratore/Martin, 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

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 27, 1991.
(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. 2784-C.S. rezoning from P-D(431) to P-D(485), property located on the northeast side of Salida Boulevard, south of Pelandale Avenue. (Raman Patel)
- b. Ord. No. 2785-C.S. rezoning from R-2 to P-D(486), property located on the north side of East Orangeburg Avenue and west of Claus Road. (P & R Enterprises)

(Motion adopting needed.)

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

HEARINGS

5. Hearing to consider an amendment to Section 27-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Medium High Density, R-3, property located at the northwest corner of Brighton Avenue and Scenic Drive at 1451 Scenic Drive. (Norman Ohlson)

ACTION: By motion (Muratore/Martin, unan.) Ord. No. 2786-C.S. introduced. Res. 91-577 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

6. Hearing to consider an amendment to Section 14-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at the northwest corner of Roselle and Merle Avenues. (Rod Kelly)

ACTION: By motion (Bird/Martin, unan.) Ord. No. 2787-C.S. introduced.
Res. 91-578 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

7. Hearing to consider the appeal of Ridge Sutter, Sutco Construction, to the decision of the Chief Building Official concerning payment of plan check fees for Promenade Park Townhouse Project.

Appeal withdrawn by Sutco Construction

8. Hearing to consider the appeal of Mid-Cal Land Development to a Planning Commission decision concerning a time extension request of the vesting status of Pine Tree Village No. 3 subdivision map, located on the north side of Robertson Road east of Marlow Street.

ACTION: Res. 91-579 adopted (Patterson/Martin, unan.) granting appeal and granting an extension to July 25, 1991. (Planning to handle)

BIDS

CONSENT

9. Consider approving specifications and authorizing call for bids to be opened October 8, 1991, at 11:00 a.m. for furnishing a complete field surveillance night vision equipment package.
(Report with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$26,000. Funds are budgeted.)

ACTION: Res. 91-580 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider awarding contract to Ross F. Carroll, Inc. for the rockwell storm drain replacement project for 1991 and directing staff to increase the total amount of the contract by approximately \$95,000.
(Bids were opened August 27, 1991. The low bid of \$211,361, submitted by Ross F. Carroll, Inc. is 31.05% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him and that the contract be increased by Contract Change Order at the unit price bid for the installation of 34 additional rockwells. Report and bid tabulation with agenda. Resolution awarding contract To Ross E. Carroll, Inc. needed. Estimated cost: \$336,997.10 (contract \$306,361; eng. & contingencies \$30,636.10). Funds are budgeted.)

ACTION: 91-581 adopted awarding contract. (PW&T to handle)

WPCC310

3

9-10-91

CONSENT

11. Consider acceptance of B & L Builders' contract for the Scenic Bend lift station odor control project as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$43,400)
(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: \$44,003.75. Funds are budgeted.)

ACTION: 91-582 adopted accepting as complete. (Clerk to handle)

CONSENT

12. Consider acceptance of Trusco Tank, Inc.'s contract for the installation of 1.2 million gallon steel tank water reservoir as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$379,331)
(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: \$389,109.45. Funds are budgeted.)

ACTION: Res. 91-583 adopted accepting as complete. (Clerk to handle)

CONSENT

13. Consider acceptance of Delta Excavating's contract for the rockwell storm drain replacement 1990 project as complete and authorize City Clerk to file Notice of Completion. (Original contract \$232,162.29)
(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: \$251,434.16. Funds are budgeted.)

ACTION: Res. 91-584 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

14. Consider designating Voting and Alternate Voting Delegates, Annual Congress of Cities, December 12-16, 1991, Las Vegas, Nevada.
(Motion designating Voting and Alternate Voting Delegates needed.)

ACTION: By motion (Patterson/Dobbs, unan.) Mayor and Vice Mayor were designated. (Clerk to handle)

CONSENT

15. Consider approving an agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$69,910.)

ACTION: Res. 91-585 adopted approving agreement. (Police to handle)

CONSENT

16. Consider certifying the environmental review for the Johansen High School Pedestrian Overcrossing, including the adoption of the proposed "Landscape Plan" in substantially the same form as shown as a means of mitigating the visual impacts for the structure on the adjacent neighborhoods.
(Report with agenda. The California Environmental Quality Act (CEQA) requires the governing body to certify the environmental review of all non-exempt projects. The City's Environmental Assessment Committee has reviewed the project and recommends a disposition of Negative Declaration of Environmental Impact. Resolution certifying the Environmental Review needed.)

ACTION: Res. 91-586 adopted certifying review of Environmental Assessment needed. (PW&T to handle)

WRITTEN COMMUNICATIONS

CONSENT

17. Consider United Nations Association's application for Direct City Assistance for the annual U.N. Day celebration on October 24, 1991.
(Custodial assistance is requested for setting up chairs and equipment in the City Hall courtyard. Motion approving request needed.)

ACTION: By motion, request approved. (PW&T to handle)

CONSENT

18. Consider application of Craig Alan Thomas for leave to file late claim.
(Resolution denying application needed.)

ACTION: Res. 91-587 adopted denying application. (Clerk)

WPCC310

5

9-10-91

Appointments

19. a. Economic Development Loan Pool Subcommittee

ACTION: Res. 91-588 adopted (Dobbs/Irizarry, unan.) appointing Norm Porges.

b. Rehabilitation and Loan Pool Subcommittee

ACTION: Res. 91-589 adopted (Dobbs/Irizarry, unan.) appointing Linda McDaniel and Frank Lopez.

c. Human Relations Commission

ACTION: Res. 91-589 adopted (Dobbs/Irizarry, unan.) appointing Rose Littler.

d. Affirmative Action Commission

ACTION: Res. 91-589 adopted (Dobbs/Irizarry, unan.) appointing Salvador Morales. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

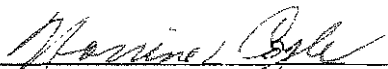
None

CLOSED SESSION

21. Closed session to consider pending litigation, pursuant to Government Code Section 54956.9(a).

ADJOURNMENT

The meeting adjourned to Closed Session at 4:55 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 17, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, 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, 7, 8, 9, 10, 10A, 13, 14,
15, 16, 17, 18

ACTION: (Muratore/Dobbs, unan.)

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Introduction of Soviet Sister City Mayor Michael Chekman.
Mayor Lang introduced Mayor Chekman.
- b. Presentation to Mary Grogan for 40 years service with the City of Modesto.
Mayor Lang presented a resolution to Mary Grogan.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of September 10, 1991.
(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.)

Juanita Jackson spoke about concerns of the minority community and police attitudes during incidents on the west side.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of:
 - a. Ord. No. 2786-C.S. rezoning from R-1 to R-3, property located on the northwest corner of Brighton Avenue and Scenic Drive. (Norman Ohlson)
 - b. Ord. No. 2787-C.S. rezoning from R-1 to R-2, property located at the northwest corner of Roselle and Merle Avenue. (Rod Kelly)
- (Motion adopting needed.)

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

- 5. Hearing to consider the appeal of E. Paul Fulfer, Attorney for Eric Grimes, to a Planning Commission decision regarding the vesting status of final subdivision map for English Meadows, located west of Harris Avenue and south of Chicago Avenue. (Continued from August 20, 1991, City Council meeting.)

ACTION: Res. 91-592 adopted (Patterson/Irizarry, unan.) granting the appeal and granting a 30 day extension for the lot on which Mr. Grimes plans to build a house. (Planning to handle)

- 6. a. Consider amending the Municipal Code to allow the establishment of residential parking zones within the City of Modesto.
- b. Hearing to consider establishing fees for Residential Parking Zone Permits.
- c. Consider establishment of residential parking on Yosemite Avenue between Tuolumne Boulevard and Paradise Road.

(Report with agenda. Residential permit parking is proposed on Yosemite Avenue between Tuolumne Boulevard and Paradise in response to heavy use of on-street parking by non-residents. Introduction of an ordinance allowing establishment of residential permit parking zones needed, resolution establishing fees, and resolution establishing residential parking on Yosemite Avenue between Tuolumne Boulevard and Paradise Road needed. Estimated cost: \$650; account to be established.)

ACTION: By motion (Bird/Martin, majority, Patterson-no) Ord. No. 2788-C.S. introduced establishing residential parking zones.
 Res. 91-593 adopted (Bird/Muratore, majority, Dobbs, Irizarry, Patterson-no) setting fees.
 Res. 91-594 adopted (Bird/Muratore, majority, Patterson-no) establishing residential parking zone. (Clerk/Public Works to handle)

BIDS

CONSENT

- 7. Consider approving plans and specifications and call for bids for traffic signal modifications at Coffee Road and Orangeburg Avenue. (Suggested bid opening: October 15, 1991, at 11:00 a.m. Report with agenda. The traffic signal will be modified to provide protected left-turn phases for both Coffee Road and Orangeburg Avenue. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$115,000; funds are budgeted.)

ACTION: Res. 91-595 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider acceptance of Superior Pipelines, Inc.'s contract for Improvement District No. 28 - Sanitary Sewer as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$805,717.05)

(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: \$787,005.68. Funds are budgeted.)

ACTION: Res. 91-596 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider acceptance of Playground Products, Inc.'s contract for John Thurman Field bleacher renovation as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$44,972)

(Report with agenda. All work on this project has been completed to the satisfaction of the Public Works and Transportation and 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: \$44,362.48. Funds are budgeted.)

ACTION: Res. 91-597 adopted accepting as complete. (Clerk to handle)

CONSENT

10. Consider waiving formal bid procedures and authorizing the purchase of six used sedans from Golden Gate and/or Bay Cities Auto Auction for a total cost not to exceed \$78,350.

(Report with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 91-598 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

- 10A. Consider rejecting proposals received for word processing computer hardware and software systems.

(Report with agenda. Council authorization will be requested later for a new request for proposals with a change in the scope of work. Resolution rejecting proposals needed.)

ACTION: Res. 91-599 adopted rejectint proposals. (Finance to handle)

NEW BUSINESS

11. Oral report by City Manager on City/County Fiscal relationships.

Report made by the City Manager.

The City Council meeting adjourned at 9:29 p.m. when the Redevelopment Agency meeting convened. The City Council meeting reconvened at 9:57 p.m.

12. Consider consent to and calling for a joint public hearing on the Proposed Amended Redevelopment Plan and Final EIR.
(Report with agenda. Resolution consenting to and calling for a joint public hearing on October 22, 1991, at 4:00 p.m. needed.)
Councilmember Bird excused due to a conflict of interest.

ACTION: Res. 91-600 adopted (Patterson/Martin, unan., Bird absent) setting hearing October 22, 1991, at 6:30 p.m. (Manager to handle)

CONSENT

13. Consider directing the City Attorney to commence civil litigation to gain compliance with housing codes for certain structures in the Mandatory Inspection Target Area No. 3 and abatement of certain other nuisances.
(Report with agenda. Resolution directing staff attorneys to commence civil litigation against property owners needed.)

ACTION: Res. 91-601 adopted directing staff to commence civil litigation. (Attorney to handle)

CONSENT

14. Consider joining in amicus curiae brief supporting National City in a hearing before the California Supreme Court to determine the constitutionality of National City's prohibition of adult bookstores within 1500 feet of a school, park or adult entertainment establishment.
(Report with agenda. Motion authorizing joining in amicus curiae brief needed.)

ACTION: By motion, joined in amicus curiae brief. (Attorney to handle)

CONSENT

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

ACTION: By motion, acknowledged receipt of report.

CONSENT

16. Consider approving the Stanislaus Area Association of Governments' Abandoned Vehicle Abatement Program which includes the imposition of a one dollar fee on vehicles registered in the County of Stanislaus, designating the Stanislaus Area Association of Governments as the "Service Authority."
(Report with agenda. Resolution approving program needed.)

ACTION: Res. 91-602 adopted approving program. (Police to handle)

CONSENT

17. Consider authorizing retention of various outside legal counsel for ongoing legal affairs of the City.
(Report with agenda. Motion authorizing retention of various outside legal counsel and resolution approving agreements needed.)

ACTION: By motion, authorized retention of various outside legal counsel.
Res. 91-603 adopted approving agreement with Whitmore, Johnson & Bolanos.
Res. 91-604 adopted approving agreement with Richard Ruggieri.
Res. 91-605 adopted approving agreement with Nossaman, Guthner, Knox & Elliott.
Res. 91-606 adopted approving agreement with McDonough, Holland & Allen.
Res. 91-607 adopted approving agreement with Hansen, Bridgett, Marcus, Vlahos & Rudy. (Attorney to handle)

WRITTEN COMMUNICATIONS

CONSENT

18. Request of Downtown Improvement District for the use of Downtown sidewalks for the selling of merchandise on October 2, 3, 4 and 5, 1991, for a Downtown Sidewalk Sale.
(Motion approving request needed.)

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

MATTERS TOO LATE FOR THE AGENDA


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

None

ADJOURNMENT

The meeting adjourned at 9:59 p.m.

