MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 6, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Mark Lambert, American Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 9, 10, 11, 13, 15, 16, 17, 18

Removed from consent: 13, 18
ACTION: (Lang/Sutton, 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 Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council.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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the December 23, 1986, regular City Council meeting.
(Motion approving needed.)

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

UNFINISHED BUSINESS

3. Consider procedures regarding the Infrastructure Study Committee.
(Memo with agenda that outlines staff suggestions and Public Projects Committee recommendations regarding Committee composition, charge, budget, and recruitment-selection process. Motion directing staff. Estimated cost: $2,000. Funds are budgeted.)

ACTION: By motion (Whiteside/Lang, unan.) the composition of the Committee as recommended was approved with a property owner in a potential new neighborhood and a minority member to be included in the nine committee members, and with a school representative to be a tenth non-voting member.

A motion (Patterson/McGrath, Lang, Muratore, Sutton, Whiteside and Mensinger - no) to amend the charge to ask for two progress reports at Council meetings failed to carry.

By motion (Lang/Whiteside, majority, Patterson-no) the charge was approved as recommended with an additional charge that the cost versus revenue issue be addressed.

By motion (Lang/Whiteside, unan.) the first three recommendations under "Process" were approved.

A motion (Lang/McGrath, Muratore, Sutton, Whiteside, Mensinger-no) to approve a deadline of June 30, 1987, failed to carry.

By motion (Sutton/Whiteside, majority, McGrath-no) a deadline of May 31, 1987, for completion of the charge was approved.

By motion (McGrath/Lang, unan.) the recommended budget was approved.

By motion (McGrath/Whiteside, unan.) approval of the first two recommendations under "Recruitment Plan" were approved.

By motion (Whiteside/Muratore, majority, Patterson-no) the Planning Commission is to recommend a representative and an alternate, the Appointments Committee recommend a Citizen-at-large and an alternate, and the City Council to select a representative.

By motion (Lang/Whiteside, unan.) the school representative is to be selected by the Greater Modesto Relocatable Administration Agency.

By motion (McGrath/Sutton, unan.) approved items 5 and 7 as recommended and that the member selection process be through the Appointments Committee.

Res. 87-1 adopted (Patterson/Whiteside, unan.) approving previous motions.

By motion (Whiteside/McGrath, unan.) staff directed to place an item on the next agenda affirming the Council's selection of Councilmember Lang as its representative on the Committee. (Clerk to handle)

CONSENT

4. Final adoption of:

   a. Ord. No. 2466-C.S. rezoning from R-1 to R-2, property located on the north side of West Roseburg Avenue, east of Tully Road. (Joseph Simile)

   b. Ord. No. 2467-C.S. amending the Modesto Municipal Code relating to speed limits in the City of Modesto.

   (Motion adopting needed.)

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

HEARINGS

5. Hearing to consider formation of a Public Facilities District for the purpose of acquiring right of way and building a sidewalk at 2701 E. Orangeburg.

ACTION: By motion (Muratore/Whiteside, unan.) this item was continued for three months, or less if possible. (Engineering to handle)

6. Hearing to consider the proposed vacation and abandonment of the 20-foot alley in Block 65.

ACTION: Res. 87-2 adopted (Sutton/Whiteside, unan.) abandoning alley. (Planning to handle)

7. Hearing to consider an amendment to Section 23-3-9 of the Zoning Map to repeal a portion of P-D(134) allowing a professional office building and rezone to R-1, property located on the south side of East Orangeburg Avenue east of Oakdale Road. (Guarantee Savings)

ACTION: By motion (Whiteside/Sutton, unan.) Ord. No. 2468-C.S. introduced. (Clerk to handle)

BIDS

8. Consider approving specifications and authorize call for bids for furnishing audio visual equipment and accessories to be opened February 3, 1987, at 3:05 p.m.
(Requested by the Parks and Recreation Department, the audio visual equipment and accessories will be used for meetings, presentations, and other related functions that would take place at the Centre Plaza. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $19,895. Funds are budgeted.)

ACTION: Res. 87-3 adopted (Whiteside/Lang, majority, McGrath and Patterson - no) calling for bids. (Finance to handle)

CONSENT

9. Consider approving specifications and authorize call for bids to be opened January 20, 1987, at 3:15 p.m. for furnishing annual tire recapping requirements.
(An annual requirement, tires will be recapped intermittently throughout the 1987 year primarily for the Fire and Utility Services Departments on non-emergency vehicles such as buses, pool equipment, etc. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $20,000. Funds are budgeted.)

ACTION: Res. 87-4 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider awarding contract to modify traffic signals at Briggsmore/Coffee.
(Memo with agenda. Bids were opened on Tuesday, December 23, 1986. Seven bids were received. Collins Electrical Company, Inc., was the low bidder at $27,800. This is almost 23% below the estimate and is acceptable. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 87-5 adopted awarding contract. (P/T to handle)

CONSENT

11. Consider acceptance of Joe Martin Pipeline, Inc.'s contract for Well No. 50 waterline extension as complete. (Original contract: $12,450.)
(All work on this project has been completed to the satisfaction of the Engineering 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: $11,210. Funds are budgeted.)

ACTION: Res. 87-6 adopted accepting as complete. (Clerk to handle)

WRITTEN COMMUNICATIONS

13. Appeal of Hollandia Estates/Dutch Meadows Ad Hoc Homeowners Association to a Planning Commission decision regarding Dutch Faire subdivision. (Resolution setting hearing January 27, 1987, at 7:30 p.m. needed.) Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 87-7 adopted (Lang/Patterson, unan., McGrath absent) setting hearing. (Clerk to handle)

14. MATTERS FOR THE GOOD OF THE COMMUNITY

(These may be presented only by interested persons in the audience. Matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Monroe Taylor, Lure Johnson and Charles Rose spoke about Martin Luther King Holiday.

Tom Maher spoke about traffic on Standiford Avenue and about the Brown Act.

Ron Jourdenais spoke.

NEW BUSINESS

CONSENT

15. Consider authorizing City Manager to sign Easement for Telephone Facilities.
(Memo and location map with agenda. Resolution authorizing City Manager to sign easement deed needed. Estimated cost: $5,000. Funds are budgeted.)

ACTION: Res. 87-8 adopted approving easement deed. (Eng to handle)

CONSENT

16. Consider approving lease agreement with WestAir Commuter Airlines, Inc. for their operation at the Modesto Airport.
(This is a renewal of an existing lease agreement at the Airport. The only major change is a request by the airline to go from a one-year lease to a month-to-month agreement. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-9 adopted approving agreement. (Utility Serv to handle)

CONSENT

17. Consider introduction of an ordinance amending the Modesto Municipal Code relating to After-Hours Dance Hall Permits.
(Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2469-C.S. introduced. (Clerk to handle)

18. Consider introduction of an ordinance amending the Modesto Municipal Code relating to drinking in public.
(Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion (Lang/Whiteside, unan.) Ord. No. 2470-C.S. introduced.
(Clerk to handle)

MISCELLANEOUS

19. Appointments

None

20. MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 6:37 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 13, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 10, 14, 15, 16, 17, 18, 19

Removed from consent: 8, 9
ACTION: (Whiteside/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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Mensinger introduced Richard Metcalf, City Manager, from Geelong, Austrailia.

MINUTES

CONSENT

2. Approval of the minutes of the January 6, 1987, regular City Council meeting.
(Motion approving needed.)

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

UNFINISHED BUSINESS

CONSENT

3. Consider setting informal public hearing to consider changing the name of "Sutter Avenue" and "Franklin Street" to "Martin Luther King Drive." (A petition has been received from residents on Sutter Avenue and Franklin Street requesting that the name of these streets be changed to honor Dr. Martin Luther King, Jr. February 10, 1987, at 7:30 p.m. is recommended. Memo with agenda. Resolution setting informal public hearing needed.)

ACTION: Res. 87-10 adopted setting hearing. (Clerk to handle)

CONSENT

4. Final adoption of:

   a. Ord. No. 2468-C.S. repealing a portion of P-D(134) and rezoning to R-1, property located on the south side of East Orangeburg Avenue east of Oakdale Road. ((Guarantee Savings)

   b. Ord. No. 2469-C.S. amending the Modesto Municipal Code relating to after-hours dance hall permits.

   c. Ord. No. 2470-C.S. amending the Modesto Municipal Code relating to drinking in public.

   (Motion adopting needed.)

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

HEARINGS

5. Hearing to consider requirement of curbs and or/sidewalks at the following locations:

   a. Sidewalk at 1428 Teresa Street, Lot 30 of Block 6078 (Howard L. Bogar)

   b. Sidewalk at 1404 Teresa Street, Lot 24 of Block 6078 (Benjamin A. Brown)

d. Sidewalk at 1400 Teresa Street, Lot 23 of Block 6078 (John A. Frates)

e. Curb at 157 East Coolidge Avenue, a portion of Block 200 (Deborah Lensor)

f. Curb at 161 East Coolidge Avenue, a portion of Block 200 (Deborah Lensor)

g. Curb at 626 El Camino Avenue, a portion of Block 1039 (Warren Stone)

h. Sidewalk at 1336 Teresa Street, Lot 19 of Block 6078 (Jerry D. Surber)

i. Sidewalk at 1420 Teresa Street, Lot 28 of Block 6078 (Wendell L. Thompson)

j. Curb at 207 E. Coolidge Avenue, a portion of Block 200 (Conrad S. Word)

ACTION: Res. 87-11 adopted (McGrath/Whiteside, unan.) ordering work of construction. (Engineering to handle)

c. Curb and sidewalk at 2437 E. Orangeburg Avenue, a portion of Block 1437 (Community Pacific Broadcasting)

ACTION: Res. 87-12 adopted (Lang/Whiteside, majority, Patterson-no) ordering work of construction. (Engineering to handle)

6. Report on cost of curb and sidewalk construction at the following locations:
(Continued from 12/23/86, City Council meeting.)

a. Curb and sidewalk at 306 Conejo Avenue, Portion of Block 2184-A (E. Curtis and Lois A. Camp - $1,750)

ACTION: Res. 87-13 adopted (Sutton/Lang, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

b. Sidewalk along Rosina Avenue at 1705 Miller Avenue, Lot 7 of Block 2132-A (Michael and Lisa Delfley, Jr.- $509)

ACTION: Res. 87-14 adopted (Sutton/Lang, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

c. Curb and sidewalk at 1613 Timothy Avenue, Lot 4 of Block 6133 (Carney and Deborah Lansford - $944)

ACTION: Res. 87-15 adopted (Sutton/Lang, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

d. Curb and sidewalk at 1621 Timothy Avenue, Lot 2 of Block 6133 (Carney and Deborah Lansford - $944)

ACTION: Res. 87-16 adopted (Sutton/Lang, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

e. Curb and sidewalk at 1627 Timothy Avenue, Lot 1 of Block 6133 (Carney and Deborah Lansford - $2,864)

ACTION: Res. 87-17 adopted (Sutton/Lang, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

f. Curb and sidewalk at 1617 Timothy Avenue, Lot 3 of Block 6133 (Carney and Deborah Lansford - $944)

ACTION: Res. 87-18 adopted (Sutton/Lang, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

g. Sidewalk at 207 Rosina Avenue, Lot 5 of Block 2132 (Rose K. Martin - $342)

Paid. Dropped from agenda.

h. Sidewalk at 211 Rosina Avenue, Lot 4 of Block 2132 (Rose K. and Robert Joe Martin - $342)

Paid. Dropped from agenda.

i. Sidewalk at 1605 Timothy Avenue, portion of Block 6133 (Elizabeth T. Soderstrom - $512)

ACTION: Res. 87-19 adopted (Sutton/Lang, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

7. Joint City Council/Redevelopment Agency hearing to consider the proposed sale and development of land pursuant to a proposed disposition and development agreement between the Redevelopment Agency and Westar Associates.
Mayor Mensinger excused due to a conflict of interest.

ACTION: Res. 87-20 adopted (Whiteside/Lang, majority, McGrath and Patterson - no, Mensinger absent) approving agreement. (Mgr to handle)

At 10:20 p.m., there was a ten-minute recess.

BIDS

8. Consider approving documents for the investigation of the transportation center site and adjacent property for underground tanks.
(Suggested bid opening: February 10, 1987, at 11:00 a.m. Memo with agenda. The transportation center site and the potential parking lot site west of the S.P.R.R. tracks would be investigated under the same contract. The contract would be about $11,500. Funds are budgeted. Resolution approving Right-of-Entry Permit needed, and resolution approving documents and calling for bids needed.)
Mayor Mensinger excused due to a conflict of interest.

ACTION: Res. 87-21 adopted (Lang/Whiteside, unan., Mensinger absent) approving Right-of-Entry Permit. (P/T to handle)

Res. 87-22 adopted (Lang/Whiteside, unan., Mensinger absent) calling for bids. (P/T to handle)

9. Consider the following:

a. Declaring Wang Laboratories low bidder on Item II and authorize the purchase of one personal computer for the total price of $5,806.

b. Declaring IBM low bidder on Item III, and authorize the purchase of four personal computers for the total price of $19,413.

(Memorandum with agenda. Resolution authorizing purchase from Wang Laboratories needed; resolution authorizing purchase from IBM needed. Estimated cost: $25,219. Funds are budgeted.)

ACTION: Res. 87-23 adopted (Lang/Patterson, unan.) authorizing purchase from Wang Laboratories.

Ress. 87-24 adopted (Lang/Patterson, unan.) authorizing purchase from IBM. (Finance to handle)

CONSENT

10. Consider waiving formal bid procedures and authorize the purchase of one Code-3 type vehicle through the State of California Cooperative Purchasing Program for the total amount of $12,200.
(Memorandum with agenda. Resolution authorizing purchase needed. (Five affirmative votes needed. Funds are budgeted.)

ACTION: Res. 87-25 adopted authorizing purchase. (Finance to handle)

WRITTEN COMMUNICATIONS

11. Letter from Rev, Monroe C. Taylor, Vice President, Modesto Westside Ministerial Alliance, requesting approval of Dr. Martin Luther King's birthday as a City holiday.

ACTION: Res. 87-26 adopted (Patterson/McGrath, unan.) approving the third Monday in January each year to be a City holiday.
(Attorney to handle)

MATTERS FOR THE GOOD OF THE COMMUNITY

12. (These may be presented only by interested persons in the audience. Matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

NEW BUSINESS

13. Preparation of information for Grand Jury Report.
(Memo with agenda. The Stanislaus County Grand Jury has requested a point-by-point response by the City's independent auditor, Touche Ross & Company, to Mr. James Dignan's recent accusations regarding the City's fiscal policies and practices. Resolution authorizing City Manager to enter into agreement with Touche Ross needed, and resolution authorizing amending the 1986-87 Annual Budget to appropriate funds for this purpose needed. Estimated cost: $60,500. Funds are budgeted.)

ACTION: A motion (McGrath/Patterson, Lang, Muratore, Sutton, Whiteside, Mensinger-no) to withdraw the request to the Grand Jury and direct staff to meet with Mr. Dignan failed to carry.

Res. 87-27 adopted (Lang/Sutton, majority, McGrath and Patterson-no) approving agreement.

Res. 87-28 adopted (Lang/Sutton, majority, McGrath and Patterson-no) amending 1986-87 Annual Budget. (Finance to handle)

CONSENT

14. Consider proposed contracts for the collection of development fees for the Greater Modesto Relocatable Administration Agency (GMRAA) Members and establishment of a permit processing fee to cover processing costs.
(Memo with agenda. The school districts will pay the City $23 per residential unit as a processing fee. Motion approving recommendations needed.)

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

CONSENT

15. Consider request for water service to property outside the City limits at 1678 Kansas Avenue, located on the south side of Kansas Avenue between Rosemore Avenue and Carpenter Road. (Owner: Wayne Steinpress)
(The property owner has 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. 87-29 adopted approving agreement. (Eng to handle)

CONSENT

16. Consider approval of the final map of Country Ranch Estates 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 Modesto Municipal Code. (Subdivider: Bright Development)
(The subdivision agreement has been signed and all fees paid. Country Ranch Estates No. 2 is located south of Floyd Avenue, east of Oakdale Road. It contains 12.24 acres. Resolution approving final map neeeded.)

ACTION: Res. 87-30 adopted approving final map. (Clerk to handle)

CONSENT

17. Consider acceptance of improvements in Stonegate Manor subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Grant Construction, Inc.)
(Stonegate Manor subdivision is located north of Scenic Drive between McGuire Drive and Sonoma Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-31 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

18. Consider acceptance of amended Federal construction grant for Water Quality Control Plant Improvements and Disposal Facilities (Unit 2 and Unit 3).
(The Federal grant previously approved was based on engineering cost estimates. The amended grant reflects the actual cost of the project based on bid prices. Memo with agenda. Resolution accepting amended Federal grant and authorizing City Manager to execute needed, and resolution amending the 1986-87 Budget needed. Estimated cost: $49,959,000 (Federal $37,469,250; State $6,244,875; City $6,244,875). Funds are budgeted.)

ACTION: Res. 87-32 adopted accepting amended Federal grant.

Res. 87-33 adopted amending budget. (Utility Services to handle)

MISCELLANEOUS

CONSENT
19. Appointments

a. Consider appointment of Councilmember Lang as the City Council's representative on the Infrastructure Study Committee.

b. Consider appointment of Steve Fontana to Seat No. 7 on the HCDA Rehabilitation Loan Pool Subcommittee.

(Two resolutions making appointments needed.)

ACTION: Res. 87-34 adopted appointing Councilmember Lang.

Res. 87-35 adopted appointing Steve Fontana. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 12:07 a.m. to 10:00 a.m., on Thursday, January 15, 1987, in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California, for a meeting with representatives of the U.S. Fish and Wildlife Service regarding plans for a wildlife preserve.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
January 15, 1987

The Council of the City of Modesto met pursuant to adjournment at 10:00 a.m. on Thursday, January 15, 1987, in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California, for a meeting with representatives of the U.S. Fish and Wildlife Service regarding plans for a wildlife preserve.

Present: Councilmember Whiteside, Mayor Mensinger

Absent: Councilmembers Lang, McGrath, Muratore, Patterson, and Sutton

There being a lack of a quorum, the meeting was adjourned.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 20, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
Councilmember Patterson arrived at 4:05 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Phil Zimmerman, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 11, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31

Dropped from agenda: 16
Removed from Consent: 13A
ACTION: (Lang/Sutton, 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation of painting entitled "Images of Modesto" by the Senior Citizens oil painting class.

   Bob Diehl presented the painting to the City.

   b. Report from Bob Strickland, Chair of the Forward Modesto IV Task Force Selection Committee, on selection of Task Forces.

   Bob Strickland presented a progress report.

MINUTES

CONSENT

2. Approval of the minutes of the January 13, 1987, regular City Council meeting.
   (Motion approving needed.)

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

UNFINISHED BUSINESS

3. Consider accepting staff report on Statement of Intent to obtain consulting assistance in developing a standard regulatory rate review process for garbage collection operations.
   (Memo with agenda. Motion accepting staff report and directing staff needed.)

ACTION: By motion (Sutton/Whiteside, unan.) staff directed to obtain cost estimates. (Utility Services to handle)

3A. Consider ordinance amending Title II of the Modesto Municipal Code to add Chapter 8 entitled "Campaign Reform" regarding local regulation of campaign contributions and conflict of interest.
   (Memo with agenda. Introduction of an ordinance adding Chapter 8 to Title II of the Modesto Municipal Code needed.)

ACTION: By motion (Mayor Mensinger/Whiteside, unan.) Ord. No. 2471-C.S. introduced.

A motion to direct staff to prepare a conflict of interest ordinance failed to carry (McGrath/Patterson, Lang, Muratore, Sutton and Whiteside-no).

By motion (Whiteside/Patterson, unan.) staff directed to provide Council with information about what other cities are doing in the area of conflicts of interest and on the status of F.P.P.C. Study. (Atty to handle)

By motion (Patterson/Sutton, unan.) staff directed to bring Ordinance No. 2471-C.S. for review one year before the 1989 election. (Clerk to handle)

By motion (McGrath/Whiteside, unan.) staff directed to report on ways in which the ordinance can be enforced. (Atty to handle)

HEARINGS

Item 4 was taken before item 3A.

4. Hearing to consider an amendment to Section 12-3-8 of the Zoning Map to rezone from R-2 to P-D(346) to allow a 62-bed one-story addition to English Oaks Convalescent Hospital on the northeast corner of Hahn Drive and Rumble Road. (Robert F. Miller)

ACTION: By motion (Muratore/McGrath, unan.) Ord. No. 2472-C.S. introduced. Res. 87-36 adopted (same vote) approving plan. Res. 87-37 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

5. Hearing to consider monthly sewer service charges.

ACTION: Res. 87-38 adopted (Muratore/Sutton, unan.) revising sewer service charges. (Utility Serv/Finance to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the construction of Yosemite Boulevard sewer trunk and water line extensions. (Suggested bid opening: February 10, 1987, at 11:05 a.m. This project will make available to the Yosemite Neighborhood City water and sewer services. Resolution approving plans and specifications and call for bids needed. Estimated cost: $519,813 (contract $495,060; engineering & cont. $24,753); funds are budgeted.)

ACTION: Res. 87-39 adopted calling for bids. (Eng to handle)

CONSENT

7. Consider approving specifications and authorize call for bids to be opened February 10, 1987, at 3:00 p.m. for furnishing one mower trailer. (Requested by the Parks and Recreation Department, the trailer will be used by maintenance crews to transport a trim mower from one park to another. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $18,000. Funds are budgeted.)

ACTION: Res. 87-40 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider approving specifications and authorize call for bids to be opened February 10, 1987, at 3:05 p.m. for furnishing one rotary mower. (Requested by the Utility Services Service Division, the mower will be permanently assigned to the Parks Grounds Maintenance Division where it will be used to mow lawns. Resolution approving specification and authorizing call for bids needed. Estimated cost $18,000. Funds are budgeted.)

ACTION: Res. 87-41 adopted calling for bids. (Finance to handle)

10. Consider declaring Bornstein Company and Educational Industrial Sales lowest bidders on microphones and accessories for the Modesto Centre Plaza and authorize the purchases for the respective items bid. (Memorandum withn agenda. Resolution authorizing purchase of items I, II, IV, V, & VIII from Bornstein Company needed, and resolution authorizing purchase of Items III, VI, & VII from Educational Industrial Sales needed. Estimated cost: $6,843. Funds are budgeted.)

ACTION: Res. 87-42 adopted (Whiteside/Lang, majority, McGrath, Patterson-no) awarding bid to Bornstein Co. on Items I, II, IV, V & VIII.

Res. 87-43 adopted (same vote) awarding bid to Educational Industrial Sales on Items III VI and VII. (Finance to handle)

CONSENT

11. Consider waiving formal bid procedures and authorizing the purchase of traffic line paint from January 21, 1987, to November 19, 1987, through the State of California Cooperative Purchasing Program. (Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: $26,100. Funds are budgeted.)

ACTION: Res. 87-44 adopted waiving formal bid procedures. (P/T to handle)

WRITTEN COMMUNICATIONS

12. Letter from "Yes, You Can" Children's Touch Museum regarding a multi-cultural street fair to be held in mid-May.

ACTION: By motion (Muratore/McGrath, unan.) request referred to staff for report and recommendation. (Manager to handle)

CONSENT

13. Letter of resignation from the International Friendship Committee from Michael Garcia. (Resolution accepting resignation with regret needed.)

ACTION: Res. 87-45 adopted accepting resignation. (Clerk to handle)

13A. Consider request by Mark Kanai, Attorney, that the hearing to consider the appeal of Pacific Design Associates to a Planning Commission decision denying an application to rezone from R-1, R-3 and C-2 to P-D, property located on the west side of McHenry Avenue between Roseburg Avenue and Mensinger Avenues be continued from January 27 to February 10, 1987, at 7:30 p.m.
(Motion indicating intent to continue hearing needed.)
Mayor Mensinger excused due to a conflict of interest.

ACTION: By motion (Muratore/McGrath, unan., Mensinger absent) intention indicated to continue hearing. (Clerk to handle)

14. MATTERS FOR THE GOOD OF THE COMMUNITY

(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 asked for blankets for "street people".
Charles Rose spoke about the "Matters for the Good of the Community" item and length of Council meetings.

NEW BUSINESS

CONSENT
15. Consider joint City-County agreement with Roy F. Weston, Inc. for services as consulting engineer for the City-County Waste-To-Energy Project for design review, construction monitoring and acceptance testing. (Memo with agenda. Resolution approving agreement needed. Estimated cost: $360,000 (to be paid from bond proceeds).

ACTION: Res. 87-46 adopted approving agreement. (Utility Serv to handle)

CONSENT
16. Consider updating Modesto Police Department's permit and service fees. (Memo and fee schedule with agenda. Resolution revising fees needed.)

Dropped from agenda.

CONSENT
17. Consider authorizing filing of a grant application in the amount of up to $200,000 with the State of California for the Modesto Gang Violence Suppression Program.
(Memo with agenda. Resolution authorizing filing of grant application needed.)

ACTION: Res. 87-47 adopted authorizing filing of grant application.
(Police to handle)

CONSENT

18. Consider adopting the California Environmental Quality Act (CEQA) State Administrative Guidelines, as amended from time to time, for use by the City in doing environmental assessments of projects covered by CEQA. (Memo with agenda. Resolution adopting Guidelines needed.)

ACTION: Res. 87-48 adopted adopting Guidelines. (Atty to handle)

CONSENT

19. Consider extending deadline to January 27, 1987, for Greater Modesto Relocatable Administration Agency to submit names of a representative and alternate to serve on the Infrastructure Study Committee. (A letter from Howard Spivak, Chairperson of the GMRAA, is with the agenda. The next regular meeting of the GMRAA is on January 27, 1987, which is two working days late to submit a name for the Infrastructure Study Committee. Motion extending deadline needed.)

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

CONSENT

20. Monthly Treasurer's Report for December, 1986. (Copies of Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, report acknowledged.

CONSENT

21. Consider abandonment of the excess right of way for Sisk Road in Block 14021 of the City of Modesto. (Memo with agenda. Resolution vacating and abandoning excess right of way needed.)

ACTION: Res. 87-49 adopted abandoning excess right of way. (Eng to handle)

CONSENT

22. Consider approval of revised dues schedule for membership in the Central Valley Division of the League of California Cities. (Memorandum with agenda. Motion approving $500 maximum dues schedule needed.)

ACTION: By motion, $500 maximum dues schedule approved. (Mgr to handle)

CONSENT

23. Consider approval of LAFCO Questionnaire indicating no opposition to Houser Lane No. 3 Reorganization to the City of Modesto.
(Property owners on the north side of Houser Lane east of Carpenter Road have petitioned for annexation. The proposed uninhabited annexation would consist of six parcels and include six, single-family dwellings. A portion of the approved tentative subdivision map, Carpenter Villas, is within this annexation. Resolution responding favorably to proposed reorganization needed.)

ACTION: Res. 87-50 adopted responding facorably to proposed reorganization.
(Planning to handle)

CONSENT

24. Consider parking regulations for former Crocker Bank parking lot near 10th and I Streets.
(Memo with agenda. This 53-space lot will soon become City property. Metered and reserved parking are recommended. Resolution establishing Municipal Off-Street Parking Facilities, providing for control thereof and rescinding Res. No. 86-957 needed. Estimated cost: $1,750; funds are budgeted.)

ACTION: Res. 87-51 adopted establishing parking regulations.
(P/T to handle)

CONSENT

25. Consider the formation of Public Facilities District No. 2 to acquire right of way and construct a sidewalk at 2405 E. Orangeburg Avenue.
(Memo with agenda. Resolution of Intention directing City Manager to prepare report needed. Estimated cost: $10,400. Funds are budgeted.)

ACTION: Res. 87-52 adopted forming Public Facilities District No. 2.
(Eng to handle)

CONSENT

26. Consider approving an appropriation transfer of $3,551 from the General Fund Contingency Reserve to purchase a large bulletin board to comply with new Brown Act provisions concerning posting agendas.
(Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 87-53 adopted approving appropriation transfer.
(Clerk to handle)

CONSENT

27. Consider acceptance of an amended State of California construction grant for Water Quality Control Plant Improvements and Disposal Facilities (Unit 2 and Unit 3).
The State grant previously approved was based on engineering cost estimates. The amended grant reflects the actual cost of the project based on bid prices. Memo with agenda. Resolution accepting amended State grant and authorizing the City Manager to execute needed. Estimated cost: $49,959,000 (Federal $37,469,250; State, $6,244,875; City $6,244,875). Funds are budgeted.)

ACTION: Res. 87-54 adopted accepting amended State grant. (Utility Serv to handle)

CONSENT

28. Consider approving agreement with Western Aero, Inc. to allow them to operate an air taxi operation at the airport.
(This is a month-to-month agreement allowing Western Aero to use the airport to conduct a commercial operation at the airport. The agreement outlines landing fees, provides for insurance, and contains a hold harmless agreement. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-55 adopted approving agreement. (Utility Serv to handle)

CONSENT

29. Consider approving agreement with C. J. Rumble and Sons, for the lease of Chrysler 99 No. 2 Park Site.
(This is a one-year renewal of an existing lease. The Rumbles pay us $150 per year for this open land. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-56 adopted approving agreement. (Utility Serv to handle)

CONSENT

30. Consider approval of the final map of the Woodglen Condominiums subdivision of the City of Modesto as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers: CPC/LEW)
(The subdivision agreement has been signed and all fees paid. The Woodglen Condominiums subdivision is located at the southwest corner of Dale Road and Snyder Avenue. It contains 5.278 acres. Resolution approving final map needed.)

ACTION: Res. 87-57 adopted approving final map. (Clerk to handle)

CONSENT

31. Consider acceptance of improvements in Quail Manor subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory period. (Developer: Bailey Enterprises). (Quail Manor subdivision is located between Belharbour Drive and Floyd Avenue, east of Roselle Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-58 adopted accepting improvements as complete.
(Clerk to handle)

MISCELLANEOUS

32. Appointments

a. Reappointments to:

Airport Advisory Committee

ACTION: Res. 87-59 adopted (Lang/Whiteside, unan.) reappointing William Bradford to the Airport Advisory Committee.

Board of Personnel Appeals

ACTION: Res. 87-60 adopted (Lang/Whiteside, unan.) reappointing Levio Ghilotti to the Board of Personnel Appeals.

Board of Zoning Adjustment

ACTION: Res. 87-61 adopted (Lang/Whiteside, unan.) reappointing Timothy Fisher to the Board of Zoning Adjustment.

Culture Commission

ACTION: Res. 87-62 adopted (Lang/Whiteside, unan.) reappointing Shirley Elke to the Culture Commission.

Farm-City Committee

ACTION: Res. 87-63 adopted (Lang/Whiteside, unan.) reappointing Clare Gonsalves and Ellen Harvey to the Farm-City Committee.

Human Relations Commission

ACTION: Res. 87-64 adopted (Lang/Whiteside, unan.) reappointing David Dill and Barbariae Boyette to the Human Relations Commission.

International Friendship Committee

ACTION: Res. 87-65 adopted (Lang/Whiteside, unan.) reappointing Lance Thompson to the International Friendship Committee.

Planning Commission

ACTION: Res. 87-66 adopted reappointing (Lang/Whiteside, unan.) David Gallagher to the Planning Commission.

b. Appointments to:

Airport Advisory Committee

ACTION: Res. 87-67 adopted (McGrath/Muratore, unan.) appointing Janice Gray, Karen Bollinger and David Mesenhimer to the Airport Advisory Committee.

Board of Building Appeals

ACTION: Res. 87-68 adopted (McGrath/Muratore, unan.) appointing Randall Cavanagh to the Board of Building Appeals.

Youth Commission

ACTION: Res. 87-69 adopted (McGrath/Muratore, unan.) appointing Suzi Doxey to the Modesto Youth Commission.
(Clerk to handle)

33. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff, upon determination by the City Council 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 6:14 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 27, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside,

Absent: Mayor Mensinger

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 20, 21, 22, 23

ACTION: (Lang/Whiteside, unan., Mayor Mensinger 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the January 20, 1987, regular City Council meeting.
(Motion approving needed.)

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

UNFINISHED BUSINESS

CONSENT

3. Final adoption of:

   a. Ord. No. 2471-C.S. adding Chapter 8 relating to campaign reform to the Modesto Municipal Code.

   b. Ord. No. 2472-C.S. rezoning from R-2 to P-D(346), property located on the northeast corner of Hahn Drive and Rumble Road. (Robert F. Miller)

   (Motion adopting needed.)

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

HEARINGS

4. Hearing to consider the appeal of Pacific Design Associates to a Planning Commission decision denying an application to rezone from R-1, R-3 and C-2 to P-D, property located on the west side of McHenry Avenue between Roseburg Avenue and Mensinger Avenue.
(At the January 20, 1987, meeting the City Council indicated its intention to continue this hearing to February 10, 1987, at 7:30 p.m.)

ACTION: By motion (McGrath/Muratore, unan., Mensinger absent) hearing continued to February 10, 1987, at 7:30 p.m.) (Clerk to handle)

5. Hearing to consider the appeal of Hollandia Estates/Dutch Meadows Ad Hoc Homeowners Association to a Planning Commission decision regarding Dutch Faire vesting tentative subdivision map, located on the west side of Veneman Avenue North, south of Snyder Avenue.
Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 87-70 adopted (Patterson/Muratore, unan., McGrath and Mensinger absent) denying appeal and approving subdivision map. (Planning to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the relocation of the refuse compactor pad.
(Suggested bid opening: February 24, 1987, at 11:00 a.m. This project will consist of constructing a pad for the existing trash compactor and relocating the compactor to the new site located at the City Corporation Yard at 501 N. Jefferson. Resolution approving plans and specifications and call for bids needed. Estimated cost: $20,064 (contract $18,240; engineering & cont. $1,824). Funds are budgeted.)

ACTION: Res. 87-71 adopted calling for bids. (Eng to handle)

CONSENT

7. Consider approving specifications and authorizing call for bids to be opened February 24, 1987, at 3:00 p.m. for furnishing two industrial trucks.
(Requested by the Service Division, one truck will be equipped with a water tank and used by Parks Maintenance Crews to water sidewalk trees. The second truck will be equipped with a dump bed and again used by Parks Maintenance to pull a gang mower trailer. The water truck will replace a similar unit presently in service. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $61,890 (water truck $46,890; dump pickup $15,000). Funds are budgeted.)

ACTION: Res. 87-72 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider accepting the bids authorizing the purchase of shelving, work benches and office furniture from Warden's Office for $13,733.73, Healey and Popovich for $497.27, JHL Office Interiors for $925.38 and Durst Office Interiors for $298.22.
(Memorandum with agenda. Resolution authorizing the purchase of shelving, workbenches, and office furniture needed. Estimated cost: $21,301.40. Funds are budgeted.)

ACTION: Res. 87-73 adopted accepting the bids of Warden's Office, Healey and Popovich, JHL Office Interiors, and Durst Office Interiors. (Finance to handle)

CONSENT

9. Consider authorizing the purchase of one turf truck from H. V. Carter Company, Inc. for the total price of $6,016.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-74 adopted authorizing purchase. (Finance to handle)

CONSENT

10. Consider acceptance of Conco-West Inc.,'s contract for the construction Pelandale Park sidewalks. (Original contract: $11,279.30)
(All work on this project has been completed to the satisfaction of the Engineering and Parks & 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. Final cost: $9,528.20. Funds are budgeted.)

ACTION: Res. 87-75 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider acceptance of Osterberg and Stewart's contract for the drilling, casing and testing of Well No. 50. (Original contract: $23,782.20)
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services Departments. It is, therefore, in order to accept the work as complete and to file the Notice of Completion needed. Resolution accepting work as complete needed. Final cost: $25,567. Funds are budgeted.)

ACTION: Res. 87-76 adopted accepting work as complete. (Clerk to handle)

CONSENT

12. Consider acceptance of George Reed, Inc.'s contract for the construction of 1986 curb drain inlet repair. (Original contract: $15,165)
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services 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: $18,815. Funds are budgeted.)

ACTION: Res. 87-77 adopted accepting work as complete. (Clerk to handle)

CONSENT

13. Consider acceptance of Granite Construction Company's contract for the construction of the airport access road, T-hangar reconstruction and heliport construction. (Original contract: $292,963)
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services Departments. It is, therefore, recommended that the work be accepted as complete and the Notice of Completion be filed. Resolution accepting work as complete needed. Final cost: $329,663.79. Funds are budgeted.)

ACTION: Res. 87-78 adopted accepting work as complete. (Clerk to handle)

14. Consider award of bid for Modesto Centre Plaza graphic image design services to Al Barr Design Associates.
(Proposals for the graphic services for the Centre have been reviewed. It is recommended that Al Barr Design Associates be awarded the bid. Memo with agenda. Resolution awarding bid needed. Estimated cost: $13,780. Funds are budgeted.)

ACTION: Res. 87-79 adopted (Lang/Whiteside, majority, McGrath and Patterson - no, Mensinger absent) (P/R to handle)

CONSENT
15. Consider waiving formal bid procedures and authorize the purchase of the IBM VSE/SP operating system from IBM for installation on the IBM 4361.
(Memo with agenda. Resolution waiving bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated total cost, including installation: $22,036. Funds are budgeted.)

ACTION: Res. 87-80 adopted waiving formal bid procedures and authorizing purchase of software from IBM.

Res. 87-81 adopted waiving formal bid procedures and authorizing installation by American Management Systems. (Finance to handle)

WRITTEN COMMUNICATIONS

CONSENT
16. Request of Harlan E. Smith, Modesto Camellia Society, to the City for donation of sweepstakes trophy.
(Motion approving request needed. Funds are budgeted.)

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

MATTERS FOR THE GOOD OF THE COMMUNITY

17. (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.)

Ron Jourdenias spoke.

William McDonald spoke about the Police Department, Section 8 housing, tenants rights organizations, and sidewalks.

NEW BUSINESS

18. Discussion of new Brown Act law, as requested by Councilmember Whiteside.
(Memo with agenda.)

ACTION: By motion (Whiteside/McGrath, unan., Mensinger absent) staff directed to contact State Legislators concerning problems being experienced and request clean-up legislation. (Atty to handle)

19. Proposed left-turn lanes and no parking zone on Tully Road and Mt. Vernon Drive.
(Memo with agenda. Opposition to a proposed parking prohibition to provide room for the left-turn lanes is significant. City Council direction is needed. Motion acknowledging receipt of report and directing staff needed. Estimated cost: $1,200. Funds are budgeted.)

ACTION: By motion (Whiteside/McGrath, unan., Mensinger absent) staff recommendation approved, and more Police patrol urged in the area. (P/T and Police to handle)

CONSENT
20. Consider adoption of a Resolution of Intention to organize Public Facilities District No. 2 for the purpose of acquiring right of way and constructing a sidewalk at 2405 E. Orangeburg Avenue.
(Memo with agenda. Resolution of Intention to organize Public Facilities District and setting hearing February 17, 1987, at 4:00 p.m. needed. Estimated cost: $12,954. Funds are budgeted.)

ACTION: Res. 87-82 adopted setting hearing. (Clerk to handle)

CONSENT
21. City Council approval of FY 1987-88 Citizens Participation Plan and Community Development Block Grant Application Process.
(Memo with agenda. Resolution and a motion approving FY 1987-88 Citizens Participation Plan and Community Development block grant application process needed.)

ACTION: Res. 87-83 adopted adopting guidelines and criteria for requests for Community Development Block Grant funds.

By motion, Council approved the Citizens participation plan for the 1987-88 Community Block Grant application. (Planning to handle)

CONSENT
22. Consider approval of final map of Pioneer Village No. 3 subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdivider: James Horn Construction Co.)
(The subdivision agreement has been signed and all fees paid. Pioneer Village No. 3 is located at the southeast corner of Carpenter Road and Elm Avenue. It contains 5.214 acres. Resolution approving final map needed.)

ACTION: Res. 87-84 adopted approving final map. (Clerk to handle)

CONSENT

23. Consider request for water service to property outside City limits at 801 Dover Avenue located on the north side of Dover Street between Pearson Avenue and Church Lane. (Owners: Bob and Barbara Davis)
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous, but a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 87-85 adopted approving agreement. (Eng to handle)

24. Discussion of proposed League of California Cities financial condition and proposed dues increase.
(Memo from Jane Baker, League President, with agenda.)

ACTION: By motion (Lang/Whiteside, unan., Mensinger absent) proposed increase approved. (Manager to handle)

MISCELLANEOUS

25. Appointments to International Friendship Committee

ACTION: Res. 87-86 adopted (McGrath/Whiteside, unan.) appointing John Bree and Lollie Fagundes to the International Friendship Committee. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

CLOSED SESSION

27. Closed session to discuss potential departure of City Manager, as requested by Councilmember Patterson.

ACTION: By order of the Chair, this item held over to next week.

ADJOURNMENT

The meeting adjourned at 12:03 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, FEBRUARY 3, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Ross Briles, Sherwood Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 8, 12, 13, 14, 15, 16, 17

Removed from consent: 4, 5
ACTION: (Lang/Whiteside, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the January 27, 1987, regular City Council meeting.
(Motion approving needed.)

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

BIDS

4. Consider declaring McCoy's Supertread in Ceres overall low bidder for furnishing the City's annual tire recapping requirements.
(Memorandum with agenda. Resolution declaring McCoy's Supertread in Ceres overall low bidder and authorizing purchase needed. Estimated cost: $13,177. Funds are budgeted.)

Taken up after item 7

ACTION: Res. 87-87 adopted (Lang/Patterson, unan.) awarding bid.
(Finance to handle)

5. Consider approval of plans and specifications and call for bids for the remodeling of Shop Building No. 4 at the City Corporation Yard.
(Suggested bid opening February 24, 1987, at 11:05 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: $90,850. Funds are budgeted.)
Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 87-88 adopted (Whiteside/Sutton, unan.) calling for bids.
(Engineering to handle)

CONSENT

6. Consider acceptance of Teichert Construction's contract for the Emerald Avenue reconstruction from Maze to Kansas and miscellaneous overlays.
Original contract: $721,336.90.
(All work on this project has been completed to the satisfaction of the Engineering 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: $717,913.57. Funds are budgeted.)

ACTION: Res. 87-89 adopted accepting work as complete. (Clerk to handle)

WRITTEN COMMUNICATIONS

7. Letter from Brent Paris, Paris Outdoor Advertising, regarding billboard locations.

No action taken

CONSENT

8. Letter of resignation from the Human Relations Commission from Jack H. Schmid.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 87-90 adopted accepting resignation. (Clerk to handle)

MATTERS FOR THE GOOD OF THE COMMUNITY

9. (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.)

Ron Jourdenais spoke about a program this evening at Downey High School

Gordon E. Hart extended an invitation to Ecology Action's Humphrey Award Dinner on February 12.

NEW BUSINESS

10. Consider authorizing City Manager to sign agreement with J. H. Kleinfelder & Associates and consider approval of an appropriation transfer from Water Exigency Fund to the Solvent Cleanup Block 58 Account. (Resolution approving agreement and resolution approving appropriation transfer needed.)

ACTION: Res. 87-91 adopted (Sutton/Lang, majority, McGrath and Patterson - no) approving agreement.

Res. 87-92 adopted (same vote) approving appropriation transfer.
(Manager/Finance to handle)

11. Discussion of Ross Smeltzer's request for information and staff response, as requested by Councilmember McGrath.

No action taken

11a. Consider inviting a group of Russians to visit Modesto as requested by Mayor Mensinger.

ACTION: By motion (Muratore/Patterson, unan.) an invitation is extended to the group. (Manager to handle)

CONSENT

12. Consider televising Planning Commission meetings on cable television. (The Post-Newsweek organization has indicated an interest in televising Planning Commission meetings as well as Council meetings. Memo with agenda. Motion approving needed.)

ACTION: By motion, televising Planning Commission meetings approved.
(Planning to handle)

CONSENT

13. Consider approval of agreement with Big Valley Grace Community Church for water service on the east side of Tully Road, north of M.I.D. Lateral No. 6.
(The church is being built outside the existing urban boundaries; however, an existing 10-inch water main is proposed to be extended. The water main extension will be at the expense of the church group. Resolution approving agreement needed.)

ACTION: Res. 87-93 adopted approving agreement. (Engineering to handle)

CONSENT

14. Consider approval of hold harmless agreement for use of Modesto Junior College stadium and swimming pool.
(The City-sponsored Easter Track Meet, Superstars, and All Comers Track Meet are scheduled at the Modesto Junior College. The College requires a hold harmless agreement be provided by the City. Memo with agenda. Resolution approving agreement needed.)

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

CONSENT

15. Consider authorizing Community Development Block Grant Handicapped Barrier Removal Program Grant to purchase equipment for Westside and Roosevelt pools.
(Memo with agenda. Resolution authorizing grant under the Community Development Block Grant needed. Estimated cost: $7,800. Funds are budgeted.)

ACTION: Res. 87-95 adopted authorizing grant. (Planning to handle)

CONSENT

16. Consider approval of the final map of 500 Coffee Road Office Condominiums subdivision of the City of Modesto. (Subdividers: Safwat M. Absood and Peter C. Nielsen)
(This subdivision is a conversion of a medical office facility to condominiums and no agreement is required. All fees have been paid for this condominium conversion. 500 Coffee Road Office Condominiums is located on the the east side of Coffee Road, opposite Morris Avenue. It contains 1.437 acres. Resolution approving final map needed.)

ACTION: Res. 87-96 adopted approving final map. (Clerk to handle)

CONSENT

17. Consider formation of Improvement District No. 27.
(Memo with agenda. The improvement district will provide storm sewer to the Yosemite Neighborhood. Motion authorizing City Attorney to arrange for bond counsel needed, and motion authorizing preparation of boundary maps and other documents needed.)

ACTION: By motion, City Attorney directed to arrange for bond counsel and preparation of maps and other documents authorized.
(Atty/Engineering to handle)

MISCELLANEOUS

18. Appointments:

Consider appointment to the Rehabilitation Loan Pool Subcommittee.

ACTION: Res. 87-97 adopted (Lang/Sutton, unan.) appointing Councilmember Carol Whiteside to the Rehabilitation Loan Pool Subcommittee, replacing Councilmember Patrick McGrath. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

CLOSED SESSION

20. Closed session to discuss potential departure of City Manager, as requested by Councilmember Patterson.

ADJOURNMENT

The meeting adjourned to closed session at 5:50 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
Modesto Planning Commission
February 5, 1987

The Council and the Planning Commission of the City of Modesto met pursuant to the special meeting notice at 6:30 p.m. in the Personnel Testing Room at City Hall.

Present:
Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Commissioners Fleming, Gallagher, Irizarry, Shaffer, Chairperson Hart

Absent:
Commissioners Bavaro and Davis

Councilmember Patterson was excused at 7:25 p.m. and Councilmember McGrath was excused at 7:55 p.m.

I. BUSINESS

A. Discussion of how the Planning Commission communicates its position on issues.

After introductions, there was a discussion of how the Planning Commission communicates its position on issues. Mr. Muratore said the Planning Commission had two lines of communication -- one through the Planning Director to the City Manager, and the other directly to the Council. Mr. Patterson said when a representative of the Planning Commission is presenting a matter to the Council, he would like to have a resolution or something official rather than just a verbal presentation.

Mrs. Whiteside felt the lines of communication get "blurry" when the Commission is presenting a policy change. She believed policy changes should be directed to the Forward Modesto Committee while they are still meeting. Mr. Patterson felt the City was going ahead with policy changes, such as those that may come from the Infrastructure Committee. Mr. Fleming felt a lot of policy recommendations from the Forward Modesto IV Committee would have to go to the Planning Commission for study and recommendation. He said the Planning Commission is a resource to the City Council and believes there should be quarterly Council-Planning Commission meetings.

Elwyn Johnson said the Planning Commission members have the same right to contact Councilmembers as any citizens. Mayor Mensinger said there had been some contact from a citizen who was unhappy because there was a policy change initiated by the Planning Commission, and the citizen wasn't aware of any proposed policy change.

Mr. Sutton said he thought the Planning Commission sometimes institutes a new policy before the Council knows anything about it. He mentioned proposed traffic signal fees. Mr. Shaffer thought the Planning Commission's minutes and reports would alert the Council to new policies being discussed by the Planning Commission. Mr. Fleming said he thought the problem was Commission implementation of a new policy that the City Council had not yet approved. Mr. Patterson said a position paper on a proposed policy on which the Council can take action would be helpful. Mr. Lang said not all the information available to the Planning Commission is available to the Council. Councilmembers Muratore, Patterson and Sutton agreed that the Mayor could indicate the Council's support or lack of support on a proposed policy. Mrs. Whiteside said it is important for the Council to get the proposed policy change before the Planning Commission proceeds with it.

Mr. Hart expressed concern that sometimes the Councilmembers might think something is a proposed policy when it was only a casual comment by a Commissioner. He was concerned about the statement "gateway to the City." Mrs. Whiteside said a citizen was concerned because the Planning Commission had turned down their application because the Commission wanted a P-D that could be reviewed. She said it appeared that some Commissioners wanted to review through the P-D procedure anything that goes in along the freeway. The Mayor summarized by stating that if the Planning Commission wants to consider a policy change, they should present a position paper to the Council concerning that policy. Dr. Gallagher wondered how the Planning Commission, on a zoning matter, for instance, will know when they are changing policy and when they are being political. Mr. McGrath felt the Planning Commission could determine whether or not they are in the process of making a policy decision.

B. Discussion of staff assistance to the Planning Commission.

Mayor Mensinger reviewed the memo from Assistant City Attorney Yamamoto entitled, "City of Modesto Planning Commission," dated January 21, 1987. Mr. Lipsky reviewed a discussion between Commissioner Shaffer and Doug Carmody concerning traffic signals. Mr. Shaffer said he brought some information back from the League conference concerning signals and took it to Mr. Carmody's office. He said they also briefly discussed the criteria for installing stop signs. Mr. Lipsky said the Planning Director should go to other staff to help him carry out his duties, and, if he doesn't get what he needs, he should go to the City Manager. Mrs. Mensinger said the method of communicating was not a problem, but thought the question was about who directs staff. Mr. Hart said the Planning Commission doesn't feel the Commission should direct staff.

C. Discussion of the Implementation of the Circulation Element of the General Plan.

Mr. Nichols said the Commission is working on priorities on implementation of the various items in the Circulation Element. Mr. Fleming said funding is essential for implementation and wondered how the Infrastructure Study Committee's recommendations will dovetail with the Planning Commission recommendations. Mr. Muratore said there will be public hearings on the Infrastructure Committee's recommendations followed by a second opportunity for the public at the City Council.

Mr. Hart suggested a study committee consisting of two Commissioners and two Councilmembers to discuss controversial issues. Mrs. Whiteside agreed that such a committee would be a good idea. Mr. Nichols explained the process of working through a controversial issue such as closing three streets crossing Briggsmore. Mr. Johnson reminded the group that many of the items coming up can't be discussed by a Council-Commission Study Committee without the discussion being part of a public hearing. He also pointed out that the Planning Commissioners are advisers to the City Council and not advocates at City Council public hearings.

D. Discussion of Planning Commission participation in City Council hearings.

It was agreed that this matter would be taken care of through the use of position papers. A representative of the Planning Commission could appear before the Council stating the position or decision of the Commission, but not act as an advocate against the public. Mr. Johnson said it is important for the Planning Commissioner to be very articulate in stating the reasons for making decisions so that their minutes and resolutions will be fully explanatory for the City Council's later study in preparation for its hearing. Mr. Irizarry felt that with discussion and position papers, the problems may not be as big as first thought. Dr. Gallagher said that time is so short, and the Council has so much other information to read, a position paper might not be effective.

E. Discussion of Guidelines for Planning Commission review of the Capital Improvement Program.

Mr. Hart said he thought the Planning Commission develops the C.I.P. and sends it to the City Council. Mr. Johnson explained that the Planning Commission has a right to recommend a C.I.P. to the Council. It was agreed that the process used last year was satisfactory.

F. Clarification of Brown Act restrictions.

Mayor Mensinger said Assemblyman Condit is being asked to submit a bill to clarify the new Brown Act provisions. She said there is a concern about not being able to answer people who raise legitimate concerns during "Matters for the Good of the Community" or "Oral Communications." In answer to Mrs. Whiteside's question, Mr. Johnson said that the Council and all commissions, boards, and committees can set reasonable time limits for people making presentations.

By motion (Whiteside/Lang, unanimous, McGrath and Patterson absent) staff was asked to develop some reasonable guidelines for public presentations to allow the public to speak but not overburden the Council, boards, commissions, and committees. (Attorney to handle)

G. Frequency and scheduling of future joint meetings.

By motion (Lang/Sutton, unanimous, McGrath and Patterson absent) it was agreed that the City Council and Planning Commission would hold quarterly meetings. It was suggested that the next agenda contain more policy matters and less on procedures.

II. ORAL COMMUNICATIONS

None.

III. ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 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, FEBRARY 10, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. William Stewart, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 15, 16, 19, 20, 21

Dropped from agenda: 17, 18

Removed from consent: 13

ACTION: (Whiteside/Lang, 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.)

1. ACKNOWLEDGEMENTS

None

CONSENT

2. Approval of the minutes of the February 3, 1987, regular City Council meeting.
(Motion approving needed.)

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

HEARINGS

3. Hearing to consider request by Orangeline Sanitation for a 3-year license extension. (Continued from 12-9-86 and 12-23-86 City Council meetings.)
Councilmember Sutton excused due to a conflict of interest.

ACTION: By motion (Whiteside/Muratore, unan., Sutton absent) Ord. No. 2473-C.S. introduced. (Utility Serv to handle)

4. Hearing to consider changing the same of "Sutter Avenue" and "Franklin Street" to "Martin Luther King Drive."

ACTION: Res. 87-98 adopted (Patterson/McGrath, unan.) renaming Franklin and Sutter Streets to Martin Luther King Drive and requesting staff to request the County to make the same change to the portions of these streets in the County. (Planning to handle)

5. Hearing to consider the appeal of Pacific Design Associates to a Planning Commission decision denying an application to rezone from R-1, R-3 and C-2 to P-D, property located on the west side of McHenry Avenue between Roseburg Avenue and Mensinger Avenue. (Continued from January 27, 1987, City Council meeting.)
Mayor Mensinger excused due to a conflict of interest.

ACTION: Res. 87-99 adopted (Lang/Patterson, majority, Muratore-no, Mensinger-absent) denying appeal, upholding Planning Commission decision and waiving one-year waiting time.

BIDS

CONSENT

6. Consider approving specifications and authorize call for bids to be opened March 10, 1987, at 3:00 p.m. for furnishing two Fairbanks Morse pump impellers.
(Requested by the Utility Services Sewerage Division, the impellers will replace worn impellers on existing Fairbanks Morse pumps used to bring untreated sewage into the treatment plant. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $12,000. Funds are budgeted.)

ACTION: Res. 87-100 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider rejecting all bids received under Item I - Wang Equipment, and authorize new call for bids to be opened March 3, 1987, at 3:15 p.m. (Memorandum with agenda. Resolution rejecting bids and authorizing new call for bids needed. Estimated cost: $49,000. Funds are budgeted.)

ACTION: Res. 87-101 adopted rejecting bids and authorizing new call for bids. (Finance to handle)

CONSENT

8. Consider declaring Lift Truck Service low bidder on Item I and Item II, and authorize the purchase of two forklifts from the firm for the total price of $27,440.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-102 adopted authorizing purchase. (Finance to handle)

WRITTEN COMMUNICATIONS

9. Letter from William McDonald concerning sidewalks, buses, Police Department, C.R.L.A., railroad tracks, streets, bus shelters, flooding, housing and library.

Mr. McDonald was not present. No action taken.

MATTERS FOR THE GOOD OF THE COMMUNITY

10. (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.)

Jim Dignan spoke regarding the proposal to limit the amount of time people are allowed to speak at Council meetings.

Tom Maher commended the City Council for listening to citizens.

Leo Havener commented on Mr. Dignan's degrading remarks to the Council.

Ron Jourdenais spoke.

NEW BUSINESS

11. Consider left-turn lanes and no parking zone on Tully Road at Roseburg. (Memo with agenda. Opposition to a proposed parking prohibition to provide room for left lanes is significant. City Council direction is needed. Motion acknowledging receipt of report and directing staff needed. Estimated cost: $1,000. Funds are budgeted.)
Mayor Mensinger left the meeting.

ACTION: By motion (McGrath/Whiteside, unan., Mensinger absent) parking is to be eliminated and left-turn lanes to be installed.
(P/T to handle)

12. Consider subject of the 1986 Report to the People.
(Memorandum with agenda. Motion approving recommendation needed.
Estimated cost: $6,200. Funds are budgeted.)

ACTION: By motion (Whiteside/Lang, unan., Mensinger absent) recommendations approved. (Manager to handle)

Mayor Mensinger returned to the meeting.

13. Proposed reinstatement of $1,500 per space as a one-time in lieu parking fee and $13 per space as a quarterly in lieu parking fee for downtown. (The Omni 8 rewrite of the Zoning Regulations deleted any specific fee for in lieu parking, instead referring to fees "as established by Council Resolution." Inadvertently, the staff didn't follow through with a recommended resolution until now. Staff recommends a resolution setting $1,500 per space as the one-time in lieu parking fee and $13 per space as the quarterly in lieu parking fee for downtown. Memo with agenda. Resolution reinstating a one-time and quarterly in lieu parking fee for downtown needed.)

ACTION: By motion (Lang/Whiteside, unan.) this item continued one week.

CONSENT

15. Consider acceptance of improvements in Redford Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: P & R Enterprises) (Redford Estates subdivision is located south of Standiford Avenue, west of Sherwood Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 87-103 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

16. Consider authorizing City Manager to sign agreement with State of California for adjusting City utility covers on Route 10-Sta-108 in Modesto between Needham Street and Roseburg Avenue.
(The adjustment of these utility covers are to be made by the State Highway contractor and the City is to reimburse the State the actual bid price for the work. Exact cost to be determined at the time of bid opening for State project. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 87-104 adopted approving agreement. (Eng to handle)

CONSENT

17. Consider the following actions with respect to Improvement District No. 27 - Yosemite Assessment District:

a) Resolution determining to undertake proceedings

b) Resolution appointing engineer of work, bond counsel and underwriter

c) Resolution approving map of proposed boundaries of assessment district

d) Resolution of intention

e) Resolution preliminarily approving engineer's report on proposed improvements, appointing time and place for hearing protests and calling for construction bids

(On February 3, 1987, the City Council directed staff to make arrangements for bond counsel for Improvement District No. 27 to provide storm trunk sewers and outfall. The five resolutions for consideration will initiate these proceedings, including call for construction bids. Five resolutions needed.)

Dropped from agenda.

CONSENT

18. Consider approval of application for funds under the Federal Land and Water Conservation Program for the installation of a training pool and security lighting at Lakewood Neighborhood Park.
(Competitive grants are available through this funding program. A 50/50 local match is required on funded projects. Since this project meets the criteria, staff recommends applying for $48,500. Funds would be available in Fiscal Year 1987-88. Resolution authorizing filing of application needed.)

Dropped from agenda.

CONSENT
19. Consider setting a hearing regarding amending conflict of interest codes for the City Manager's Office, Parking and Traffic Department, and the Utility Services Department.
(Resolution setting hearing February 24, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-105 adopted setting hearing. (Clerk to handle)

CONSENT
20. Consider the following:

a) Amend Position Classification Plan with no change in salary to add Police Officer Trainee and to revise Police Officer

b) Amend salary range only for Fire Lieutenant - Special Assignment

c) Amend salary resolution for Fire Prevention Bureau - Differential Pay

(Memoranda with agenda. Resolution amending Position Classification Plan needed, and resolution amending alphabetical listing of classification in salary resolutions needed.)

ACTION: Res. 87-106 adopted amending Position Classification Plan.
Res. 87-107 adopted amending the salary schedule.
(lManager to handle)

CONSENT
21. Set public hearing to consider amendments to the Zoning Regulation of the Modesto Municipal Code to require plot plan approval of second-story dwelling additions.
(On January 20, 1987, the Planning Commission adopted Resolution No. 87-14 recommending to the City Council amendments, additions, and deletions to Chapter 2 of Title X of the Modesto Municipal Code pertaining to development plan approval of second-story dwelling additions. Resolution setting public hearing March 10, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-108 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

22. Appointments

a. Infrastructure Committee

ACTION: A motion to appoint the committee as originally proposed by the City Council with one citizen-at-large and the school's representative having no vote failed to carry (McGrath/Lang, Muratore, Sutton, Whiteside, Mensinger-no).

By motion (Whiteside/Sutton, majority, Lang, McGrath, Patterson - no) the Infrastructure Committee will consist of eleven members, including both citizens at large, and with the schools representative having a vote.

Res. No. 87-109 adopted (Whiteside/Sutton, unan.) appointed the following persons to serve on the Infrastructure Study Committee:

Board of Realtors	Louis M. Levin, representative Stephen S. Locke, alternate
Building Industry Association	James Thayer, representative Ronald F. Earl, alternate
Chamber of Commerce	William Michael, representative David Kilby, alternate
Ecology Action	Gordon Edward Hart, representative Richard L. Harriman, alternate
GOAL	John Boothe Mensinger, representative Ben Starr, alternate
League of Women Voters	Connie C. Harris, representative Robin C. Martin, alternate
GMRAA	Howard Spivak, representative John Hollis, alternate
Planning Commission	David Gallagher, representative Balvino Irizarry, alternate
Citizen at Large	Stewart Bradley, representative Leopold Prescott, alternate

b. Local Cable Programming Committee

No action taken at this time.

MATTERS TOO LATE FOR THE AGENDA

23. (These may be presented by members of the City Council and staff, upon determination by the City Council 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 12:20 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, FEBRUARY 17, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. John Petersen, Christian Reformed Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 11, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29b

Removed from consent: 4, 16, 18
ACTION: (Whiteside/Sutton, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Presentation by Harlan Westenberg concerning the Export Symposium and Innovation Expo '87.

Mr. Westenberg invited the City Council and public to attend.

b. Presentation of Special Recognition Plaques for co-sponsorships of the City's 1986 Recreation Program.

Plaques were presented by Mayor Mensinger

MINUTES

CONSENT

2. Approval of the minutes of the February 10, 1987 regular City Council meeting.
(Motion approving needed.)

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

3. Proposed reinstatement of $1,500 per space as a one-time in lieu parking fee and $13 per space as a quarterly in lieu parking fee for downtown. (The Omni 8 rewrite of the Zoning Regulations deleted any specific fee for in lieu parking. Instead referring to fees "as established by Council Resolution." Inadvertently, the staff didn't follow through with a recommended resolution until now. Staff recommends a resolution setting $1,500 per space as the one-time in lieu parking fee and $13 per space as the quarterly in lieu parking fee for downtown. Memo with agenda. Resolution reinstating a one-time and quarterly in lieu parking fee for downtown needed.)

ACTION: Res. 87-110 adopted (Lang/Patterson, unan.) reinstating parking fee. (Planning to handle)

3a. Consider approving and authorizing amendments to the Redevelopment Agency's Disposition and Development Agreement and Hotel Lease with Community Center Hotel Associates.
(Two resolutions approving and authorizing the execution of an amendment to the Disposition and Development Agreement and the Hotel Lease between the Redevelopment Agency of Modesto and Community Center Hotel Associates needed.)
Mayor Mensinger excused due to a conflict of interest.

ACTION: A motion that the City keep the $100,000 and use it for an independent study and seek other proposals failed to carry (McGrath/Patterson, lang, Muratore, Whiteside, and Acting Mayor Sutton-no, Mayor Mensinger absent)

Res. 87-111 adopted (Lang/Whiteside, majority, McGrath and Patterson-no, Mayor Mensinger absent) approving amended Disposition and Development Agreement.

Res. 87-112 adopted (Lang/Whiteside, majority, McGrath and Patterson-no, Mayor Mensinger absent) approving amended hotel lease. (City Manager to handle)

By motion (Patterson/McGrath, unan., Mensinger absent) progress report is to be made to Council every 30 days.

UNFINISHED BUSINESS

4. Final adoption of Ord. No. 2473-C.S. granting to Orange Line Sanitation Company, Inc., a California Corporation, a license for the collection of garbage in the City of Modesto.
(Motion adopting needed.)
Councilmember Sutton excused due to a conflict of interest.

ACTION: By motion (Muratore/Patterson, unan., Sutton excused) Ord. No. 2473-CS. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the formation of Public Facilities District No. 2 to acquire right of way and construct a sidewalk at 2405 E. Orangeburg Avenue.

ACTION: Res. 87-113 adopted (Muratore/Lang, unan.) forming district. (Eng to handle)

6. Appeal by Mid-Valley Engineering, on behalf of Robert Ford, to a decision of the Director of Engineering regarding an encroachment permit application for 2929 Scenic Drive.

ACTION: Res. 87-114 adopted (Patterson/McGrath, majority, Muratore-no) granting the appeal and issuing the encroachment permit. (Eng to handle)

7. Hearing to consider an amendment to Section 7-3-9 of the Zoning Map to rezone from R-2 to P-O property located on the north side of Standiford Avenue east of San Clemente Avenue at 1901 Standiford Avenue. (Tony Stonich)

ACTION: By motion (Whiteside/Lang, unan.) Ord. No. 2474-C.S. introduced.

Res. 87-115 adopted approving rezoning. (Clerk to handle)

BIDS

CONSENT

8. Consider acceptance of Fries Corporation contract for Lakewood Park irrigation and landscaping". Original Contract: $70,494.
(All work for this project has been completed to the satisfaction of the Engineering and Parks and Recreation Departments. 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: $71,852. Funds are budgeted.)

ACTION: Res. 87-116 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider declaring Swenson Steel Products Company low bidder and authorize the purchase of one mower trailer for the total price of $1,267.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-117 adopted authorizing purchase. (Finance to handle)

CONSENT

10. Consider approval of a purchase order engaging the professional services of CHEC Consultants, Inc., as consultants for the 1987 streets overlays program.
(Memo with agenda. Resolution approving purchase order needed. Estimated Cost: $7,594. Funds are budgeted.)

ACTION: Res. 87-118 adopted approving purchase order. (Eng to handle)

WRITTEN COMMUNICATIONS

CONSENT

11. Letter of resignation from Rehabilitation Loan Pool Subcommittee member Dean Paulson, Seat #4 Program User.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 87-119 adopted accepting resignation. (Clerk to handle)

MATTERS FOR THE GOOD OF THE COMMUNITY

12. (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.)

Mayor Mensinger excused due to a conflict of interest.
Carmen Sabatino spoke about the proposed hotel.
Loretta Carhart spoke about City trees.
Ron Jourdenais spoke.

NEW BUSINESS

CONSENT

13. Consider adoption of a resolution authorizing the Chief of Police to participate in the California Witness Protection Program on behalf of the Stanislaus Drug Enforcement Unit.
(Memo with agenda. Adoption of resolution needed.)

ACTION: Res. 87-120 adopted authorizing participation. (Police to handle)

CONSENT

14. Consider adoption of a resolution authorizing a fee of $50 for an after-hours permit.
(Memo with agenda. Resolution authorizing fee needed.)

ACTION: Res. 87-121 adopted authorizing fee. (Police to handle)

CONSENT

15. Consider declaring the equipment listed on the Surplus Property Listing, as surplus to City needs and authorize the Purchasing Officer to advertise and sell the items on a sealed bid basis.
(Memo and Surplus Property listing with agenda and on file in the City Clerk's Office. Resolution declaring equipment surplus and authorizing sale needed.)