ATTEST:



NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 24, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, 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, 8, 9,
14, 15, 16, 17, 18, 19

Removed from consent: 10, 11, 12, 13

ACTION: (Martin/Dobbs, unan.)

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of Certificates of Recognition to Jeff Hughes, Steve Johnson and Tara Garet for their assistance and help in rescuing Ryan Carter from drowning in a local canal.

Certificates presented by Mayor Lang.

- b. Presentation of Distinguished Service Award.

Mayor Lang presented a Distinguished Service Award to Frank Russo for service to the community.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of September 17, 1991.
(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. 2788-C.S. creating Residential Permit Parking Zones and establishing regulations.
(Motion adopting needed.)

ACTION: By motion (Irizarry/Bird, majority, Patterson-no) Ordinance No. 2788-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the appeal of DeLaMare-Fultz Engineering and Surveying, on behalf of Lenny Soranno, to a Public Works and Transportation Department decision denying a request for summary abandonment of excess right of way on the north side of Kansas Avenue and Carpenter Road.

ACTION: By motion (Patterson/Martin, unan.) hearing continued to October 8, 1991, at 4:00 p.m. (P/W to handle)

6. Hearing to consider approving the Fiscal Year 1991/92 UMTA Section 9 Program of Projects (POP) and filing a grant application with UMTA for projects in the POP.

ACTION: Res. 91-608 adopted (Bird/Dobbs, unan.) approving projects and filing of grant application. (P/W to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for downtown shop reroofing.
(Suggested bid opening: October 10, 1991, at 11:00 a.m. The existing shop roof is leaking and has been patched as much as is practical. This project will overlay the existing roof with a new single ply roof. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$32,758 (contract \$29,780; eng. & contingencies \$2,978) Funds are budgeted.)

ACTION: Res. 91-609 adopted calling for bids. (P/W to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for Sonoma Park game courts.
(Suggested bid opening: October 17, 1991, at 11:00 a.m. The project will provide basketball courts and horseshoe pits in the existing Sonoma Park. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$46,750 (contract \$42,500; eng. & contingencies \$4,250) Funds are budgeted.)

ACTION: Res. 91-610 adopted calling for bids. (P/W to handle)

CONSENT

9. Consider approving specifications and authorizing call for bids to be opened October 14, 1991, at 11:00 a.m. for furnishing one new tractor/loader.
(Report with agenda. Resolution authorizing call for bids needed. Estimated cost: \$27,000. Funds are budgeted.)

ACTION: Res. 91-611 adopted calling for bids. (Finance to handle)

10. Consider award of contract for the Airport terminal apron reconstruction to Teichert Construction.
(Bids were opened September 12, 1991. The low bid of \$119,962, submitted by Teichert Construction is 5.68% 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 Teichert Construction needed. Estimated cost: \$131,958.20 (contract \$119,962; eng. & contingencies \$11,996.20) Funds are budgeted.)

ACTION: Res. 91-612 adopted (Bird/Irizarry, unan.) awarding contract. (P/W to handle)

NEW BUSINESS

11. Consider authorizing the City-County Joint Transportation Committee to work with staff on procurement documents for the Modesto Area Express and Dial-A-Ride operations contracts, and approving extensions of the existing MAX and DAR operations contracts through May 2, 1992, and October 31, 1992 respectively.
(Report with agenda. The contract extensions will provide staff sufficient time to prepare appropriate procurement documents for these contracts. The City/County Joint Transportation Committee's input is appropriate for this procurement. The Committee's recommended contract documents will be submitted to the Council for approval. Resolutions extending agreements with TRIPS, Inc. and Storer Transit Service needed. Estimated combined annual cost of both contracts: \$2.7 million. Funds are budgeted.)

ACTION: Res. 91-613 adopted (Muratore/Martin, unan.) extending agreement with TRIPS, Inc.
Res. 91-614 adopted (same vote) extending agreement with Storer Transit Service. (P/W to handle)

12. Consider approving amended FY 1989/90 - 1990/91 Transit Program of Projects (POP) and authorizing filing of amendment to UMTA grant #CA-90-X351.
(Report with agenda. UMTA has required this procedure because we dropped from the grant a project to rebuild two 20-year old buses which staff, after further analysis, determined to be unfit for rebuilding. These buses were retired from service early this year. Resolution approving amendment of POP and grant needed.)

ACTION: Res. 91-615 adopted (Bird/Irizarry, unan.) approving amended grant. (P/W to handle)

13. Consider authorizing staff to file an application with the State of California for a \$210,000 grant under the Transit Capital Improvement (TCI) Program for the rebuilding of three 1976 GMC buses.
(Report with agenda. If approved, the grant funds would be available to the City during FY 1992/93. The TCI grant would provide 50% of the total \$420,000 cost of the project. Among other aspects of this project, these buses would be retrofitted with wheelchair lifts. Resolution authorizing filing of grant application needed. Estimated local cost: \$210,000. Funds to be budgeted in FY 92/93.)

ACTION: Res. 91-616 adopted (Bird/Dobbs, unan.) authorizing filing of grant application. (P/W to handle)

CONSENT

14. Consider adoption of Transit Section's Disadvantaged Business Enterprise (DBE) FY 1991/91 goal of 13% participation in transit contract awards. (Report with agenda. UMTA requires adoption of an annual DBE goal. Resolution adopting DBE goal needed.)

ACTION: Res. 91-617 adopted adopting DBE goal. (P/W to handle)

CONSENT

15. Consider approving the street name change from Amazon Court to Malos Court. (The street is in a new subdivision and no homes have been built. The builder and landowner request the street name change. City Council approval is needed because the change is not due to an error or omission. Report with agenda. Resolution approving street name change needed.)

ACTION: Res. 91-618 adopted approving street name change. (Planning to handle)

CONSENT

16. Consider accepting the donation of a "Fire Safety Trailer" to the Modesto Fire Department from the Building Industry Association. (Report with agenda. Resolution accepting donation needed.)

ACTION: Res. 91-619 adopted accepting donation. (Fire to handle)

CONSENT

17. Consider authorizing staff to negotiate a contract with Lang's Enterprises for the project titled "McHenry Mansion Restoration Phase III. (This project consists of installation of air conditioning on the second and third floors of the mansion. A bid opening was held May 30, 1991. No bids were received due to the complexity of estimating a job of this type. It is recommended that staff be authorized to negotiate a contract with Lang's Enterprises to perform the work. Report with agenda. Motion authorizing staff to proceed with negotiations needed.)

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

CONSENT

18. Consider acceptance of improvements in Cape Cod Estates No. 8 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Pan Capital, Inc.) (Cape Cod Estates No. 8 subdivision is located at the southwest corner of Hatch Road and Ustick 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. 91-620 adopted accepting improvements as complete. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

19. Letter from Lori Neimark resigning from the Citizens Advisory Committee on Recycling.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 91-621 adopted accepting resignation. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 5:37 p.m. to closed session to consider 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, OCTOBER 1, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: None

Pledge of allegiance to the Flag

Invocation: Mark Randy, The Church of Jesus Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 8, 9, 11, 12,
14, 15, 16, 17, 18

Dropped from Agenda: 5, 7, 19a

Removed from Consent: 10, 13

ACTION: (Bird/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.

WPCC318

1

10-1-91

PRINTED ON RECYCLED PAPER

256-80

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of September 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.)

Carmen Sabatino and Claudia Epperson spoke about police problems.

UNFINISHED BUSINESS

4. Further discussion of Residential Permit Parking Zones and regulations.

ACTION: Res. 91-622 adopted (Bird/Dobbs, majority, Irizarry, Muratore, Patterson-no) amending Resolution No. 91-594, and establishing the hours of 8:00 a.m. to 10:00 p.m. seven days a week, in the Modesto High School area parking zone.

BIDS

CONSENT

5. Consider authorizing call for bids to be opened October 29, 1991, at 11:00 a.m. for furnishing electronic voice processing equipment. (Report with agenda. Resolution authorizing call for bids needed. Estimated cost: \$35-45,000. Financing to be recommended at time of award of bid. Resolution authorizing call for bids needed.)

Dropped from agenda

CONSENT

6. Consider award of contract to Cunningham and Sons, Inc. for miscellaneous storm drain repairs - Third and I and Fourth and F Streets.
(Bids were opened on September 19, 1991. The low bid of \$79,394.90, submitted by Cunningham & Sons, Inc., is 6.48% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$87,334.39 (contract \$79,394.90; engineering & cont. \$7,939.49). Funds are budgeted.)

ACTION: Res. 91-622 A adopted awarding contract. (P/W to handle)

NEW BUSINESS

7. Consider request of Del Este Water Co. for variance to the Downtown Exposed Aggregate Sidewalk Standard at 430 -10th Street.
(Report with agenda. Resolution denying variance needed.)

Dropped from agenda

CONSENT

8. Report from Youth Services Supervisor.
(Report with agenda. Motion acknowledging receipt of report and supporting conference needed.)

ACTION: Acknowledged receipt of report. (P/R to handle)

CONSENT

9. Consider amending Section 3-1.201 of the Modesto Municipal Code to include Public Works and Transportation Department in the cost recovery billing for hazardous material mitigation.
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ordinance 2789-C.S. introduced. (Clerk to handle)

10. Consider authorizing the City Manager to sign Landscape Design Agreements with Recreation Systems, Inc. and BSI, Inc. for the preparation of the preliminary site plans, utility demands and estimates of probable costs for open spaces located in Village I.
(Report with agenda. Resolutions approving agreement needed. Estimated cost: \$56,414. Funds are budgeted.)

ACTION: Res. 91-623 adopted (Patterson/Dobbs, unan.) approving agreement with Recreation Systems, Inc.
Res. 91-623A adopted (same vote) approving agreement with BSI, Inc.
(P/R to handle)

CONSENT

11. Consider accepting the Master Plan and certifying the Environmental Review for Robertson Road Neighborhood Park.
(Report with agenda. Resolution accepting Master Plan and certifying Environmental Review needed.)

ACTION: Res. 91-624 adopted accepting Master Plan and certifying Environmental Review. (P/R to handle)

CONSENT

12. Consider amending contract with Public Employee's Retirement System to provide One-Year Final Compensation.
(Report with agenda. Resolution of Intention to approve an amendment to P.E.R.S. contract needed, and introduction of an ordinance authorizing amendment needed.)

ACTION: By motion, Ord. No. 2790-C.S. introduced.
Res. 91-625 adopted amending contract. (Personnel to handle)

13. Consider approving a request for refund of \$589.92 for overpayment of Business License Tax by Olan Mills Studio.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 91-626 adopted (Muratore/Dobbs, unan.) approving refund.
(Finance to handle)

CONSENT

14. Consider approving a request for refund of \$730.65 for overpayment of Business License Tax by Sierra Pacific Cutting Dies.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 91-627 adopted approving refund. (Finance to handle)

CONSENT

15. Consider approving a request for refund of \$789.31 for overpayment of Business Improvement Area Tax by Charles Schwab & Co.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 91-628 adopted approving refund. (Finance to handle)

CONSENT

16. Consider approving a request for refund of \$1,225.62 for overpayment of Business Improvement Area Tax by Thompson-Hysell, Inc.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 91-629 adopted approving refund. (Finance to handle)

CONSENT

17. Consider authorizing the City Manager to sign a grant agreement for \$1,367 with the Modesto Institute for Continued Learning for cable television program.
(Report with agenda. Resolution approving grant agreement needed.)

ACTION: Res. 91-630 adopted approving grant agreement.
(Manager's Office to handle)

CONSENT

18. Consider approving new Capital Improvement Project (CIP) expenditure to purchase thermoplastic application equipment. This purchase is growth related, and funding from Capital Facility Fees is available.
(Report with agenda. The estimated \$44,400 cost of this equipment acquisition would allow the Traffic Paint Division to install pavement marking and lane striping with long-lasting thermoplastic. Thermoplastic has a 5 to 10-year life expectancy. Traffic paint only lasts 3 to 12 months. Capital Facility Fees have been collected in Fund 138 - "Other Facilities" for this purchase. Resolution approving appropriation transfer needed.)

ACTION: Res. 91-631 adopted approving appropriation transfer.
(P/W to handle)

MISCELLANEOUS

Legislation

19. Human Relations Commission recommends support of:
- a. AB 101 (Friedman) - Discrimination in Employment
Dropped from agenda
 - b. SB 827 (Bergeson) - Fair Employment & Housing: Relief
(Reports with agenda. Motion accepting recommendation needed.)

ACTION: By motion (Dobbs/Irizarry, unan.) recommendation accepted.

Appointments

20. Appointment to Affirmative Action Commission - Human Relations Commission Liaison.

ACTION: Res. 91-632 adopted (Irizarry/Muratore, unan.) appointing Rose Littler.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 8:19 p.m. to closed session to consider evaluation of performance of certain public employees, pursuant to Government Code Section 54957.

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 8, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: None

Pledge of allegiance to the Flag

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 8, 9,
10, 13, 14, 15

Removed from consent: 6, 7, 12

ACTION: (Bird/Muratore, unan.)

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Mayor introduced students in Mrs. Cipponeri and Mrs. Sanders' classes from Standiford School.
- b. Proclamation recognizing the week of October 6-12, 1991, as California Aviation and Aerospace Week.
Mayor presented to Mr. Hollingshead, Airport Advisory Committee.
- c. Presentation of a proclamation to Post Newsweek regarding Local Cable Programming Week.
Mayor presented to Mr. Ken Burns of Post Newsweek.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of October 1, 1991.
(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.)

Peggy Mensinger spoke about the need for a policy on the use of the City logo on political literature.
Carmen Sabatino spoke about his publication and an FPPC investigation and about the use of City stationary.

UNFINISHED BUSINESS

CONSENT

4. Hearing to consider the appeal of DeLaMare-Fultz Engineering and Surveying, on behalf of Lenny Soranno, to a Public Works and Transportation Department decision denying a request for summary abandonment of excess right of way on the north side of Kansas Avenue and Carpenter Road. (Continued from the September 24, 1991, Council meeting.)
(A letter has been received from the applicants withdrawing the appeal.
Motion acknowledging withdrawal of appeal needed.)

ACTION: By motion withdrawal of appeal acknowledged.

CONSENT

5. Final adoption of Ord. No. 2789-C.S. amending the Municipal Code relating to hazardous materials.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2789-C.S. adopted. (Clerk to handle)

BIDS

6. Consider approval of plans and specifications and call for bids for the construction of Riverside Park.
(Suggested bid opening: October 31, 1991, at 11:00 a.m. This project consists of site improvements, landscaping and irrigation. The project also improves a badly deteriorated section of Riverside Drive adjacent to the park. Report with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$542,243 (contract \$492,948; engineering & contingencies \$49,295). Funds are budgeted.)

ACTION: Res. 91-633 adopted (Martin/Irizarry, unan.) calling for bids.
(Clerk, P/W to handle)

7. Consider amending the Fiscal Year 1991-92 Budget by \$32,225.57 from the Asset Forfeiture Account, and consider waiving formal bid procedures and authorize the purchase of a new Wang CPU for a total cost of \$80,854.60. (Report with agenda. Resolution amending budget needed, and resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.)

ACTION: Res. 91-634 adopted (Martin/Dobbs, unan.) amending budget.
Res. 91-635 adopted (same vote) waiving formal bid procedure.
(Finance to handle)

NEW BUSINESS

CONSENT

8. Consider amending the Modesto Municipal Code repealing Sections 6-8.104 through 6-8.110, Article 1, Chapter 8, Title VI, relating to Private Patrol Services.
(Report with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2791-C.S. introduced. (Clerk to handle)

CONSENT

9. Consider adoption of a resolution in support of Red Ribbon Week and a drug-free community, October 19-27, 1991.
(Report with agenda. Resolution needed.)

ACTION: Res. 91-636 adopted supporting Red Ribbon Week. (Police to handle)

CONSENT

10. Acknowledge receipt of Planning Commission's Evaluation of Chamber of Commerce Business Park proposal.
(Report with agenda. The Planning Commission recommends that the City Council request SAAG to include Dakota Avenue as an option in the EIR on the Countywide Expressway Study. Other components of the Chamber proposal are being studied further by the Planning Commission. Motion acknowledging receipt of report and directing staff to communicate Dakota Expressway EIR option to SAAG needed.)

ACTION: By motion, receipt of report acknowledged and staff directed to communicate Dakota Expressway EIR option to SAAG. (Planning to handle)

11. Consider authorizing City Manager to sign agreement with Modesto Chamber of Commerce for funding operation of the Convention and Visitor's Bureau.
(Report with agenda. Adoption of a resolution approving agreement with the Chamber of Commerce needed. Estimated Cost: \$156,446. Funds are budgeted.)

ACTION: By motion (Patterson/Martin, unan.) action delayed until reviewed by Council Finance (Budget) Committee. (Manager to handle)

12. Consider authorizing City Manager to sign agreement with Brown and Caldwell to prepare National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Application: Characterization.
(Report with agenda. Resolution approving agreement needed. Estimated Cost: \$62,310. Funds are budgeted.)

ACTION: Res. 91-637 adopted (Patterson/Martin, unan.) approving agreement. (P/W to handle)

CONSENT

13. Consider authorizing City Manager to sign agreement with Lew-Garcia-Davis to prepare National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Application: System Map.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$84,970. Funds are budgeted.)

ACTION: Res. 91-638 adopted approving agreement. (P/W to handle)

CONSENT

14. Consider authorizing an appropriation transfer in the amount of \$9,653 for the purchase of a replacement copy machine for Office Services.
(Report with agenda. Resolution approving an appropriation transfer needed.)

ACTION: Res. 91-639 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

Appointments

CONSENT

15. Consider appointment of Jan Smith as Planning Commission Liaison to Citizens Housing and Community Development Committee.
(Report with agenda. Resolution appointing Jan Smith to Citizens Housing and Community Development Committee needed.)

ACTION: Res. 91-640 adopted appointing Jan Smith.

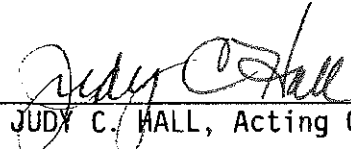
MATTERS TOO LATE FOR THE AGENDA

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

17. The meeting adjourned at 4:55 p.m. to closed session to consider pending litigation pursuant to Government Code Section 54956.9(b)(1), and to consider evaluation of performance of certain public employees, pursuant to Government Code Section 54957.

ATTEST: 
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 15, 1991, AT 7:30 P.M.

NOTICE

THERE WILL BE NO MEETING OF THE CITY COUNCIL
ON TUESDAY, OCTOBER 15, 1991
DUE TO LACK OF A QUORUM.

THE NEXT CITY COUNCIL MEETING WILL BE HELD ON
TUESDAY, OCTOBER 22, 1991,
AT 4:00 P.M.



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 22, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang
Councilmember Dobbs arrived at 4:40 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Councilmember Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 13,
14, 15, 16, 17, 18, 19, 20,
22, 23

Removed from consent: 21

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

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of a gift from the Mayor and City Council of Kurume, Japan, and a report regarding trip by Mr. John Bree, member of the International Friendship Committee.

Mr. Bree reported on trip and presented gift.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of October 8, 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.)

Carmen Sabatino spoke about the Fair Political Practices Committee. Councilmember Patterson asked that parks on the Westside be discussed on a future agenda. (Manager/P & R to handle)

UNFINISHED BUSINESS

4. Consider approving the transmittal of the City's official response to LAFCO regarding the City of Modesto Annexation of Village One. (Report with agenda. Motion approving transmittal of the City's official response to LAFCO for their meeting of October 23, 1991, needed.) Councilmember Martin excused due to a conflict of interest.

ACTION: By motion (Bird/Muratore, unan., Dobbs, Martin absent) transmittal approved. (Manager to handle)

CONSENT

5. Final adoption of:

a. Ord. No. 2790-C.S. authorizing an amendment to the contract between the City Council and the Board of Administration of the California Public Retirement System.

b. Ord. No. 2791-C.S. relating to Private Patrol Service.

(Motion adopting needed.)

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

BIDS

CONSENT

6. Consider authorizing call for bids to be opened November 18, 1991, at 11:00 a.m. for furnishing two new vacuum sewer cleaning trucks. (Report with agenda. Resolution authorizing call for bids needed. Estimated cost: \$330,000. Funds are budgeted.)

ACTION: Res. 91-641 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider authorizing call for bids to be opened November 18, 1991, at 11:05 a.m. for furnishing three diesel mowers. (Report with agenda. Resolution authorizing call for bids needed. Estimated cost: \$84,138. Funds are budgeted.)

ACTION: Res. 91-642 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider approving specifications and authorize call for proposals to be opened November 19, 1991, at 10:00 a.m. for replacing City Hall word processing system. (Report with agenda. Resolution approving specifications and authorizing request for proposals needed. Estimated cost: \$500,000. Funding will be requested at the time of authorization to award.)

ACTION: Res. 91-643 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider accepting the bid of and awarding contract to Hennings Brothers Drilling Co., Inc. for water well construction services for \$250,000. (Report with agenda. Resolution awarding contract to Hennings Brothers Drilling, Inc. needed. Funds are budgeted.)

ACTION: Res. 91-644 adopted awarding contract. (P/W to handle)

CONSENT

10. Consider acceptance of bid and award of contract to C. W. Delta Roofing, Inc. for reroofing the Downtown Shop. (Bids were opened on October 10, 1991. The low bid of \$24,575, submitted by C. W. Delta Roofing is 17.48% 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 C. W. Delta Roofing needed. Estimated cost: \$27,032.50 (contract \$24,575; engineering & contingencies \$2,457.50). Funds are budgeted.)

ACTION: Res. 91-645 adopted awarding contract. (P/W to handle)

CONSENT

11. Consider acceptance of Western Stone Products, Inc.'s contract for the Dry Creek bike and pedestrian bridge as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$245,718.70). (All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting work as complete needed. Final cost: \$240,438.92. funds are budgeted.)

ACTION: Res. 91-646 adopted accepting as complete. (P/W, Clerk to handle)

NEW BUSINESS

- 12a. Modesto Stop Gangs Committee Interim Report.
(Report with agenda. Motion acknowledging receipt of report needed.)

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

- b. Consider adoption of an ordinance declaring graffiti a public nuisance and providing for its abatement.
(Report with agenda. Introduction of ordinance needed.)

ACTION: By motion (Muratore/Bird, unan.) Ord. 2792-C.S. introduced.
(Clerk to handle)

CONSENT

13. Consider authorizing the City Manager to call for proposals for preparation of a Library Services and Financial Master Plan in conjunction with Stanislaus County.
(Report with agenda. Resolution authorizing request for proposals needed, and resolution approving appropriation transfer in the amount of \$31,725 for 91-92 City contribution to the Library needed.)

ACTION: Res. 91-647 adopted authorizing request for proposals
Res. 91-648 adopted approving appropriation transfer.
(Manager to handle)

CONSENT

14. Consider abandonment of a portion of the Kansas Avenue right of way at Carpenter Road at Block 5370 of the City of Modesto.
(Report with agenda. Resolution vacating and abandoning needed.)

ACTION: Res. 91-649 adopted abandoning right of way. (P/W to handle)

CONSENT

15. Consider approval of an agreement with SR Consultants, Inc. to prepare a federally-required paratransit (dial-a-ride) plan for the City and to provide recommendations regarding City policies under which the Dial-A-Ride system operates.
(Report with agenda. Paratransit plans are required by the Americans with Disabilities Act for each entity operating a fixed-route system. SR Consultants proposes to prepare the plan for \$38,925. The consultant may be needed to perform other closely related tasks so the contract provides for \$1,075 of additional work upon authorization of the City Manager, which would provide for total compensation equal to the \$40,000 budgeted for the project. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 91-650 adopted approving agreement. (P/W to handle)

CONSENT

16. Consider approving the 1992-93 Community Development Block Grant application and Citizen Participation Plan.
(Report with agenda. Resolution approving 1992-93 CDBG application and Citizen Participation Plan needed.)

ACTION: Res. 91-651 adopted approving application and plan. (Planning to handle)

CONSENT

17. Monthly Treasurer's report for September 1991.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion receipt of report acknowledged.

CONSENT

18. Consider approving agreement with Larry R. Robinson, Jr., trustee, and Helen E. Wille for the purchase of the property at the southwest corner of 11th and G Streets (Performance Tire) for Police facility expansion.
(Report with agenda. Resolution approving agreement and resolution approving negative declaration needed. Estimated cost: \$390,000 (property \$385,000; estimated escrow: \$5,000). Funds are budgeted.)

ACTION: Res. 91-652 adopted approving agreement.
Res. 91-653 adopted approving negative declaration. (Attorney to handle)

CONSENT

19. Consider authorizing one additional Police Detective position and amending 1991-92 Operating Budget to increase appropriation by \$61,298 and recognizing revenue from the County of Stanislaus.
(The County of Stanislaus has established a Vehicle Theft Program with the use of fees levied and collected by the State Department of Motor Vehicles to be used to deter, investigate and prosecute vehicle theft crimes in Stanislaus County. Report with agenda. Motion authorizing additional position needed, and resolution amending budget needed.)

ACTION: Res. 91-654 adopted amending budget. (Police/Finance to handle)

CONSENT

20. Consider authorizing City Manager to execute an agreement with Mid-Valley Engineering to perform survey/topography work on Briggsmore Avenue from State Route 99 to Tully Road.
(Briggsmore Avenue is scheduled to be widened from 4 to 6 lanes from State Route 99 to Tully Road. The topography work is necessary prior to design of the project. Report with agenda. Resolution approving agreement needed. Estimated cost: \$23,650 (contract: \$21,000; contingency \$2,150). Funds are budgeted.)