ACTION: Res. 87-122 adopted declaring equipment surplus and authorizing sale. (Finance to handle)

16. Rescind authority for issuance of encroachment permits for political signs in public rights of way.
(A recent court case no longer requires that political signs be permitted within rights of way. Memo with agenda. Resolution rescinding authority for issuance of encroachment permits for political signs in public rights of way needed.)

ACTION: Res. 87-123 adopted (Whiteside/Sutton, majority, McGrath - no) (Planning to handle)

17. Consider amendment to retirement plan (P.E.R.S.) to provide a one-time only increase of 15% to retired safety employees.
(Memo with agenda. Resolution of Intention needed. Estimated cost: $16,808.)

ACTION: Res. 87-124 adopted (Whiteside/Muratore, unan.) amending retirement plan (P.E.R.S.). (Mgr to handle)

18. Consider setting a public hearing for March 17, 1987 to receive citizen input on eliminating grass cuttings from garden refuse pickup.
(Report with agenda. Resolution setting public hearing March 17, 1987, at 4:00 p.m.)

ACTION: Res. 87-125 adopted (Lang/McGrath, majority, Whiteside-no) setting hearing on March 24, 1987, at 7:30 p.m. (Clerk to handle)

CONSENT

19. Consider acceptance of improvements in Quail Run Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Rule Development. (Quail Run Subdivision is located East of Oakdale Road and North of Manor Oak Drive. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements as complete needed.)

ACTION: Res. 87-126 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

20. Consider acceptance of improvements in Naraghi Lakes No. 3 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Naraghi Lakes No. 3 Subdivision is located at the northwest corner of Hashem Drive and Lakeshore Drive. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements as complete needed.)

ACTION: Res. 87-127 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

21. Consider request for water service outside City limits at 1155 N. Emerald Avenue, located on the west side of Emerald Avenue between Woodland Avenue and Kansas Avenue. Owner: Pacific Coast Building Products, Inc.) (The property owner has 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. 87-128 adopted approving agreement. (Eng to handle)

CONSENT

22. Consider approval of McHenry Museum Society's request to establish a sister museum with Andover, Hampshire, England. (Staff recommends approval of this relationship. Memo with agenda. Motion approving request needed.)

ACTION: By motion, request approved. (P/R to handle)

CONSENT

23. Consider Summer Water Conservation Program for 1987.
(Staff recommends adoption of a Water Conservation Program again this summer, including a Council resolution prohibiting all outside water use from 2:00 - 7:00 p.m., Monday through Friday during the months of June, July, August and September. Resolution approving Water Conservation Program needed. Estimated Cost: $6,700. Funds are budgeted.)

ACTION: Res. 877-129 adopted approving Water Conservation Program. (Utility Serv to handle)

CONSENT

24. Consider approval of application for funding under the Federal Land and Water Conservation Fund Program for the installation of a training pool and security lighting at Sipherd Neighborhood Park.
(Competitive grants are available through this program. A 50/50 local match is required on funded projects. Since this project meets the criteria, staff recommends applying for $48,500. Funds would be available in FY 1987-88. Resolution authorizing filing of application needed.)

ACTION: Res. 87-130 adopted authorizing filing of application. (P/R to handle)

CONSENT

25. Monthly Treasurer's Report for January, 1987.
(Report with agenda. Motion acknowledging report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

26. Consider contract with Dennis Nasrawi, consultant to develop an automated building permit system.
(Work consists of systems analysis and programing to increase efficiency in Building Inspection. Memo with executive summary. Resolution authorizing City Manager to sign contract needed. Estimated Cost: $88,000. Funds are budgeted.)

ACTION: Res. 87-131 adopted authorizing signing of contract. (Eng to handle)

CONSENT

27. Consider approval of request by Modesto City School District to pay for one-half the cost to resurface Beyer High School Pool.
(In accordance with the agreement with Modesto City School District, the City will pay for one-half the cost for improvements at Beyer High School Pool. Cost to the City will be $11,000. Memo with agenda. Resolution approving request needed. Funds are budgeted.)

ACTION: Res. 87-132 adopted approving request. (P/R to handle)

CONSENT

28. Request for refund of $541.73 for overpayment of Business License Tax by Automatic Office Systems.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 87-133 adopted approving refund. (Finance to handle)

MISCELLANEOUS

29. Appointments

a. Local Cable Programming Committee.

ACTION: Res. 87-134 adopted (Patterson/McGrath, unan.) appointing Cynthia Chapa, Carol Garlitz, Jim Montalbano, Nancy Komjathy-Salyer and Jack Weir to the Local Cable Programming Committee. (Clerk to handle)

CONSENT

b. Consider appointment of JoAnn Thompson to Rehabilitation Loan Pool Subcommittee for Seat #4, Program User.
(Resolution making appointment needed.)

ACTION: Res. 87-135 adopted (Whiteside/Sutton, unan.) appointing JoAnn Thompson to the Rehabilitation Loan Pool Subcommittee, Seat #4.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 7:05 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 24, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 20a, 21

ACTION: (Lang/Whiteside, 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Outstanding Certificate awarded to the City of Modesto by the California Society of Municipal Finance Officers for financial reporting excellence - Fiscal Year 1985-86.
(Memo with agenda.)

The award was presented by Mayor Mensinger.

The Redevelopment Agency meeting convened at 7:40 p.m.

MINUTES

CONSENT

2. Approval of the minutes of the February 17, 1987 regular City Council meeting.
(Motion approving needed.)

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

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2474-C.S. rezoning from R-2 to P-O, property located at 1901 Standiford Avenue (Tony Stonich).

ACTION: By motion, Ord. No. 2474-C.S. adopted (Clerk to handle)

Items 15 and 22 considered before item 4.

Councilmember Whiteside excused at 10:14 p.m.

HEARINGS

4. Hearing to consider the appeal of Velthoen Hughes Company, on behalf of Hischier Nursery, to a Planning Commission decision regarding an application to rezone from R-1 to P-D(316) to allow westerly expansion of the Hischier Nursery P-D to include office/retail uses on the adjacent property located on the south of Standiford Avenue east of Carver Road.

ACTION: By motion (Muratore/Lang, unan., Whiteside absent) requested staff to work with the developer on revision of plot plan and return to Council with conditions for consideration. (Planning to handle)

Councilmember Patterson excused at 11:00 p.m.

5. Hearing to consider an amendment to Section 33-3-9 of the Zoning Map to rezone from M-1 to P-D(412) to allow a recycling center, property located on the south corner of 9th and B Streets. (Ken Mustoe - Recycling Center)

ACTION: By motion (McGrath/Sutton, unan., Patterson and Whiteside absent) Ord. No. 2475-C.S. introduced.

Res. 87-136 adopted (same vote) approving plan.
Res. 87-137 adopted (same vote) certifying review of Environmental Assessment.

By motion (same vote) staff directed to proceed with the street abandonment as quickly as possible. (Clerk/Planning to handle)

6. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Standiford Properties II, to a Planning Commission decision denying an application for an amendment to Section 3-3-8 of the Zoning Map to rezone from R-1 to C-3, property located at the southwest corner of Pelandale Avenue and Sisk Road.

ACTION: By motion (Murtore/Lang, unan., Patterson and Whiteside absent) Ord. No. 2476-C.S. introduced.

Res. 87-138 adopted (same vote) granting appeal and certifying review of Environmental Assessment. (Clerk/Planning to handle)

7. Hearing to consider amending Conflict of Interest Codes for the City Manager, Parking and Traffic, and Utility Services Department.

ACTION: Res. 87-139 adopted (Lang/McGrath, unan., Patterson and Whiteside absent) amending City Manager's Conflict of Interest Code.

Res. 87-140 adopted (same vote) amending Parking & Traffic's Conflict of Interest Code.

Res. 87-141 adopted (same vote) amending Utility Services' Conflict of Interest Code. (Clerk to handle)

BIDS

CONSENT

8. Consider approving plans and specifications and calling for bids to overlay City lot numbers 11, 20 & 23 on the southwest corner of 10th and H Streets.
(Memo with agenda. Parking lots are deteriorating with age. A 1-1/8 inch asphaltic concrete overlay is proposed for each lot. Suggested bid opening: March 24, 1987, at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: $20,000. Funds are budgeted.)

ACTION: Res. 87-142 adopted calling for bids. (Eng to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for slurry sealing various City streets, 1987.
(Suggested bid opening: March 24, 1987, at 11:05 a.m. This slurry sealing project is part of our annual maintenance program. Slurry sealing is a preventative maintenance program to protect the street surface thereby extending street life. List of streets with agenda. Estimated cost: $225,468.01 (contract $204,970.92; engineering $20,497.09). Funds are budgeted.)

ACTION: Res. 87-143 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for construction of pump station No. 49.
(Suggested bid opening: March 17, 1987, at 11:05 a.m. Well No. 49 has been drilled west of Crows Landing Road and south of Algen Way. This project will provide the pump station at that location. Resolution approving plans and specifications and call fo bids needed. Estimated cost: $165,400 ($149,000; engineering $16,400). Funds are budgeted.)

ACTION: Res. 87-144 adopted calling for bids. (Eng to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for the construction of Wesson Ranch Park sitework, landcaping and irrigation system.
(Suggested bid opening: March 17, 1987, at 11:00 a.m. This project will provide all the underground utilities, the landscaping and irrigation system, and the baseball infield for Wesson Ranch Park. Further development is planned at a future date. Resolution approving plans and specifications and call for bids needed. Estimated cost: $407,376.76 (contract $355,155.06; engr. & cont. $52,221.70). Funds are budgeted.)

ACTION: Res. 87-145 adopted calling for bids. (Eng to handle)

CONSENT

12. Consider award of contract for the Yosemite Boulevard sewer trunk and water line extension.
(Bids were opened on February 10, 1987. The low bid of $436,399, submitted by Wayne Fregien Construction, is 11.86% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to him. Memo and bid tabulation with agenda. Resolution awarding contract to Wayne Fregien Construction needed. Estimated cost: $436,339. Funds are budgeted.)

ACTION: Res. 87-146 adopted awarding contract. (Eng to handle)

WRITTEN COMMUNICATIONS

13. Letter from William McDonald concerning sidewalks, buses, Police Department, C.R.L.A., railroad tracks, streets, bus shelters, flooding, housing and library.

ACTION: By motion (McGrath/Mensinger, unan., Patterson and Whiteside absent) this item held over three weeks to allow staff time to respond to concerns expressed.

MATTERS FOR THE GOOD OF THE COMMUNITY

14. (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.)

Ron Jourdenais spoke.

NEW BUSINESS

This item taken up after item F on the Redevelopment Agenda.

15. Consider approving and authorizing the execution of an amendment to the Disposition and Development Agreement between the Redevelopment Agency and Westar Associates.
(Memo and letter with agenda. Resolution authorizing an amendment to the Disposition and Development Agreement and authorizing the Executive Director to execute the amendment and other documents which may be required by the lender needed.)
Mayor Mensinger excused due to a conflict of interest.

ACTION: Res. 87-147 adopted (Whiteside/Muratore, majority, McGrath and Patterson - no, Mayor Mensinger absent)

CONSENT
16. Consider amendment to retirement plan (P.E.R.S.) to provide a one-time only increase of 15% to retired safety employees.
(Memo with agenda. Introduction of ordinance needed. Estimated cost: $16,808. Funds are budgeted.)

ACTION: By motion, Ord. No. 2477-C.S. introduced. (Clerk to handle)

CONSENT
17. Annual update of the filing fees for Planning and Zoning Applications.
(Planning and Zoning fees are reviewed annually. This proposal would update fees to reflect current costs. Memo with agenda. Resolution revising fees needed.)

ACTION: Res. 87-148 adopted revising filing fees for Health Care Facility Bond applications.

Res. 87-149 adopted revising filing fees for Industrial Revenue Bond applications.

Res. 87-150 adopted revising filing fees for zone boundary changes, use permits, variances, and other applications.

(Planning to handle)

CONSENT
18. Consider renewal of airport liability insurance with Lloyds of London, March 1, 1987 to March 1, 1988.
(Memorandum with agenda. Resolution approving renewal needed. Estimated cost: $30,000. Funds are budgeted.)

ACTION: Res. 87-151 adopted approving renewal of insurance.
(Atty to handle)

CONSENT
19. Consider renewal of the Errors and Omissions Policy with American Empire Insurance, March 1, 1987 to March 1, 1988
(Memo with agenda. Memo with agenda. Resolution approving renewal needed. Estimated cost: $39,112. Funds are budgeted.)

ACTION: Res. 87-152 adopted approving renewal of insurance.
(Atty to handle)

CONSENT
20. Consider renewal of Transit Liability Insurance with Reliance Insurance and Genstar Insurance, and an additional $5 million in coverage with Interstate Insurance, March 1, 1987 to March 1, 1988.
(Memo with agenda. Resolution approving renewal of Transit Liability Insurance needed. Estimated cost: $247,602. Funds are budgeted.)

ACTION: Res. 87-153 adopted approving renewal of insurance.
(Atty to handle)

CONSENT
20A. Consider approving agreement with Caltrans to construct traffic signal and street lighting at the intersection of Kansas Avenue and Highway 99 Northbound off ramp.
(Memo with agenda. The project is estimated to cost $111,321 with a 15% overrun allowed by the agreement (potential cost $128,019). Costs will be shared, 60% City and 40% State. Resolution approving agreement and resolution approving appropriation transfer needed. Funds are budgeted.)

ACTION: Res. 87-154 adopted approving agreement.

Res. 87-155 adopted approving appropriation transfer.
(P/T to handle)

MISCELLANEOUS

CONSENT
21. Legislation: Staff recommends:

Support
a. AB 315 (Lancaster) - Disclosure to Jury Increased
b. SB 23 (Bergeson) - Local Immunity from Liability for Injuries Caused by the Natural Condition of Unimproved Public Property

Oppose
c. Mandatory Medicare Coverage

(Memos and attachments with agenda. Motion accepting staff recommendations needed.)

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

22. MATTERS TOO LATE FOR THE AGENDA

This item taken up after item 15.

(These may be presented by members of the City Council and staff upon determination by the City Council 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/McGrath, unan.) the City Attorney's resignation was accepted and it was determined that an emergency existed and it was necessary to adjourn to closed session to consider filling the City Attorney's position. Council adjourned to closed session at 9:40 p.m. and returned to open session at 10:14 p.m.

ADJOURNMENT

The meeting adjourned at 12:10 a.m. to Wednesday, February 25, 1987, at 6:00 p.m. in the City Council Chambers for further consideration of the City Attorney's retirement and replacement.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 6:00 p.m. in the Council Chambers of City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, Muratore, Patterson, Sutton, Mayor Mensinger

Absent: Councilmembers McGrath, Whiteside

At 6:05 p.m., the City Council adjourned to closed session to further consider the retirement and replacement of the City Attorney.

The Council reconvened at 6:32 p.m.

Res. 87-156 adopted (Muratore/Lang, majority, Patterson - no, McGrath and Whiteside absent) appointing Stanly Yamamoto as City Attorney of the City of Modesto effective April 1, 1987.

Res. 87-157 adopted (Muratore/Lang, majority, Patterson - no, McGrath and Whiteside absent) amending Exhibit F of Res. 86-663 entitled "A Resolution Establishing Salary Schedules and Fixing Compensation for Positions in the City Service," to amend the salary range for City Attorney.

Res. 87-158 adopted (Muratore/Lang, majority, Patterson - no, McGrath and Whiteside absent) approving an employment agreement between the City of Modesto and Stanly Yamamoto.

There being no further business, the meeting adjourned at 6:37 p.m.

ATTEST: Norrine Coyle
Norrine Coyle, City Clerk

March 3, 1987

The meeting of the City Council was called to order at 4:00 p.m. in the City Council Chambers, City Hall, Modesto, California, by the City Clerk.

Present: Councilmember Lang, Patterson

Absent: Councilmembers McGrath, Muratore, Sutton, Whiteside, Mayor Mensinger

There being a lack of a quorum, the meeting was adjourned.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 10, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Whiteside, Acting Mayor Sutton

Absent: Mayor Mensinger

Pledge of allegiance to the Flag

Invocation: Rev. Adrian Condit, Chaplain, Memorial Hospital

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41

Removed from consent: 20
ACTION: (Muratore/Whiteside, unan., Mensinger 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Vice Mayor Sutton introduced the Stanislaus County 4-H Citizenship Group.

Presentation by Jim Mulford designating the City Council as "Irish Elves" and inviting them to a fund raiser for S.O.S.P.

Presentation made by Jim Mulford.

The Redevelopment Agency meeting was convened at 7:42 p.m.

MINUTES

CONSENT

2. Approval of the minutes of the February 5, 1987, special joint City Council/Planning Commission meeting, the February 24, 1987, regular City Council meeting, and the February 25, 1987, adjourned regular City Council meeting.
(Motion approving needed.)

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

UNFINISHED BUSINESS

3. Further consideration of the appeal of Velthoen Hughes Company, on behalf of Hischier Nursery, to a Planning Commission decision regarding an application to rezone from R-1 to P-D(316) to allow westerly expansion of the Hischier Nursery P-D to include office/retail uses on the adjacent property located on the south side of Standiford Avenue east of Carver Road.
Councilmember Whiteside excused because she was not present during the hearing.

ACTION: By motion (Muratore/Lang, unan., Whiteside, Mensinger absent) Ord. No. 2478-C.S. introduced rezoning.

Res.87-159 adopted (same vote) granting appeal.

Res. 87-160 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

CONSENT

4. Final adoption of:

a. Ord. No. 2475-C.S. rezoning from M-1 to P-D(412), property located on the south corner of 9th and B Streets (Ken Mustoe- Recycling Center)

b. Ord. No. 2477-C.S. authorizing an amendment to the contract between the City Council and the Board of Administration of the California Public Employees' Retirement System.

(Motion adopting needed.)

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

5. Consider revisions to the City's Affirmative Action Program. (Several months ago the City's existing Affirmative Action Committee reviewed the progress being made toward the City's affirmative action goals. Since progress was not what they would have liked, the Committee has recommended a review of the Affirmative Action Program. These revisions have been reviewed by staff and have been included in the revised Affirmative Action Program being presented to you at this time. Memo with agenda. Motion accepting revisions to the Affirmative Action Program needed.)

ACTION: By motion (McGrath/Patterson, majority, Muratore-no, Mensinger absent) receipt of report was acknowledged, implementation was tabled until a policy statement and a committee charge is prepared, and then the Affirmative Action Committee would be appointed. (Manager to handle)

HEARINGS

6. Hearing to consider an amendment to the Modesto Municipal Code pertaining to development plan approval for second-story dwelling additions.

ACTION: By motion (Muratore/Whiteside, unan., Mensinger absent) Ord. No. 2479-C.S. introduced.

Res. 87-161 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 Project No. 16 - replacement of curb, drive aprons and sidewalks at various locations.
(Suggested bid opening: March 31, 1987, at 11:00 a.m. This project is required to restore proper drainage to curb, damaged by street tree roots. Resolution approving plans and specifications and call for bids needed. Estimated cost: $95, 172 (construction $86,520; engineering $8,652). Funds are budgeted.)

ACTION: Res. 87-162 adopted calling for bids. (Eng to handle)

CONSENT

8. Consider award of contract for the relocation of refuse compactor at City Corporation Yard.
(Memo and bid tabulation with agenda. Resolution awarding contract to Tri County Builders, Inc. needed. Estimated cost: $17,348.80. Funds are budgeted.)

ACTION: Res. 87-163 adopted awarding contract. (Eng to handle)

CONSENT

9. Consider acceptance of Industrial Electrical's contract for the installation of East La Loma Park tennis court lights. (Original contract and final cost: $16,307.14)
(All work on this project has been completed to the satisfaction of the Engineering and Parks and Recreation Departments. It is, therefore, 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. 87-164 adopted accepting work as complete needed.
(Clerk to handle)

CONSENT

10. Consider soliciting proposals for a new bus advertising contract.
(Memo with agenda. The existing contract with The Fisher Group expires June 30, 1987. The City-County Joint Transportation Committee recommends seeking proposals for a one-year contract with two one-year extension possible. The amount of the contract would be $30,000 annually. Motion directing Parking and Traffic staff to solicit proposals needed. Funds are budgeted.)

ACTION: By motion, staff directed to solicit proposals.
(P/T to handle)

CONSENT

11. Consider approving specifications and calling for bids to retrofit air conditioners on 5 buses.
(Memo with agenda. This project will improve the reliability of the air conditioners and engines and increase passenger comfort. Project cost is $35,000. Funds are budgeted. Resolution approving specifications and authorizing call for bids to be opened April 7, 1987, at 3:00 p.m. needed. Estimated Cost: $35,000. Funds are budgeted.)

ACTION: Res. 87-165 adopted calling for bids. (P/T to handle)

CONSENT

12. Consider approving specifications and authorize call for bids to be opened April 21, 1987, at 3:05 p.m., for furnishing eighteen concrete picnic tables.
(Requested by the Parks and Recreation Department, the picnic tables will replace existing tables in Downey Park. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: $10,345. Funds are budgeted.)

ACTION: Res. 87-166 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider declaring H.V. Carter Co. low bidder meeting City specifications and authorize the purchase of one rotary mower from the firm for a total cost of $10,488.70.
(Memo with agenda. Resolution declaring H.V. Carter Co. low bidder meeting City specifications and authorizing purchase needed.)

ACTION: Res. 87-167 adopted awarding bid. (Finance to handle)

CONSENT

14. Consider approval of plans and specifications and call for bids for the construction of waterline extension in Shaddox Avenue.
(Suggested bid opening: March 24, 1987 at 11:10 a.m. This waterline extension will provide water service to residences on Shaddox Avenue. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: $23,258 (Contr. $19,325; Eng. & Cont. $3,933) Funds are budgeted.)

ACTION: Res. 87-168 adopted calling for bids. (Eng to handle)

CONSENT

15. Consider acceptance of Howk Well & Equipment's contract for the construction of Pump Station No. 46.
(All work on this project has been completed to the satisfaction of the Engineering Department, and it is therefore recommended that the contract be accepted as complete and the Notice of Completion be filed. Resolution accepting contract as complete needed. Final cost: $85,344.)

ACTION: Res. 87-169 adopted accepting construction as complete.
(Clerk to handle)

CONSENT

16. Consider declaring Dow Hammond low bidder on Item I and authorize the purchase of one water tank truck for the total price of $41,320; and consider declaring Bonander Pontiac low bidder on Item II and authorize the purchase of one dump bed pickup truck for the total price of $14,376.
(Memo with agenda. Resolution authorizing purchase of water truck from Dow Hammond needed and resolution authorizing purchase of dump bed pickup truck from Bonander Pontiac needed. Estimated Cost: $55,696. Funds are budgeted.)

ACTION: Res. 87-170 adopted awarding bid to Dow Hammond for furnishing one water tank truck.

Res. 87-170-A adopted awarding bid to Bonander Pontiac for furnishing one dump bed pickup truck. (Finance to handle)

17. Consider authorizing the purchase of audio-visual equipment from McCurry Co. for the total price of $2,209.36: Photo and Sound Co. for the total price of $2,799.38; and Stanislaus Audio-Visual for the total price of $999.58.
(Memorandum with agenda. Resolution authorizing the purchase needed. Estimated cost: $6,008.32. Funds are budgeted.)

ACTION: Res. 87-171 adopted (Whiteside/Lang, unan., Mensinger absent) authorizing the purchase. (Finance to handle)

WRITTEN COMMUNICATIONS

CONSENT
18. Letter from Dennis E. Wilson, Chairman of the Downtown Improvement District, requesting the formation of a parking district within the D.I.D. boundaries.
(Motion referring to staff needed.)

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

CONSENT
19. Request of Downtown Improvement District for the use of downtown sidewalks for the selling of merchandise on March 18th through 21st for a Downtown Sidewalk Sale.
(Motion approving needed.)

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

20. Letter from Russell Harrison, Santina & Thompson, Inc. appealing a Planning Commission decision regarding Park Oaks vesting tentative subdivision map conditions.
(Resolution setting hearing March 24, 1987, at 7:30 p.m. needed.)
Councilmember Whiteside excused due to a conflict of interest.

ACTION: Res. 87-172 adopted (Lang/McGrath, unan., Whiteside and Mensinger absent) setting hearing. (Clerk to handle)

21. Letter from Michael A. Johnson requesting an amendment to the Modesto City Charter.

ACTION: A motion to direct staff to prepare a report about the Charter amendment concerning run-off elections for inclusion on the November ballot failed to carry (McGrath/Patterson, Lang, Muratore, Whiteside, Sutton-no, Mensinger absent)

By motion (Lang/Muratore, unan., Mensinger absent) staff directed to prepare the necessary documents to put the measure on the June ballot. (Atty to handle)

MATTERS FOR THE GOOD OF THE COMMUNITY

22. (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 and Gordon E. Hart spoke about the proposed election.

Ron Jourdenais spoke.

NEW BUSINESS

23. Consider re-funding Certificates of Participation issued in November, 1985, to finance construction of the Community Center. (Memo with agenda. Resolution approving the form and execution of documents required to transact the re-funding needed, and resolution approving interest rate exchange transaction needed.) Considered simultaneously with Item C on the Redevelopment Agency agenda.

ACTION: Res. 87-173 adopted (Lang/Muratore, majority, McGrath and Patterson-no, Mensinger absent) approving the form and execution of documents.

Res. 87-174 adopted (same vote) approving interest rate exchange transaction. (Finance to handle)

CONSENT

24. Hazardous Waste Management Planning and Hazardous Waste Source Reduction. (The joint City-County-Industry Committee studying implementation of AB 2948 (Tanner), Hazardous Waste Management Planning, nas requested the City of Modesto to adopt a model resolution. Memo with agenda. Resolution supporting waste source reduction in Modesto and Stanislaus County needed.)

ACTION: Res. 87-175 adopted supporting waste source reduction. (Manager to handle)

CONSENT
25. Consider excusing Councilmembers McGrath, Muratore, Sutton, Whiteside and Mayor Mensinger from the March 3, 1987, City Council meeting due to their attendance at the Congressional-Cities Conference in Washington, D.C., February 28 - March 3, 1987.
(Motion excusing absences needed.)

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

CONSENT
26. Consider joining in an amicus curiae brief in the following case:

Green v. City of Oceanside - Issue: Involves the question of whether a city is liable for wrongful termination of an employee.
(Memo with agenda. Motion authorizing joining in amicus curiae brief needed.)

ACTION: By motion, joining in amicus curiae brief approved. (Atty to handle)

CONSENT
27. Consider authorizing City Manager to sign agreement with Empire Union School District for street improvements adjacent to proposed McClure Road School.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-176 adopted approving agreement. (Eng to handle)

CONSENT
28. Consider acceptance of improvements in Diablo Hills No. 2 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Lodi Development
(Diablo Hills No. 2 Subdivision is located at the Northeast corner of Kansas Avenue and Morse Road. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 87-177 adopted accepting improvements as complete. (Clerk to handle)

CONSENT
29. Consider resolution to recognize Karen Grenbeaux for six years service on the Airport Advisory Committee.
(Karen Grenbeaux was an active member of the Airport Advisory Committee from 4/14/81 to 1/1/87. Resolution of recognition needed.)

ACTION: Res. 87-178 adopted recognizing service. (Clerk to handle)

CONSENT

30. Consider abandonment of the excess right of way for Chicago Avenue in Block 4015 of the City of Modesto.
(Memo with agenda. Resolution vacating and abandoning the excess right of way needed.)

ACTION: Res. 87-179 adopted abandoning right of way. (Eng to handle)

CONSENT

31. Consider request for water service to property outside City limits at 1617 Shaddox Avenue, located on the North side of Shaddox Avenue between Watts Avenue and Carpenter Road. Owners: Charles Russell Higgins and Joyce Mae Higgins.
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 87-180 adopted approving agreement. (Eng to handle)

CONSENT

32. Consider setting a hearing regarding amending the conflict of interest codes for the City Attorney's Office and Parking & Traffic Departments, and rescinding the conflict of interest code for the Management Services Department.
(Resolution setting hearing for April 7, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-181 adopted setting hearing. (Clerk to handle)

CONSENT

33. Consider approval of the final map of Yellowstone Estates Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.
(Subdividers: P & R Enterprises)
(The subdivision agreement has been signed and all fees paid. Yellowstone Estates is located at the southwest corner of Yellowstone Avenue and Temperate Avenue. It contains 3.291 acres. Resolution approving final map needed.)

ACTION: Res. 87-182 adopted approving final map. (Clerk to handle)

CONSENT

34. Consider approval of the final map of Dutchollow No. 4 Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdividers: Frank Van Konynenburg and Christina Van Konynenburg)
(The subdivision agreement has been signed and all fees paid. Dutchollow No. 4 is located south of Snyder Avenue and east of Dale Road. It contains 18.477 acres. Resolution approving final map needed.)

ACTION: Res. 87-183 adopted approving final map. (Clerk to handle)

CONSENT

35. Consider approval of resolution amending the final year 1986-87 budget for an interfund transfer to be used to finance the engineering cost of Dry Creek Erosion Repair.
(Major erosion has occurred along Dry Creek. Staff recommends amendment to the 1986-87 budget for the engineering cost associated with this project. Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 87-184 adopted approving appropriation transfer.
(Finance to handle)

CONSENT

36. Consider request for sewer service to property outside the City limits at 1013 Chicago Avenue, located on the north side of Chicago Avenue, between Ritsch Lane and Harris Avenue. Owner: American Savings and Loan Association.
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 87-185 adopted approving agreement. (Eng to handle)

37. Consider introduction of ordinance relating to smoking pollution.
(This proposed ordinance would enact smoking pollution control regulations essentially the same as those recently adopted by Stanislaus County. Memo with agenda. Motion introducing the ordinance needed.)

ACTION: By motion (McGrath/Whiteside, unan., Mensinger absent) Ord. No. 2480-C.S. introduced. (Clerk to handle)

CONSENT

38. Consider authorizing staff to solicit Request for Proposals for consulting engineer services to perform a screening test and driven hole test at two inactive municipal landfills.
(Memo with agenda. Resolution authorizing staff to solicit Request for Proposals for consulting engineer services needed.)

ACTION: Res. 87-186 adopted authorizing soliciting Request for Proposals.
(Utility Services to handle)

CONSENT

39. Consider introducing ordinance regulating picture arcades.
(This ordinance would prohibit enclosed or partially enclosed viewing booths in picture arcades and require minimum lighting. Memo with agenda. Motion introducing ordinance needed.)

ACTION: By motion, Ord. No. 2481-C.S. introduced. (Clerk to handle)

CONSENT

40. Consider approving agreement between the City of Modesto and American General Group Insurance Company to renew the $50,000 specific stop loss coverage for the City's self-insurance health plan for the period of February 1, 1987 to January 31, 1988, and authorizing the City Manager to sign agreement.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-187 adopted approving agreement. (Mgr to handle)

MISCELLANEOUS

CONSENT

41. Legislation: Staff recommends:

Support

AB 61 (Elder) Postretirement Employment of PERS Retirees

AB 318 (Cortese) Collection of Capital Fees between Public Agencies

H.R. 4 (Gonzalez) Reauthorization of HUD Funds for Housing and Community Development

Oppose

AB 13 (Leonard) Restrictions on City Development Fees

ACA 4 (Moore) Residential Exemption to the Utility Users Tax

(Memos and attachments with agenda. Motion accepting staff recommendations needed.)

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

42. Appointments

a. Culture Commission

ACTION: Res. 87-188 adopted (Whiteside/McGrath, unan., Mensinger absent) appointing Phil Martin to the Culture Commission.
(Clerk to handle)

b. International Friendship Committee

ACTION: Res. 87-189 adopted (Whiteside/McGrath, unan., Mensinger absent) appointing Miguel Donoso to the International Friendship Committee.
(Clerk to handle)

c. Human Relations Commission

ACTION: Res. 87-190 adopted (Whiteside/McGrath, unan., Mensinger absent) appointing Fred Herman to the Human Relations Commission.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

43. (These may be presented by members of the City Council and staff upon determination by the City Council 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 12:53 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

The Council of the City of Modesto met in special session with State Senator Dan McCorquodale at 8:00 a.m. at the Sundial Restaurant, 806 McHenry Avenue, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Councilmember Whiteside excused at 8:45 a.m.; returned at 9:15 a.m.
Councilmember Lang excused at 8:50 a.m.
Councilmember Patterson excused at 8:55 a.m.
Councilmember McGrath excused at 9:05 a.m.

After introductions, Mayor Mensinger provided some background information about the proposed revision to the Charter to require a second election if no candidate for a City office received a majority of the votes at the first election. Of the eight citizens present at the meeting, Miguel Donoso, Daniel Marsh, and Michael Johnson spoke, and Wilmar Jensen had sent a letter.

By motion (McGrath/Whiteside, unan.) Ordinance No. 2482-C.S. was adopted adding a section to the Modesto Municipal Code to allow elections to be conducted by mail in the City of Modesto.

Res. 87-191 (McGrath/Whiteside, unan.) adopted calling a special municipal election on June 2, 1987, to be conducted by mail, and submitting to the electors the question of whether to amend Section 300 of the City Charter to require a second election if no candidate for a City office receives at least 50% of the vote at the first election.

Councilmembers requested a report on elections conducted by mail and on how the proposal will affect the recently adopted campaign reporting requirements.

The meeting continued with a discussion with Senator McCorquodale of the following State legislation:

Tort Reform
Transportation Financing
Modesto's Jennie-Grand project
Aid to "Distressed Counties"
Department of Commerce prospect generation
Workers' Compensation Reform
Clean-up legislation to AB 2674 (Connelly), Chages to the Brown Act
Voter Education, SB 378 (McCorquodale)
Various other State legislation that will affect cities

There were no oral communications presented by the audience.

The meeting adjourned at 9:40 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, MARCH 17, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. J. Pritchard Amstutz, Memorial Hospital North

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 9, 10, 11, 12, 13, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40

Removed from Consent: 6, 9
ACTION: (Lang/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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Announcement by Nancy Waltman regarding participation of the Beyer Patriots Band and Color Guard in marching band competition in Wisconsin in June.

   Members of the Beyer High School Band and Color Guard requested public support of their trip. By order of the Chair, staff directed to prepare a report on what the Council has done to support other bands.
   (Manager to handle)

MINUTES

CONSENT

2. Approval of the minutes of the March 10, 1987, regular City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

UNFINISHED BUSINESS

3. Consider introduction of "Enterprise Designation Incentives" ordinance and adoption of resolution establishing the categories of businesses qualified for Enterprise Designation benefits.
(The ordinance and resolution will establish a set of local incentives to encourage employment-based development by offering reimbursement of water connection charges, accelerated inspection and plan checking process, and reimbursement of inspection and plan checking fees. Memo with agenda. Introduction of ordinance needed, and resolution establishing categories of businesses qualified for Enterprise designation benefits needed.)

ACTION: By motion (Whiteside/Sutton, unan.) Ord. No. 2483-C.S. introduced. Res. 87-192 adopted establishing categories of businesses.
(Clerk to handle)

4. Reconsideration of diagonal parking on 10th Street.
(Memo with agenda. The Renaissance Committee recommends a trial of diagonal parking from I to K Streets. Eleven extra spaces would be gained. Motion directing staff. Estimated cost: $1,600)

ACTION: By motion (Lang/Sutton, majority, Whiteside and Mensinger-no) Committee recommendation approved. (P/T to handle)

5. Consider amendments and additions to the City of Modesto's Campaign Reform Ordinance and consider report on local and FPPC Conflict of Interest Regulations.
(Memo with agenda. On January 20, 1987, when the Council considered and introduced the Campaign Reform Ordinance, it directed staff to report back on the need for adding enforcement provisions to the ordinance and to report back to the Council regarding local and FPPC Conflict of Interest Regulations. Motion introducing ordinance needed.)

ACTION: By motion (McGrath/Lang, unan.) Ord. No. 2484-C.S. introduced.
(Clerk to handle)

6. Letter from William McDonald concerning sidewalks, buses, Police Department, C.R.L.A., railroad tracks, streets, bus shelters, flooding, housing and library.
(This item was held over from the February 24, 1987, City Council meeting to allow staff time to respond to concerns expressed. Memos with agenda. On March 11, 1987, Mr. McDonald said he does not wish to pursue this issue. Motion acknowledging receipt of report needed.)

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

CONSENT

7. Final adoption of:

   a. Ord. No. 2476-C.S. rezoning from R-1 to C-3, property located on the south side of Pelandale Avenue between Sisk Road and Freeway 99 Off-Ramp. (Standiford Properties II)

   b. Ord. No. 2478-C.S. rezoning from R-1 to P-D(316) as an addition to P-D(316), property located on the south side of Standiford Avenue east of Carver Road. (Hischier Nursery)

   c. Ord. No. 2479-C.S. amending the Municipal Code relating to development plan approval for second-story dwelling additions.

   d. Ord. No. 2480-C.S. amending the Municipal Code relating to smoking pollution.

   e. Ord. No. 2481-C.S. amending the Municipal Code prohibiting enclosed or partially enclosed viewing booths and requiring minimum lighting requirements in picture arcades.

   (Motion adopting needed.)

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

HEARINGS

8. Hearing to consider an amendment to Section 9-3-9 of the Zoning Map to rezone from P-D(354) to R-1, property located on the south side of Coralwood Road east of McHenry Avenue. (Hallmark Capital Investment III, Ltd.)

ACTION: By motion (Muratore/McGrath, unan.) Ord. No. 2485-C.S. introduced. Res. 87-193 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

9. Consider approval of plans and specifications and call for bids for the 1987 street overlays.
   (Suggested bid opening: April 14, 1987, at 11:00 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: $566,531.75(contract $515,028.86; engineering & cont. $51,502.89). Funds are budgeted.)

ACTION: Res. 87-194 adopted (Sutton/Whiteside, unan.) calling for bids. (Eng to handle)

CONSENT

10. Consider award of contract for the corporation yard expansion - remodeling of Building No. 4, to Howell Construction.
(Memo and bid tabulation with agenda. Resolution awarding contract to Howell Construction needed. Estimated cost: $89,919. Funds are budgeted.)

ACTION: Res. 87-195 adopted awarding contract. (Eng to handle)

CONSENT

11. Consider declaring J-M Squared Equipment low bidder and authorize the purchase of two Fairbanks Morse pump impellers for the total price of $9,577.
(Memorandum with agenda. Resolution awarding contract to J-M Squared Equipment needed. Funds are budgeted.)

ACTION: Res. 87-196 adopted awarding contract. (Finance to handle)

CONSENT

12. Consider waiving formal bid procedures and authorize the purchase of digester cleaning services from Northwest Industrial Scrub for the total price of $17,000.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-197 adopted waiving formal bid procedure. (Finance to handle)

CONSENT

13. Consider waiving formal bid procedures and authorize the purchase of three 1/2 ton pickup trucks through the State of California Cooperative Purchasing Program for the total price of $29,046.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-198 adopted waiving formal bid procedures.
Finance to handle)

WRITTEN COMMUNICATIONS

14. Letter from James Gansel regarding reduced level of Policemen on duty on a given shift.

No action taken.

15. Letters from representatives of the concerned neighborhoods, Nick Sciabica & Sons, and the Oakridge Townhouses Association appealing the Planning Commission decision regarding Park Oaks subdivision, located north of Encina Avenue, west of Edgebrook Drive.
(Resolution setting hearing March 24, 1987, at 7:30 p.m. needed.)
(Councilmember Whiteside will be excused due to a conflict of interest.)

ACTION: Res. 87-199 adopted (McGrath/Lang, unan., Whiteside absent) hearing set for April 7, 1987, at 4:00 p.m., with the understanding that it will be continued to and actually held on April 28, 1987, at 7:30 p.m. (Clerk to handle)

MATTERS FOR THE GOOD OF THE COMMUNITY

16. (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

17. Consider designation of Mayor pro tem during the absence of the Mayor and Vice Mayor from April 1 - 15, 1987.
(Motion designating Mayor pro tem needed.)

ACTION: By motion (Whiteside/Lang, unan.) Councilmember Muratore designated as Mayor pro tem. (Clerk to handle)

18. Staff report and recommendations on library financing.
(Memorandum with agenda. Motion accepting staff recommendation needed.)

ACTION: By motion (Lang/Sutton, majority, Patterson-no) staff recommendation approved. (Manager to handle)

19. Consider approval of Circulation Element Implementation Strategies.
(The Circulation Element Implementation Strategies will provide direction to staff on how to proceed with projects listed in the Circulation Element. The Implementation Strategies have been reviewed by the Planning Commission and are recommended for approval. Memo with agenda. Resolution approving Circulation Element Implementation Strategies needed.)

ACTION: By motion (McGrath/Whiteside, unan.) Planning Commission report was accepted and March 30, 1987, at 7:30 p.m. was set as a joint meeting of the City Council and Planning Commission to discuss the rep9ort. (Manager/Planning to handle)

CONSENT

20. Revision to the City Council Policy on Boards, Commissions and Committees. (Memo with agenda. Motion approving staff recommendations needed.)

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

21. Consider Recycling Program Report and authorizing staff to implement the recommendations.
(Memo with agenda. Motion acknowledging receipt of report, resolution amending the position classification plan, and resolution amending the alphabetical listing of positions in the salary resolution needed. Estimated cost: $5,000. Funds currently set aside in Recycling Trust Account)

ACTION: By motion (Muratore/Lang, unan.) receipt of report acknowledged.
Res. 87-200 adopted (same vote) amending the position classification plan.
Res. 87-201 adopted (same vote) amending the salary schedule.
(Utility Serv/Manager to handle)

CONSENT

22. Consider canceling the public hearing scheduled for March 24, 1987, at 7:30 p.m. to receive citizen input on eliminating grass cuttings from garden refuse pickup and resetting the public hearing for April 28, 1987, at 7:30 p.m.
(Memo with agenda. Resolution canceling public hearing scheduled for March 24, 1987, and resetting the public hearing for April 28, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-202 adopted resetting the public hearing. (Clerk to handle)

CONSENT

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

ACTION: By motion, current investment policy approved. (Finance to handle)

CONSENT

24. Monthly Treasurer's Report for February, 1987.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

25. Consider adoption of a Resolution of Intention to terminate Public Facilities District No. 2.
(This Public Facilities District was established primarily for the purpose of acquiring right of way. The right of way has been dedicated. Memo with agenda. Resolution of Intention to terminate Public Facilities District No. 2 and setting public hearing for April 7, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-203 adopted setting hearing. (Clerk to handle)

CONSENT

26. Consider approval of the final map of Walnut Woods East subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdivider: Grant Construction)
(The subdivision agreement has been signed and all fees paid. Walnut Woods East Subdivision is located south of Merle Avenue, and east of Oakdale Road. It contains 26.012 acres. Resolution approving final map needed.)

ACTION: Res. 87-204 adopted approving final map. (Clerk to handle)

CONSENT

27. Consider approval of the final map and acceptance of improvements in Dutchollow Estates No. 2 subdivision and authorize City Clerk to file Notice of Completion. Faithful performance and labor and materials bonds are not required, since all improvements are completed.
(Dutchollow Estates No. 2 is located North of Veneman Avenue and East of Dutchollow Way. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. It contains 3.991 acres. Memo with agenda. Resolution approving final map and accepting improvements in Dutchollow Estates No. 2 Subdivision needed.)

ACTION: Res. 87-205 adopted approving final map .
(Clerk to handle)

CONSENT

28. Consider formation of Improvement District No. 26.
(The Improvement District will provide street improvements on Dale Road, Sisk Road and Standiford Avenue. Memo with agenda. Motion authorizing City Attorney to arrange for bond counsel, motion authorizing preparation of boundary maps and other documents, motion authorizing Property Agent to negotiate rights of way, and motion authorizing Finance Director to arrange for underwriting services needed.)

ACTION: By motion, City Attorney to arrange for bond counsel.
By motion, authorized preparation of boundary maps and other documents.
By motion, authorized Property Agent to negotiate rights of way.
By motion, Finance Director to arrange for underwriting services.
(Atty/Utility Serv/Finance to handle)

CONSENT
29. Consider authorizing City Manager to sign agreement with Empire Union School District for reimbursement of costs to extend a larger and deeper sewer than needed for the school.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $10,938. Funds are budgeted.)

ACTION: Res. 87-206 adopted approving agreement. (Mgr to handle)

CONSENT
30. Request for refund of $13,910 for overpayment of Business License Tax by Fisher Graphic Industries.
(Memo with agenda. Resolution authorizing refund needed.)

ACTION: Res. 87-207 adopted authorizing refund. (Finance to handle)

CONSENT
31. Consider approving an amended resolution for fees and charges at the airport to correct an omission of hangar and office rental fees.
(Memo with agenda. Resolution approving corrected fees and charges neeed.)

ACTION: Res. 87-208 adopted approving corrected fees and charges. (Utility Serv to handle)

CONSENT
32. Consider proposed addition to the Municipal Code requiring all aircraft owners/operators to tie-down their aircraft when not under their direct supervision.
(Memo with agenda. Motion introducing ordinance needed.)

ACTION: By motion, Ord. No. 2486-C.S. introduced. (Clerk to handle)

CONSENT
33. Consider approving a month-to-month agreement with Dennis Casey for the lease of a house located at 1813 W. Hatch Road which was purchased for the Tuolumne River Regional Park.
(Mr. Casey will pay the City $345/month and will maintain this house except for major repairs. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-209 adopted approving agreement. (Utility Serv to handle)

CONSENT
34. Consider approving lease agreement with Wings West Airlines, Inc. dba American Eagle, for their operation at the airport.
(This is a one-year renewal of an existing lease. All terms remain the same. Wings West pays the City $920 a month terminal fees and approximately $1,000 a month in landing fees. Resolution approving agreement needed.)

ACTION: Res. 87-210 adopted approving agreement. (Utility Serv to handle)

CONSENT

35. Consider approving lease agreement with Donald H. and Margaret D. Scott for the lease of the former Eula Scott and Hubert Scott properties located in Dry Creek Park.
(This is a one year renewal of an existing lease. The Scotts pay the City 20% of the crop of walnuts harvested from the property. The Scotts have been made aware of the proposed golf course project and its timing which will not affect this lease. Resolution approving agreement needed.)

ACTION: Res. 87-211 adopted approving agreement. (Utility Serv to handle)

CONSENT

36. Consider approving lease agreement with Modesto Executive Air Charter, Inc., dba Sky Trek Aviation, for the lease of Office Building No. 1, Hangar No. 5 and a tie-down area.
(This is a one-year renewal of an existing lease. Rental is determined by resolution of the Council. Rentals presently are $513 per month for the office and $768 per month for the hangar. Resolution approving agreement needed.)

ACTION: Res. 87-212 adopted approving agreement. (Utility Serv to handle)

CONSENT

37. Consider approving lease agreement with Todd Beall and Eric Smith and consider terminating lease with Anthony D. and Susan B. Verhaart for the City owned house at 2945 Lincoln Avenue.
(Memo with agenda. Resolution approving agreement and resolution terminating agreement needed.)

ACTION: Res. 87-213 adopted approving agreement with Todd Beall and Eric Smith.
Res. 87-214 adopted terminating lease agreement with Anthony D. and Susan B. Verhaart. (Utility Serv to handle)

CONSENT

38. Consider approving lease agreement with Jericon Industries, Inc. for the lease of Office Building No. 2, Hangars 1 and 2, fuel island No. 2, and a tie-down site area.
(This is a five-year renewal of an existing lease. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-215 adopted approving agreement. (Utility Serv to handle)

CONSENT

39. Consider amendments to the Position Classification Plan and the salary resolution as follows:

    a. Add one new classification (Cement Mason)

    b. Amend salary range only (Systems & Procedures Accountant)

    c. Revise five classifications with no change in salary:

        Community Center Operations Supervisor

        Arborist

        Parks Maintenance Supervisor I & II

        Parks Superintendent

    (Memorandum with agenda. Resolution amending Position Classification Plan and resolution amending alphabetical listing of classifications in the salary resolution needed.)

ACTION: Res. 87-216 adopted amending Position Classification Plan.
Res. 87-217 adopted amending salary schedule. (Mgr to handle)

39A. Consider establishing procedures for persons addressing the Council (The Council previously directed staff to prepare a report on ways that Council meetings could be expedited by establishing procedures for persons speaking under "Matters for the good of the community" and other items on the Council agenda. Report with agenda. Motion introducing an ordinance and adoption of a resolution needed.)

ACTION: By motion (Lang/Whiteside, majority, McGrath-no) Ord. No. 2487-C.S. introduced.
Res. 87-218 adopted (same vote) establishing procedures for persons addressing the Council. (Clerk to handle)

MISCELLANEOUS

CONSENT

40. Legislation: Staff recommends:

    Support

    a. SB 181 (Keene) California Library Construction and Renovation Bond Act of 1988

Oppose

b. SB 200 (Roberti) Public Meetings: Attorney-Client Privilege

c. SB 269 (Kopp) Hazardous Substances - Local Application of Proposition 65 Requirements.

(Memo and attachments with agenda. Motion accepting staff recomemendations needed.)

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

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 7:47 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
March 20, 1987

The Council of the City of Modesto met in special session with State Assemblyman Gary Condit at 8:00 a.m. at the Sundial Restaurant, 806 McHenry Avenue, Modesto, California.

Present: Councilmembers McGrath, Muratore, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmembers Lang and Patterson

After introductions, there was a discussion of the following State legislation:

Tort Reform
Transportation Financing
Modesto's Jennie-Grand project
Aid to "Distressed Counties"
Department of Commerce prospect generation
Workers' Compensation Reform
Clean-up legislation to AB 2674 (Connelly), Chages to the Brown Act
State budget, schools funds, implementation of Proposition 65, Gramm-Rudman, and the Gann limitation

There were no oral communications.

The meeting adjourned at 9:20 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, MARCH 24, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Sutton, Whiteside, Mayor Mensinger
Absent: Councilmembers Muratore, Patterson

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 7, 8, 9, 10, 11, 14, 15, 17, 18, 19, 20, 21, 22

Removed from consent: 12
Dropped from agenda: 16
ACTION: (Whiteside/Sutton, unan., Muratore and Patterson absent)

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

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1a. Presentation to Mayor Mensinger by Pat Paul, representing Delta Kappa Gamma, commemorating Women's History Month.

Pat Paul presented an award to Mayor Mensinger.

1b. Status report on Forward Modesto IV from Steering Committee co-chair Pam Fisher.

A report was made by Pam Fisher.

MINUTES

CONSENT

2. Approval of the minutes of the March 13, 1987, special City Council meeting and the March 17, 1987, regular City Council meeting. (Motion approving needed.)

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

UNFINISHED BUSINESS

CONSENT

3. Final adoption of:

   a. Ord. No. 2483-C.S. adding Chapter 7 entitled "Enterprise Designation Incentives" to the Modesto Municipal Code.

   b. Ord. No. 2484-C.S. amending the Municipal Code relating to campaign reform.

   c. Ord. No. 2485-C.S. amending Sec. Map. 9-3-9 of the Zoning Map, rezoning from P-D(354) to R-1, property located on the south side of Coralwood Road east of McHenry Avenue. (Hallmark Capital Investment III, Ltd.)

   d. Ord. No. 2486-C.S. amending the Municipal Code relating to aircraft at the Modesto City-County Airport/Harry Sham Field.

   (Motion adopting needed.)

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

4. Final adoption of Ord. No. 2487-C.S. amending the Municipal Code relating to Council meetings.

   (Motion adopting needed.)

ACTION: By motion (Lang/Whiteside, majority, McGrath-no, Muratore and Patterson absent) Ord. No. 2487-C.S. adopted. (Clerk to handle)

CONSENT

5. Consider adoption of a resolution increasing residential garbage fees by 10¢ per month per household.
(At the March 17, 1987, Council meeting, Council voted to implement the recommendations of the Recycling Committee. One of those recommendations was to impose a 10¢ per month per household fee to cover the cost of the newly proposed Recycling Program to be effective April 1, 1987. Resolution needed.)

ACTION: Res. 87-219 adopted increasing fees. (Finance to handle)

HEARINGS

6. Hearing to consider the appeal of Santina & Thompson to a Planning Commission decision regarding Park Oaks vesting tentative subdivision map conditions, property located north of Encina Avenue, west of Edgebrook Drive.
(This hearing is to be continued to April 28, 1987, at 7:30 and held in conjunction with three other appeals.)

ACTION: Res. 87-220 adopted (Sutton/Lang, unan., Muratore, Patterson, and Whiteside absent) granting the appeal in part and denying in part.

Res. 87-221 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 remodeling and addition to the oxidation pond facilities control building. (Suggested bid opening: April 21, 1987, at 11:00 a.m. This project will consist of remodeling the control building at the City of Modesto oxidation ponds on Jennings Road. Resolution approving plans and specifications and call for bids needed. Estimated cost: $89,760 (contract $82,280; engineering & cont. $7,480.) Funds are budgeted.)

ACTION: Res. 87-222 adopted calling for bids. (Eng to handle)

CONSENT

8. Consider approving specifications and authorizing call for bids for furnishing fire hose to be opened on April 28, 1987, at 3:00 p.m.
(Requested by the Fire Department, the fire hose will replace damaged, worn or obsolete fire hose presently on hand. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $36,990. Funds are budgeted.)

ACTION: Res. 87-223 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider authorizing the purchase of word processing equipment Items I, II, III & V from Wang Laboratories for the total price of $28,769; and consider authorizing the purchase of word processing equipment Item IV from EMC2 for the total price of $6,890.
(Memorandum with agenda. Resolutions authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-224 adopted authorizing purchase from Wang Laboratories.
Res. 87-225 adopted authorizing purchase from EMC2.
(Finance to handle)

CONSENT

10. Consider award of contract for the construction of Pump Station No. 49.
(Bids were opened on March 17, 1987. The low bid of $166,305, submitted by Central Pump Co., is 11.6% above the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to Central Pump Co. Memo and bid tabulation with agenda. Resolution awarding contract to Central Pump Co. needed. Estimated cost: $166,305. Funds are budgeted.)

ACTION: Res. 87-226 adopted awarding contract. (Eng to handle)

CONSENT

11. Consider award of contract for the Wesson Ranch Park site work, landscaping and irrigation.
(Bids were opened on March 17, 1987. The low bid of $284,412, submitted by Western Stone Products, Inc., is 19.92% below the engineer's estimate and considered acceptable. Memo and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: $284,412. Funds are budgeted.)

ACTION: Res. 87-227 adopted awarding contract. (Eng to handle)

WRITTEN COMMUNICATIONS

12. Request by Claudia Hagen, Balloons Over the Valley, for direct assistance with an Air Festival September 19-20, 1987.
(Motion referring to staff for recommendations needed.)

ACTION: By motion (Lang/Whiteside, una2n., Muratore and Patterson absent) request will be considered at the proper budget session.
(Finance to handle)

MATTERS FOR THE GOOD OF THE COMMUNITY

13. (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.)

Darlene Binion discussed needs of the homeless and asked that a report be placed on a future agenda.

NEW BUSINESS

CONSENT

14. Consider authorizing the City Manager to submit a grant application in the amount of $111,111 to the State of California for the Property Crime Program.
(Memo with agenda. Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 87-228 adopted authorizing submission of grant application. (Police to handle)

CONSENT

15. Consider directing City Clerk to submit a copy of the proposed amendment to Section 300 of the City Charter to the City Attorney for preparation of an impartial analysis of the amendment.
(The proposed amendment is to provide for a second regular municipal election for any City office for which no candidate receives a majority of the votes cast. Memo with agenda. Resolution transmitting a copy of the proposed Charter amendment to the City Attorney for impartial analysis needed.

ACTION: Res. 87-229 adopted transmitting Charter amendment to City Attorney for impartial analysis. (Clerk to handle)

16. Consider amending Personnel Rules 3.1, 3.3, 13.4, 13.5, and 19.1.
(City Personnel Rules are too cumbersome to be continually changed by meet-and-confer with the three employee organizations. Four rules are proposed for amendment to authorize the City Manager to issue written administrative orders. This affects Rule 3.3, salary; 13.4, vacation; 13.5, sick leave; and 19.1, administrative orders. Reference to the former Personnel Commission is deleted from Rule 3.1. Memo with agenda. Resolution amending the Personnel Rules needed.)

Dropped from agenda

CONSENT

17. Consider approval of an agreement with Recreations Systems, Inc. to develop the master plan for Alberta Martone (Woodland) Neighborhood Park and school site.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $11,012.50. Funds are budgeted.)

ACTION: Res. 87-230 adopted approving agreement. (P/R to handle)

CONSENT

18. Consider approving agreement with Modesto Interurban Railway Company and Modesto and Empire Traction Company to modify railroad trestle over Morton Boulevard.
(Memo with agenda. Agreement has some objectionable features that may be eliminated or the agreement can be cancelled. Resolution approving agreement needed. Estimated total cost: $318,000. City's share is 10%. Project will be in next fiscal year and requires an 80% grant from Caltrans first.)

ACTION: Res. 87-231 adopted approving agreement. (P/T to handle)

CONSENT

19. Consider authorizing issuance of two purchase orders and related documents to rent a chipper and loader to chip garden refuse material so it can be disposed of on City park sites.
(The rental of a chipper and loader is proposed as an interim solution for the disposal of garden refuse material. Memo with agenda. Two resolutions are required authorizing purchase orders and related documents. Estimated cost: $52,000. Funds are budgeted.)

ACTION: Res. 87-232 adopted authorizing rental of a chipper.
Res. 87-233 adopted authorizing rental of a loader.
(Utility Serv to handle)

CONSENT

20. Consider setting a hearing concerning amendments to Chapter 2 of Title X of the Municipal Code to add a Business Park (B-P) Zone.
(On February 17, 1987, the Planning Commission adopted Resolution 87-22 recommending to the Council amendments and additions to Chapter 2 of Title X of the Modesto Municipal Code pertaining to addition of a Business Park (B-P) Zone. Resolution setting hearing April 7, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-234 adopted setting hearing. (Clerk to handle)

CONSENT

21. Inducement Resolution for up to $10 million of Multiple-Family Mortgage Revenue Bonds - Live Oak Associates.
(Live Oak Associates has applied for multiple-family mortgage revenue bonds to finance a multiple-family project totalling up to 328 units to be located on approximately 15 net acres on the northeast corner of Merle Avenue and Oakdale Road. Memo with agenda. New inducement resolution authorizing the issuance of bonds needed.)

ACTION: Res. 87-235 adopted authorizing issuance of bonds.
(Planning to handle)

MISCELLANEOUS

CONSENT

22. Legislation: Staff recommends:

Support

a. AB 36 (Floyd) Motorcycle Helmet Law

b. AB 815 (Areias) Restrictions on Parking of Large Trucks in Residential Districts

c. SCA 9 (Boatwright) Parole Authority

Oppose

d. AB 768 (Floyd) Crimes: Firearms - Concealed Weapons Permits

(Memos and attachments with agenda. Motion accepting staff recommendations needed.)

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

23. Appointment to Downtown Improvement District Advisory Board

ACTION: Res. 87-236 adopted (Lang/Whiteside, unan., Muratore and Patterson absent) appointing Susan Hackett to the Downtown Improvement District Advisory Board. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

24. (These may be presented by members of the City Council and staff upon determination by the City Council 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 10:12 p.m. to Monday, March 30, 1987, at 7:30 p.m. in the McHenry Museum basement meeting room at 1402 I Street, for a joint City Council-Planning Commission meeting to study the proposed Circulation Element and discuss the County's General Plan.)

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment and the Planning Commission of the City of Modesto met pursuant to the special meeting notice at 7:30 p.m. in the McHenry Museum Basement Meeting Room.

Present:
Councilmembers Lang, McGrath, Muratore, Patterson, Whiteside, Mayor Mensinger

Commissioners Bavaro, Davis, Fleming, Gallagher, Irizarry, Shaffer, Chairperson Hart

Absent:
Councilmember Sutton

Commissioner Gallagher

Mayor Mensinger called the meeting to order, and she and Chairman Hart discussed the purpose of the meeting.

Heidi McNally-Dial reviewed Listing No. 1 of the proposed Circulation Element Implementation Strategies.

In answer to Councilmember Patterson, Chairman Hart said the implementation strategies recommended were written in an attempt to not conflict with the Infrastructure Committee recommendations. Commissioner Fleming said the recommendations were an effort to mitigate present problems.

To answer Councilmember Whiteside's question, Chairman Hart said no specific consultants are recommended, but a civil engineer is recommended for specific projects because of the assumption that the City staff would not have the time to do the work.

Concerning changing multiple street names, the priority was established based on what appeared to be easiest.

The Airport Master Plan was recommended before 1991-92 because a hotel and restaurant project is needed in order to qualify for F.A.A. funds.

The consensus of the Commissioners was that the Traffic Improvements items are listed in priority order. Councilmember Whiteside and Chairperson Hart said the signals on Briggsmore need to be synchronized before any streets are closed.

There was a discussion of various methods of funding new construction of streets and highways and of the possibility of changing the location of future sewer trunks in order to possibly mitigate some traffic problems. Chairperson Hart said the reason they chose Pelandale for the recommended expressway loop

was because it is inside the ultimate sewer service area and the City would have control of both sides of the street, unlike Nebraska and Morse, which are on the border of the ultimate sewer service area. Councilmember McGrath felt what is adopted now is a concept, with the Council having the flexibility to change the plan in the future if citizens desire changes.

Chairman Hart said that CalTrans would make a comment only about the proposed interchange at Woodland Avenue which is why it was the only item under "Freeway 99 Improvements" to have timing recommendations.

Councilmember Whiteside said she had heard at a S.A.A.G. meeting that counties that have a sales tax are able to get help from CalTrans for overpasses. Al Kaufman said there are Federal bridge replacement funds, but the City would be required to pay 20% of the cost.

There was a brief discussion of the railroad relocation and construction of the bus maintenance facility.

Circulation Element Implementation Listing No. 2 was then discussed.

Chairman Hart said McHenry Avenue could be restriped to six lanes north of Orangeburg, that CalTrans has no objection to eliminating parking on McHenry Avenue in order to make six lanes, and he thought the Council should do so up to Bowen.

Chairman Hart recommended that the Council discuss the multiple street name change as a policy matter rather than considering each one individually. He also recommended that the three streets recommended for closure at Briggsmore be phased in one at a time.

Stan Dobbs reviewed the County General Plan.

There was a discussion about development now occurring outside the City limits, most without City water and sewer service, problems it could cause in the future, the City's loss of the right to annexation, and the need for all of the cities in the County to work together on the problems. Commissioner Fleming felt that if the County would adopt the City's standards for its "Planning Industrial" zone, there would be less problems for the City in the future. Mayor Mensinger pointed out that E.P.A. could penalize the City for not adhering to agreements made in order to get funds for the water quality control plant expansion. It was pointed out that this matter will be on the City Council agenda on April 7, 1987.

Under "Oral Communications," Daniel Marsh discussed the County's proposed General Plan and the super conductor supercollider.

The meeting adjourned at 9:37 p.m.

ATTEST: Norrine Coyle
Norrine Coyle, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 7, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Patterson, Whiteside, Mayor pro tem Muratore

Absent: Councilmember Sutton, Mayor Mensinger
Councilmember Whiteside arrived at 4:03 p.m.

Pledge of allegiance to the Flag

Invocation: Rev. Tom Fincher, Grace Orthodox Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42

ACTION: (Lang/McGrath, unan., Sutton and Mayor Mensinger 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor pro tem introduced Stan Yamamoto, City Attorney.
Stan Yamamoto introduced Sharon Stewart, recently appointed Deputy City Attorney.

MINUTES

CONSENT

2. Approval of the minutes of the minutes of the March 20, 1987, special City Council meeting, and the March 24, 1987, regular City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

UNFINISHED BUSINESS

3. Consider revised Affirmative Action Program for the City of Modesto and City Council Policy Statement.
(Memo with agenda. Resolution adopting revised Affirmative Action Program and resolution adopting Council Policy Statement needed.)

ACTION: Res. 87-237 adopted (Patterson/McGrath, unan., Sutton and Mensinger absent) adopting revised Affirmative Action Program.

Res. 87-238 adopted (same vote) adopting Council Policy Statement.
(Manager to handle)

4. Consider authorizing diagonal parking on 10th Street and updating diagonal parking resolution.
(Memo with agenda. The diagonal parking would be on the west side of 10th Street between I and K Streets and would be installed this month. Resolution rescinding policy on diagonal parking, and resolution authorizing 10th Street diagonal parking and eliminating obsolete sections of parking resolution needed. Estimated cost: $1,600. Funds are budgeted.)

ACTION: Res. 87-239 adopted (McGrath/Patterson, majority, Whiteside-no, Sutton and Mensinger absent) rescinding policy on diagonal parking.

Res. 87-240 adopted (same vote) authorizing 10th Street diagonal parking as soon as possible. (P/T to handle)

5. Further consideration of Circulation Element implementation strategies.
(The Circulation Element implementation strategies will provide direction to staff on how to proceed with projects listed in the Circulation Element. The implementation strategies have been reviewed by the Planning Commission and are recommended for approval. Resolution approving Circulation Element implementation strategies needed.)

ACTION: Res. 87-241 adopted (Whiteside/Lang, unan., Sutton and Mensinger absent) approving Circulation Element implementation strategies as amended except for Woodland and 99 highway interchange.

Mayor pro tem Muratore excused due to a conflict of interest.

By motion (Lang/Whiteside, unan., Sutton and Mensinger absent) Councilmember Patterson was designated as Mayor pro tem during the absence of Mayor pro tem Muratore.

Res.87-241A adopted (McGrath/Whiteside, unan., Muratore, Sutton, and Mensinger absent) the recommendation concerning the Woodland and 99 Highway interchange approved.

By motion (Whiteside/McGrath, unan., Sutton, and Mensinger absent) staff directed to prepare information concerning the Pelandale vs. Kiernan and Nebraska vs. Dakota for the proposed beltway for further discussion. (Planning to handle)

6. Stanislaus County General Plan Update and Environmental Impact Report review.
(The Planning Commission and City Council held a public workshop on March 30, 1987, to discuss the County General Plan Update. The consensus of the meeting was to oppose certain portions of the plan as not being in the long-term interest of the City. Report with agenda. Motion accepting report and directing the Mayor, Planning Commission Chairman and Planning Director to make a formal recommendation to the County Board of Supervisors needed.)

ACTION: By motion (Lang/Whiteside, unan., Sutton and Mensinger absent) accepting report and directing Mayor, Planning Commission Chairman and Planning Director.

HEARINGS

7. Hearing to consider appeals of three groups to a Planning Commission decision concerning Park Oaks vesting tentative subdivision map, located north of Encina Avenue, west of Edgebrook Drive.
(The three appeals have been withdrawn, therefore, the hearing can be dropped.)

Dropped from agenda.

8. Hearing to consider terminating Public Facilities District No. 2 for the purpose of acquiring right of way and building a sidewalk at 2405 East Orangeburg Avenue.

ACTION: Res. 87-242 adopted (Whiteside/Lang, unan., Sutton and Mensinger absent) terminating Public Facilities District No. 2.

By motion (Same vote) staff directed to continue with the mandatory sidewalk program. (Eng to handle)

9. Hearing to consider adding a Business Park Zone to the Modesto Municipal Code.

ACTION: By motion (McGrath/Whiteside, unan., Sutton and Mensinger absent) Ord. No. 2488-C.S. introduced adding Business Park Zone. Res. 87-243 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

10. Hearing to consider amending the conflict of interest codes for the City Attorney's Office and Parking and Traffic Department, and rescinding the conflict of interest code for the Management Services Department.

ACTION: Res. 87-244 adopted (Lang/Patterson, unan., Sutton and Mensinger absent) amending the conflict of interest code for the City Attorney's Office.

Res. 87-245 adopted (same vote) amending the Parking and Traffic Department conflict of interest code.