ACTION: Res. 91-655 adopted approving agreement. (P/W to handle)

Item 21 discussed after Written Communications.

21. Consider approving agreement with Hughes, Heiss & Associates to conduct a management audit of the Public Works and Transportation Department.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$50,000. Funds are budgeted.)

ACTION: Res. 91-656 adopted (Patterson/Martin, unan.) approving agreement.
(Manager to handle)

CONSENT

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

ACTION: Res. 91-657 adopted authorizing preapplication. (P/W to handle)

CONSENT

23. Consider abandonment of a portion of the Public Utility Easements in Blocks 9051 and 9052 of the City of Modesto.
(Report with agenda. Resolution vacating and abandoning portion of the Public Utility Easements needed.)

ACTION: Res. 91-658 adopted abandoning portion of Public Utility Easements.
(P/W to handle)

WRITTEN COMMUNICATIONS

24. Letter from Peggy Mensinger regarding use of the official logo of the City of Modesto.

No action taken.

25. Letter from Carmen Sabatino regarding a letter from the City Clerk to the Fair Political Practices Commission on City stationary.

No action taken.

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.)

Councilmember Muratore spoke about watering regulations.

ADJOURNMENT

The meeting adjourned at 5:30 p.m. to 6:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, for a joint Redevelopment Agency/City Council public hearing on the proposed redevelopment plan amendment and the final environmental impact report relating thereto.

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, NOVEMBER 5, 1991, AT 7:30 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Jack VanDyken, Church of the Cross

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9, 10, 11,
13, 14, 15, 16, 18, 19, 20, 22

Removed from consent: 21
ACTION: (Bird/Dobbs, unan.)

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting and adjourned regular joint City Council/Redevelopment Agency meeting of October 22, 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.)

Michael Garcia, Daniel Marsh and Tom Maher spoke about the joint City Council/Redevelopment Agency meeting which follows the Council meeting.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ordinance No. 2792-C.S. regarding graffiti removal programs.
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2792-C.S. adopted. (Clerk to handle)

HEARINGS

CONSENT

5. 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.
(Letter from Kaufman and Broad requesting continuance of hearing to December 10, 1991, at 4:00 p.m. has been received. Motion continuing hearing needed.)

ACTION: By motion, matter continued.

CONSENT

6. Consider approving specifications and authorizing call for bids to be opened November 25, 1991, at 10:00 a.m. for fabricating and installing two catwalks for the sludge thickeners at the Water Quality Control Facility.
(Report with agenda. Resolution authorizing call for bids needed. Estimated cost: \$50,000. Funds are budgeted.)

ACTION: Res. 91-659 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider approving specifications and authorizing call for bids to be opened December 2, 1991, at 11:00 a.m. for furnishing industrial laundry and uniform service for up to three years.
(Report with agenda. Resolution authorizing call for bids needed. Estimated cost: \$77,745. Funds are budgeted.)

ACTION: Res. 91-660 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider accepting the bid and award of contract for the purchase and installation of microwave towers to UNR-ROHN, Inc. for \$32,356.
(Report with agenda. Resolution awarding bid needed. Funds are budgeted.)

ACTION: Res. 91-661 adopted awarding bid. (Finance to handle)

CONSENT

9. Consider accepting the bids and award of contract for special field surveillance equipment to Aerolog Industries and CMI/MPH Operations of MPD, Inc., and consider amending the Fiscal Year 1991-92 Budget.
(Report with agenda. Estimated cost: \$46,686.99. Resolutions awarding contracts needed, and resolution amending budget needed.)

ACTION: Res. 91-662 adopted awarding contract.
Res. 91-663 adopted amending budget. (Finance to handle)

CONSENT

10. Consider acceptance of bid and award of contract for Sonoma Park game courts to Ragsdale and Son, Inc.
(Bids were opened on October 17, 1991. The low bid of \$32,996.50, submitted by Ragsdale and Son, Inc., is 22.36% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Report with agenda. Resolution awarding contract needed. Estimated cost: \$36,296.15 (contract \$32,996.50; eng. & contingencies \$3,299.65). Funds are budgeted.)

ACTION: Res. 91-664 adopted awarding contract. (P/W to handle)

CONSENT

11. Consider a report on the successful completion of the reconstruction of Coffee Road, Floyd Avenue to Rumble Road.
(The four-lane roadway was fully opened to traffic on October 23, 1991. Punch list items still need to be completed and the close-out documentation submitted. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

NEW BUSINESS

12. Budget Status Report, first quarter FY 1991-92, and report on ending fund balances and reserves as of June 30, 1991.
(Report with agenda. Motion acknowledging receipt of report and referring to Financial Policy Committee needed.)

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

CONSENT

13. Consider approving special public transit service, identical to that which was provided last year, to and from the free Thanksgiving dinner at Modesto Centre Plaza.
(Report with agenda. City transit buses would provide free transportation over three routes and Dial-A-Ride would provide free transportation for any individuals attending the dinner. Motion approving special service needed. Funds are budgeted. Estimated cost: \$500.)

ACTION: By motion, special service approved. (P/W to handle)

CONSENT

14. Consider approval of claim for State Transit Assistance (STA) Funds.
(Report with agenda. Resolution authorizing submission of State Transit Assistance (STA) funds claim needed.)

ACTION: Res. 91-665 adopted authorizing submission of claim. (P/W to handle)

CONSENT

15. Consider amending City's Drought Contingency Plan to permit outdoor water use between 12:00 - 7:00 p.m. during months when Standard Time is in effect.
(Report with agenda. Resolution amending Drought Contingency Plan in Stage One needed.)

ACTION: Res. 91-666 adopted amending Drought Contingency Plan. (P/W to handle)

CONSENT

16. Consider directing staff to proceed with the installation of speed humps on Edgebrook Drive and Cormorant Drive.
(Report with agenda. Speed humps would be placed on two collector streets on a trial basis and evaluated on their effectiveness to reduce speeding. Motion directing staff to proceed needed.)

ACTION: By motion, staff directed to proceed with the installation.
(P/W to handle)

CONSENT

18. Consider abandonment of a portion of the 5-foot Public Utility Easement in Block 1222 of the City of Modesto.
(Report with agenda. Resolution vacating and abandoning portion of P.U.E. needed.)

ACTION: Res. 91-667 adopted abandoning portion of public utility easement.
(P/W to handle)

CONSENT

19. Consider authorizing City Manager to sign agreement with Modesto Chamber of Commerce for funding operation of the Convention and Visitor's Bureau.
(Report with agenda. Resolution approving agreement needed. Estimated cost: \$156,446. Funds are budgeted.)

ACTION: Res. 91-668 adopted approving agreement. (Manager to handle)

CONSENT

20. Consider excusing Mayor Lang and Councilmembers Bird, Dobbs, Muratore, and Patterson from the October 15, 1991 City Council meeting due to their attendance at the League of California Cities 1991 Annual Conference in San Francisco, October 13-16, 1991.
(Motion excusing needed.)

ACTION: By motion, Mayor and Councilmembers excused.

21. Consider approving amendment to the agreement with Brown & Caldwell Consultants for preparation of Village One Facilities Master Plan, and consider amending the 1991-92 FY budget.
(An amendment to the Brown & Caldwell agreement is needed to master plan Village One's storm drainage basins for both retention and also detention with discharge. Negotiations with Brown & Caldwell have been completed and the firm is prepared to begin work as soon as the amendment is authorized and executed. Report with agenda. Resolution approving amendment to agreement needed, and resolution amending 1991-92 budget needed. Estimated cost: \$25,450. Funds are budgeted.)
Councilmember Martin excused due to a conflict of interest.

ACTION: Res. 91-669 adopted (Muratore/Dobbs, unan., Martin absent) approving amended agreement.
Res. 91-670 adopted (same vote) amending budget.
(P/W to handle)

WRITTEN COMMUNICATIONS

CONSENT

22. Consider application of American Legion Post #74 for direct City assistance consisting of motorcycle officers and patrol cars to block traffic on parade route on Veterans Day, November 11, 1991. (Resolution approving request needed.)

ACTION: Res. 91-671 adopted approving request.

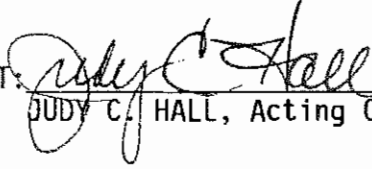
MATTERS TOO LATE FOR THE AGENDA

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

The meeting adjourned at 8:07 p.m. to a joint Redevelopment Agency/City Council meeting for a continued hearing on the proposed redevelopment plan amendment and the final environmental impact report relating thereto.

ATTEST: 
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL MODESTO REDEVELOPMENT AGENCY

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

AGENDA FOR SPECIAL JOINT COUNCIL/REDEVELOPMENT AGENCY MEETING OF TUESDAY,
NOVEMBER 5, 1991, AT 7:30 P.M.

Meeting convened at 8:07 p.m.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

Absent: None

Roll Call - Present: Agency Members Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Chairperson Lang

Absent: None

Council/Agency Members Bird, Dobbs and Irizarry excused due to a
potential conflict of interest.

1. Continuance of the October 22, 1991 Joint Public Hearing of the
Redevelopment Agency of the City of Modesto and the Modesto City Council
for the sole purpose of receiving the additional report and
recommendation of the Modesto Planning Commission.

ACTION: After receiving additional report and recommendations of the
Modesto Planning Commission on deleting the County area from the
proposed amendment, by motion (Muratore/Martin, unan., Bird, Dobbs,
Irizarry, absent) the Joint Public Hearing was closed.

meetings to consider the adoption of the Proposed Amended Redevelopment Plan for the Modesto Redevelopment Project and to consider certification of the Final Environmental Impact Report relating thereto.

The Redevelopment Agency convened at 8:30 p.m.

- ACTION: Res. 19-91 adopted (Muratore/Martin, unan., Bird, Dobbs, Irizarry, absent) approving agreement with County of Stanislaus County pursuant to Health and Safety Code Section 33401.
- Res. 20-91 adopted (Patterson/Muratore, unan., Bird, Dobbs, Irizarry, absent) approving agreement with East Side Mosquito Abatement District pursuant to Health and Safety Code Section 33401.
- Res. 21-91 adopted (Martin/Muratore, unan., Bird, Dobbs, Irizarry, absent) approving agreement with Stanislaus County Office of Education pursuant to Health and Safety Code Section 33401.
- Res. 22-91 adopted (Patterson/Muratore, unan., Bird, Dobbs, Irizarry, absent) approving agreement with Modesto High School District pursuant to Health and Safety Code Section 33401.
- Res. 23-91 adopted (Martin/Muratore, unan., Bird, Dobbs, Irizarry, absent) with Burbank-Paradise Fire District pursuant to Health and Safety Code Section 33401.
- Res. 24-91 adopted (Martin/Muratore, unan., Bird, Dobbs, Irizarry, absent) with Woodland Avenue Fire District pursuant to Health and Safety Code Section 33401.
- Res. 25-91 adopted (Patterson/Martin, unan., Bird, Dobbs, Irizarry, absent) with Yosemite Community College District, pursuant to Health and Safety Code Section 33401.
- Res. 26-91 adopted (Muratore/Martin, unan., Bird, Dobbs, Irizarry, absent) with Modesto City School, pursuant to Health and Safety Code Section 33401.
- Res. 27-91 adopted (Martin/Muratore) unan., Bird, Dobbs, Irizarry, absent) certifying the completion of and making findings as to the Final Environmental Impact Report for the Amended Redevelopment Plan for the Modesto Redevelopment Project, approving mitigation monitoring program, and determining certain projects to be exempt.
- Res. 28-91 adopted (Muratore/Martin) unan., Bird, Dobbs, Irizarry, absent) finding that the use of taxes allocated from the added area of the Proposed Amended Redevelopment Plan for the Modesto Redevelopment Project for the purpose of improving and increasing the community's supply of low- and moderate-income housing outside the project area will be of benefit to the project.

The Modesto Redevelopment Agency meeting adjourned at 8:55 p.m.

ACTION: Res. 91-672 adopted (Muratore/Martin, unan., Bird, Dobbs, Irizarry, absent) adopting findings in response to written objections on adoption of the Amended Redevelopment Plan for the Modesto Redevelopment Project.

Res. 91-673 adopted (Muratore/Martin, unan., Bird, Dobbs, Irizarry, absent) making findings as to the Final Environmental Impact Report for the Amended Redevelopment Plan for the Modesto Redevelopment Project, approving mitigation monitoring program and determining certain projects to be exempt.

Res. 91-674 adopted (Patterson/Muratore, unan., Bird, Dobbs, Irizarry, absent) finding that the use of taxes allocated from the added area of the proposed Redevelopment Plan for the Modesto Redevelopment Project for the purpose of improving and increasing the community's supply of low- and moderate-income housing outside the project area will be of benefit to the project.

Res. 91-675 adopted (Martin/Muratore, unan., Bird, Dobbs, Irizarry, absent) approving agreement with Woodland Avenue Fire District pursuant to Health and Safety Code Section 33401.

By motion (Muratore/Martin, unan., Bird, Dobbs, Irizarry, absent) Ord. No. 2793-C.S. introduced approving and adopting the Amended Redevelopment Plan for the Modesto Redevelopment Project.

Modesto City Council meeting adjourned at 9:16 p.m.

ATTEST: 
JUDY C. HALL, Acting Secretary



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 12, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Roy Blakely, Neighborhood Church

A. Certification of canvass of votes at the November 5, 1991 election.

ACTION: Res. 91-676 adopted (Muratore/Patterson, unan.)

B. Oath of Office by newly-elected Mayor and City Councilmembers and Modesto Board of Education Members.

The Oath of Office was administered to newly-elected Mayor Richard Lang, Councilmembers Stan Dobbs, Kenni Friedman and Frank Muratore, and Board of Education members Alex Hedberg, Odessa Johnson and John Uhl.

C. Remarks

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 9, 10, 11, 12, 13,
15, 16, 17, 18, 19, 20, 21, 22,
25

Removed from consent - 14, 23, 24

ACTION: (Bird/Dobbs, unan.)

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

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

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

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting and adjourned regular joint City Council/Redevelopment Agency meeting of November 5, 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.)

None

HEARINGS

4. Hearing to consider an amendment to P-D(32) to convert ownership status from General Partnership to individually owned air space condominiums, property located on the west side of Coffee Road, west of Downey Park at 1213 Coffee Road. (Downey Park Professional Center)

ACTION: By motion (Dobbs/Muratore, unan.) Ord. No. 2794-C.S. introduced.
Res. 91-677 adopted (same vote) amending plan.
Res. 91-677A (same vote) certifying review of Environmental Assessment.

5. Hearing on appeal of Ajmer Gill to the staff decision concerning Capital Facilities fees a "Stop and Shop Food and Beer" mini mart in an existing commercial building at 2419 Coffee Road.
Councilmember Muratore excused due to a conflict of interest.

ACTION: By motion (Irizarry/Bird, majority, Muratore absent) hearing continued to November 19, 1991, 7:30 p.m. (Clerk to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for the Johansen High School pedestrian overcrossing.
(Suggested bid opening: December 10, 1991 at 11:00 a.m. This project consists of construction of a pedestrian bridge over Claus Road at Creekwood Drive and installation of associated landscaping. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$1,359,325 (\$1,235,750 Contr; \$124,575 Eng. & Cont.). Funds are partially budgeted. Appropriation transfer to be requested from CFF Reserve at time of award of contract when exact amount needed to construct project is known.)

ACTION: Res. 91-678 adopted calling for bids. (P/W to handle)

NEW BUSINESS

7. Consider increasing and establishing bails (fines) for parking violations within the City.
(Report with agenda. Resolution increasing fines needed.)

ACTION: By motion (Muratore/Patterson, unan.) continued to November 19, 1991, at 7:30 p.m. (Clerk to handle)

8. Consider authorizing City staff to research and apply for housing funds under the new HOME/HOPE Program.
(Report with agenda. Resolution authorizing staff to research and apply for housing funds needed.)

ACTION: Res. 91-679 adopted (Bird/Dobbs, unan.) authorizing staff to research and apply for housing funds. (Planning to handle)

CONSENT

9. Consider approving an amendment to a lease agreement with Rick and Jody Lara for the lease of land on the Modesto Transportation Center site.
(Report with agenda. Resolution approving amended agreement needed.)

ACTION: Res. 91-680 adopted approving amended agreement. (Attorney to handle)

CONSENT

10. Consider authorizing the issuance of a Request for Proposals for a limousine concession at the Modesto City/County Airport.
(Report with agenda. Resolution authorizing the issuance of a Request for Proposals to be received on December 10, 1991, needed.)

ACTION: Res. 91-681 adopted authorizing issuance of a Request for Proposals. (P/W to handle)

CONSENT

11. Consider authorizing the issuance of a Request for Proposals for lease of Hangar No. 4 at the Modesto City/County Airport.
(Report with agenda. Resolution authorizing the issuance of a Request for Proposals to be received on December 10, 1991, needed.)

ACTION: Res. 91-682 adopted authorizing issuance of a Request for Proposals.
(P/W to handle)

CONSENT

12. Consider accepting right of entry from Alta Pacific Housing Partners II for a right of entry onto property needed for the Claus Road overcrossing.
(Report with agenda. Resolution accepting right of entry needed.)

ACTION: Res. 91-683 adopted accepting right of entry. (Attorney to handle)

CONSENT

13. Consider referring the annual garbage rate review to the Council Solid Waste Committee for their recommendations.
(Report with agenda. Motion referring to Council Solid Waste Committee needed.)

ACTION: By motion, referred to Council Solid Waste Committee.
(P/W to handle)

14. Annual report to City Council on International Friendship Committee activities.
(Motion acknowledging receipt of report needed.)

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

CONSENT

15. Consider approving concession agreement with Charles J. Carnabuci and Santo A. Carnabuci dba Nibbles for the lease of the snack bar area at the new Airport terminal.
Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-684 adopted approving agreement. (Attorney to handle)

CONSENT

16. Consider approving lease agreement with Atmospherics, Inc. for the use of a small parcel of land at the Airport for weather equipment.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-685 adopted approving agreement. (Attorney to handle)

CONSENT

17. Consider authorizing the execution of an easement deed to Pacific Bell, a corporation, over a 5 foot strip of land located at the north end of Floyd No. 2 Park site for an existing underground telephone cable.
(Report with agenda. Resolution authorizing execution of an easement deed needed.)

ACTION: Res. 91-686 adopted authorizing execution of easement deed.
(Attorney to handle)

CONSENT
18. Consider implementation of a Negligent Driving Under the Influence and Intentionally Wrongful Conduct Emergency Response Cost Recovery Program. (Report with agenda. Adoption of a resolution needed.)

ACTION: Res. 91-687 adopted implementing program. (Police to handle)

CONSENT

19. Consider entering into an amici curiae brief in Knox v. City of Orland concerning parks maintenance assessments. (Report and letter with agenda. Motion including Modesto among "friends of the court" filing a brief in support of the City of Orland needed.)

ACTION: By motion, approved entering into an amici curiae brief. (Attorney to handle)

CONSENT

20. Consider entering into an amicus brief in Trustees of the California State University v. City of Chico matter concerning appropriate sewer system capital facilities fees for buildings used for education. (Report and letter with agenda. Motion including Modesto among "friends of the court" filing a brief in support of the City of Chico.

ACTION: By motion, approved entering into an amicus brief. (Attorney to handle)

CONSENT

21. Consider approving an agreement with Community Temporary Shelter Services to provide homeless transitional housing counseling. (Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-688 adopted approving agreement. (Planning to handle)

CONSENT

22. Consider approving an agreement with HUD to lease with option to purchase, a single family home for homeless transitional housing. (Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-689 adopted approving agreement. (Planning to handle)

23. Consider restating terms of office and procedures for the Citizens Housing and Community Development Committee by renaming three specialized committees, and superseding Resolution No. 89-874. (Resolution restating terms and procedures and superseding Res. No. 89-874 needed.)

ACTION: Res. 91-690 adopted (Patterson/Irizarry, unan.) restating terms and procedures and superseding Res. No. 89-874. (Planning to handle)

24. Consider approving a new Community Development Block Grant Policy Statement on Funding Priorities by superseding Policy No. 4.025, established by Resolution No. 87-83. (Report with agenda. Resolution approving policy statement needed.)

ACTION: Res. 91-691 adopted (Patterson/Irizarry, unan.) approving policy statement. (Planning to handle)

CONSENT

25. Consider authorization to waive rockwell maintenance fees and encroachment permit fees for the installation of four rockwells in the Van Gogh Drive area by Zagaris Management Services.
(Zagaris Management Services has offered to construct four new rockwells in the Van Gogh Drive area to reduce storm water ponding during more intense storm events. Report with agenda. Resolution waiving fees needed.)

ACTION: Res. 91-692 adopted waiving fees. (P/W to handle)

MISCELLANEOUS

Appointments

27. Consider appointing one member to the Modesto Youth Commission for a term to expire June 1992 and appointing six members to the Modesto Youth Commission for a term to expire June 1993.
(Report with agenda. Adoption of two resolutions appointing Youth Commission members.)

ACTION: Res. 91-693 adopted (Dobbs/Irizarry, unan.) appointing Jennifer Reed, Modesto High School, to a one-year term on the Modesto Youth Commission.
Res. 91-694 adopted (same vote) appointing Modesto Youth Commission members to a two-year term: Heather Ludlow of Beyer High School, Jane Presto of Central Catholic High School, Jenny Chang of Davis High School, Erin McDaniel of Downey High School, Becky Langum of Modesto Christian High School, and Barbara Roll of Modesto High School.

28. Reappointment of Lee Hampson and Lowell Clark to the Board of Governors of the Greater Modesto Community Foundation.
(Letter with agenda. Resolution reappointing needed.)

ACTION: Res. 91-695 adopted (Muratore/Bird, unan.) reappointing Lee Hampson and Lowell Clark.

29. Appointments to the Planning Commission and Board of Zoning Adjustment.

ACTION: Res. 91-696 adopted (Dobbs/Friedman, unan.) reappointing Jesse Alexander and Jeff Grover.
Res. 91-697 adopted (same vote) reappointing Leopold Prescott to the Board of Zoning Adjustment.

30. Appointment to the Downtown Improvement District Advisory Board.

ACTION: Res. 91-698 adopted (Muratore/Irizarry, unan.) appointing David Boring.

31. Appointment as Chairperson of Rehabilitation Loan Pool Subcommittee and as RLPS Chair (Seat #9) on the Citizens Housing and Community Development Committee.

ACTION: Res. 91-699 adopted (Friedman/Patterson, unan.) appointing Don Jordan.

32. Appointment as Chairperson of Economic Development Loan Pool Subcommittee and as EDLPS Chair (Seat #11) on the Citizens Housing and Community Development Committee.

ACTION: Res. 91-700 adopted (Patterson/Muratore, unan.) appointing Duane Fager.

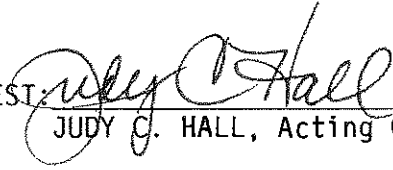
MATTERS TOO LATE FOR THE AGENDA

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

ADJOURNMENT

34. The City Council adjourned to closed session at 5:48 p.m. to consider the evaluation of performance of certain public employees, pursuant to Section 54957 of the Government Code.

ATTEST: 
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

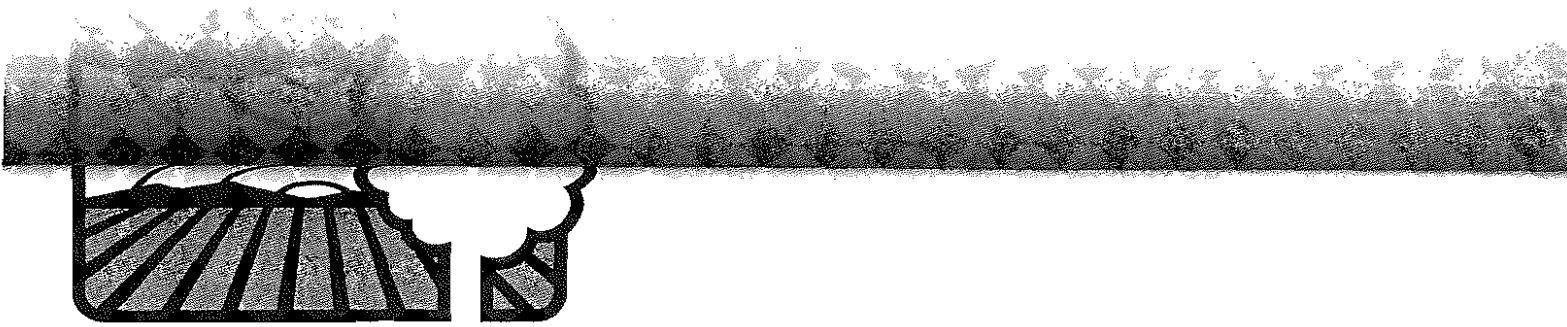
The Council of the City of Modesto met in a special session at 5:30 p.m., November 19, 1991, in the Third Floor Conference Room, City Hall, Modesto, California, for a closed session.

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

Absent: None

The meeting adjourned at 5:30 p.m. 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 of payment for the purchase, sale, exchange, or lease, pursuant to Government Code Section 54956.8.

ATTEST: Judy C. Hall
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, NOVEMBER 19, 1991, AT 7:30 P.M.

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

Absent: None

Pledge of allegiance to the Flag

Invocation: Rick Johnson, Chaplain, Juvenile Hall

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 12, 13, 14, 15,
16, 17, 19, 20,

Dropped from agenda: 21

ACTION: (Muratore/Irizarry, 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

Presentation to David S. Holton upon his retirement from the City of Modesto.