Res. 87-246 adopted (same vote) rescinding the conflict of interest code for the Management Services Department. (Clerk to handle)

BIDS

CONSENT

11. Consider approval of plans and specifications and call for bids for the installation of aerators at oxidation pond site on Jennings Road. (Suggested bid opening: April 21, 1987, at 11:05 a.m. This project provides for the installation of 30 aerators purchased by the City of Modesto to provide for additional biochemical oxygen demand reduction. Resolution approving plans and specifications and call for bids needed. Estimated cost: $252,131 (contract $229,210; eng. & cont. $22,921). Funds are budgeted.)

ACTION: Res. 87-247 adopted calling for bids. (Eng to handle)

CONSENT

12. Consider approval of plans and specifications and call for bids for the resurfacing of Roosevelt Park tennis courts. (Suggested bid opening: April 21, 1987, at 11:10 a.m. This project will fill the existing cracks and improve the playing surface. Resolution approving plans and specifications and call for bids needed. Estimated cost: $21,000 (contract $20,000; eng. & cont. $1,000); funds are budgeted.)

ACTION: Res. 87-248 adopted calling for bids. (Eng to handle)

CONSENT

13. Consider award of contract for the slurry seal of various City Streets, 1987
(Bids were opened on March 24, 1987. The low bid of $226,481.78, submitted by California Pavement Maintenance, is 10.49% above the engineer's estimate and considered acceptable. Memo and bid tabulation with agenda. Resolution awarding contract to California Pavement Maintenance needed. Funds are budgeted.)

ACTION: Res. 87-249 adopted awarding contract. (Eng to handle)

CONSENT

14. Consider awarding contract to overlay City Parking Lot Numbers 11, 20, and 23 located on the southwest corner of 10th and H Streets.
(Memo with agenda. Bids were opened on Tuesday, March 24, 1987. Four bids were received. Granite Construction Company was low bidder at $16,965, which is about 15% below the estimate and is acceptable. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 87-250 adopted awarding contract. (Eng to handle)

CONSENT

15. Consider award of contract for Project No. 16 - replacement of curbs, drive aprons and sidewalks at various locations.
(Bids were opened March 31, 1987. The low bid of $73,751.90, submitted by Cunningham & Sons, Inc., is 14.76% 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 to Cunningham and Sons, Inc. needed. Estimated cost: $81,127 (contract $73,751; engineering $7,375.10). Funds are budgeted.)

ACTION: Res. 87-251 adopted awarding contract. (Eng to handle)

CONSENT

16. Consider acceptance of Joe Martin Pipeline, Inc.'s contract for the Merle and Roselle Avenue water line extension. (Original contract: $39,794)
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services Departments. It is, therefore, recommended that the project be accepted and the Notice of Completion filed. Memo with agenda. Resolution accepting work as complete needed. Final cost: $35,783.70. Funds are budgeted.)

ACTION: Res. 87-252 adopted accepting work as complete. (Clerk to handle)

CONSENT

17. Consider acceptance of Howell Construction's contract for remodeling Graceada Park restroom. (Original contract and final cost: $38,814)
(All work on this project has been completed to the satisfaction of the Engineering Services Department and the Parks and Recreation Department. It is, threfore, recommended that the contract be accepted and the Notice of Completion filed. Memo with agenda. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 87-253 adopted accepting remodeling as complete.
(Clerk to handle)

CONSENT

18. Consider acceptance of Howell Construction's contract for remodeling the Water Quality Control Facility control building. (Original contract: $84,807)
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services Departments. It is, therefore, recommended that the contract be accepted and the Notice of Completion filed. Memo with agenda. Resolution accepting work as complete needed. Final cost: $93,750.07. Funds are budgeted.)

ACTION: Res. 87-254 adopted accepting work as complete. (Clerk to handle)

CONSENT

19. Consider acceptance of Modesto Sand and Gravel's contract for the demolition of buildings in Block 71, 10th and F Streets. (Original contract: $41,726.40
(All work on this project has been completed to the satisfaction of the Engineering and Police Departments. It is, therefore, recommended that the contract be accepted and the Notice of Completion filed. Memo with agenda. Resolution accepting project as complete needed. Final cost: $52,227.48. Funds are budgeted.)

ACTION: Res. 87-255 adopted accepting project as complete. (Clerk to handle)

20. Consider rejecting bids for a radar survey of the Transportation Center site for underground tanks and directing staff to solicit proposals and negotiate a contract for an assessment of site contamination.
(Memo with agenda. The lowest acceptable bid was $16,675, which was $5,157 higher than our estimate. As an alternative in the interim, informal proposals have been received for an assessment of site contamination. They range from $22,000 to $65,000. The radar survey was to have been part of a phased assessment. Resolution rejecting all bids needed, and motion directing staff to seek proposals and negotiate a contract for an assessment of site contamination needed. Funds are budgeted.)
(Mayor Mensinger will be excused due to a conflict of interest.)

ACTION: Res. 87-256 adopted (Whiteside/Lang, unan., Sutton and Mensinger absent) rejecting bids.

By motion (same vote) staff directed to seek proposals and negotiate a contract for an assessment of site contamination.

(P/T to handle)

WRITTEN COMMUNICATIONS

21. Letter from Norma Reed, Property Manager, Basic Resources, Inc. regarding the closure of the alley off "J" Street between 10th and 11th Streets (behind the Beaty Building).

No action taken.

CONSENT

22. Request by Al Menshew, Chairman of the Stanislaus County Fourth of July Celebration Committee, for assistance with this year's celebration. (Motion referring to staff needed.)

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

23. Consider request from Modesto Psychiatric Center for a variance for the occupancy of Building D located on the southwest corner of Briggsmore and Claus.
(Due to inclement weather, completion of the landscaping at the site has been delayed. Memo with agenda.)

ACTION: By motion (Lang/Patterson, unan., Sutton and Mensinger absent) request denied. (P/R to handle)

24. MATTERS FOR THE GOOD OF THE COMMUNITY
(Oral Communications)

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

Loretta Carhart discussed buses to the mall.

NEW BUSINESS

CONSENT

25. Consider introduction of an ordinance adding Article 17, Chapter 7 of Title IV to the Modesto Municipal Code to provide for Police to charge fees for second response to noise complaints, and consider adoption of resolution establishing fees to be charged.
(Memo with agenda. Introduction of ordinance and adoption of resolution needed.)

ACTION: By motion, Ord. No. 2489-C.S. introduced adding Article 17. Res. 87-257 adopted establishing fees. (Clerk/Police to handle)

CONSENT

26. Consider introduction of an ordinance adding Section 3-2.1205 to the Modesto Municipal Code relating to the prohibition of vision obstruction parking.
(Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2490-C.S. introduced. (Clerk to handle)

CONSENT

27. Consider abandonment of the excess right of way for Rouse Avenue at Block 3024 of the City of Modesto.
(Memo with agenda. Resolution vacating and abandoning the excess right of way for Rouse Avenue at Block 3024 needed.)

ACTION: Res. 87-258 adopted abandoning excess right of way. (Eng to handle)

4/7/87

CONSENT
28. Consider approving agreement with Vito Pantaleo and Lloyd Fugett for payment for excess dedication on Roselle Avenue north of Briggsmore Avenue.
(The Council, at its May 22, 1979, meeting, approved the concept of payment to two owners in the Orchard Neighborhood for excess dedication resulting from the realignment of future Roselle Avenue north of Briggsmore. Memo with agenda. Resolution approving agreement needed. Estimated cost: $65,000. Funds are budgeted.)

ACTION: Res. 87-259 adopted approving agreement. (Utility Serv to handle)

CONSENT
29. Consider approving a lease agreement with Dominic DePalma for the lease of a portion of the former McClure property, purchased for Dry Creek Park. (This is a one-year lease. The tenant will pay us $600 per year for the lease of this property, will pay taxes, and maintain a large open area for us. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-260 adopted approving agreement. (Utility Serv to handle)

CONSENT
30. Consider approving agreement with Robert D. and Catherine L. Banghart for the lease of 1904 H Street (former Crosby Paint Store).
(This is a one-year renewal of an existing lease. Rent is increased from $367.50 per month to $386 per month. All other terms remain the same. The Bangharts have been leasing this building since 1982. Resolution approving agreement needed.)

ACTION: Res. 87-261 adopted approving agreement. (Utility Serv to handle)

CONSENT
31. Consider excusing Councilmembers Muratore and Patterson for being absent from the March 24, 1987 City Council meeting due to their attendance at two conferences sponsored by the Government Refuse Collection and Disposal Association and the U.S. Conference of Mayors on resource recovery.
(Motion excusing absences needed.)

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

CONSENT
32. Consider approving agreement with Grant Construction Company, Inc. for the acquisition of a bicycle easement near the intersection of Scenic Drive and Coffee Road.
(Grant Construction Company, Inc. has agreed to accept the appraised value of $21,000 for an 11,700± square foot easement across its property. Memo with agenda. Resolution approving agreement needed. Estimated total cost: $22,500 (cost $21,00; est. escrow $1,500). Funds are budgeted.)

ACTION: Res. 87-262 adopted approving agreement. (Utility Serv to handle)

CONSENT
33. Consider modifying speed limits on various streets.
(Memo with agenda. The streets affected are California, Floyd, and Merle Avenues. Introduction of an ordinance needed. Estimated cost: $360. Funds are budgeted.)

ACTION: By motion, Ord. No. 2491-C.S. introduced modifying speed limits. (Clerk to handle)

CONSENT
34. Consider acceptance of improvements in Sash Court subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Crownview Corp.)
(Sash Court subdivision is located south of Veneman Avenue and east of Bridle Path Lane. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 87-263 adopted accepting improvements as complete. (Clerk to handle)

CONSENT
35. Consider approval of the final map of Cedar Creek Estates subdivision of the City of Modesto and consider accepting the improvements.
(Developer: Cedarbrook Homes, Inc.)
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Cedar Creek Estates is located west of Claus Road and south of East Orangeburg Avenue. It contains 4.084 acres. Memo with agenda. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 87-264 adopted approving final map. (Clerk to handle)

CONSENT
36. Consider request of Classic Imports, Ltd. for refund of $507.28 for overpayment of Business Improvement Area Tax.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 87-265 adopted approving refund. (Finance to handle)

CONSENT
37. Consider the following actions with respect to City of Modesto Improvement District No. 27 (Yosemite Assessment District):

a. Resolution determining to undertake proceedings

b. Resolution appointing engineer of work, bond counsel and underwriter

c. Resolution approving map of proposed boundaries of assessment district

d. Resolution of intention

e. Resolution preliminarily approving engineer's report on proposed improvements, appointing time and place for hearing protests and calling for construction bids

f. Resolution of preliminary determination that public convenience and necessity require the construction of public improvements.

(On February 3, the City Council directed staff to make arrangements for bond counsel for Improvement District No. 27 to provide storm trunk sewers and outfall. The six resolutions for consideration will initiate these proceedings including the call for construction bids. Six resolutions needed.)

ACTION: Res. 87-266 adopted undertaking proceedings.
Res. 87-267 adopted appointing engineer of work, bond counsel and underwriter.
Res. 87-268 adopted approving map of proposed boundaries of assessment district.
Res. 87-269 adopting Resolution of intention.
Res. 87-270 adopted approving engineer's report and calling for bids.
Res. 87-271 adopted determining that public convenience and necessity require the construction of public improvements.
(Eng/Clerk to handle)

CONSENT

38. Consider acceptance of improvements in Countryside Meadows subdivision and authorize the City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Franco Construction)
(Countryside Meadows subdivision is located north of Kansas Avenue at Mercy Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-272 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

39. Consider the Hatch Road No. 4 Reorganization to the City of Modesto.
(At its January 21, 1987, meeting LAFCO approved the Hatch Road No, 4 Reorganization. The area consists of 21.5 acres along the north side of Hatch Road at Dallas Court. The parcels are vacant land with one single-family dwelling. LAFCO has authorized the City Council to proceed without notice of hearing or election if the applicant obtains the added property owner's signature. The signature has been obtained. Resolution, environmental assessment, and map with agenda. Resolution ordering the Hatch Road No. 4 Reorganization to the City of Modesto, detaching from the Industrial Fire District and annexing to the Modesto Municipal Sewer District No. 1, and certifying review of environmental impacts needed.)

ACTION: Res. 87-273 adopted annexing Hatch Road No. 4 Reorganization.
(Clerk to handle)

CONSENT

40. Consider revisions of the Weed and Rubbish Abatement Ordinance.
(It is recommended that the Modesto Municipal Code sections concerning weed abatement be amended to clarify the types and height of weeds that constitute a fire hazard. Memo with agenda. Motion introducing an ordinance needed.)

ACTION: By motion, Ord. No. 2492-C.S. introduced revising Weed and Rubbish Abatement Ordinance.

41. Request for financial assistance from Area Agency on Aging for fiscal year 1986-87.
(Memo with agenda. Consider request, and if approved adopt a resolution authorizing an appropriation transfer of $792 from the General Fund Reserve.)

ACTION: Res. 87-274 adopted (McGrath/Whiteside, unan., Sutton and Mensinger absent) authorizing appropriation transfer. (Finance to handle)

MISCELLANEOUS

CONSENT

42. Legislation: Staff recommends:

Support

AB 63 (Bane) Racial, Ethnic, Religious and Minority Violence

AB 229 (Leonard) Expansion of Sales Tax Base - Mail Order and Home Shopping Sales

AB 1318 (Peace) Tort Reform - Inverse Condemnation

SB 194 (Boatwright) Concealed Weapon Permits

Support and Seek Amendment

AB 166 (Hauser) and AB 425 (Agnos) Abandoned Vehicle Trust Fund

Oppose

AB 154 (Stirling) City Enforcement of Private Deed Restrictions

AB 808 (Floyd) Discipline of Police Officers: Standard of Proof

AB 1099 (Elder) Mandatory Mediation When Requested by Peace Officers or Firefighers

SB 512 (Ellis) Sign Ordinances - Amendment Prohibitions

SB 1412 (McCorquodale) and AB 2614 (Harris) - Public Employment Relations Board - Jurisdiction Over Local Government

(Memos and attachments with agenda. Motion accepting staff recommendations needed.)

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

43. MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 5:45 p.m.

ATTEST: 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 14, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Patterson, Whiteside, Mayor pro tem Muratore

Absent: Sutton, Mayor Mensinger

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3a, 3c, 3d, 3e, 9, 10, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

Removed from consent: 3b, 14
ACTION: (Lang/Whiteside, unan., Sutton and Mensinger 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation by Carolyn Galli, Leadership Modesto Speakers Bureau, explaining Leadership Modesto Program.

Carolyn Galli discussed the Leadership Modesto Program sponsored by the Modesto Chamber of Commerce.

b. Consider designating April 11 - 18, 1987, as National Community Development Week.
(Memo with agenda. Citizens Housing and Community Development recommends a proclamation from the Mayor needed, and recognition of the citizen committees and present and former Council members and their support of the CDBH programs needed.)

Mayor pro tem Muratore read the proclamation declaring April 11-18, 1987, as National Community Development Week.

MINUTES

CONSENT
2. Approval of the minutes of the April 7, 1987, regular City Council meeting.
(Motion approving needed.)

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

UNFINISHED BUSINESS

CONSENT
3. Final adoption of:

a. Ord. No.2488-C.S. amending Muncipal Code to add a Business Park Zone.

c. Ord. No. 2490-C.S. amending Municipal Code to relating to vision obstruction parking prohibited.

d. Ord. No. 2491-C.S. amending Municipal Code relating to speed limits in the City of Modesto.

e. Ord. No. 2492-C.S. amending Municipal Code relating to removal of weeds, rubbish and debris.

(Motion adopting needed.)

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

b. Ord. No. 2489-C.S. amending Municipal Code to provide for Police to charge fees for second response to noise complaints.

ACTION: By motion (Lang/Whiteside, unan., Sutton and Mensinger absent) Ordinance No. 2489-C.S. adopted. (Clerk to handle)

By motion (Lang/Whiteside, unan., Sutton and Mensinger absent)) staff directed to report back on results of the noise ordinance in six months. (Police to handle)

By motion (McGrath/Patterson, unan., Sutton, Mensinger absent) staff directed to give the Council advance notice before instituting new fees.

HEARINGS

5. Hearing to consider an amendment to Section 18-3-9 of the Zoning Map to rezone from C-1 to P-D(415) to allow a floor covering establishment in addition to permitted C-1 uses, property on the north side of Evergreen Avenue, east of West Orangeburg Avenue. (Robert Erickson)

ACTION: By motion (Patterson/Whiteside, unan., Sutton and Mensinger absent) Ord. No. 2493-C.S. introduced.
Res. 87-275 adopted (same vote) approving plan.
Res. 87-276 adopted (same vote) certifying review of Environmantal Assessment. (Clerk/Planning to handle)

6. Hearing to consider an amendment to Section 11-2-8 of the Zoning Map to rezone from R-2 to R-1, property located east of Sisk Road at the extension of Setrok Drive. (Rule Development)

ACTION: By motion (Lang/McGrath, unan., Sutton and Mensinger absent) Ord. No. 2494-C.S. introduced.
Res. 87-277 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

7. Hearing to consider an amendment to P-D(21) to allow a floor covering business in the Tully Manor Shopping Center at the southeast corner of Tully Road and Standiford Avenue. (Tully Manor Investment)

ACTION: By motion (Lang/McGrath, unan., Sutton and Mensinger absent) Ord. No. 2495-C.S. introduced.
Res. 87-278 adopted (same vote) approving plan.
Res. 87-278-A adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

8. Re-open the hearing on the formation of Public Facilities District No. 1. (At the January 6, 1987, Council meeting this hearing was continued for three months by motion.)
(The purpose of the district is to acquire right of way and construct a sidewalk at 2701 E. Orangeburg Avenue. Memo with agenda. Resolution establishing Public Facilities District 1 for the purpose of acquiring right of way and building a sidewalk at 2701 E. Orangeburg needed. Estimated cost: $10,570. Funds are budgeted.)

ACTION: Res. 87-279 adopted (Lang/Patterson, unan., Sutton and Mensinger absent) terminating proceedings.

By motion (same vote) staff directed to proceed with the mandatory sidewalk program. (Eng to handle)

BIDS

CONSENT
9. Consider approval of plans and specifications and call for bids for the extension of waterlines on Dale Road and Sisk Road. (Suggested bid opening: April 28, 1987 at 11:05 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: $78,664 (contr. $69,695; eng. & cont. $8,969). Funds are budgeted.)

ACTION: Res. 87-280 adopted calling for bids. (Eng to handle)

CONSENT
10. Consider approving specifications and authorize call for bids to be opened on May 12, 1987, at 3:00 p.m. for furnishing fertilizer. (Requested by the Parks and Recreation Department, the fertilizer will be used on various parks throughout the City and the Dryden and Muni Golf Courses. One resolution approving specifications and authorizing call for bids needed. Estimated cost: $18,780. Funds are budgeted.)

ACTION: Res. 87-281 adopted calling for bids. (Finance to handle)

WRITTEN COMMUNICATIONS

11. Letter from Daniel Marsh regarding City Clerk's rejection of ballot argument opposing Measure I in June 2, 1987 election.

ACTION: By motion (Whiteside, Lang, unan.) argument opposing Measure I accepted. (Clerk to handle)

CONSENT
12. Letter from Ivan W. Ruhga and Marvin Clounts requesting abandonment of a walkway located between 1505 Brannon Street and 1437 Brannon Street. (Motion referring to Planning Commission needed.)

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

13. ## MATTERS FOR THE GOOD OF THE COMMUNITY
(Oral Communications)

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

None

NEW BUSINESS

14. Consider establishing an Economic Development Assistance Revolving Loan Fund with $250,000 in Community Development Block Grant (CDBG) funds and authorize staff to draw up guidelines, as recommended by the Citizens Housing and Community Development Committee (CH&CD) at its meeting of April 3, 1987.
(Memo with agenda. CH&CD recommends establishing an Economic Development Revolving Loan Fund to provide new jobs for low income persons. Motion establishing Economic Development Revolving Loan Fund and authorizing staff to draw up guidelines needed. Funds in Federal Letter of Credit to be drawn down only when a loan is made.)

ACTION: By motion (Lang/McGrath, unan., Sutton and Mensinger absent) Fund established and staff authorized to draw up guidelines.
(Planning to handle)

CONSENT
15. Consider approving agreement with First Interstate Bank to establish a Compensating Balance Bank Loan Leveraging Program, as recommended by the Citizens Housing and Community Development Committee at its meeting of April 3, 1987.
(Memo with agenda. The CH&CDC recommends signing an agreement with First Interstate Bank to provide loans to higher income property owners in the Housing Maintenance Program, Target Area #3. Resolution approving agreement needed. Funds to be drawn down from Federal Letter of Credit and deposited in bank in a Compensating Balance Account.)

ACTION: Res. 87-282 adopted approving agreement. (Planning to handle)

CONSENT
16. Consider a $5,500 increase in the Handicapped Barrier Removal Program grant award to the Society for the Handicapped Children and Adults, as recommended by the Citizens Housing & Community Development Committee at its meeting of April 3, 1987.
(Memo with agenda. CH&CDC recommends an increase in the HBRP grant awarded in the FY86-87 CDBG Program because of more corrective repairs required at the Society's building. Resolution approving increase in grant award needed. Funds are budgeted.)

ACTION: Res. 87-283 adopted ap proving increase in grant award.
(Planning to handle)

CONSENT

17. Consider awarding $65,350 grant under the Handicapped Barrier Removal Program to the City Parks and Recreation Department to install a ramp and to make two restrooms at the Modesto Community Service Center on Morris Avenue accessible to the handicapped, as recommended by the Citizens Housing and Community Development Committee at its April 3, 1987, meeting.
(Memo with agenda. The CH&CD recommends a grant to make the Morris Community Center accessibility to the handicapped. Resolution approving grant needed. Funds are budgeted.)

ACTION: Res. 87-284 adopted approving grant. (Planning to handle)

CONSENT

18. Consider proposed changes to Housing Maintenance and Counseling Subcommittee and the Rehabilitation Loan Pool Subcommittee, as recommended by the Citizens Housing and Community Development Committee at its meeting of April 3, 1987.
(Memo with agenda. Resolution renaming seats #6 and #7 on Housing Maintenance and Counseling Subcommittee and seats #4 and #7 on Rehabilitation Loan Pool Subcommittee "Provider of Services or Program User" and seat #3 on Rehabilitation Loan Pool Subcommittee "Financial Institution or Provider of Services" needed.)

ACTION: Res. 87-285 adopted renaming seats. (Planning to handle)

CONSENT

19. Consider proposed program changes for the Housing Program as recommended by the Citizens Housing and Community Development Committee at its April 3, 1987 meeting.
(Memo with agenda. The CH&CDC recommends changes in the Housing Program to better serve the citizens of Modesto. Resolution authorizing Housing Program changes needed. Estimated cost: $25,000. Funds to be drawn down from Federal Letter of Credit as needed.)

ACTION: Res. 87-286 adopted authorizing Housing Program changes.
(Planning to handle)

CONSENT

20. Consider expanding the Emergency Home Repair Program by allowing loans to low income (50% - 80% median area income) owner-occupants City-wide for repair of health and safety hazards only, as recommended by the Citizens Housing & Community Development Committee at its April 3, 1987 meeting.
(Memo with agenda. The CH&CDC recommends allowing a new group of Modesto citizens to qualify for a 3% payment-required loan for correction of health and safety hazards only. Resolution expanding Emergency Home Repair Program needed.)

ACTION: Res. 87-287 adopted expanding Emergency Home Repair Program.
(Planning to handle)

CONSENT
21. Consider annual Cable Communications Franchise Report.
(Memo with agenda. Resolution accepting City Manager's report and waiving late filing of franchisee report and technical performance testing needed.)

ACTION: Res. 87-288 adopted accepting report and waiving late filing of franchisee report and technical performance testing.
(Manager to handle)

CONSENT
22. Consider changing name of cable communication franchisee from Capital Cities Cable, Inc. to Post-Newsweek Cable, Inc.
(Memo with agenda. Ordinance approving name change needed.)

ACTION: By motion, Ord. No. 2496-C.S. introduced approving name change.
(Clerk to handle)

CONSENT
23. Consider amending agreement with George L. Page to increase hourly rate for providing cable communication consulting services.
(Memo with agenda. Resolution approving amended agreement needed.)

ACTION: Res. 87-290 adopted approving amended agreement.
(Manager to handle)

CONSENT
24. Consider accepting proposal from Price Waterhouse & Co. and authorizing City Manager to sign an agreement to provide financial consulting services for a standard regulatory rate-setting process for garbage rates, and amend the annual budget to provide financing from the General Fund Reserve in the amount of $37,400.
(Memo with agenda. Resolution authorizing City Manager to sign an agreement with Price Waterhouse & Co. for financial consulting services needed; and resolution amending the annual budget to provide financing from the General Fund Reserve needed.)

ACTION: Res. 87-291 adopted approving agreement with Price Waterhouse & Co.
Res. 87-292 adopted amending the annual budget.
(Utility Services to handle)

CONSENT
25. Monthly Treasuer's Report for March, 1987.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT
26. Consider request to conduct a fund raising event at the Sky Trek Corporate hangar site for the forthcoming Balloons Over the Valley Air Festival.
(Memo with agenda. Motion approving fund raising event needed.)

ACTION: By motion, fund raising event approved. (Utility Serv to handle)

CONSENT

27. Set hearing to consider Houser Lane No. 3 Reorganization to the City of Modesto.
(On March 18, 1987, LAFCO approved the Houser Lane No. 3 Reorganization to the City of Modesto. The reorganization would include annexation to the City of Modesto, the Modesto Municipal Sewer District No. 1, and detachment from the Burbank-Paradise Fire District. This uninhabited proposal of 7.99 acres with rural residential uses includes six parcels with single family dwellings. A portion of the approved tentative map "Carpenter Villas" is within this reorganization. Staff recommends the time and date for public hearing be set for 7:30 p.m. on May 5, 1987. Resolution setting time and date for public hearing needed.)

ACTION: Res. 87-293 adopted setting time and date for public hearing. (Clerk to handle)

CONSENT

28. Set hearing to consider review of 10th Street Plaza alley closure.
(Review of the closure after one year was required in conjunction with the approval of the closure. Memo with agenda. Resolution setting public hearing for May 12, 1987, at 7:30 p.m. to consider revocation of alley closure needed.)

ACTION: Res. 87-294 adopted setting hearing. (Clerk to handle)

CONSENT

29. Consider authorizing extra Dial-A-Ride service for Senior Awarness Day.
(Memo with agenda. If authorized, DAR would open one hour before and close one hour after regular 9 a.m. - 5 p.m. Saturday hours to facilitate connections with County bus service to event site in Turlock. Authorization would be until the DAR contract expires on February 19, 1992. Resolution amending DAR hours of service to provide extended hours for Senior Awareness Day each year needed. Estimated cost: $176. Funds are budgeted.)

ACTION: Res. 87-295 adopted amending DAR hours of service. (P/T to handle)

MISCELLANEOUS

CONSENT

Legislation - Staff recommends:

Support

a. AB 1798 (Costa) Local Street and Road Funding

b. SB 133 (Presley) Absentee Ballot - Third Party Handling

c. SB 516 (Bergeson) Authority for Caltrans to contract for Engineering Services.

Oppose

d. AB 1013 (Baker) and SB 622 (Seymour) Removal from General Fund of State Reimbursement of Unemployment Insurance Mandate

e. SB 851 (McCorquodale) Redevelopment - Mandatory Tax Increment set-aside for Fire Districts

(Motion approving staff recommendations needed.)

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

31. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by the City Council 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 8:43 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 21, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
Councilmember Sutton arrived at 4:03 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28

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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Mensinger introduced and welcomed Mayor Ivan Bukal, school principal Yuri Korobko and Dr. Gregori Bogach from Khmelnitsky, U.S.S.R., and presented them with trays as mementos of their trip to Modesto. Mayor Bukal responded and presented a large vase from their city.

CONSENT

2. Approval of the minutes of the April 14, 1987, regular City Council meeting.
(Motion approving needed.)

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

UNFINISHED BUSINESS

CONSENT

3. Final adoption of:

   a. Ord. No. 2493-C.S. rezoning from C-1 to P-D(415), property located on the north side of Evergreen Avenue, east of West Orangeburg Avenue (Bob Erickson).

   b. Ord. No. 2494-C.S. rezoning from R-2 to R-1, property located east of Sisk Road at the extension of Setrok Drive. (Rule Development)

   c. Ord. No. 2495-C.S. amending P-D(21), located at the southeast corner of Tully Road and Standiford Avenue. (Tully Manor Investment)

   Motion adopting needed.)

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

CONSENT

4. Report regarding request from Fourth of July Committee.
(Report responding to request from Fourth of July Committee regarding 1987 Fourth of July Celebration with agenda. Resolution approving assistance needed.)

ACTION: Res. 87-296 adopted approving assistance. (P/R to handle)

HEARINGS

5. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Gil Wymond, to a Planning Commission decision concerning an application for an amendment to Section 23-3-9 of the Zoning Map to rezone from R-1 to P-D to allow a restaurant and an R-V and boat storage area on property located on the west side of Oakdale Road, south of E. Orangeburg Avenue.

ACTION: By motion (Whiteside/McGrath, unan.) hearing continued to May 26, 1987, at 7:30 p.m. (Clerk to handle)

6. Hearing to consider an amendment to Section 24-3-9 of the Zoning Map to rezone from R-3 to P-D(414) to allow a two and three story apartment complex for the elderly and handicapped located on the southeast corner of La Loma and Santa Barbara Avenues. (Willow Tree Developers)

ACTION: By motion (Lang/Muratore, unan.) Ord. 2497-C.S. introduced.
Res. 87-297 adopted (same vote) approving plan.
Res. 87-298 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

7. Hearing to consider an amendment to Section 24-3-9 of the Zoning Map to rezone from R-1 to R-3 property located on the west side of Claus Road and on the north side of Scenic Drive. (Thompson-Hysell Engineers)

ACTION: By motion (Patterson/McGrath, majority, Lang, Sutton and Whiteside-no) Ord. No. 2498-C.S. introduced.
Res. 87-299 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

8. Hearing to consider an amendment to Section 34-3-9 of the Zoning Map to rezone from C-2 to M-1, property located on the south side of DeHarro Street, west of Kerr Avenue. (Charles Moody)

ACTION: By motion (Muratore/Whiteside, unan.) Ord. No. 2499-C.S. introduced.
Res. 87-300 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

9. Hearing to consider an amendment to P-D(410) to allow an approved 53-unit apartment complex to be developed as condominiums, on the east side of Shawnee Drive and on the south side of Hetch Hetchy right of way. (Standiford Properties II)

ACTION: By motion (Lang/McGrath, unan.) Ord. No. 2500-C.S. introduced.
Res. 87-301 adopted (same vote) approving plan.
(Clerk/Planning to handle)

BIDS

CONSENT

10. Consider approving specifications and authorizing the call for bids for furnishing annual requirements of rock, sand and gravel products. (Bid opening: May 12, 1987, at 3:05 p.m. These materials are used throughout the City for expansion, repair and non-capital outlay projects. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $28,000. Funds are budgeted.)

ACTION: Res. 87-302 adopted calling for bids. (Finance to handle)

11. Consider approving specifications and authorize call for bids to be opened May 19, 1987, at 3:15 p.m. for furnishing two aerial lift towers. (Requested by the Service Division, the aerial lift towers will be permanently assigned to the Parks and Recreation Tree Division for tree pruning. The equipment will replace similar units presently in service. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $152,000. Appropriation transfer to be requested after bids are opened.)

ACTION: Res. 87-303 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider award of contract for the 1987 street overlays to Granite Construction Co.
(Bids were opened on April 14, 1987. The low bid of $398,345.53, submitted by Granite Construction Co., is 22.66% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Granite Construction Co. Memo and bid tabulation with agenda. All streets were checked with respect to conflict of interest and none exists. Resolution awarding contract to Granite Construction Co. needed. Funds are budgeted.)

ACTION: Res. 87-304 adopted awarding contract. (Eng to handle)

CONSENT

13. Consider declaring Sutrak, Inc. low bidder and authorize the purchase of bus air conditioning retrofit services for the total amount of $24,600.
(Memorandum with agenda. Resolution authorizing the purchase needed. Funds are budgeted.)

ACTION: Res. 87-305 adopted authorizing purchase. (P/T to handle)

CONSENT

14. Consider waiving formal bid procedures and authorize the purchase and repair of packer body from Heil Equipment Company for the total price of $14,477.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase and repair of packer body from Heil Equipment Co. needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-306 adopted waiving formal bid procedures.
(Finance to handle)

CONSENT

15. Consider acceptance of Tri-County Builder's contract for the construction of Mellis Park masonry wall. (Original contract: $17,552.58)
(All work on the project has been completed to the satisfaction of the Engineering Department and the Parks and Recreation Department. It is recommended that the project be accepted as complete and the Notice of Completion filed. Resolution accepting project as complete needed. Final cost: $18,382.58. Funds are budgeted.)

ACTION: Res. 87-307 adopted accepting project as complete.
(Clerk to handle)

CONSENT

16. Appeal of State Department of Transportation to a Planning Commission decision regarding Dry Creek Meadows and Dry Creek Meadows No. 2 tentative subdivision map.
(Resolution setting hearing May 12, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-308 adopted setting hearing. (Clerk to handle)

CONSENT

17. Letter from William A. Martin, on behalf of Mary Lewis and Claudia Shaw, appealing a decision of the Modesto Police Department regarding an application for a Fortune Telling Permit.
(Resolution setting hearing May 5, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-309 adopted setting hearing. (Clerk to handle)

18. MATTERS FOR THE GOOD OF THE COMMUNITY
(Oral Communications)

Dick Roberts spoke about building in Modesto.

Michael Garcia thanked Councilmembers Lang and Patterson for attending the Hispanic Chamber of Commerce installation.