Mayor presented resolution to David Holton.

Mayor introduced Cub Scout Pack 4 from Hart Ransom School and Boy Scout Troop 199 from First Methodist Church.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of November 19, 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.)

Bill Berkhout spoke about Redevelopment Agency and conflict of interest.

UNFINISHED BUSINESS

4. Final adoption of Ord. 2793-C.S., amending Ord. No. 2203-C.S., as amended by Ord. No. 2269-C.S., approving and adopting the Amended Redevelopment Plan for the Modesto Redevelopment Project.
(Motion approving needed.)
Councilmembers Bird, Dobbs, Friedman and Irizarry excused due to conflicts of interest.
By lot, Councilmember Bird was drawn to sit as a voting member.

ACTION: By motion (Patterson/Muratore, unan., Bird, Dobbs, Friedman and Irizarry absent) Ordinance 2793-C.S. adopted. (Clerk to handle)

CONSENT

5. Final adoption of Ord. 2794-C.S. amending Section 2 of Ord. No. 837-C.S. entitled, "An Ordinance Amending Section 21-3-9 of the Zoning Map of the City of Modesto to Prezone Certain Property Located on the West Side of Coffee Rod, South of Gloria Way)." (Downey Park Professional Center)
(Motion approving needed.)

ACTION: By motion, Ord. 2794-C.S. adopted . (Clerk to handle)

HEARINGS

6. Hearing to consider the proposed amendment to Section 31-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(487), for a two-story senior citizen housing complex, property located on the north side of Chicago Avenue between Frankette Avenue and Florette Avenue, west of Paradise Road. (Mathews/Fabian).

ACTION: By motion (Dobbs/Friedman, unan.) Ord. No. 2795-C.S. introduced. Res. 91-701 adopted (same vote) approving development plan. Res. 91-702 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

7. Hearing to consider the proposed fee revisions for the Public Works and Transportation and the City Clerk Departments.

ACTION: By motion (Bird/Patterson, majority, Mayor Lang-no) action delayed until Public Works and Transportation Department Management Audit complete.

8. Hearing to consider the 1991 Annual Adjustment of Capital Facilities Fees.

ACTION: By motion (Patterson/Bird, unan.) increase in Capital Facilities Fees deferred until the 1992 annual adjustment.

9. a. Consider adoption of a Policy for deferral of payment of Capital Facilities Fees for Economic Development. (Report with agenda. Resolution adopting policy needed.)
- b. Consider amendment to Public Projects Committee recommendation for a Policy for deferral of payment of Capital Facilities Fees for Economic Development. (Report with agenda. Amendment would enable hotel and motel projects to be eligible for deferral of payment of Capital Facilities Fees. Motion adding hotels and motels to the resolution specifying projects eligible for deferral of payment of CCF needed.)

ACTION: Res. 91-703 adopted (Muratore/Irizarry, unan.) adopting policy and Public Projects Committee recommendation.

10. Continued hearing on the appeal of Ajmer Gill to the staff decision concerning Capital Facilities Fees for a "Stop and Shop Food and Beer" mini mart in an existing commercial building at 2419 Coffee Road. (Continued from November 12, 1991, City Council meeting.) Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 91-704 adopted (Friedman/Irizarry, unan., Muratore absent) denying the appeal and upholding staff recommendation.

11. Consider increasing and establishing bails (fines) for parking violations with the City.
(Report with agenda. Resolution increasing fines needed. Continued from the November 12, 1991, City Council meeting.)

ACTION: Res. 91-705 adopted (Irizarry/Muratore, majority, Dobbs-no) adopting increased fines. (Finance to handle)

BIDS

CONSENT

12. Consider declaring Case Power Equipment Co. low bidder and authorizing the purchase of one tractor/loader.
(Report with agenda. Resolution awarding bid needed. Estimated cost: \$15,843. Funds are budgeted.)

ACTION: Res. 91-706 adopted awarding bid. (Finance to handle)

CONSENT

13. 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 and Associates, on December 7 and 9, 1991.
(Report with agenda. Resolution declaring surplus property and authorizing sale by public auction needed.)

ACTION: Res. 91-707 adopted declaring surplus property & authorizing sale. (Finance to handle)

CONSENT

14. Consider acceptance of Gentz Construction Company's contract for the 18" water line in Crows Landing Road between Hatch Road and Whitmore Avenue, and authorize the City Clerk to file a Notice of Completion. (Original contract: \$339,586.50)
(All work on the 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: \$360,573.92. Funds are budgeted.)

ACTION: Res. 91-708 adopted accepting work as complete. (P/W, Clerk to handle)

NEW BUSINESS

CONSENT

15. Designation of Councilmember Kenni Friedman to serve as Vice Mayor for the ensuing year, pursuant to Section 603 of the Charter of the City of Modesto.
(Resolution designating Kenni Friedman as Vice Mayor needed.)

ACTION: Res. 91-709 adopted designating kenni Friedman as Vice Mayor.

CONSENT

16. Presentation of City Manager's Annual Report for Fiscal Year 1990-91.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

17. Monthly Treasurer's report for October, 1991.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

18. Consider directing staff to enter into negotiations with Del Este Water Company; consider authorizing retention of professional services, and consider amending the 1991-92 Budget.
(Report with agenda. Motion authorizing staff to enter into negotiations with Del Este Water Company representatives; resolutions approving agreements with Bartle-Wells Associates and Boyle Engineering; and resolution amending the 1991-92 budget needed. Estimated cost: \$50,000.)

ACTION: By motion (Friedman/Patterson, unan.) staff authorized to enter into negotiations with Del Este Water Company.
Res. 91-710 adopted (same vote) approving an agreement with Bartle-Wells Associates.
Res. 91-711 adopted (same vote) approving an agreement with Boyle Engineering. (P/W to handle)
Res. 91-712 adopted (same vote) amending budget.

CONSENT

19. Consider adopting the Updated Guide to the California Environmental Quality Act for the City of Modesto.
(The Updated Guide to CEQA Procedures for the City of Modesto describe in a step-by-step manner the procedures that are required by CEQA. Report with agenda. Resolution adopting the revision to the procedures for implementing CEQA where the City of Modesto is lead agency and superseding Resolutions 87-48 and 89-90 needed.)

ACTION: Res. 91-713 adopted, adopting the Updated Guide to the California Environmental Quality Act for the City of Modesto.
(Planning to handle)

CONSENT

20. Consider adopting a Negative Declaration for the Hetch Hetchy Bike Plan and adopting the Hetch Hetchy Bike Plan to provide for further implementation of the "Modesto Bike Plan".
(Report with agenda. Resolution adopting a Negative Declaration and adopting the Hetch Hetchy Bike Plan needed. Estimated Cost: \$480,000.00) Funds are partially budgeted. Project is still accumulating the necessary funding.)

ACTION: Res. 91-714 adopted adopting Negative Declaration and the Bike Plan.
(Planning to handle)

CONSENT

21. Consider approving appropriation transfer in the amount of \$9,000 from Sewer Fund 621 to Service Fund 720 in order to upsize a scheduled replacement 3/4 ton truck to a one-ton dump truck.
(Report with agenda. This will allow the large sewer line cleaning operation to use two employees and two vehicles instead of three employees and three vehicles, redirecting about \$12,00 annually. Resolution approving appropriation transfer needed.)

Dropped from the agenda.

WRITTEN COMMUNICATIONS

22. Letter from Franco Construction and New City Corp. requesting an exception be granted to allow an extension of 23 permits issued in 1989.

Letter received from Franco withdrawing request. No action taken.

23. Letter from Mid-Valley Engineering, on behalf of St. Paul's Church, appealing Public Works Department decision on improvements along the Oakdale Road frontage and St. Paul's Way, P-D(147).

ACTION: Res. 91-715 adopted (Irizarry/Muratore, unan.) waiving requirements for improvements to St. Paul Way, upholding improvements on Oakdale Road.
(P/W to handle)

MATTERS TOO LATE FOR THE AGENDA

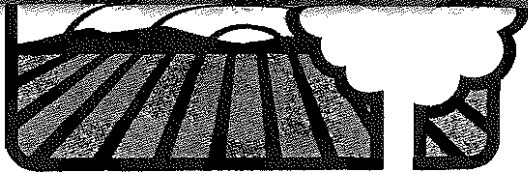
24. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 10:23 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, NOVEMBER 26, 1991, AT 4:00 P.M.

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

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Rick Thompson, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 7, 11, 13, 14

Removed from consent: 8, 9, 10

ACTION: (Muratore/Friedman, unan.)

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of October 19, 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.)

James Ellis spoke about Housing Program Office and Housing & Community Development Committees.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2795-C.S. amending rezoning from R-1, to P-D(487), property located on the north side of Chicago Avenue between Frankette and Florette Avenues, west of Paradise Road (Matthews/Fabian).
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2795-C.S. adopted. (Clerk to handle)

HEARINGS

5. Consider designating McClure Country Place, located at 800 McClure Road as a Modesto Landmark Preservation site.

ACTION: Res. 91-715 adopted (Dobbs/Muratore, unan.) designating as Landmark Preservation site. (P/R to handle)

6. Consider designating the United States Post Office and Federal Building located at 1125 "I" Street as a Modesto Landmark Preservation site.

ACTION: Res. 91-716 adopted (Muratore/Irizarry, unan.) designating as Landmark Preservation site. (P/R to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the Kansas Avenue sewer construction from 8th Street to 99 Freeway. (Suggested bid opening: December 19, 1991 at 11:00 a.m. This project will provide dependable sewer service to the area and lower City maintenance costs. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$102,014.00 (Contr.: \$92,740, Eng. & Cont.: \$9,274) Funds are partially budgeted. Appropriation transfer to be requested when exact amount needed to construct project is known.)

ACTION: Res. 91-717 adopted calling for bids. (P/W to handle)

8. Consider acceptance of bid and award of contract for the construction of Riverside Park and Riverside Drive to Ranchwood Contractors. (Bids were opened on October 31, 1991. The low bid of \$461,963.15, submitted by Ranchwood Contractors, is 20.64% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated Cost: \$508,159.47 (Contr.: \$461,963.15, Eng. & Cont.: \$46,196.32. Funds are budgeted.)

ACTION: Res. 91-718 adopted (Dobbs/Bird, unan.) awarding contract. (P/W to handle)

9. Report regarding the substantial completion of the Standiford Avenue Improvement Project. (Report with agenda. Motion acknowledging receipt of report needed.)

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

NEW BUSINESS

10. Consider approving lease agreement with Charles J. and Santo A. Carnabuci dba Nibbles for the advertising concession at the Airport. (Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 91-719 adopted (Patterson/Bird, unan.) approving agreement. (Attorney to handle)

CONSENT

11. Consider approving the addition of a glass storefront in the Airport's passenger terminal departure lounge and authorize amending the budget to appropriate funds for the project. (Report with agenda. Resolution amending the budget needed. Estimated Cost: \$6,500.00.)

ACTION: Res. 91-720 adopted amending the budget. (P/W to handle)

CONSENT

12. Consider adopting City's Industrial Waste Enforcement Response Plan (ERP).
(Report with agenda. Resolution adopting the Enforcement Response Plan
and introduction of an ordinance amending the Municipal Code needed.)

ACTION: By motion, Ord. 2796-C.S. introduced.
Res. 91-721 adopted adopting the Plan. (P/W, Clerk to handle)

CONSENT

13. Consider authorizing City Manager to sign an amendment to agreement with
Brown and Caldwell Consultants to provide design services for
improvements to the Dissolved Air Flotation Thickeners at the Wastewater
Treatment Plant.
(As a result of the odor control study done by Brown and Caldwell
Consultants, it is apparent that certain improvements to the Dissolved
Air Flotation Thickeners (DAFT) would be beneficial to the treatment
process and reduce odor emissions. Report with agenda. Resolution
approving agreement needed. Estimated cost: \$87,340. Funds are
budgeted.)

ACTION: Res. 91-722 adopted approving agreement. (P/W to handle)

CONSENT

14. Consider amending the Position Classification Plan for the following job
specifications: Social Services Coordinator, Fire Battalion Chief and
Fire Division Chief, Affirmative Action Officer and Senior Crime
Analyst/Crime Analyst, and Public Improvement Specialist, and abolishing
the class of Data Processing Technician.
(Report with agenda. Resolution amending the Position Classification
Plan, and resolution amending the Salary Schedule needed.)

ACTION: Res. 91-723 adopted amending the Position Classification Plan.
Res. 91-724 adopted amending the Salary Schedule.
(Personnel to handle)

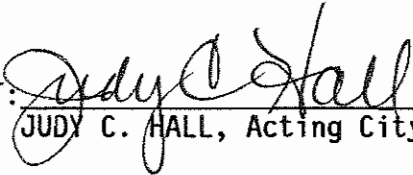
MATTERS TOO LATE FOR THE AGENDA

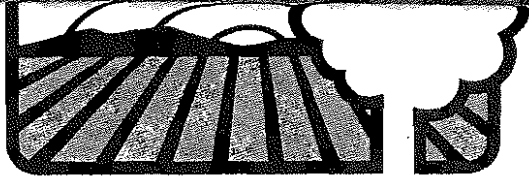
15. (These may be presented by members of the City Council and staff upon
determination that an emergency exists, as defined by State law, or that
the need to take action on the matter arose subsequent to the publishing
of this agenda.)