NEW BUSINESS

19. Consideration of dates for review of the 1987-88 Proposed Operating Budget and the Four-Year Capital Improvement Program.
(Memo with agenda. Motion directing staff needed.)

ACTION: By motion (McGrath/Lang, unan.) dates were established.
(Finance to handle)

CONSENT

20. Fiscal Year 86-87 Annual Budget - Status Report and proposed adjustments.
(Report with agenda. Resolution amending the 1986-87 Budget needed.)

ACTION: Res. 87-310 adopted amending budget. (Finance to handle)

CONSENT

21. Consider approving an agreement with H. Wendell Mounce, A.I.A., and Associates for preparation of the final plans and specifications for the proposed new police facility.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $180,000. Funds are budgeted.)

ACTION: Res. 87-311 adopted approving agreement. (Police to handle)

CONSENT

22. Consider resolution commending the Modesto Police Reserves for their contributions to the City of Modesto's community welfare and safety. (This is an annual commendation to the Reserve Officers who volunteer their services without pay for the supplementary crime protection of the citizens of Modesto. Memo with agenda. Resolution commending the Modesto Police Reserves needed.)

ACTION: Res. 87-312 adopted commending the Modesto Police Reserves. (Police to handle)

CONSENT

23. Consider approving the Cinco de Mayo Parade Committee's request for City assistance on May 2, 1987, for the parade and park celebration. (Memo with agenda detailing parade route and type of City assistance required. Resolution approving parade route and City assistance needed. Funds are budgeted.)

ACTION: Res. 87-313 adopted approving route and City assistance. (Police to handle)

CONSENT

24. Consider establishing Enterprise Designation areas within the City of Modesto.
(The resolution establishes those parcels which are now or in the future shall be zoned as Light Industrial, M-1, Heavy Industrial, M-2, or Business Park, B-P, shall constitute the Enterprise Designation area. Memo and resolution with agenda. Resolution establishing Enterprise Designation needed.)

ACTION: Res. 87-314 adopted establishing Enterprise Designation. (Econ Develop Dept to handle)

CONSENT

25. Consider introducing an ordinance amending the Municipal Code to eliminate the Office of Management Services.
(Memo and ordinance with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2501-C.S. introduced. (Clerk to handle)

CONSENT

26. Consider approval of the final map of Piedmont Glen subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdivider: Continental Paragon Corp.)
(The subdivision agreement has been signed and all fees paid. Piedmont Glen is located at the Northwest corner of Kansas Avenue and Rosemore Avenue. It contains 12.659 acres. Resolution approving final map needed.)

ACTION: Res. 87-315 adopted approving final map. (Clerk to handle)

27. Consider approval of LAFCO questionnaire indicating no opposition to the Kansas Avenue No. 6 Reorganization.
(Proponents propose annexation of the approximately 47.2 acre area located on the east and west sides of Carpenter Road north of Kansas Avenue. Memo, map and questionnaire with agenda. Resolution responding favorably to proposed Reorganization needed.)

ACTION: Res. 87-316 adopted responding favorably to proposed Reorganization. (Planning to handle)

MISCELLANEOUS

CONSENT

28. Legislation - Staff recommends:

Support

a. AB 10 (Katz) - Covered Vehicle Loads for Aggregate Material

b. AB 1486 (Sher) - Development Projects

c. SB 144 (Ayala) - Funding for the Removal of Abandoned Autos

Oppose

d. AB 2190 (Greene) and ACA 34 (Greene) - Mandated District Elections

e. SB 1037 (Torres) - Renewal of Cancer Presumption for Firefighters

f. SB 1407 (Greene) - Local Developer Fees and Dedications

Support in Concept

g. SB 263 (Rogers) - Sales and Use Tax Revenues - Airport Projects

(Memos and attachments with agenda. Motion accepting staff recommendation needed.)

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

MATTERS TOO LATE FOR THE AGENDA

29. (These may be presented by members of the City Council and staff upon determination by the City Council 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 5:55 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
April 24, 1986

The Council of the City of Modesto met pursuant to adjournment at 1:00 p.m. in the lobby of City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmembers Lang, McGrath

The Councilmembers met for a tour of the Wastewater Treatment Facility.

The meeting adjourned at 3:15 p.m. to Tuesday, April 29, 1986, at 4:00 p.m. in the City Hall third floor conference room for a study session concerning economic development.

ATTEST: _____
GARTH LIPSKY, Acting City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 28, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rabbi Samuel Graudenz, Congregation Beth Shalom
Following the invocation, Mayor Mensinger presented Rabbi Graudenz with a proclamation setting April 26 - May 3, 1987, as "Days of Remembrance of the Holocaust".
CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 10, 11, 12, 13, 14, 16, 21, 24, 25, 26
Removed from consent: 18, 20, 22
Dropped from agenda: 15
ACTION: (Lang/Whiteside, 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1a. Presentation of Distinguished Service Award Plaques to Ruth Smith, Culture Commission, and Jack Broome, Downtown Improvement District Advisory Board, for significant service on a City Commission and Board.

Mayor Mensinger presented the awards to Ruth Smith and Jack Broome.

1b. Status report of Forward Modesto IV from Steering Committee Co-Chair Bill Seavy and representatives of the following four task forces:

(1) Traffic

(2) Environmental Quality/Public Works

(3) Economic Development/Affirmative Action/Child Care

(4) Education

Reports were made by Co-Chair Bill Seavy and task force representatives (1) Connie Harris, (2) John Mensinger, (3) Susan Ploutz, and (4) Andy Soderstrom.

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular City Council meeting of March 30, 1987, and the regular City Council meeting of April 21, 1987. (Motion approving needed.)

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

3. ## ORAL COMMUNICATIONS
(Matters for the Good of the Community)

(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 low-income housing and police problems.

Kevin Miranda (Kid Guitar) regarding homes and services for the homeless and various other matters.

UNFINISHED BUSINESS

5. Final adoption of Ord. No. 2498-C.S. rezoning from R-1 to R-3, property located on the west side of Claus Road and on the north side of Scenic Drive. (Thompson Hysell Engineer)
(Motion adopting needed.)

ACTION: By motion (McGrath/Muratore, majority, Lang, Sutton, Whiteside-no) Ord. No. 2498-C.S. was adopted. (Clerk to handle)

6. Final adoption of:

a. Ord. No. 2496-C.S. changing the name of Capital Cities Cable to Post-Newsweek Cable, Inc.

b. Ord. No. 2497-C.S. rezoning from R-3 to P-D(414), property located on the southeast corner of La Loma and Santa Barbara Avenues. (Willow Tree Developers)

c. Ord. No. 2499-C.S. rezoning from C-2 to M-1, property located on the south side of DeHarro Street, west of Kerr Avenue. (Charles Moody)

d. Ord. No. 2500-C.S. amending P-D(410) for condominium development, property located on the southwest corner of Standiford Avenue and Shawnee Drive. (Standiford Properties II)

f. Ord. No. 2501-C.S. amending the Municipal Code relating to Office of Management Services.)

(Motion adopting needed.)

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

HEARINGS

7. Hearing to consider an amendment to Section 21-3-9 of the Zoning Map to rezone from R-1 to P-D(413) allowing a medical office complex, property located on the north side of E. Orangeburg Avenue between Collier Avenue and Trombetta Avenue. (Dr. Fred Mantz)

ACTION: By motion (Patterson/Muratore, unan.) Ord. No. 2502-C.S. introduced.
Res. 87-317 adopted (same vote) approving plan.
Res. 87-318 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

8. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from R-3 and C-2 to P-D(417), property located between H and I Streets and between 17th and 19th Streets. (Westar Associates)

ACTION: By motion (Lang/Sutton, unan.) Ord. No. 2503-C.S. introduced.
Res. 87-319 adopted (same vote) approving plan.
Res. 87-320 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

9. Hearing to receive citizen input on eliminating grass cuttings from garden refuse pickup.

ACTION: By motion (Lang/Sutton, unan.) staff directed to continue to study all options. (Utility Serv to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for the waterline extension on Rosemore - Shaddox - and Lone Palm.
(Suggested bid opening: May 12, 1987, at 11:00 a.m. This project will combine three of the smaller waterline extension projects into one larger one in hopes of getting better bids. Resolution approving plans and specifications and call for bids needed. Estimated cost: $47,963 (contract $41,330; engineering & cont. $6,633). Funds are budgeted.)

ACTION: Res. 87-321 adopted calling for bids. (Eng to handle)

CONSENT

11. Consider appoving specifications and authorize call for bids to be opened June 2, 1987, at 3:00 p.m. for furnishing annual compaction, aggregate, and concrete testing services.
(The tests will be performed on various City streets, water, or construction projects; the services will be purchased intermittently throughout the 1987-88 fiscal year. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $6,500. Funds are budgeted.)

ACTION: Res. 87-322 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider approving specifications and authorize call for bids to be opened on May 26, 1987, at 3:10 p.m. for furnishing aluminum stadium seating.
(Requested by the Parks and Recreation Department, the new aluminum stadium seating will be used to replace the existing box seats at John Thurman Field. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $21,000. Funds are budgeted.)

ACTION: Res. 87-323 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider approving specifications and authorize call for bids to be opened May 26, 1987, at 3:15 p.m. for furnishing janitorial services at American Legion Hall.
(Requested by the Tuolumne River Regional Parks Division of Parks and Recreation Department, the Janitorial Services will be performed at the American Legion Hall that the City rents out for public/private functions each week. Services will be contracted for the fiscal year beginning July 1, 1987, and ending June 30, 1988. Resolution approving specifications and authorizing call for bids. Estimated cost: $22,000. Funds to be appropriated in 1987-88 budget.)

ACTION: Res. 87-324 adopted calling for bids. (Finance to handle)

courts.
(Bids were opened on April 21, 1987. The low bid of $22,119, submitted by Western Stone Products, Inc. is 10.6% above the engineer's estimate and considered acceptable. It is recommended by the Engineering Department that the contract be awarded to Western Stone Products, Inc. Memo and bid tabulation with agenda. Resolution awarding contract to Western Stone Products needed. Funds are budgeted.)

ACTION: Res. 87-325 adopted awarding contract. (Eng to handle)

CONSENT

15. Consider award of contract to furnish and install all necessary work to complete installation of aerators at City of Modesto pond site.
(Bids were opened on April 21, 1987. The low bid of $324,000, submitted by Con J. Franke Electric, Inc., is 12.36% above the engineer's estimate and considered acceptable. It is recommended by the Engineering Department that the contract be awarded to Con J. Franke Electric, Inc. Memo and bid tabulation with agenda. Resolution awarding contract to Con J. Franke Electric, Inc. needed. Funds are budgeted.)

Dropped from agenda

CONSENT

16. Consider award of contract to furnish and install all necessary work to complete oxidation pond facilities control building remodel/addition.
(Bids were opened on April 21, 1987. The low bid of $62,715, submitted by Howell Construction, Inc., is 23.78% below the engineer's estimate and considered acceptable. It is recommended by the Engineering Department that the contract be awarded to Howell Construction, Inc. Memo and bid tabulation with agenda. Resolution awarding contract to Howell Construction needed. Funds are budgeted.)

ACTION: Res. 87-326 adopted awarding contract. (Eng to handle)

Councilmember Lang excused at 10:50 p.m.

17. Consider authorizing the purchase of a telecommunications systems from ASI Telesystems, Inc. for the total price of $383,547, with a $13,700 cost for second-year maintenance.
(Memorandum with agenda. Resolution awarding bid and authorizing purchase needed. Funds will be appropriated in the 1987-88 budget.)

ACTION: Res. 87-327 adopted (Patterson/McGrath, unan., Lang absent) awarding contract. (Finance to handle)

18. Consider a request by Homer J. Olsen, Inc., for a reduction in retention on the Water Quality Control Plant Expansion Project, Unit 2/3.
(Satisfactory progress is being made in the construction of this project. The contractor's request is based on this fact in accordance with the Government Code. Memo with agenda. Resolution finding satisfactory progress is being made on project and reducing retention to $933.416 needed. Funds are budgeted.)

ACTION: Res. 87-328 adopted (McGrath/Whiteside, unan., Lang absent) reducing retention. (Utility Serv/Finance to handle)

19. Planning Commission request regarding the Hetch Hetchy right of way. (On April 6, 1987, the Planning Commission requested the City Council direct staff to develop a Management Task Force to enter into discussions with Hetch Hetchy regarding their right of way. Memo with agenda. Motion directing staff needed.)

ACTION: By motion(Patterson/Sutton, unan., Lang absent) staff directed to proceed. (Planning to handle)

20. Consider authorizing City Manager to sign agreement with Zagaris Management Services, Inc., for street improvements on Blue Gum Avenue, adjacent to Westridge No. 4 subdivision.
(Westridge No. 4 subdivision is located on Blue Gum Avenue at Rosemore Avenue. The developer has requested permission to install street improvements on Blue Gum Avenue to reduce time delays. An agreement is needed to allow reimbursement for construction costs. Memo with agenda. Resolution approving agreement needed. Estimated cost: $15,498.86. Funds are budgeted.)
Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 87-329 adopted (Sutton/Patterson, unan., Lang and McGrath absent) (Eng to handle)

CONSENT

21. Consider setting public hearing May 26, 1987, at 7:30 p.m. to authorize filing for a federal transit operating grant for FY 1987/88.
(The grant will cover $1,408,021 of the estimated $3,461,443 operating cost of Intracity Transit and Dial-A-Ride during Fiscal Year 1987/88. Local Transportation Fund monies, passenger fares, and bus bench revenues will cover the remainder. Resolution setting hearing needed.)

ACTION: Res. 87-330 adopted setting hearing. (Clerk to handle)

22. Consider amendment to Position Classification Plan to add the duties of "Affirmative Action Officer" to Administrative Analyst I/II.
(Memo with agenda. The experience and education are amended. There is no change in the salary ranges. Resolution amending the Position Classification Plan needed.)

ACTION: Res. 87-331 adopted (Patterson/Whiteside, unan., Lang absent) amending the Position Classification Plan. (Clerk to handle)

23. Consider amendments to Personnel Rules 3.1, 3.3, 13.4, 13.5 and 19.1 (Memorandum with agenda. The City Personnel Rules are too cumbersome to be continually changed by meet-and-confer with three employee organizations. Four rules are proposed for amendment to authorize the City Manager to issue written administrative orders. This affects Rule 3.3 - Salary, 13.4 - Vacation, 13.5 - Sick Leave, and 19.1 - administrative orders. Reference to the former Personnel Commission is deleted from Rule 3.1 Resolution amending the Personnel Rules needed.)

ACTION: Res. 87-332 adopted (Patterson/McGrath, unan., Lang absent) amending Personnel Rules. (Manager to handle)

CONSENT

24. Consider approval of the final map of Dutch Faire subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Owners: RDR Properties)
(The subdivision agreement has been signed and all fees paid. Dutch Faire is located at the southwest corner of Snyder Avenue and Veneman Avenue. It contains 19.756 acres. Resolution approving final map needed.)

ACTION: Res. 87-333 adopted approving final map. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

25. Appeal of Mid-Valley Engineering to a decision of the Planning Commission concerning Dry Creek Meadows and Dry Creek Meadows No. 2.
(Resolution setting hearing May 12, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-334 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

CONSENT

26. Legislation: Staff recommends:

Support

AB 647 (Stirling) - Notification - Siting of State Buildings Within Local Jurisdiction

AB 1769 (Nolan) - Enterprise Zones

SB 37 (Rosenthal) and AB 7 (Farr) - California Film Office - Marketing Plan

SB 283 (Rosenthal) - Appropriation of Petroleum Violation Excrow Account Funds

SB 553 (Russell) - Eminent Domain

SB 692 (Keene) and AB 1020 (Costa) - Commercial Rental Control

(Memos and attachments with agenda. Motion accepting staff recommendations needed.)

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

27. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by the City Council 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 11:32 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 5, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
(Councilmember Patterson arrived at 4:02 p.m.)

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37b,d, 38

Removed from consent: 5, 35
Dropped from agenda: 37a,c,e
ACTION: (Whiteside/Lang, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Presentation by KTRB to Modesto Police Department for work on the weekly "Crime File" program.

Carol Benson and Cathy Pappas presented an award to Police Chief Gerald McKinsey.
Mayor Mensinger announced the City Employees' Art Show being held in the City Hall Multi Purpose Room.
City Manager Lipsky introduced Interim Finance Director Joe Arch.
City Attorney Yamamoto introduced Assistant City Attorney Michael Milich.

b. Status report of Forward Modesto IV Steering Committee Co-Chair Bill Seavy and representatives of the following four task forces:

(1) Security & Law Enforcement

(2) Planning for Growth

(3) Parks & Recreation/Cultural Opportunities

(4) Library

Co-Chair Bill Seavy introduced, and reports were made by Cathy Pappas, Planning for Growth; Stephen White, Security and Law Enforcement; Hy Youngheim, Parks & Recreation and Cultural Opportunities; Dick Ralph, Library.

MINUTES

CONSENT

2. Approval of the minutes of the regular meeting of April 28, 1987. (Motion approving needed.)

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

3. ORAL COMMUNICATIONS
(Matters for the Good of the Community)

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

Richard Gates spoke about rezoning of land on Scenic Drive.
Mayor Mensinger asked for a staff report on options the Council has in responding to points made. (Planning to handle)

UNFINISHED BUSINESS

4. Consideration of alternative to impose legislation to assist in clarifying the provision of the Ralph M. Brown Act with respect to permissibility of discussion by legislative bodies of items not on a published agenda.
(Memo with agenda. Motion directing staff needed.)

ACTION: By motion (McGrath/Whiteside, unan.) staff recommendations approved, and staff directed to communicate with the Attorney General concerning Modesto's problems and urge an expedient opinion.
(Attorney to handle)

5. Consider amending Sections 4-11.201, 4-11.206, 4-11.301, and 4-11.404 of the Modesto Municipal Code relating to fortune-telling.
(The proposed ordinance would revise the fortune-telling permit ordinance to delete the $10,000 bond requirement and to make minor changes in the notice and posting requirements of permittees. Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion (Lang/McGrath, unan.) this item was continued to the May 19, 1987 City Council meeting. (Clerk to handle)

CONSENT

6. Final adoption of:

   a. Ord. No. 2502-C.S. rezoning from R-1 to P-D(413) property on the north side of East Orangeburg Avenue between Collier and Trombetta Avenues. (Dr. Fred Mantz)

   b. Ord. No. 2503-C.S. rezoning from R-3 and C-2 to P-D(417) property located between H and I Streets and between 17th and 19th Streets. (Westar Associates)

   (Motion adopting needed)

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

HEARINGS

7. Hearing to consider Houser Lane No. 3 Reorganization to the City of Modesto.

ACTION: Res. 87-335 adopted (Muratore/McGrath, unan.) annexing Houser Lane No. 3 Reorganization. (Clerk to handle)

8. Hearing to consider appeal of William A. Martin, on behalf of Mary Lewis and Claudia Shaw, to a decision of the Modesto Police Department regarding an application for a fortune telling permit.

ACTION: By motion (Lang/McGrath, unan.) hearing continued to May 19, 1987, at 4:00 p.m.

BIDS

CONSENT

9. Consider approving specifications and authorizing call for bids to be opened May 26, 1987, at 3:25 p.m. to furnish annual requirements of street name signs.
(Requested by the Parking and Traffic Department, the street name signs will be used both in new developments and as replacements for missing or damaged signs for the 1987-88 fiscal year. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $12,500. Funds will be included in the 1987-88 budget.)

ACTION: Res. 87-336 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider approving specifications and authorizing call for bids to be opened May 26, 1987, at 3:00 p.m., for furnishing dry cell batteries.
(An annual requirement, the bid is a cooperative venture with Stanislaus County, City of Oakdale, Yosemite Junior College District, and Modesto City Schools. The batteries are purchased intermittently throughout the fiscal year by Central Stores and issued to using departments. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $2,900 for City's portion. Funds will be included in the 1987-88 budget.)

ACTION: Res. 87-337 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider approving specifications and authorizing call for bids to be opened on May 26, 1987, at 3:05 p.m., for furnishing annual requirements of swimming pool chlorine and muriatic acid.
(The swimming pool chlorine and muriatic acid will be used throughout the year by the Parks & Recreation Department for swimming pool and training pool maintenance, and will be purchased throughout the 1987-88 fiscal year. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $9,800. Funds will be included in the 1987-88 budget.)

ACTION: Res. 87-338 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider award of contract for the Sisk and Dale Roads waterline extension.
(Bids were opened on April 17, 1987. The low bid of $64,686.80, submitted by W. M. Lyles Co., is 7.19% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to W. M. Lyles Co. Memo and bid tabulation with agenda. Resolution awarding contract to W. M. Lyles Co. needed. Funds are budgeted.)

ACTION: Res. 87-339 adopted awarding contract. (Eng to handle)

CONSENT

13. Consider waiving formal bid procedures and authorize the purchase of pump repair services from Johnston Pump Company for the total price of $9,724. (Memo with agenda. Resolution authorizing pump repair services from Johnston Pump Company needed (Five affirmative votes needed.) Funds are budgeted.

ACTION: Res. 87-340 adopted waiving formal bid procedures.
(Finance to handle)

CONSENT

14. Consider award of contract to furnish and install all necessary work to complete the installation of aerators at City of Modesto pond site as per plans and specifications to the second low bidder, Conco-West, Inc. (Memo with agenda. Resolution awarding contract to Conco-West, Inc. needed. Estimated cost: $337,200. Funds are budgeted.)

ACTION: Res. 87-341 adopted awarding contract. (Eng to handle)

NEW BUSINESS

15. Discussion of red light abatement law.
(Requested by Councilmember Patterson.)

By motion (McGrath/Patterson, unan.) staff requested to research this law and others concerning use of property for drug purposes, that these be endorsed by the City Council for use in reducing drug problems and that this matter be dealt with further during the budget process.
(Police to handle)

16. Consider renewing Union Pacific Franchise to operate trains on City streets.
(Memo with agenda. Staff recommends renewing the franchise for five years pending removal of the trains from 9th Street. Liability protection and revenue are the principal reasons. Motion directing staff to negotiate a five-year franchise with Union Pacific Railroad needed.)

ACTION: By motion (Patterson/McGrath, unan.) Councilmember Muratore elected Mayor pro tem.
Mayor Mensinger and Vice Mayor Sutton excused due to possible conflicts of interest.
By motion (Lang/McGrath, unan., Sutton and Mensinger absent) staff directed to negotiate a five-year franchise with Union Pacific Railroad. (P/T to handle)

CONSENT

17. Consider approving a grant reapplication for second-year funding for $100,000 to the State Office of Criminal Justice Planning for the Modesto Crime Resistance Program.
(Memo with agenda. Resolution authorizing City Manager to execute grant reapplication needed. Estimated cost: $135,550, to be shared by the City of Modesto, and the Modesto City, Stanislaus Union and Sylvan Union School Districts. City's share will be included in the 1987-88 budget.)

ACTION: Res. 87-342 adopted approving grant reapplication. (Police to handle)

CONSENT

18. Consider introduction of an ordinance to amend Section 4-2.08 of the Modesto Municipal Code relating to takeoff or landing of aircraft at other than established airports.
(Memo and draft of ordinance with the agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2504-C.S. introduced. (Clerk to handle)

CONSENT

19. Consider acceptance of improvements in Cape Cod Estates No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Pan Capital.
(Cape Cod Estates No. 2 subdivision is located south of Hatch Road and West of Ustick Road. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-343 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

20. Consider excusing Mayor Mensinger for being absent from the April 14, 1987, City Council meeting due to her attendance at the International Forum of American and Italian Mayors held in Italy April 13-16, 1987.
(Motion excusing absence needed.)

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

CONSENT

21. Consider setting public hearing concerning the City's Community Development Block Grant (CDBG) application for the 1987-88 fiscal year.
(H.U.D. requires that the public be given an opportunity to comment on the application and proposed programs for CDBG funding. Memo with agenda. Resolution setting hearing on May 19, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-344 adopted setting hearing. (Clerk to handle)

CONSENT

22. Consider approving agreement with Redev, Inc., for the purchase of 3.384± acres of land needed to complete the acquisition of Eisenhut Park site (Redev, Inc., has agreed to sell the required land for $248,590 which includes money for subdivision improvements adjoining the proposed site. Memo with agenda. Resolution approving agreement needed. Estimated cost: $248,590 for property, $5,000 estimated escrow expenses. Funds are budgeted.)

ACTION: Res. 87-345 adopted approving agreement. (Utility Serv to handle)

CONSENT

23. Consider acquisition of 1,200± square feet of property from the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints for use as pump station 51.
(The church has agreed to sell the required site for $500. This is a negotiated amount since the acquisition is too small to warrant an appraisal. Memo with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 87-346 adopted approving agreement. (Utility Serv to handle)

CONSENT

24. Consider approving lease agreement with Joe DiAnna for the lease of Riverside site, portions of the former Dr. Anderson, Kounias, Maxwell, Sommerfeld, Simms, Hogin and Bomberger properties in Dry Creek Park. (This is a one-year renewal of an existing lease. Mr. DiAnna pays 20% of the crops on the properties, pays taxes and maintains them. All terms remain the same except a provision has been included notifying the tenant of the proposed golf course. Resolution approving agreement needed.)

ACTION: Res. 87-347 adopted approving agreement. (Utility Serv to handle)

CONSENT

25. Consider approving lease agreement with George Frederickson and Phillip Bravard for the lease of a portion of Fire Station No. 5.
(This is a one-year renewal of an existing lease. Mr. Frederickson and Mr. Bravard have been using this property since 1977. They pay the City $108 per year to cover the cost of water used and keep the property up for the City. Resolution approving agreement needed.)

ACTION: Res. 87-348 adopted approving agreement. (Utility Serv to handle)

CONSENT

26. Consider approving agreement with Robert L. Crisp, MAI, for the appraisal of eight parcels of right-of-way needed for the Scenic from Sunnyside to Rose project.
(Mr. Crisp, the lower of two bidders, will appraise these parcels for a fee of $7,150. Memo with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 87-349 adopted approving agreement. (Utility Serv to handle)

CONSENT

27. Consider authorizing City Manager to sign agreement with The Grove for street improvements on Parker Road. Said street improvements are adjacent to The Grove Mobile Home Park.
(The Grove Mobile Home Park is located on Parker Road at Held Drive. The owners have requested permission to install the City's required street improvements on Parker Road to reduce time delays. An agreement is needed to allow reimbursement for construction costs. Resolution approving agreement needed. Estimated cost: $18,803. Funds are budgeted.)

ACTION: Res. 87-350 adopted approving agreement. (Eng to handle)

CONSENT

28. Consider request for water service to property outside City limits at 326 E. Hatch Road, located on the south side of Hatch Road between Crows Landing Road and Jim Way. Owners: Marvin R. and Barbara A. Smith.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City. Resolution approving agreement needed.)

ACTION: Res. 87-351 adopted approving agreement. (Eng to handle)

CONSENT

29. Consider request for water service to property outside City limits at 1113 N. Rosemore Avenue, located on the west side of Rosemore Avenue between Torrid Avenue and Woodland Avenue. Owners: Farmers Home Administration USDA.
(The property owner has signed an agreement to annex when requested to do so by City. The property is not contiguous to City. Water main will be extended to serve the property. Resolution approving agreement needed.)

ACTION: Res. 87-352 adopted approving agreement. (Eng to handle)

CONSENT

30. Consider approval of the final map of Northwood Park subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdivider: Redev. Inc.
(The subdivision agreement has been signed and all fees paid. Northwood Park is located east of Prescott Road between Sheldon Avenue and the Hetch Hetchy right of way. It contains 36.514 acres. Resolution approving final map needed.)

ACTION: Res. 87-353 adopted approving final map. (Clerk to handle)

CONSENT

31. Consider approval of the final map of Copper Creek No. 1 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
Subdivider: Bright Development Company
(The subdivision agreement has been signed and all fees paid. Copper Creek No. 1 is located east of Claus Road north of Dry Creek. It contains 26.826 acres. Resolution approving final map needed.)

ACTION: Res. 87-354 adopted approving final map. (Clerk to handle)

CONSENT

32. Consider proposed Finch No. 1 annexation to the Modesto Municipal Sewer District.
(This is a proposed annexation of about 458.7 acres to the Modesto Municipal Sewer District. The area will remain in Stanislaus County. This application does not require LAFCO approval but does need consent from the County Board of Supervisors. Motion needed preliminarily approving the annexation and directing staff to forward this proposal to Stanislaus County for the Board of Supervisors' consent.

ACTION: By motion, preliminarily approved annexation and directed staff to forward proposal to Stanislaus County. (Planning to handle)

CONSENT

33. Consider approving request by Quik Stop Markets to drill two monitoring wells at each of their four Modesto locations and authorizing City Manager to sign a letter agreement.
(Quik Stop Markets own four stores in Modesto and would like to drill the wells to monitor their fuel tanks. Memo with agenda. Resolution approving letter agreement needed.)

ACTION: Res. 87-355 adopted approving agreement.
(Utility Services to handle)

CONSENT

34. Consider authorizing sale of parking lot No. #32, located on 10th Street between J and K, by issuing a Request for Proposals.
(Staff has been asked if the City would be interested in selling this property for an adjoining private redevelopment project. Memo with agenda. Resolution approving "Request for Proposals" needed.)

ACTION: Res. 87-356 adopted approving "Request for Proposals".
(Utility Services to handle)

35. Consider street name change from Sutter Avenue and Franklin Street to Martin Luther King Drive.
(Portions of Sutter Avenue and Franklin Street are in the County, and the name changes required approval by the County Board of Supervisors. The Board approved the renaming of Franklin Street to Martin Luther King Drive but voted not to change the name of Sutter Avenue. The City Council should amend its resolution to avoid two names for the same section of a street. Resolution amending Res. 87-98 needed.)

ACTION: Res. 87-357 adopted (McGrath/Sutton, unan.) approving staff recommendation and renewing the attempt to change the name of Sutter to Martin Luther King Drive. (Planning to handle)

CONSENT
36. Presentation of the 1987-88 Proposed Budget.
(Copies of the proposed budget will be presented at the meeting. Resolution setting public hearing on June 9, 1987, at 7:30 p.m. needed.)

WRITTEN COMMUNICATIONS

CONSENT
37. Letters of resignation from the Modesto Arts in Action Committee from the following members:

a. Michael Johnson, Chairperson, Board of Directors
Dropped from agenda

b. Odessa Johnson, Chairperson, Arts Festival

c. Deborah Bree, Chairperson, Organizational Contact
Dropped from agenda

d. Steve Collins, Chairperson, Community Center Liaison

e. Carl Baggese, Chairperson, Arts Publicity and Promotion
Dropped from agenda

(Resolution accepting resignations with regret needed.)

ACTION: Res. 87-359 adopted accepting resignations.

MISCELLANEOUS

CONSENT

38. Legislation: Staff recommends:

Support

AB 24 (Elder) - Optional Social Security Contingency Formula for PERS Contracting Agencies

AB 240 (Moore) - Timely Payment of Supplemental Roll Property Tax Revenues to Cities

AB 711 (Condit) - Harmful Matter: Minors

SB 5 (Deddeh) - Obscene Matter

SB 272 (Bergeson) - Continuation of Authority for Existing Taxes for Newly Incorporated Cities under Proposition 62

Seek Amendments

Clean Air Act of 1972

(Memos and attachments with agenda. Motion accepting staff recommendations needed.)

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

39. MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

This meeting adjourned at 6:00 p.m. to Monday, May 11, 1987, at 5:30 p.m. in the City Council Chambers, City Hall, 801 11th Street, Modesto, to begin reviewing the 1987-88 proposed budget for the City of Modesto.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 5:30 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside and Mayor Mensinger

Councilmember Whiteside arrived at 5:35 p.m.
Councilmember Lang arrived at 6:35 p.m.

Absent: None

The following budgets were reviewed:

City Council

City Manager
- Public Information
- Training
- Citizens Information Service
- Personnel
- Word Processing Center

City Attorney
- Risk Management

City Clerk

The meeting was adjourned at 7:25 p.m. to Thursday, May 14, 1987, at 3:00 p.m. in the Council Chambers.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 12, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 32, 33

Dropped from consent: 23
ACTION: (Lang/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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the May 5, 1987, regular City Council meeting. (Motion approving needed.)

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

3. ## ORAL COMMUNICATIONS
(Matters for the good of the community)

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

Gordon E. Hart, Director of Ecology Action, invited Council to a special meeting on May 13, 1987 in the Library basement on the Super Conducting Super Collider.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2504-C.S. amending the Municipal Code relating to takeoff or landing of aircraft at other than established airports. (Motion adopting needed.)

ACTION: By motion, Ord. No. 2504-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider protests to proposed work to be performed in Improvement District No. 27 (Yosemite Assessment District) consisting of the construction of storm drain trunk lines, outfall, manholes and the reconstruction of pavement disturbed by such construction.

ACTION: Res. 87-360 adopted (Whiteside/Sutton, unan.) finding and determining that public convenience and necessity require the construction of public improvements. (Eng to handle)

6. Hearing to determine that the public convenience and necessity require the construction of public improvements in Improvement District No. 27 (Yosemite Assessment District) be paid for by special assessments without the City first complying with the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

ACTION: Res. 87-361 adopted (Whiteside/Sutton, unan.) confirming assessment and ordering proposed improvements to be made. (Eng to handle)

7. Consider award of contract for construction of Improvement District No. 27.
(Bids were opened on April 28, 1987. The low bid of $468,362, submitted by Floyd Johnston Construction Company, Inc., is 44.87% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Floyd Johnston Construction Co., Inc. Resolution awarding contract needed. Funds will be available following receipt of the proceeds from the sale of bonds.)

ACTION: Res. 87-362 adopted (Patterson/Lang, unan.) awarding contract. (Eng to handle)

8. Hearing to review closure of 10th Street Plaza alley.

ACTION: A motion to accept staff recommendation to revoke alley closure failed to carry. (Whiteside/McGrath, Lang, Muratore, Sutton, Mayor Mensinger, no)

(By motion (Whiteside/Sutton, majority, McGrath-no) continued item for 3 months to allow acceptable solutions.