None

ADJOURNMENT

16. The meeting adjourned at 4:27 p.m. to closed session to confer with or receive advice from legal counsel when, based upon existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation, pursuant to Section 54956.9(c) of the Government Code.

ATTEST: 
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 3, 1991, AT 7:30 P.M.

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

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Stephen Elliott, Prescott Evangelical Free Church

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

ACTION: (Dobbs/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.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced members and leaders of Den 5 of Cub Scout Pack No. 9, and two Webelos Dens of Cub Scout Pack No. 299.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of November 25, 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.)

None

UNFINISHED BUSINESS

4. Hearing to consider amendment to P-D(460) to allow a two-story medical/professional office building with offices on the second floor and off-street parking on the ground level below, at the southwest corner of Judith Lane and Timothy Avenue. (Roger Rule)
Councilmember Bird excused due to a conflict of interest.

ACTION: By motion (Dobbs/Irizarry, unan., Bird absent) Ord. 2797-C.S. introduced.
Res. 91-725 adopted (same vote) approving plan.
Res. 91-726 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

5. Hearing to consider the report of work and cost of construction of improvements along certain streets in the City of Modesto.

Curb and sidewalk at 612 California Avenue (Strutz & Sims - \$1,400.00)

ACTION: Res. 91-727 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 537 Coffee Rd (Henderson, Kenneth E., et al, Trs - \$939.00)

ACTION: Res. 91-728 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 209 Colfax Ave (Meyer, Kenneth, et ux - \$433.00)

ACTION: Res. 91-729 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 213 Colfax Ave (Tetens, Irma D. - \$489.00)

ACTION: Res. 91-730 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 229 Colfax Ave (Young, Gerald G., et ux - \$489.00)

ACTION: Res. 91-731 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk and curb at 324 S. Emerald Ave (Brown, Adele - \$1,679.00)

ACTION: Res. 91-732 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk and curb at 400 S. Emerald Ave (Cole, Miner E., Sr., et ux - \$2,329.00)

ACTION: Res. 91-733 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk and curb at 412 S. Emerald Ave (Rodney, J.R., et ux - \$2,429.00)

ACTION: Res. 91-734 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 2104 Encina Avenue (Correa, Florence F. - \$2,025.00)

ACTION: Res. 91-735 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk along Encina Avenue at 436 Oakshire Avenue (Nelson, Douglas R. - \$1,349.00)

ACTION: Res. 91-736 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Curb along E. Fairmont Ave at 935 Patricia Ln (Watson, Barbara - \$2,453.00)

ACTION: Res. 91-737 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Curb at 226 E. Fairmont Ave (Donaldson, Arlene - \$1,162.00)

ACTION: Res. 91-738 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Curb at 230 E. Fairmont Ave (Maryjane Rivers - \$1,131.00)

ACTION: Res. 91-739 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Curb at 232 E. Fairmont Ave (Quinton, Lee J. - \$1,405.00)

ACTION: Res. 91-740 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Curb at 234 E. Fairmont Ave (Tarabek, Jean M., et al - \$1,162.00)

ACTION: Res. 91-741 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 2325 Haddon Ave (Earl, Gerald L. - \$489.00)

ACTION: Res. 91-742 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 2424 Haddon Avenue (Latimer, Beverly, et al - \$1,185.00)

ACTION: Res. 91-743 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 601 MamiLane (Coburn, William F., et ux - \$674.00)

ACTION: Res. 91-744 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 1221 Mills Ave (Barr, Bill S. - \$1,012.00)

ACTION: Res. 91-745 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 1231 Mills Ave (Jussell, Norma J. - \$780.00)

ACTION: Res. 91-746 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Curb and sidewalk at 1305 Nelson Ave (Sample, Sandra C. - \$2,418.00)

ACTION: Res. 91-747 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Curb and sidewalk at 1313 Nelson Ave (Cochren, Edgar L. - \$1,537.00)

ACTION: Res. 91-748 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Curb and sidewalk at 1335 Nelson Ave (Carson, Terry - \$2,195.00)

ACTION: Res. 91-749 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sidewalk at 1701 Rouse Ave (Velo, Joe A. - \$1,589.00)

ACTION: Res. 91-750 adopted (Muratore/Bird, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

6. Hearing to consider an exemption from the Capital Facilities Fees for Modesto Union Gospel Mission Expansion.

ACTION: Res. 91-751 adopted (Muratore/Friedman, unan.) granting exemption. (Planning to handle)

BIDS

CONSENT

7. Consider acceptance of bid and award of contract for traffic signal modification at Coffee Road and Orangeburg Avenue to Richard A. Heaps, Electrical Contractor, and consider resolution amending budget. (Bids were opened on October 15, 1991. The low bid of \$90,334, submitted by Richard A. Heaps, Electrical Contractor, is 21.45% 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 and resolution amending budget needed. Estimated cost: \$99,367.40 (contract \$90,334; eng. & cont. \$9,033.40). Funds are budgeted.)

ACTION: Res. 91-752 adopted awarding contract.
Res. 91-753 adopted amending budget. (P/W to handle)

NEW BUSINESS

8. Consider request of Building Industry Association of Central California for extension of building permit fees. (Report with agenda.)

ACTION: By motion (Friedman/Muratore, unan.) this matter was referred to the Public Projects Committee. (Manager to handle)

CONSENT

9. Consider authorizing staff to send out requests for qualifications for the inspection of City streets. (Report with agenda. Resolution authorizing requests for qualifications needed. Estimated cost: \$34,000 (contract \$31,000; contingencies \$3,000). Funds are budgeted.)

ACTION: Res. 91-754 adopted authorizing request for qualifications. (P/W to handle)

CONSENT

10. Consider authorizing a refund of \$12,981.82 for overpayment of Business License Tax by Acme Construction Co.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 91-755 adopted approving refund. (Finance to handle)

CONSENT

11. Consider authorizing a refund of \$520.12 for overpayment of Business Improvement Area Tax by American Lumber Co.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 91-756 adopted approving refund. (Finance to handle)

CONSENT

12. Consider authorizing a refund of \$568.90 for overpayment of Business Improvement Area Tax by The Warden's Office.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 91-757 adopted approving refund. (Finance to handle)

CONSENT

13. Consider authorizing a refund of \$1,242.32 for overpayment of Business License Tax by PRN Transcriptions.
(Report with agenda. Resolution approving refund needed.)

ACTION: Res. 91-758 adopted approving refund. (Finance to handle)

CONSENT

14. Distribution of the City of Modesto's audited Comprehensive Annual Financial Report for the fiscal year ended June 30, 1991.
(Report will be distributed at the meeting. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

15. Consider approving lease agreement with Insight Aviation, Inc. for the lease of hangar No. 2 at the Modesto City/County Airport.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 91-759 adopted approving lease agreement. (Atty to handle)

CONSENT

16. Consider approving lease agreement with George Frederickson for the lease of a portion of Fire Station No. 5 for a garden.
(Report with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 91-760 adopted approving lease agreement. (Atty to handle)

CONSENT

17. Consider authorizing staff to request proposals to study grit system alternatives at the Water Quality Control Plant.
(Report with agenda. Resolution authorizing request for proposals needed. Estimated cost: \$80,000. Funds are budgeted.)

ACTION: Res. 91-961 adopted authorizing request for proposals. (P/W to handle)

MATTERS TOO LATE FOR THE AGENDA

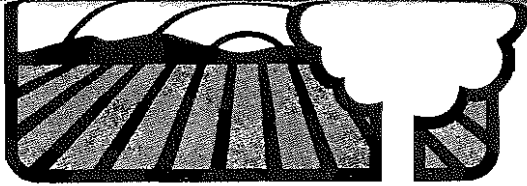
18. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 8:23 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, DECEMBER 10, 1991, AT 4:00 P.M.

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

Absent: None

Pledge of allegiance to the Flag

Invocation: Councilmember Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 8, 11, 12,
14, 15, 16

Removed from Consent: 10, 13
ACTION: (Friedman/Bird, unan.)

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

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

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

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

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Resolution of Appreciation from the California Association of Airport Executives and the Southwest Chapter of the American Association of Airport Executives for hosting the organization's 45th annual conference.

Howard Cook , Airport Manager, presented resolution to Mayor and Councilmembers.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 3, 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.)
- a. James Ellis commended Modesto High School students and urged Council to get students involved.
 - b. Peggy Mensinger spoke about the TIN CUP Ordinance and Conflict of Interest as it relates to the B.I.A. request and the recent election.

UNFINISHED BUSINESS

4. Report of the Public Projects Committee concerning the request of the Building Industry Association of Central California for an extension of building permit fees.
(Continued from the December 3, 1991, Council meeting.)
Councilmember Dobbs excused due to a conflict of interest.
- a. Letter from Franco Construction requesting an extension of the expiration date of 23 building permits.

ACTION: By motion (Muratore/Patterson, unan., Dobbs absent) Request of B.I.A.C.C. to withdraw request for extension approved.
By motion (Friedman/Bird, unan., Dobbs absent) concept of "Blue Ribbon" Committee to study building permit fees referred to Public Projects Committee.

CONSENT

5. Final adoption of Ord. No. 2796-C.S. amending Sections 5-6.01, 5-6.12, 5-6.12.1, 5-6.13, 5-6.13.1, 5-6.13.2 and 5-6.15 of Chapter 6 of Title V of the Modesto Municipal Code relating to sewage collection and disposal. (Motion adopting needed.)

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

CONSENT

6. Final adoption of Ord. No. 2797-C.S. amending Section Map 17-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(460), property located on the southwest corner of Judith Lane and Timothy Avenue. (Roger Rule) (Motion adopting needed.)

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

HEARINGS

7. 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 November 5, 1991, City Council meeting.)

ACTION: By motion (Bird/Muratore, unan.) request for continuance to March, 1992, approved.

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for installation of waterlines on Dale Road; Franzia Court/Reno Avenue; and Emerald Avenue/Kansas Avenue (Suggested bid opening: January 7, 1992 at 11:00 a.m. Report with agenda. Resolution calling for bids needed. Estimated Cost: \$160,842.00 (Contr. \$146,220/Eng. and Cont. \$14,622). Funds are budgeted.)

ACTION: Res. 91-762 adopted calling for bids. (P/W to handle)

NEW BUSINESS

9. 1991 Urban Growth Policy Review. (The Urban Growth Policy Review is prepared annually to assist the City Council in determining the need for new villages. The Public Projects Committee at its November 12, 1991, meeting, recommended that the City Council accept the 1991 Urban Growth Policy Review as submitted and to reconvene the Urban Growth Committee in the first quarter of 1992. Report with agenda. Motion acknowledging receipt of report and directing staff to come back before the Council during the first quarter of 1992 with a proposal for reconvening the Urban Growth Committee needed.)

ACTION: By motion (Irizarry/Dobbs, unan.) receipt of report acknowledged.
WPCC318 3 12-10-91

10. Report on Automatic Mutual Aid agreement with Industrial Fire Protection District.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Friedman/Irizarry, unan.) item continued pending receipt of additional information.

CONSENT

11. Consider request from the City of Modesto Culture Commission for authorization to prepare a draft revision of the City of Modesto Master Plan for Cultural Activities and Historical Buildings.
(Report with agenda. Motion authorizing the Culture Commission to prepare draft revision of Master Plan for Cultural Activities and Historical Buildings needed.)

ACTION: By motion, authorized the Culture Commission to prepare draft revision.

CONSENT

12. Consider approval of the final map of Hillview Estates 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: J.F.K. Construction.
(The Subdivision agreement has been signed and all fees paid. Hillview Estates is located on the north side of Whitmore Avenue, east of Ustick Road. It contains 1.349 acres. Resolution approving the final map and authorizing City Manager to sign subdivision agreement needed.)

ACTION: Res. 91-763 adopted approving finalmap.

13. Consider request from International Friendship Committee to negotiate with Kurume, Japan for a Sister City relationship.
(Report with agenda. Motion authorizing International Friendship Committee to negotiate with Kurume, Japan needed.)

ACTION: By motion (Muratore/Friedman, unan.) the Friendship Committee was authorized to negotiate with Kurume.

CONSENT

14. Consider request from the International Friendship Committee to add two members to the Committee.
(Report with agenda. Motion approving increase in members needed.)

ACTION: By motion increase in members approved.