Recessed at 11:40 p.m. for 5 minutes.

9. Hearing to consider the appeals of the State Department of Transportation and Mid-Valley Engineering to a decision of the Planning Commission concerning Dry Creek Meadows and Dry Creek Meadows No. 2.

ACTION: Res. 87-363 adopted (McGrath/Whiteside, unan.) denying appeal of Caltrans, granting appeal of Mid-Valley with conditions on Dry Creek Meadows.

Res. 87-363A adopted (same vote) denying appeal of Caltrans, granting appeal of Mid-Valley with conditions on Dry Creek Meadows No. 2.

By motion (McGrath/Sutton, majority, Whiteside, Mayor Mensinger-no) requiring 50% participation for traffic signals at Parkway, Claus and Parkway and Yosemite Avenues. (Planning/Clerk to handle)

10. Hearing to consider the appeal of John Booker, on behalf of 3848 Properties, to a BZA decision concerning an amendment to a C-3 conditional use permit to allow additional building areas and redesign of parking spaces, property located at 3848 McHenry Avenue.

ACTION: Res. 87-364 adopted (Patterson/McGrath, unan.) granting appeal.

11. Hearing to consider an amendment to Section 25-3-9 of the Zoning Map to rezone from P-D(360) to R-1 and C-3, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue. (Joaquin Construction)

ACTION: By motion (McGrath/Sutton, majority, Mayor Mensinger-no) Ord. No. 2505-C.S. introduced.

Res. 87-365 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

12. Hearing to consider an amendment to Section 10-3-9 of the Zoning Map to rezone from P-O to P-D(418) to allow a financial institution and professional/business office, property located on the east side of Coffee Road between Haig Way and Sylvan Meadows Drive. (MOCSE Federal Credit Union)
Councilmember McGrath excused due to a conflict of interest.

ACTION: By motion (Muratore/Sutton, unan., McGrath absent) Ord. 2506-C.S. introduced.
Res. 87-366 adopted (same vote) approving development plan.
Res. 87-367 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

13. Hearing to consider an amendment to Section 5-4-9 of the Zoning Map to rezone from R-2 to R-1, property located on the west side of Roselawn Avenue north of Rouse Avenue. (Jim Allen)

ACTION: By motion (Sutton/Whiteside, unan.) Ord. 2507-C.S. introduced.
Res. 87-368 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

14. Hearing to consider an amendment to P-D(208) and an amendment to Section 16-3-9 of the Zoning Map to rezone a portion of P-D(208) to R-1, property located between Briggsmore Avenue and Norwegian Avenue west of Coffee Road. (Calvary Temple Assembly of God)

ACTION: A motion (McGrath/Sutton - Lang, Muratore, Patterson, Sutton, Whiteside, no) approving staff recommendations with the addition of an intent clause indicating the interest to negotiate disposition of property in public right of way failed to carry.

By motion (Whiteside/Muratore, unan.) approved staff recommendations but deleted condition No. 4, and added a statement of intent indicating interest to negotiate disposition of property in public right of way.

By motion (Whiteside/Lang, unan.) Ord. No. 2508-C.S. introduced rezoning P-D(208) to R-1.

By motion (same vote) Ord. No. 2509-C.S. introduced amending sections of the Ordinance regarding uses of the property.

Res. 87-369 adopted (same vote) approving development plan.

Res. 87-370 adopted (same vote) certifying review of Environmental Assessment on Ord. No. 2508-C.S.

Res. 87-371 adopted (same vote) certifying review of Environmental Assessment on Ord. No. 2509-C.S. (Planning/Clerk to handle)

BIDS

CONSENT

15. Consider approval of plans and specifications and call for bids for the construction of Boise Avenue water line extension
(Suggested bid opening: May 26, 1987, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: $44,953 ($40,412 contract; $4,541 engineering & cont.); Funds are budgeted.)

ACTION: Res. 87-372 adopted calling for bids. (Eng to handle)

CONSENT

16. Consider approving specifications and authorizing bids to be opened June 9, 1987, at 3:00 p.m. for furnishing one Battalion Chief's/mobile command post truck.
(Requested by the Fire Department, the truck will be driven by the Battalion Chief and used as a command post on any emergency incident. The unit will replace a sedan presently in service. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $17,500. Funds are budgeted.)

ACTION: Res. 87-373 adopted calling for bids. (Finance to handle)

CONSENT

17. Consider approving specifications and authorizing call for bids to be opened June 2, 1987, at 3:15 p.m. for furnishing sludge removal services. (Requested by the Utility Services Sewerage Division, the services are required to remove dried digested sludge from the drying beds. The sludge will be transported to a disposal site where it will be disked into the soil. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $66,048; Funds are budgeted.)

ACTION: Res. 87-374 adopted calling for bids. (Finance to handle)

CONSENT

18. Consider declaring L. N. Curtis low bidder and authorize the purchase of replacement fire hose from the firm for the total price of $19,417. (Memorandum with agenda. Resolution accepting the bid of L. N. Curtis needed. Funds are budgeted.)

ACTION: Res. 87-375 adopted awarding bid. (Finance to handle)

CONSENT
19. Consider declaring Outdoor Creations low bidder meeting specifications and authorize the purchase of eighteen concrete picnic tables for the total price of $10,642.
(Memorandum with agenda. Resolution accepting the bid of Outdoor Creations needed. Funds are budgeted.)

ACTION: Res. 87-376 adopted awarding bid. (Finance to handle)

CONSENT
20. Consider authorizing a public auction to be held June 6, 1987, to sell surplus and lost or stolen unclaimed property.
(Memorandum with agenda. Resolution authorizing public auction needed.)

ACTION: Res. 87-377 adopted authorizing auction. (Finance to handle)

NEW BUSINESS

CONSENT
21. Consider approval of agreement with the Modesto City School District for exchange of land use.
(An agreement has been finalized allowing the School District to use land on Alberta Martone Park (formerly Woodland Neighborhood Park) site in exchange for the City using school land for park purposes on another site. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-378 adopted approving agreement. (P/R to handle)

CONSENT
22. Presentation of proposed Capital Improvement Program, 1987-88 through 1990-91.
(Copies of the proposed C.I.P. will be presented at the meeting. Motion acknowledging receipt of report needed.)

ACTION: Acknowledged receipt of report.

23. Consider request from the Youth Commission recommending the City Council support "Sober Graduation."
(This public awareness campaign is initiated by the California Highway Patrol and is aimed at high school students. Memo with agenda. Resolution supporting "Sober Graduation" needed.)

ACTION: Res. 87-379 adopted (Whiteside/McGrath, unan.) supporting.

CONSENT
24. Consider request for water service to property outside City limits at 1518 Lone Palm Avenue, located on the west side of Lone Palm between North 9th Street and Woodland Avenue. (Owner A & M Industries, Inc.)
(The property owner has signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits, and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 87-380 adopted approving agreement. (Eng. to handle)

CONSENT

25. Consider authorizing staff to negotiate an agreement with Brown and Caldwell for consulting engineer services to perform a screening test and driven hole test at two inactive municipal landfills.
(Memo with agenda. Motion directing staff to enter into negotiations with Brown & Caldwell for consulting engineer services needed. Estimated cost: $6,000 - $7,000. Funds are budgeted.)

ACTION: By motion, staff directed to enter into negotiations.

CONSENT

26. Consider approval of LAFCO Questionnaire indicating no opposition to the Kansas Avenue No. 7 Reorganization to the City of Modesto.
(Property owners on the north side of Kansas Avenue west of Carpenter Road have petitioned the annexation. The proposed uninhabited annexation would consist of six rural parcels and include single family dwellings totalling about 28 acres. An application has been submitted to LAFCO for the parcels immediately to the east which are contiguous to the City limits. Resolution approving LAFCO questionnaire needed.)

ACTION: Res. 87-381 adopted approving LAFCO questionnaire.
(Planning to handle)

CONSENT

27. Consider approval of the final map of Honey Creek Villas subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
Subdivider: Bennett & Compton, Inc., and Dean Rider.
(The subdivision agreement has been signed and all fees paid. The Honey Creek Villas is located at the southeast corner of Pelandale Avenue and Honey Creek Drive. It contains 3.827 acres. Resolution approving final map.)

ACTION: Res. 87-382 adopted approving final map. (Eng. to handle)

WRITTEN COMMUNICATIONS

28. Letter from Gordon Hart, Planning Commission Chairman, requesting advice regarding placing conditions on future vesting subdivision and parcel maps which would require future payment of impact fees.

Gordon Hart spoke regarding impact fees.
ACTION: By motion (Lang/Sutton, unan.) acknowledged receipt of report.

CONSENT

29. Letter from Downtown Improvement District requesting the use of downtown sidewalks for a sale on May 13 - 16, 1987.
(Motion approving request needed.)

ACTION: By motion, request approved.

CONSENT
30. Letter from Bill Sweeley resigning from the Board of Building Appeals . (Resolution accepting resignation with regret needed.)

ACTION Res. 87-383 adopted accepting resignation.

CONSENT
31. Letter from Ross G. Stephenson Associates, Inc. appealing the Planning Commission's decision regarding Orangeburg Park tentative subdivision map. (Resolution setting hearing May 26, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-384 adopted setting hearing.

CONSENT
32. Letter from Bright Development requesting permission to include and install a well in P-D(25), Copper Creek subdivision. (Motion referring to staff needed.)

ACTION: By motion, referred to staff.

MISCELLANEOUS

CONSENT
33. Legislation: Staff recommends:

Support

a. AB 937 (Condit) City Regulation of Gasoline and Alcohol Sales

b. H.R. 1200 (Murphy) Permanent Federal Exemption from Age Discrimination for Police and Fire

Oppose

c. SB 1425 (Vuich) Change in Lien Date for Property Tax Assessments

(Memos and attachements with agenda. Motion accepting recommendations needed.)

ACTION: By motion recommendation accepted.

34. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by the City Council 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 to closed session after the Redevelopment Agency meeting at 1:07 a.m. to discuss pending litigation, then adjourned to Thursday, May 14, 1987, at 3:00 p.m. in the City Council Chambers, City Hall, 801 11th Street, Modesto, to continue reviewing the 1987-88 proposed budget for the City of Modesto.

ATTEST: Judy C. Hall

JUDY C. HALL, Acting City Clerk

Adjourned Regular Meeting
Modesto City Council
May 14, 1987

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers McGrath, Muratore, Patterson, Sutton, Whiteside

Absent: Councilmembers Lang, Mayor Mensinger

The following budgets were reviewed:

Economic Development
- Chamber of Commerce Convention and Visitors Bureau (Tourism)

Planning & Community Development
- Housing Program

Police
- Administration
- Administrative Services
- Stanislaus Drug Enforcement Unit - City Share
- Investigative Services
- Field Operations
- Animal Control
- Stanislaus Drug Enforcement Agency

Engineering Services
- Administration
- Engineering
- Construction Administration
- Building Inspection

The meeting was adjourned at 5:20 p.m.to Monday, May 18, 1987, at 3:00 p.m. in the Council Chambers.

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

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Muratore, Patterson, Whiteside, and Acting Mayor Sutton

Absent: Councilmembers Lang, McGrath, Mayor Mensinger

The following budgets were reviewed:

Downtown Improvement District

Fire
- Administration
- Disaster & Civil Defense
- Training
- Prevention
- Suppression

Parking & Traffic
- Parking
- Bus Service - Fixed Route
- Bus Service - Dial-A-Ride

Utility Services
- Administration
- Electrical
- Streets
- Waste-to-Energy Project
- City Hall
- Water Division
- Sewerage Wastewater Administration
- Sewerage Wastewater Collection
- Sewerage Wastewater Treatment Primary
- Sewerage Wastewater Treatment Secondary
- Sewerage Monitoring and Control
- Sewerage Treatment Plant Improvements
- Industrial Waste Planning & Monitoring
- Airport
- Bus Maintenance
- Service Division - Main Shop
- Service Division - Police Shop
- Methane Gas Generation

The meeting adjourned at 5:22 p.m.

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

MODESTO CITY COUNCIL

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 19, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Whiteside, Acting Mayor Sutton

Absent: Mayor Mensinger

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 11, 12, 15, 16, 17, 18, 19, 20, 21, 11, 12, 24, 25, 26, 27 28, 28a, 29, 30, 31

Dropped from consent: 13a
Dropped from the agenda: 13b
ACTION: (Lang/Whiteside, 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation by Tony Boicelli, IEC Marketing, concerning a program in conjunction with P. G. & E to provide weatherization measures in the homes of low income and elderly customers.

Stan Simmons, P.G. & E. representative, and Tony Boicelli, I.E.C. Marketing, spoke about the weatherization measures.

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular meeting of May 11, and the regular meeting of May 12, 1987.
(Motion approving needed.)

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

3. ## ORAL COMMUNICATIONS
(Matters for the good of the community)

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

Dave Tamo, S.A.D.D. spoke about "Sober Graduation".
Staff directed to work with Mr. Tamo and to put this item on the agenda for May 26, 1987.

UNFINISHED BUSINESS

4. Consideration of an ordinance amending sections of the Modesto Municipal Code relating to fortune-telling.
(The proposed ordinance would revise the fortune-telling permit ordinance to delete the $10,000 bond requirement and to make minor changes in the notice and posting requirements of permittees. Memo with agenda. Motion introducing an ordinance needed.)

ACTION: By motion (McGrath/Whiteside, unan., Mensinger absent) Ord. No. 2510-C.S. introduced. (Clerk to handle)

5. Final adoption of Ord. No. 2505-C.S. rezoning from P-D(360) to R-1 and C-3, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue. (Joaquin Construction.)
(Motion adopting needed.)

ACTION: By motion (McGrath/Lang, unan., Mensinger absent) Ord. No. 2505-C.S. adopted. (Clerk to handle)

6. Final adoption of Ord.No. 2506-C.S. rezoning from P-O to P-D(418) property located on the east side of Coffe Road between Haig Way and Sylvan Meadows Drive. (M.O.C.S.E. Federal Credit Union)
(Motion adopting needed.)
Councilmember McGrath excused due to a conflict of interest.

ACTION: By motion (Muratore/Whiteside, unan., McGrath and Mensinger absent) Ord. No. 2506-C.S. adopted. (Clerk to handle)

CONSENT

7. Final adoption of:

   a. Ord. No. 2507-C.S. rezoning from R-2 to R-1 property located on the west side of Roselawn Avenue north of Rouse Avenue. (Jim Allen)

   b. Ord. No. 2508-C.S. rezoning a portion of P-D(208) to R-1, property located between Briggsmore Avenue and Norwegian Avenue west of Coffee Road (Calvary Temple)

   c. Ord. No. 2509-C.S. amending the uses in P-D(208). (Calvary Temple)

   (Motion adopting needed.)

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

HEARINGS

8. Hearing to consider appeal of William A. Martin, on behalf of Mary Lewis and Claudia Shaw, to a decision of the Modesto Police Department regarding an application for a fortune telling permit.
(Continued from City Council meeting of May 5, 1987.)

   This item taken up after item 4.

ACTION: Res. 87-385 adopted (McGrath/Whiteside, unan., Mensinger absent) denying appeal.

9. Hearing on the City's Community Development Block Grant application for 1987-88.
Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 87-386 adopted (Lang/Whiteside, unan.,Muratore and Mensinger absent) approving submission of grant application.

10. Hearing to consider the appeal of Arnold-Pacific Properties, Inc., to a decision of the Board of Zoning Adjustment concerning an application for conditional use permit in the C-3 Zone for a shopping center on property located at the northwest corner of McHenry Avenue and Standiford Avenue.

ACTION: By motion (McGrath/Whiteside, unan., Patterson and Mensinger absent) hearing continued to June 2, 1987, at 4:00 p.m. (Clerk to handle)

BIDS

CONSENT

11. Consider award of contract for construction of waterline extension on Rosemore, Shaddox and Lone Palm.
(Bids were opened May 12, 1987, at 11:00 a.m. The low bid of $27,683.75 submitted by Bowers Construction is 15.98% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Bowers Construction needed. Estimated cost: $27,683.75. Funds are budgeted.)

ACTION: Res. 87-387 adopted awarding contract. (Eng to handle)

CONSENT

12. Consider acceptance of a portion of Homer J. Olsen's contract for the construction of the Wastewater Treatment and Disposal Facilities, Unit Nos. 2 and 3, to commence 1-year mechanical warranty period.
(The construction of the Fixed Film Reactor Facilities and Oxidation Pond Influent Header System has been completed, as required by contract specifications. Therefore, it is in order to accept this portion of the work as complete and file a Notice of Completion in order to commence the mechanical warranty period. Memo with agenda. Resolution accepting the work as complete and commencing 1-year mechanical warranty period. Cost of this portion of the contract: $9,614,439.69. Funds are budgeted.)

ACTION: Res. 87-388 adopted accepting portion of work as complete and commencing 1-year mechanical warranty period. (Clerk to handle)

13. a. Consider authorizing the City Manager to sign a purchase agreement with ASI Telesystems for the purchase of a telecommunications system.

ACTION: By motion (Lang/McGrath, unan., Mensinger absent) City Attorney given permission to seek outside legal counsel if necessary. (Attorney to handle)

b. Consider authorizing the City Manager to sign a lease/purchase agreement with Maryland National Leasing Corporation for financing the telecommunications equipment.

Dropped from agenda.

(Memo with agenda. Resolution approving purchase agreement and resolution approving lease/purchase agreement needed. Estimated cost: $36,126.24 semi-annually for seven years excluding maintenance. Funds to be included in 1987-88 budget.)

NEW BUSINESS

14. Consider resolution urging Stanislaus County to retain the current County General Plan Policy on Urban Development with Cities' Spheres of Influence.
(Memo with agenda. Resolution and motion directing staff to file it with the Stanislaus County Planning Commission and Board of Supervisors needed.)

ACTION: Res. 87-389 adopted (Lang/McGrath, unan., Mensinger absent) urging retention of the current County General Plan policy on urban development and cities' spheres of influence.

By motion (Lang/McGrath, unan., Mensinger absent) staff directed to file the above resolution with the Board of Supervisors.
(Clerk to handle)

CONSENT
15. Consider resolution authorizing City Manager to sign an agreement with Stanislaus County Department of Mental Health to provide mental health services for sworn police officers.
(Resolution needed. Estimated cost: $6,807. Funds are budgeted.)

ACTION: Res. 87-390 adopted approving agreement. (Police to handle)

CONSENT
16. Consider authorizing City Manager to sign agreement with Robert D. Mangum for inspection services.
(Subdivision activity continues to increase and it is necessary to contract out the inspection services. Resolution approving the agreement needed. Estimated cost: $7,000. Funds are budgeted.)

ACTION: Res. 87-391 adopted approving agreement. (Eng to handle)

CONSENT
17. Consider proposed agreements with Operating Engineers regarding starting date for health insurance coverage for new employees.
(Memo with agenda. Resolution approving agreements needed.)

ACTION: Res. 87-392 adopted approving agreement. (Manager to handle)

CONSENT
18. Consider approving agreement with Modesto High School District for the lease of portions of the former Doidge and Bomberger properties, Dry Creek Park.
(This is a one-year renewal of an existing lease. The property is used for a Future Farmer of America project. The District pays the City $300 per year. Resolution approving agreement needed.)

ACTION: Res. 87-393 adopted approving agreement. (Utility Serv to handle)

CONSENT

19. Consider approval of the preapplication for federal grant for Modesto City-County Airport/Harry Sham Field for three projects involving the construction of the aircraft fly-in parking apron with lighting, construction of taxiway "E", and the installation of distance markers on runway 28R/10L.
(Memo with agenda. Resolution approving preapplication needed. Estimated cost: $219,000 total ($197,100 federal; $21,900 City) Funds are budgeted.)

ACTION- Res. 87-394 adopted approving preapplication. (Utility Services to handle)

CONSENT

20. Consider amendment of an ordinance to change the retention period of unclaimed property to correspond with state law.
(Memo with agenda. Motion introducing ordinance needed.)

ACTION: By motion, Ord. No. 2511-C.S. introduced. (Clerk to handle)

CONSENT

21. Consider establishing an Economic Development Loan Pool Subcommittee under the Citizens Housing and Community Development Committee.
(Memo with agenda. Resolution establishing subcommittee needed. Estimated cost: $500. Funds are budgeted.)

ACTION: Res. 87-395 adopted establishing subcommittee. (Planning to handle)

CONSENT

22. Consider amending the Rental Rehabilitation Program for 1986-87 and the application for 1987-88 by changing the Matching Program share from a forgivable Deferred Payment Loan to a stipulated grant.
(Memo with agenda. Resolution amending the Rental Rehabilitation program needed.)

ACTION: Res. 87-396 adopted amending Rental Rehabilitation Program. (Planning to handle)

CONSENT

23. Consider awarding a grant of $10,000 to Creative Alternatives for the current program year from Community Development Block Grant funds per the recommendation of the Citizens Housing & Community Development Committee.
(Memo with agenda. Resolution awarding grant needed. Funds are budgeted.)

ACTION: Res. 87-397 adopted awarding grant. (Planning to handle)

CONSENT

24. Consider approval of golf cart rental agreement with Andrew J. Silva, Golf Professional at Municipal Nine-Hole and Dryden Park Golf Courses.
(This agreement would renew the golf cart rental agreement at Dryden Park Golf Course for five years. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-398 adopted approving agreement. (P/R to handle)

CONSENT
25. Consider approving agreement with Modesto Baseball Club, Inc., for the lease of John Thurman Field.
(This is a one-year renewal of an existing lease. All terms remain the same. The "A's" pay the City $35 per game, 10% of concessions and 5% of sign rentals. They also do some of the maintenance. Resolution approving agreement needed.)

ACTION: Res. 87-399 adopted approving agreement. (P/R to handle)

CONSENT
26. Monthly Treasurer's Report for April, 1987.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of Treasurer's Report acknowledged.

CONSENT
27. Consider approval of the final map of Naraghi Lakes No. 4 subdivision of the City of Modesto and accept improvements as complete. Subdividers: US By-Products, Inc., Sharon Naraghi Greich, and Hashem Naraghi.
(All improvements have been installed to the satisfaction of the Engineering Department and all fees have been paid. Naraghi Lakes No. 4 is located west of Marina Drive between Floyd Avenue and Hashem Drive. It contains 14.405 acres. Resolution approving final map and accepting improvements as complete needed.)

ACTION: Res. 87-400 adopted approving final map. (Clerk to handle)

CONSENT
28. Consider approving an "Honorary Citizen of Modesto" award given on the recommendation of the International Friendship Committee and City Council.
(The International Friendship Committee has designed a certificate which they would like to give to certain foreign visitors. Criteria have been set up to determine who will be presented with such a certificate. The certificate will be signed by Councilmembers and the Chairperson of the Committee. Memo with agenda. Motion approving certificate and criteria for distribution needed. Estimated cost: $110. Funds are budgeted.)

ACTION: By motion, certificate and criteria approved.
(Internatl Friendship Com to handle)

CONSENT
28a. Consider request of "Yes You Can" Childrens' Touch Museum for assistance with a multicultural street fair.
(The event is scheduled for May 23, 1987. Memo with agenda. Resolution approving request needed.)

ACTION: Res. 87-401 adopted approving request. (P/R to handle)

WRITTEN COMMUNICATIONS

CONSENT
29. Consider renaming Scenic Drive as requested by Jeanette Maino in her letter of April 9, 1987.
(Memo with agenda recommending that the City not initiate a name change for Scenic Drive. Motion approving staff recommendation needed.)

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

CONSENT
30. Letter from Sally Melgard resigning from the Modesto Arts in Action Committee.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 87-402 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

CONSENT
31. Legislation: Staff recommends:

a. Support AB 276 (Eaves) Airport Fuel Taxes - Rates and Refunds.

b. Oppose AB 1882 (Floyd) Workers' Compensation

(Memo with agenda. Motion approving recommendations needed.)

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

32. ## MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by the City Council 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

33. Closed session to discuss negotiations with Modesto City Employees Association and Modesto Firefighters Association relating to meet and confer issues for the 1987-88 fiscal year pursuant to Government Code Section 54957.6.

The Council met in closed session at 3:30 p.m. and adjourned at 3:50 p.m.

ADJOURNMENT

This meeting was adjourned to Thursday, May 21, 1987, at 3:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, to continue reviewing the 1987-88 prop;sed budget for the City of Modesto.

The meeting adjourned at 6:58 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Councilmember McGrath arrived at 3:35 p.m.
Mayor Mensinger arrived at 3:40 p.m.

Absent: None

The following budgets were reviewed:

S & W Modesto Invitational Track Meet
4th of July Celebration Committee
Modesto Band
Modesto Symphony
Tourism - Chamber of Commerce
Modesto Performing Arts Assoc.
Modesto Civic Theater
Radio Bilinque, KMPO
Cambios de la Raza
Childrens Touch Museum
Hispanic Chamber of Commerce
Townsend Opera Players
Balloons Over the Valley Air Festival
Kids on the Block of Stanislaus County
Grupo Folklorico de Esther
Mark Twain School
Stanislaus County Welfare Rights Org. (S.C.W.R.O.)
Beyer High School Marching Band
American Legion Baseball
Modesto Babe Ruth Baseball
Modesto Girls Softball Assoc.
Modesto Basketball Assoc.
Diamond Dusters Girls Softball Association
Modesto 49er Youth Football
Muncy Baseball

The meeting adjourned at 5:23 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, MAY 26, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 29, 30

Removed from consent: 27
ACTION: (Whiteside/Sutton, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Presentation to the Mayor by the California Association of the Physically Handicapped.

Madeline Amaral presented an award to Mayor Mensinger.

b. Other.

None

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular meetings of May 14 and May 18, and of the regular meeting of May 19, 1987.
(Motion approving needed.)

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

3. ## ORAL COMMUNICATIONS
(Matters for the Good of the Community)

(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.)

Florence Hernandez and George Sanchez spoke about concerns with recruiting for the Affirmative Action Commission and Affirmative Action Officer, and asked that this matter be discussed at the next Council meeting.

Dave Tamo, S.A.D.D. representative, thanked the Council for approving the request for permission to hang banners in connection with "Sober Graduation."

UNFINISHED BUSINESS

CONSENT

4. Consider request by S.A.D.D. for permission to hang banners concerning sober graduation.
(Memo with agenda. Staff recommends Council resolution approving banners to be placed on private buildings along McHenry Avenue during the June graduation period. Resolution approving request needed.)

ACTION: Res. 87-403 adopted approving request. (Planning to handle)

HEARINGS

5. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Gil Wymond, to a Planning Commission decision concerning an application for an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-D to allow a restaurant and an R-V and boat storage area on property located on the west side of Oakdale Road, south of E. Orangeburg Avenue. (Continued from the April 21, 1987, Council meeting.)

ACTION: By motion (Muratore/McGrath, majority, Lang and Mensinger-no) Ord. No. 2512-C.S. introduced.
Res. 87-404 adopted (same vote) granting appeal and approving plan.
Res. 87-405 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

6. Hearing to consider requesting financial assistance from the United States Department of Transportation, Urban Mass Transportation Administration, for transit operations of the City of Modesto for the 1987-88 fiscal year.

ACTION: Res. 87-406 adopted (McGrath/Lang, unan.) authorizing filing application. (P/T to handle)

7. Hearing to consider the appeal of Stone & Associates to a Planning Commission decision concerning an application to rezone from R-3 to P-O, property located at Claremont and Sylvan Avenues.

ACTION: By motion (Lang/McGrath, majority, Whiteside and Mensinger-no) Ord. No. 2513-C.S. introduced.
Res. 87-407 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

8. Hearing on appeal by Ross G. Stephenson Associates, Inc., to a Planning Commission decision regarding the Tentative Subdivision Map to Orange Park Estates, north side of Orangeburg Avenue and west of Entrada Way. (owner: J.R.H. Capital)

ACTION: Res. 87-408 adopted (Whiteside/Lang, majority, Muratore-no) approving tentative subdivision map as revised. (Clerk to handle)

9. Hearing to consider an amendment to Section 19-3-9 of the Zoning Map to rezone from R-2 and R-3 to P-D(416) for a motel, restaurant, and urgent care center and a zero lot line patio home development, property on north side of W. Orangeburg Avenue west of Martin Avenue. (Brannon)

ACTION: By motion (Lang/Sutton, unan.) Ord. No. 2514-C.S. introduced.
Res. 87-409 adopted (same vote) approving plan.
Res. 87-410 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

10. Hearing to consider an amendment to Section 7-3-9 of the Zoning Map to rezone from R-1 to P-D(419) to allow a commercial complex and a business/professional office complex, property located on the southeast corner of Standiford and Prescott (Resource Development)

ACTION: By motion (Whiteside/Muratore, unan.) Ord. No. 2515-C.S. introduced.
Res. 87-411 adopted (same vote) approving plan.
Res. 87-412 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

11. Consider approving specifications and authorizing call for bids to be opened June 16, 1987, at 3:05 p.m. for furnishing annual requirements of liquid chlorine.
(An annual requirement, the purchase of liquid chlorine is a cooperative venture with the cities of Oakdale and Turlock. The chlorine is used in treating residential and industrial waste and will be purchased intermittently throughout the 1987-88 fiscal year. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $203,500. Funds will be included in the 1987-88 budget.)

ACTION: Res. 87-413 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider approving specifications and authorizing call for bids to be opened June 23, 1987, at 3:00 p.m. for furnishing three personal computers and two printers.
(Requested by the Housing Program Office, the computer equipment will perform a wide variety of office functions to include word processing, statistical and graphic reporting, accounting, etc. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $13,300. Funds are budgeted.)

ACTION: Res. 87-414 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider declaring Glen Wilson Trucking, Central Ready Mix, and M. J. Ruddy as low bidders on certain rock, sand and gravel products, and authorizing the purchase of these products for the 1987-88 fiscal year at the prices bid.
(Memo itemizing the products and prices with the agenda. Estimated cost: $26,000. Funds will be included in the 1987-88 budget.)

ACTION: Res. 87-415 adopted awarding bid. (Finance to handle)

CONSENT

14. Consider declaring Target Specialty Products of Fresno as low bidder and authorize the purchase of 45 tons of fertilizer for a total price of $19,176.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-416 adopted authorizing purchase. (Finance to handle)

CONSENT

15. Consider accepting Granite Construction Company's contract to overlay Parking Lot Numbers 11, 20, and 23 on the southwest corner of 10th and H Streets as completed.
(Memo with agenda. The $16,965 contract was awarded on April 7, 1987. Work was completed on May 12, 1987. Resolution accepting work as complete and directing City Clerk to file Notice of Completion. Funds are budgeted.)

ACTION: Res. 87-417 adopted accepting work as complete. (P/T to handle)

CONSENT

16. Consider acceptance of George Reed's contract for the residential alley paving project No. 13. Original contract: $178,680.
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services 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: $182,987.27. Funds are budgeted.)

ACTION: Res. 87-418 adopted accepting work as complete. (Clerk to handle)

CONSENT

17. Consider waiving formal bid procedures and authorizing the Purchasing Officer or his designated agent to purchase two used cars from a wholesale auto dealer's auction.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing the purchase of two used cars from a wholesale auto auction needed. (Five affirmative votes needed.) Estimated cost: $12,000. Funds are budgeted.)

ACTION: Res. 87-419 adopted authorizing purchase. (Finance)

18. Consider waiving formal bidding process and issuing a purchase order to Lang's Enterprises for the installation of a split system heat pump for the Dryden Golf Course Clubhouse.
(Memo with agenda. Resolution waiving formal bidding process and issuing purchase order to Lang's Enterprises. Estimated cost: $8,078. Funds are budgeted.)
(Councilmember McGrath will be excused due to a conflict of interest.)

ACTION: Res. 87-420 adopted (Lang/Sutton, unan., McGrath absent) waiving formal bidding process. (Finance to handle)

NEW BUSINESS

CONSENT

20. Consider joining in three amicus curiae briefs in the following cases:
    a. Carmel Valley Fire Protection District v. State of California.
    (Involves the question of whether the State must provide reimbursement for certain state mandated fire fighting equipment and safety clothing.)

b. Witteman v. Jack Barry Cable.
(Involves the question of whether existing public utility easements can be used for cable television lines.)

c. Evangelatos v. Superior Court.
(Involves the question of whether or not Proposition 51, the Deep Pockets initiative, applies to a case notwithstanding the fact that the cause of action arose prior to the effective date of the Proposition, June 3, 1986.)

(Memo with agenda. Motion authorizing joining in as amici in the above three amicus curiae briefs needed.)

ACTION: By motion, authorized joining in as amici. (Attorney to handle)

CONSENT

21. Consider changing the date of the public auction to sell surplus, lost and stolen unclaimed property from June 6 to June 20, 1987.
(Memo with agenda. Resolution rescinding Resolution 87-377 and authorizing a public auction on June 20, 1987 needed.)

ACTION: Res. 87-421 adopted authorizing auction. (Finance to handle)

CONSENT

22. Consider authorizing City Manager to sign agreement with Turlock Irrigation District for an underground electrical service to Pump Station No. 49, and issuing a purchase order to T.I.D. in the amount of $6,660.30 for said work.
(Pump Station No. 49 is located at Crows Landing and Whitmore Avenue, which is in the Turlock Irrigation District. An agreement is needed for the installation of the electrical service and the purchase order is to allow for payment of said electrical line installation. Resolution approving agreement and resolution approving issuance of purchase order needed. Funds are budgeted.)

ACTION: Res. 87-422 adopted approving agreement.
Res. 87-423 adopted approving issuance of purchase order.
(Eng to handle)

CONSENT

23. Consider granting right-of-way easement to Turlock Irrigation District for an electrical power line extension needed to serve the new aerators being installed at the Secondary Treatment Plant site.
(Turlock Irrigation District requires that easements be granted before the District will extend electrical power lines to serve new facilities. Memo with agenda. Resolution approving right-of-way easement agreement needed.)