CONSENT

15. Consider amending the 1991-92 budget to transfer \$9,000 from the Sewer Fund to the Service Fund to upsize a scheduled replacement 3/4 ton pickup truck to a 1-ton mini dump truck.
(By upsizing one of the 3/4 ton pickups to a 1-ton mini dump truck, the operation can be run with one less truck and one less operator, redirecting 800 manhours annually and freeing up a dump truck for other maintenance tasks. Resolution amending budget needed. Funds are budgeted.)

ACTION: Res. 91-764 adopted amending budget. (Finance to handle)

CONSENT

16. Consider entering into an amendment to the agreement with Ernest P. Graham Development Company for traffic mitigation improvements at the corner of Standiford Avenue and Carver Road.
(Report with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 91-765 adopted approving amended agreement.

WRITTEN COMMUNICATIONS

17. Report from the "Festival 91" Steering Committee.

Amy Wolfe, "Festival 91" Steering Committee Chairperson, reported on 1991 Festival, thanked Council for support and requested support for next year.

ACTION: By motion (Patterson/Muratore, unan.) report accepted.

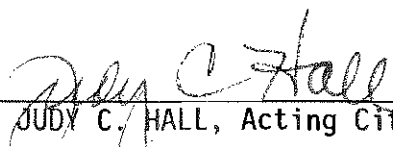
MATTERS TOO LATE FOR THE AGENDA

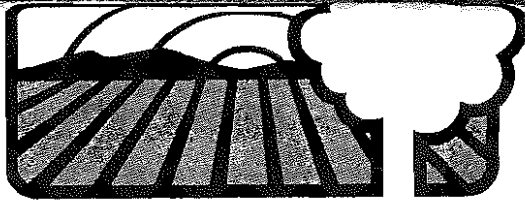
18. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

19. The meeting adjourned at 5:40 p.m. to closed session to discuss pending litigation, pursuant to Government Code Section 54956.9(b)(1).

ATTEST: 
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 17, 1991, AT 7:30 P.M.

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

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Cliff Sexton, First Baptist Church

A. Certification of canvass of votes at the December 10, 1991 election.

ACTION: Res. 91-766 adopted (Irizarry/Bird, unan.) certifying canvass of votes.

B. Oath of office by newly-elected City Councilmember.

Oath of office administered to David Cogdill.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 10, 11, 12,
Removed from Consent: 9, 17 13, 14, 15, 16, 18, 19

ACTION: (Bird/Muratore, unan.)

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

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



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

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor introduced Boy Scout Troop 133, Jesus Christ Church of the Latter Day Saints, Ward 4.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 10, 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.)

None

HEARINGS

4. Hearing to consider the Fleur De Ville Reorganization to the City of Modesto and the Modesto Municipal Sewer District No. 1, and detachment from the Salida Fire Protection District.
Councilmember Bird excused due to a conflict of interest.

ACTION: Res. 91-767 adopted (Dobbs/Friedman, unan., Bird absent) ordering Reorganization.

5. Hearing to consider changes to the existing garbage rates as a result of the annual garbage rate review.

ACTION: Res. 91-768 adopted (Muratore/Friedman, majority, Cogdill-no) increasing rates.
(Finance/P.W. to handle)

BIDS

CONSENT

6. Consider authorizing an appropriation transfer in the amount of \$24,000 from the clarifier No. 2 sand blast and recoat project Capital Improvement Program account to the Jefferson lift station project account. (The Jefferson lift station project costs have increased due to unanticipated work related to deteriorated manholes and conflicts with existing waterlines. Report with agenda. Resolution authorizing appropriation transfer needed.)

ACTION: Res. 91-769 adopted authorizing appropriation transfer.
(Finance/P.W. to handle)

CONSENT

7. Consider declaring Central Pump Co. low bidder and authorize the purchase of two catwalks at the Water Quality Control Plant for \$45,231.57. (Report with agenda. Resolution accepting the bid of Central Pump Co. needed. Funds are budgeted.)

ACTION: Res. 91-770 adopted accepting bid. (Finance to handle)

CONSENT

8. Consider declaring H. V. Carter Co. and Ramacher Manufacturing low bidders and authorize the purchase of three diesel mowers. (Report with agenda. Resolution accepting the bids of H. V. Carter Co. and Ramacher Manufacturing needed. Estimated cost: \$76,491. Funds are budgeted.)

ACTION: Res. 91-771 adopted accepting bids. (Finance to handle)

NEW BUSINESS

9. Consider authorizing staff to solicit proposals for providing consultant to select, design and implement the Centralized Traffic Control System. (Report with agenda. Resolution authorizing staff to prepare requests for proposals needed. Funds are budgeted.)

ACTION: A motion (Dobbs/Bird) to refer to Transportation Committee, failed to carry. Res. 91-772 adopted (Patterson/Friedman, majority, Bird, Cogdill, Dobbs-no) authorizing Request for Proposals. (P/W to handle)

CONSENT

10. Consider authorizing staff to solicit proposals for a five-year contract to provide drivers and other personnel to operate the Modesto Area Express bus system and consider authorizing the extension of the existing operations contract with TRIPS, Inc. through May 31, 1992. (Report with agenda. The above actions are recommended by the City/County Joint Transportation Committee. The existing contract with TRIPS, Inc. provides for extension of the contract for up to three months beyond the existing May 2, 1992 expiration date. The extension is needed to provide a new contractor, if one is selected, to have sufficient start-up time. Resolution authorizing continuation of existing contract through May 31, 1992 needed, and resolution authorizing solicitation of proposals.)

ACTION: Res. 91-773 adopted authorizing continuation of existing contract. Res. 91-774 adopted authorizing solicitation of proposals. (P/W to handle)

CONSENT

11. Consider staff report on the neighborhood demonstration projects, including a resident permit parking zone Yosemite Avenue and "speed humps" on Sheldon Drive, Dry Creek Drive, Cormorant and Edgebrook Drives. (Report with agenda. Staff has prepared a report on the background status of the demonstration projects in various neighborhoods throughout the City. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

12. Consider authorizing the City Manager to sign an application to the State Parks and Recreation Department for \$40,000 in funding under the Land and Water Conservation Fund for construction of a group picnic shade structure at East La Loma Park.
(Report with agenda. Resolution authorizing the Manager to sign grant application needed.)

ACTION: Res. 91-775 adopted approving grant application. (P/R to handle)

CONSENT

13. Consider accepting \$52,614 in State grant funds for the construction of a utility/restroom building at Wesson Ranch Park, and authorizing the City Manager to sign project agreement.
(Report with agenda. Resolution accepting grant funding and authorizing City Manager to sign project agreement needed.)

ACTION: Res. 91-776 adopted approving the acceptance of grant funds.
(P/R to handle)

CONSENT

14. Consider approving an agreement with Community Temporary Shelter Services to provide Homeless Transitional Housing Counseling.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-777 adopted approving agreement. (Planning to handle)

CONSENT

15. Consider approving an agreement with HUD to lease with option to purchase a single-family home for homeless transitional housing.
(Report with agenda. Resolution approving an agreement with HUD needed. Estimated cost: \$1.00)

ACTION: Res. 91-778 adopted approving agreement. (Planning to handle)

CONSENT

16. Consider amending the Fiscal Year 1991-92 budget, by \$6,415.00 from the Police Asset Forfeiture Account for the purchase of a video printer and fume hood.
(Report with agenda. Resolution amending the budget needed.)

ACTION: Res. 91-779 adopted amending the budget. (Finance to handle)

17. Consider referring the proposed Neighborhood Preservation Ordinance to the Planning Commission for their review.
(Report with agenda. Motion referring the proposal to the Planning Commission needed.)

ACTION: By motion (Muratore/Patterson, unan.) referred to Planning Commission.
(Planning to handle)

CONSENT

18. Consider making an administrative adjustment to the Capital Facility Fees (CFF).

(Report with agenda. This adjustment will move the traffic synchronization project from the Air Quality Fee into the Street Improvement Fee. This adjustment will not increase or decrease the CFF, it simply channels the money to a different fund. It will improve the utilization of CFF revenues. Resolution adjusting the Capital Facilities Fees distribution, and a resolution amending the budget needed.)

ACTION: Res. 91-780 adopted amending the budget. (Finance to handle)

CONSENT

19. Consider abandonment of a portion of the Public Utility Easement in Block 9051 of the City of Modesto.

(Report with agenda. Resolution vacating and abandoning needed.)

ACTION: Res. 91-781 adopted abandoning public utility easement. (P/W to handle)

MATTERS TOO LATE FOR THE AGENDA

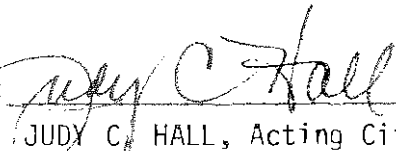
20. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

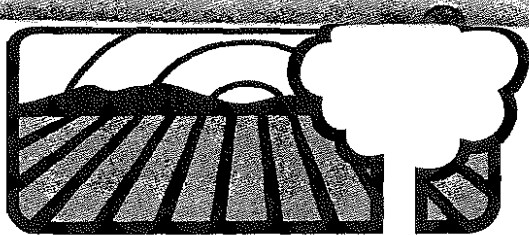
None

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

ATTEST:


JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 24, 1991, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
Councilmember Patterson arrived at 4:16 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9,
10, 11, 12, 13, 14

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

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

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

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

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



1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 17, 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.)

Councilmember Muratore remarked on a newspaper article about placing homeless in a home through HUD and the Housing Program Office.

Ora Scruggs, Multi-Cultural Commission Executive Director, spoke.

UNFINISHED BUSINESS

CONSENT

4. Consider acceptance of report on Automatic Mutual Aid agreement with Industrial Fire Protection District.
(Report with agenda. Motion acknowledging report needed.)

By motion, receipt of report acknowledged.

BIDS

CONSENT

5. Consider award of contract for the Johansen High School pedestrian overcrossing to Pollock and Denico Inc., and consider amending the budget to re-estimate funds from the School District and establish a new CIP account - Claus Road Expressway Improvements - Johansen Overcrossing.
(Report with agenda. Resolution awarding contract, and resolution amending the budget to establish a new CIP account needed. Estimated cost: \$1,103,734 (contr. \$1,003,395; eng. & cont. \$100,339). Funds are budgeted.)

ACTION: Res. 91-782 adopted awarding contract.
Res. 91-783 adopted amending the budget. (Finance, P/W to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids to update submersible sewage stations - Coldwell Avenue, Fairmont Avenue and Athens Avenue.
(Suggested bid opening: January 23, 1992, at 11:00 a.m. Report with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$386,456 (contr. \$336,049; eng. & cont. \$50,407). Funds are budgeted.)

ACTION: Res. 91-784 adopted calling for bids (P/W to handle)

CONSENT

7. Consider approving plans and specifications and calling for bids for traffic signal construction at Claus Road and Orangeburg Avenue.
(Report with agenda. The traffic signal will be constructed to provide protected/permissive left-turn phases for Claus Road. Suggested bid opening date: Tuesday, January 14, 1992, at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$95,000. Funds are budgeted.)

ACTION: Res. 91-785 adopted calling for bids. (P/T to handle)

NEW BUSINESS

CONSENT

8. Consider deleting the Rockwell Maintenance Fee and the Document Retrieval Fee and rescinding Resolution No. 90-846 and Resolution No. 90-837.
(Report with agenda. Two resolutions deleting fees and rescinding resolutions needed.)

ACTION: Res. 91-786 adopted deleting rockwell maintenance fee.
Res. 91-787 adopted deleting document retrieval fee. (P/W to handle)

CONSENT

9. Consider retaining consultant for the Carpenter/Briggsmore Overpass Southbound On-Ramp Feasibility Study.
(Report with agenda. The Selection Committee selected JHK & Associates to conduct a feasibility study of the on-ramp as proposed by an earlier study by SAAG. Resolution approving agreement needed, and resolution approving appropriation transfer of \$3,000 needed. Estimated cost: \$29,300.)

ACTION: Res. 91-788 adopted approving agreement.
Res. 91-789 adopted approving appropriation transfer. (P/T to handle)

CONSENT

10. Consider extension of contract regarding 9th Street trains.
(Report with agenda. An extension of DeLeuw, Cather and Company's contract to October 5, 1992 is recommended. Resolution amending contract needed.)

ACTION: Res. 91-790 adopted amending contract. (P/T to handle)

CONSENT

11. Acknowledge receipt of Management Letter from auditors Deloitte & Touche submitted as a result of the FY 1990-91 audit of the City's Comprehensive Annual Financial Report.
(Report with agenda. Motion acknowledging receipt of Management Letter needed.)

ACTION: By motion, receipt of Management Letter acknowledged.

CONSENT

12. Consider monthly Treasurer's report for November 1991.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

13. Consider approving an agreement with Stanislaus Area Association of Governments for the provision of abandoned vehicle abatement services.
(Report with agenda. Resolution approving agreement needed.)

ACTION: Res. 91-791 adopted approving agreement. (Police to handle)

CONSENT

14. Consider acceptance of Storm Drainage Progress Report.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.


MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 4:18 p.m.

ATTEST: 
JUDY C. HALL, Acting City Clerk