ACTION: Res. 87-424 adopted approving right of way easement agreement.
(Eng to handle)

CONSENT

24. Consider approval of the final map of Northwood Place Subdivision of the City of Modesto. Subdividers: Redev, Inc.
(All fees have been paid and the improvements are existing. Northwood Place is located south of Standiford Avenue and west of Shawnee Drive. It contains 2.633 acres. Resolution approving final map needed.)

ACTION: Res. 87-425 adopted approving final map. (Clerk to handle)

CONSENT

25. Consider approval of the final map of Orangeburg Gardens Unit No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: James Horn Construction.
(The subdivision agreement has been signed and all fees paid. Orangeburg Gardens Unit No. 2 is located between East Briggsmore Avenue and East Orangeburg Avenue, west of Claus Road. It contains 10.735 acres. Resolution accepting final map needed.)

ACTION: Res. 87-426 adopted accepting final map. (Clerk to handle)

CONSENT

26. Consider approval of LAFCO questionnaire indicating no opposition to the Carver Road No. 3 Governmental Reorganization.
(Proponents propose annexation of about 25 acres located on the west side of Carver Road and south of Snyder Avenue. Submission of a questionnaire to LAFCO with application is necessary. Memo and map with agenda. Resolution supporting proposed Governmental Reorganization needed.)

ACTION: Res. 87-427 adopted supporting Governmental Reorganization.
((Planning to handle)

27. Consider authorizing the City Manager to submit an application to the U.S. Department of Housing and Community Development for $101,000 for the 1987-88 fiscal year Rental Rehabilitation Program.
(HUD recommends that the Rental Rehabilitation Program be done as a matching grant. Resolution approving the application needed.)
Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 87-428 adopted (Lang/Whiteside, Muratore absent) approving application. (Planning to handle)

28. Consider City-County Joint Transportation Committee recommendations on transit.
(Memo with agenda. The Committee recommends awarding a new transit advertising contract to Boyle/Kilpatrick & Associates, establishing IT's farebox ratio requirement at 20%, and not opening Dial-A-Ride to the general public on IT holidays. Motion authorizing negotiation of advertising contract with Boyle/Kilpatrick & Associates, directing the Parking and Traffic Director to request S.A.A.G. to establish a 20% farebox ration for IT, and accepting the report on Dial-A-Ride needed. Estimated cost: $30,000 per year advertising contract. Funds are budgeted.)
(Councilmember Muratore will be excused due to a conflict of interest.)

ACTION: By motion (McGrath/Whiteside, unan., Muratore absent) authorized negotiations. (P/T to handle)

WRITTEN COMMUNICATIONS

CONSENT

29. Letter from Mid-Valley Engineering, Inc., appealing decisions of the Planning Commission concerning P-D(390), Orchard Grove subdivision, and a parcel map at Temescal and Merle.
(Resolution setting hearing June 9, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-429 adopted setting hearing. (Clerk to handle)

CONSENT

30. Application of Cornelio Q. Hernandez, on behalf of Lawrence Arredondo, for leave to present a late claim.
(Resolution denying application for leave to present late claim needed.)

ACTION: Res. 87-420 adopted denying application for leave to present late claim. (Clerk to handle)

31. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by the City Council 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 11:45 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
May 28, 1987

The Council of the City of Modesto met in special session, at 7:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Lang, Muratore, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmembers McGrath, Patterson

The following budgets were reviewed:

CAPITAL IMPROVEMENT PROGRAM

Planning
- CIP Overview
- Community Housing Improvement
- Streets (Bicycle Lane Projects)

Fire Department
- Fire Facility Construction
- Other Facility Improvements
- Equipment Acquisitions

Police Department
- Police Facility Construction
- Equipment Acquisitions (Data Processing and Police equipment)

Parks & Recreation Department
- Parks & Recreation Land Acquisition and Development
- Other Facility Improvements
- Equipment Acquisitions

Utility Services Department
- Water Utility Development
- Sewer Lines and Treatment Facilities
- Storm Drains
- Airport Development & Expansion
- Other Facility Improvements
- Equipment Acquisitions

The meeting adjourned at 9:27 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Councilmember Patterson arrived at 3:13 p.m.
Councilmember Lang arrived at 3:24 p.m.

Absent: None

The following budgets were reviewed:

CAPITAL IMPROVEMENT PROGRAM
- Engineering
  - Storm Drains
  - Streets
  - Street lights
  - Downtown Area Improvements
  - Equipment Acquisitions
- Parking and Traffic
  - Streets (Railroad Track Relocation)
  - Traffic Signals and Other Controls
  - Parking Facility Development
  - Bus Service Facilities & Equipment
- Finance
  - Equipment Acquisitions

OPERATING BUDGET
- Parks and Recreation
  - Administration
  - Parks Service and Repair
  - Parks Grounds Maintenance
  - Trees Maintenance
  - Trees Planting and Preservation
  - Golf Courses General
  - Golf Courses 9-Hole
  - Golf Courses Dryden
  - Community Center
  - Community Center Parking Facility
  - Cultural Program and Facilities General
  - Cultural Program and Facilities Museum
  - Cultural Program and Facilities Mansion
  - Recreation
  - Misc. Facilities General
  - Misc. Facilities King-Kennedy Center
  - Misc. Facilities Senior Citizens Center
  - Misc. Facilities Community Service Center
  - Tuolumne River Regional Park

The meeting adjourned at 5:15 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 2, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Councilmember Lang arrived at 4:04 p.m.
Councilmember Patterson arrived at 4:09 p.m.

Absent: None

Pledge of allegiance to the Flag

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24A 25

Removed from consent: 5
ACTION: (Sutton/Whiteside, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Mensinger reminded the audience that this is election day and votes can be cast until 8:00 p.m. at the City Clerks' and County Elections Offices.

MINUTES

CONSENT

2. Approval of the minutes of the May 21, 1987 adjourned regular City Council meeting and the May 28, 1987 regular City Council meeting. (Motion approving needed.)

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

3. ## ORAL COMMUNICATIONS
(Matters for the Good of the Community)

(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. Discussion of appointments to the Affirmative Action Commission and Administrative Analyst/Affirmative Action Officer position.

ACTION: By motion (Lang/Sutton, unan.) staff directed to proceed with recruitment of the Affirmative Action Officer, and to extend the deadline for applying for Affirmative Action Commission members. (Manager to handle)

5. Staff report on the needs of the homeless.
(Memorandum with agenda. Motion acknowledging receipt of staff report needed.)

No action.

CONSENT

6. Consider reserving two parking lots for jurors.
(Memo with agenda. Renaissance Committee recommends Lot 25, 9th and H, be reserved for jurors between 8:00 a.m. and noon, and Lot 10, 8th and J, be reserved for jurors all day. Jurors would pay for parking on Lot 25 and parking would continue to be free on Lot 10. Resolution establishing municipal off-street parking facilities, providing for control thereof and rescinding Resolution No. 87-51 needed. Estimated cost: $200. Funds are budgeted.)

ACTION: Res. 87-431 adopted reserving parking lots for jurors. (P/T to handle)

CONSENT

7. Final adoption of:

   a. Ord. No. 2510-C.S. amending the Municipal Code relating to fortune-telling.

   b. Ord. No. 2511-C.S. amending the Municipal Code relating to the disposal of unclaimed property.

   c. Ord. No. 2514-C.S. rezoning from R-2 and R-3 to P-D(416) property located on the north side of W. Orangeburg Avenue west of Martin Avenue. (Brannon)

   d. Ord. No. 2515-C.S. rezoning from R-1 to P-D(419), property located on the southeast corner of Standiford Avenue and Prescott Rod. (Resource Development)

   (Motion adopting needed.)

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

HEARINGS

8. Hearing to consider an amendment to Section 25-3-9 of the Zoning Map to rezone from R-1 to C-3, property located on the north side of Yosemite Boulevard west of McClure Road. (Dry Creek Associates)

ACTION: By motion (Muratore/McGrath, unan.) Ord. No. 2516-C.S. introduced. Res. 87-432 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

9. Hearing to consider an amendment to Section 14-3-9 of the Zoning Map to rezone from R-3 to R-1, property located at the southwest corner of Floyd Avenue and Roselle Avenue. (Roncal 106)

ACTION: By motion (Sutton/McGrath, unan.) Ord. No. 2517-C.S. introduced. Res. 87-433 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

10. Hearing to consider the appeal of Arnold-Pacific Properties, Inc. to a decision of the Board of Zoning Adjustment concerning an application for a conditional use permit in the C-3 Zone for a shopping center on property located at the northwest corner of McHenry Avenue and Standiford Avenue. (Continued from the May 19, 1987 City Council meeting.)

ACTION: Res. 87-434 adopted (Patterson/Lang, unan.) granting appeal with left turns only to and from Standiford at eastern driveway, and with four curb cuts on McHenry Avenue.

Res. 87-435 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

11. Consider approval of plans and specifications and call for bids for the resurfacing of the 9th Street Bridge.
(Suggested bid opening: June 23, 1987, at 11:00 a.m. This work consists of removing the existiing pavement, repairing the bridge joints and resurfacing the traveled surface. Resolution approving plans and specifications and call for bids needed. Estimated cost: $290,334 (contract $263,940; eng. & contg. $26,394). Funds are budgeted.)

ACTION: Res. 87-436 adopted calling for bids. (Eng to handle)

CONSENT

12. Consider approving specifications and authorize call for bids to be opened June 23, 1987, at 3:15 p.m. for furnishing the City's annual requirements of ready-mixed concrete.
(The ready-mixed concrete wil be used by various City departments for new construction and repair projects. The concrete will be purchased intermittently throughout the 1987-88 fiscal year. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $15,000. Funds are budgeted.)

ACTION: Res. 87-437 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider award of contract for the Boise Avenue water line extension.
(Bids were opened on May 26, 1987. The low bid of $35,614.75, submitted by Clyde Wheeler Pipelines, Inc. is considered acceptable. It is, therefore, recommended that the contract be awarded to Clyde Wheeler Pipelines, Inc. Memo and bid tabulation with agenda. Resolution awarding contract to Clyde Wheeler Pipeline, Inc. needed. Funds are budgeted.)

ACTION: Res. 87-438 adopted awarding contract. (Eng to handle)

CONSENT

14. Consider accepting Collins Electrical Company's contract to modify the traffic signal at Briggsmore and Coffee as complete.
(Memo with agenda. Substantial completion occurred on May 11, 1987 when the signal became operational. Acceptance has been delayed awaiting completion of minor contract items. Resolution accepting contract and directing City Clerk to file Notice of Completion needed. Estimated cost: $32,612. Funds are budgeted.)

ACTION: Res. 87-439 adopted accepting contract as complete.
(Clerk to handle)

CONSENT

15. Consider declaring Wickum Construction low bidder meeting City specifications and authorize the purchase of aluminium stadium seating from the firm for a total cost of $26,045.55.
(Memorandum with agenda. Resolution declaring Wickum Construction low bidder and authorizing the purchase needed. Funds are budgeted.)

ACTION: Res. 87-440 adopted awarding bid. (Finance to handle)

NEW BUSINESS

CONSENT

16. Consider approving amendment to lease agreement with Jericon Industries, Inc. for their lease of fixed base operation facilities at the airport.
(Recently Council approved a five-year lese with Jericon. The penalty provisions in the lease were not correct. The purpose of this amendment is to insert the correct provisions. Resolution approving amendment to agreement needed.)

ACTION: Res. 87-441 adopted approving amended agreement.
(Utility Services to handle)

CONSENT

17. Consider approval of annual claim for Local Transportation Funds and State Transit Assistance 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 $2,531,229. Resolution authorizing submission of Annual Transporation Claim needed.)

ACTION: Res. 87-442 adopted authorizing submission of Annual Transportation Claim. (Finance to handle)

CONSENT

18. Consider amendments to the Standard Specifications of the City of Modesto.
(On May 11, 1987, the Planning Commission adopted Resolution No. 87-71 recommending to the Council amendments to the Standard Specifications of the City of Modesto. Resolution amending Standard Specifications needed.)

ACTION: Res. 87-443 adopted amending Standard Specifications.
(Planning to handle)

CONSENT

19. Consider approval of LAFCO Questionnaire indicating no opposition to Rosemore-Cox Reorganization to the City of Modesto.
(Property owners on the east side of Rosemore Avenue south of Cox Avenue have petitioned for annexation. The proposed uninhabited reorganization would consist of five parcels and includes six single-family homes and a mobile home. Memo, map and questionnaire with agenda. Resolution responding favorably to the reorganization needed.)

ACTION: Res. 87-444 adopted responding favorably to LAFCO Questionnaire.
(Planning to handle)

CONSENT

20. Consider approval of LAFCO Questionnaire indicating no opposition to Red Pine Reorganization to the City of Modesto.
(Property owners on the north side of Red Pine Drive, east of Crippen Avenue have petitioned for annexation. The proposed uninhabited reorganization would consist of six parcels and includes six single-family dwellings, totalling 8.84 ± acres. Memo, map and questionnaire with agenda. Resolution responding favorably to the reorganization needed.)

ACTION: Res. 87-445 adopted responding favorably to LAFCO Questionnaire. (Planning to handle)

CONSENT

21. Consider authorizing staff to seek proposals from consulting engineers for preparation of plans, specifications, and cost estimates for a new Fixed-Film Reactor.
(Plans are to construct a new Fixed-Film Reactor during 1987-88. Consultant assistance will be needed in the design phase. Memo with agenda. Resolution authorizing request for proposals needed.)

ACTION: Res. 87-446 adopted authorizing request for proposals. (Utility Services to handle)

CONSENT

22. Consider proposed 1987/88 budget for the administration of the City/County service agreement of the Waste-to-Energy Project.
(The agreement between the City and County requires that a budget be prepared for the administration of the service agreement for the proposed Waste-to-Energy Project. The budget must be submitted to the legislative bodies of the City and County for approval. Resolution approving proposed budget needed.)

ACTION: Res. 87-447 adopted approving proposed budget. (Utility Serv/Finance to handle)

CONSENT

23. Consider rescinding sewer reimbursement agreement approved by Council Res. No. 87-206, and authorize the City Manager to sign new agreement with Empire Union School District for reimbursement of costs to extend a larger and deeper sewer than needed for the school. Memo with agenda. Resolution rescinding Res. No. 87-206 needed, and resolution approving agreement needed.)

ACTION: Res. 87-448 adopted approving agreement. (Eng to handle)

CONSENT
24. Consider approval of the final map of Cape Cod Estates No. 4 subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
Subdividers: Franco Construction
(The subdivision agreement has been signed and all fees paid. Cape Code Estates No. 4 is located south of Hatch Road and east of Ustick Road. It contains 19.497 acres. Resolution approving final map needed.)

ACTION: Res. 87-449 adopted approving final map. (Clerk to handle)

CONSENT
24A. Appointment of persons to act as City Attorney during the absence or disability of the City Attorney.
(Memo with agenda. Adoption of a resolution needed.)

ACTION: Res. 87-450 adopted appointing acting City Attorney.
(Attorney to handle)

MISCELLANEOUS

CONSENT
25. Legislation: Staff recommends:

Support

a. AB 400 (Condit) and AB 2608 (Condit) Alcoholic Beverage Control - Increased Enforcement Staff and Funding

b. SB 813 (Bergeson) - Requirement for Local Agencies to Report Their Gann Appropriations Limit

c. H.R. 558 and S. 809 - Aid for the Homeless

Oppose

d. AB 923 (Floyd) - Public Employee Time Banks

e. AB 2260 (Ferguson) - Rental Control Preemption

f. SB 1646 (Garamendi) - Residential Rent Control Preemption

g. (Memos and attachments with agenda. Motion accepting recommendation needed.)

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

26. MATTERS TOO LATE FOR THE AGENDA

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

None

CLOSED SESSION

27. Closed session to discuss employee compensation for the 1987-88 fiscal year pursuant to Government Code Section 54957.6.

ADJOURNMENT

This meeting was adjourned at 6:22 p.m. to closed session and then was adjourned to Wednesday, June 3, 1987, at 7:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, to consider the Forward Modesto Final Report.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
June 3, 1987

The Council of the City of Modesto met pursuant to adjournment at 7:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmember McGrath

Forward Modesto IV Co-Chairpersons Bill Seavy and Pam Fisher made some introductory remarks, after which reports were made by the following sub-committee Chairpersons and members:

Steve Wyatt and Joan Recca - Security and Law Enforcement
Sherril Flores and Mary Moore - Library
Andy Soderstrom - Educational Concerns
Gene Carhart - Parks and Recreation/Cultural Opportunities
Susan Ploutz, Henry Martin, John Turner and Carole Stark - Economic Development, Affirmative Action/Employment Opportunities, Child Care
Connie Harris - Traffic
John Mensinger - Environmental Quality/Public Works
Kathy Pappas - Growth

After closing remarks by Bill Seavy and Pam Fisher and comments by the Mayor and Councilmembers, the meeting adjourned at 10:20 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
June 8, 1987

The Council of the City of Modesto met in special session at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Councilmember Muratore arrived at 3:08 p.m.
Councilmember Lang arrived at 3:10 p.m.

Absent: None

The following budgets were reviewed:

Finance
- Administration
- Treasury
- Finance Division
- Purchasing Division
- Microfilm & Records
- Data Processing
- Office Services
- Insurance (General Fund)
- Miscellaneous Unclassified
- Central Stores

A request from the County for funding for the Library was discussed.

The meeting adjourned at 5:10 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 9, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

Removed from consent: 4, 5

ACTION: (Lang/Whiteside, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Mayor Mensinger introduced members of Boy Scout Troop 40.

b. Presentation by Vic Holanda regarding superconducting supercollider.

Mr. Holanda and Judith Williams, members of the S.S.C. Community Advisory Board, reported on the status of the S.S.C. application.

MINUTES

CONSENT

2. Approval of the minutes of the special Council meeting of May 28, 1987, the adjourned regular meeting of June 1, 1987, the regular meeting of June 2, 1987, and the adjourned regular meeting of June 3, 1987. (Motion approving needed.)

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

3. ## ORAL COMMUNICATIONS
(Matters for the Good of the Community)

(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 spoke about the superconducting supercollider.

UNFINISHED BUSINESS

4. Consider designating Khmelnitsky, Ukraine, USSR as official Sister City of Modesto.
(The International Friendship Committee has unanimously approved designating Khmelnitsky as an official Sister City. Interest in this relationship is very strong, both here and in the USSR. Memo with agenda. Resolution designating Khmelnitsky as Modesto's Sister City needed.)

ACTION: Res. 87-451 adopted (Lang/Sutton, unan.) designating Khmelnitsky as Modesto's Sister City. (International Friendship Committee to handle)

5. Consider certification of results of the June 2, 1987, election.
(Measure I was approved by 74% of the voters. Memo with agenda. Resolution confirming cavass of votes needed.)

ACTION: Res. 87-452 adopted (Lang/McGrath, unan.) confirming canvass of votes. (Clerk to handle)

CONSENT

6. Final adoption of:

   a. Ord. No. 2516-C.S. rezoning from R-1 to C-3, property located on the north side of Yosemite Boulevard west of McClure Road. (Dry Creek Associates)

   b. Ord. No. 2517-C.S. rezoning from R-3 to R-1, property located at the southwest corner of Floyd Avenue and Roselle Avenue. (Roncal 106)

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

HEARINGS

7. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Grant Construction, to Planning Commission decisions concerning an application for an amendment to Section 14-3-9 of the Zoning Map to rezone from P-D(390) to a new P-D zone, to allow a zero lot line single family residential subdivision and a parcel map and vesting tentative map of Orchard Grove subdivision, property located on the east side of Temescal Drive, north of Merle Avenue.

ACTION: By motion (Sutton/Muratore, unan.) Council indicated its intention to grant the appeal and directed staff to prepare conditions for consideration. (Planning/Attorney to handle)

8. Hearing to consider the proposed 1987-88 operating budget, the 1987-88 through 1990-91 Capital Improvement Program, and the Revenue Sharing Program.

No action taken.

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for the installation of fencing at the remote pond site.
(Suggested bid opening: June 30, 1987, at 11:05 a.m. The fence to be installed will be around the perimeter of the field that is being irrigated by the treated water at the pond site on Jennings Road. Resolution approving plans and specifications and call for bids needed. Estimated cost: $61,163.30 (contract $55,603; engineering $5,560.30) Funds are budgeted.)

ACTION: Res. 87-453 adopted calling for bids. (Eng. to handle)

CONSENT

10. Consider approving plans and specifications and calling for bids to install 412.5 feet of additional guardrail on Tuolumne Boulevard.
(Suggested bid opening: July 7, 1987, at 11:00 a.m. Memo with agenda. The Federal Highway Administration is funding 90% of the estimated $13,000 cost of this project under the Hazard Elimination Program. Resolution approving plans and speicifications and calling for bids needed. Funds are budgeted.)

ACTION: Res. 87-454 adopted calling for bids. (P/T to handle)

CONSENT

11. Consider declaring Consolidated Electrical Distributors, Inc. overall low bidder and authorize the purchase of annual dry-cell battery requirements from them at the prices listed.
(Memorandum with agenda. Resolution declaring Consolidated Electrical Distributors overall low bidder and authorizing the purchase needed. Estimated cost: City portion $2,900. Funds are budgeted.)

ACTION: Res. 87-455 adopted awarding bid. (Finance to handle)

CONSENT

12. Consider declaring Pac Power, Inc. low bidder and authorize the purchase of two aerial lift towers, equipped with Ford Chassis for the total price of $121,058.
(Memorandum with agenda. Resolution declaring Pac Power, Inc. low bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-456 adopted awarding bid. (Finance to handle)

CONSENT

13. Consider declaring United States Testing Company, Inc. low bidder and authorize the purchase of compaction, aggregate, and concrete testing services from the firm.
(Memorandum with agenda. Resolution declaring Pac Power low bidder and authorizing the purchase needed. Estimated cost: $5,300. Funds are budgeted.)

ACTION: Res. 87-457 adopted awarding bid. (Finance to handle)

CONSENT

14. Consider declaring Crystal Pool Service low bidder and authorize purchase of swimming pool chlorine and muriatic acid from the firm.
(Memorandum with agenda. Resolution declaring Crystal Pool Service low bidder and authorizing purchase needed. Estimated cost: $9,800. Funds are budgeted.)

ACTION: Res. 87-458 adopted awarding bid. (Finance to handle)

CONSENT

15. Authorize the purchase of the City's annual requirements of street name signs from Safe-T-Lite at the price bid.
(Memorandum with agenda. Resolution declaring Safe-T-Lite low bidder and authorizing purchase needed. Estimated cost: $11,982. Funds are budgeted.)

ACTION: Res. 87-459 adopted awarding bid. (Finance to handle)

CONSENT

16. Consider declaring Modesto Building Maintenance low bidder and authorize City Manager to sign an agreement for janitorial services at the American Legion Hall for fiscal year 1987-88.
(Memorandum with agenda. Resolution declaring Modesto Building Maintenance low bidder and awarding contract to them needed. Estimated cost: $14,140. Funds are budgeted.)

ACTION: Res. 87-460 adopted awarding contract. (Finance to handle)

CONSENT

17. Consider acceptance of George Reed's contract for the Tully Road resurfacing from Standiford to Palmilla. (Original contract: $118,593) (All work on this project has been completed to the satisfaction of the Engineering and Utility Services 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: $124,638.97. Funds are budgeted.)

ACTION: Res. 87-461 adopted accepting as complete. (Clerk to handle)

CONSENT

18. Consider acceptance of Richard A Heaps Electrical Contractor's contract for the Fairway Neighborhood soccer field lighting. (Original contract: $78,000)
(All work on this project has been completed to the satisfaction of the Engineering and Parks 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: $78,635.42. Funds are budgeted.)

ACTION: Res. 87-462 adopted accepting as complete. (Clerk to handle)

CONSENT

19. Consider authorizing the City Manager to accept the written proposal of the Modesto Bee to print and publish the official legal advertising for one year beginning July 1, 1987, and ending June 30, 1988.
(Memorandum with agenda. Resolution accepting proposal needed. Estimated cost: $7,500. Funds are budgeted.)

ACTION: Res. 87-463 adopted accepting proposal. (Finance to handle)

CONSENT

20. Consider waiving formal bid procedures for the 1987-88 fiscal year and authorize the purchase of gas and diesel from the source with the best available price or from any other source available in the event of restricted supplies.
(Memorandum with agenda. Resolution authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: $825,280. Funds are budgeted.)

ACTION: Res. 87-464 adopted authorizing purchase. (Finance to handle)

NEW BUSINESS

CONSENT

21. Consider authorizing the City Manager to submit a grant application in the amount of $80,000 to the State of California for the Drug Suppression in Schools Program.
(Memo with agenda. Resolution authorizing submission of grant application needed.)

ACTION: Res. 87-465 adopted authorizing submission of grant application. (Police to handle)

CONSENT

22. Consider approval of State encroachment permit application to post a "Tree City USA" sign on the State Highways.
(The City is requesting Caltrans attach to the City limits sign post a Tree City USA sign. The locations would be Highway 99 north and southbound; McHenry Avenue and Highway 108; and Highway 132 at Maze Boulevard. Resolution authorizing City Manager to sign permit application needed.)

ACTION: Res. 87-466 adopted approving sign permit application. (P/R to handle)

CONSENT

23. Consider agreement with Caltrans to modify M&ET Railroad trestle over Morton Boulevard.
(Memo with agenda. Agreement provides $240,000 (80%) towards the cost. M&ET and the City will split the remaining cost. Resolution approving agreement needed. Estimated cost: $300,000.)

ACTION: Res. 87-467 adopted approving agreement. (P/T to handle)

CONSENT

24. Consider request for water service to property outside City limits at 3004 Merle Avenue, located on the south side of Merle Avenue between Roselle Avenue and Claus Road. (Owners: George A. Nufer and G. Imogene Nufer.
(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. 87-468 adopted approving agreement. (Eng. to handle)

CONSENT

25. Consider approving assignment of lease from FEGM Enterprise, Inc. to Hromek Mollers, Inc.
(This is an assignment of the existing King's Bench Restaurant lease in the City Hall Annex. All terms remain the same. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-469 adopted approving agreement. (Utility Services to handle)

CONSENT

26. Set time and date for the informal public hearing for the Infrastructure Study Committee report and recommendation.
(The Infrastructure Study Committee has completed its report on recommended developer fees and financing mechanisms to fund existing and projected City infrastructure needs to the year 2000. The findings and recommendations of the report are to be presented to the Council for an informal public discussion. Staff recommends that June 23, 1987, at 7:30 p.m. in the City Hall Council Chambers be set as the time and date for the hearing. Resolution setting hearing needed.)

ACTION: Res. 87-470 adopted setting hearing. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT
27. Letter from Dave Kilby, Executive Vice President of the Modesto Chamber of Commerce, requesting continued support of terminal expansion and restaurant/hotel complex at the Modesto City-County Airport. (Motion referring to staff needed.)

ACTION: By motion, letter referred to staff. (Utility Services to handle)

CONSENT
28. Appeal of James D. Grothe to a decision of the Board of Zoning Adjustment concerning an application for plot plan approval of an office building at the southwest corner of Coffee Road and Sylvan Meadows Drive. (Resolution setting hearing, Tuesday, June 23, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-471 adopted setting hearing. (Clerk to handle)

CONSENT
29. Appeal of Mid-Valley Engineering, on behalf of Rule Development, to a Planning Commission decision concerning Parker Ranch vesting tentative subdivision map. (Resolution setting hearing, Tuesday, June 23, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-472 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

CONSENT
30. Legislation: Staff recommends:

Support

a. AB 1728 (Areias) - Prisoner's Release

b. ACA 18 (Vasconcellos) - Changes in the Annual Adjustment Factors for the Gann Appropriations Limit

c. SB 171 (Davis) and AB 173 (Areias) - California Crime Victims Truth in Sentencing Act

d. SB 1659 (Seymour) Elections - Purge of Voter Registration

e. H.R. 2310 (Mineta) and S. 710 (Childs) - Reauthorization of the Federal Airport Improvement Program

Oppose Unless Amended

f. AB 169 (Hannigan) - Local Agency Formation Commission (LAFCO)

(Memos and attachments with agenda. Motion accepting recommendations needed.)

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

31. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by the City Council 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 the agenda.)

CLOSED SESSION

32. Adjourned at 11:30 p.m. to closed session to consider employee relations pursuant to Government Code Section 54957.6.

By motion (McGrath/Whiteside, unan.) it was determined that it was necessary to discuss the ASI lawsuit during closed session and that the Council would return to open session for any action that might be necessary.

ACTION: Res. 87-473 adopted (Patterson/Lang, unan.) rejecting all bids on the telecommunications system.

Res. 87-474 adopted (same vote) approving an agreement with ASI Telesystems for furnishing a telecommunications system. (Finance to handle)

ADJOURNMENT

The meeting adjourned at 12:04 p.m. to Wednesday, June 10, 1987, at 3:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, to review the proposed 1987-88 budget.

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
June 10, 1987

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Councilmember McGrath arrived at 3:05 p.m.
Councilmember Lang arrived at 3:20 p.m.
Councilmember Patterson arrived at 3:24 p.m.

Absent: None

ACTION: By motion (McGrath/Whiteside, unan.) funding was approved for groups that have requested it, as listed on the May 18, 1987 agenda, at the amounts authorized for 1986-87 and for Balloons Over the Valley, $3,849 which will be reimbursed, Grupo Folklorica de Esther, $1,500, and Beyer High School Band, $1,500; and staff was directed to review the policy concerning funding of youth athletic organizations, and inform groups that are not paid at $6.00 per child that the formula will apply to them in future years. (Finance, P/R to handle)

By motion (Lang/McGrath, unan.) City Manager requested to provide cost information on phasing in four additional police officers and on various options on library funding ranging from $409,000 to $481,634, and see if there is any possibility of any savings in the budget. (Manager/Finance to handle)

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, JUNE 16, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside,

Absent: Mayor Mensinger

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 10, 11, 12, 14, 15, 17, 18, 19, 20, 22, 23, 24

Dropped from agenda: 16
Removed from consent: 9
ACTION: (Whiteside/Lang, unan., Mayor Mensinger 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Daniel Marsh, Coalition Against the SSC, regarding the superconducting supercollider.

   Dropped from agenda at Mr. Marsh's request.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of June 8, 1987, the regular City Council meeting of June 9, 1987, and the adjourned regular meeting of June 10, 1987.
(Motion approving needed.)

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

3. ## ORAL COMMUNICATIONS
(Matters for the Good of the Community)

(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. 2512-C.S. rezoning from R-1 to P-D(422) property located on the west side of Oakdale Road, south of East Orangeburg Avenue. (Gil Wymond)
(Motion adopting needed.)

ACTION: By motion (Whiteside/McGrath, majority, Lang-no, Mensinger absent) Ord. No. 2512-C.S. adopted. (Clerk to handle)

5. Final adoption of Ord. No. 2513-C.S. rezoning from R-3 to P-O, property located on the north side of Sylvan Avenue east of Claremont Avenue, extended. (Stone & Associates)
(Motion adopting needed.)

ACTION: By motion (McGrath/Lang, majority, Whiteside-no, Mensinger absent) Ord. No. 2513-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to R-3 and from R-3 to R-1, property located east of Veneman Avenue North and north of Standiford Avenue. (Joe Trombetta)
Councilmember McGrth excused due to a conflict of interest.

ACTION: By motion (Lang/Whiteside, unan., McGrath and Mensinger absent) Ord. No. 2518-C.S. introduced.

Res. 87-475 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

7. Hearing to consider proposed issuance of multi-family mortgage revenue bonds for up to $9,040,000 for Live Oak Associates to finance a 328-unit apartment complex to be located at Oakdale Road and Merle Avenue.

ACTION: Res. 87-476 adopted (McGrath/Whiteside, unan., Mensinger absent) authorizing issuance of bonds. (Planning to handle)

BIDS

CONSENT

8. Consider approving specifications and authorize a rebid of the Battalion Chief's/Mobile Command Post Truck.
(Suggested bid opening: June 30, 1987, at 3:00 p.m. No bids were received June 9, 1987, at 3:00 p.m. Specifications were not restrictive; potential bidders simply failed to respond. Estimated cost: $17,500. Funds are budgeted.)

ACTION: Res. 87-477 adopted calling for bid. (Finance to handle)

9. Consider declaring Computer Pathways, Inc. low bidder and authorize the City Manager to sign a multi-year contract to provide bulk mailing services for City Utility bills.
(Memorandum with agenda. Resolution awarding contract to Computer Pathways, Inc. needed. Estimated cost per fiscal year average: $5,250. Funds are budgeted.)
Vice Mayor Sutton and Councilmember Whiteside excused due to conflicts of interest.

ACTION: By motion (Patterson/Lang, unan., Sutton, Whiteside and Mensinger absent) Councilmember Muratore elected Mayor pro tem.

Res. 87-478 adopted (Lang/Patterson, unan., Sutton, Whiteside and Mensinger absent) awarding contract. (Finance to handle)

CONSENT

10. Consider declaring James Scott Spreading Service low bidder and authorize the purchase of sludge removal services for $1.50 per cubic yard.
(Memorandum with agenda. Resolution awarding contract to James Scott Spreading Service needed. Estimated cost: $66,048. Funds are budgeted.)

ACTION: Res. 87-479 adopted awarding contract. (Finance to handle)

CONSENT

11. Consider waiving formal bid procedures and authorize the lease of an aerial tower truck from Mobile Hydraulic Equipment for the total amount of $10,780.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing lease needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-480 adopted waiving formal bid procedures.
(Finance to handle)

CONSENT

12. Consider waiving formal bid procedures and authorize the purchase of thirteen police patrol cars from Chuck Swift Dodge for the total price of $152,630.)
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-481 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

13. Consider leasing lower level of 11th & K garage (Lot 21) to Rod Johnson.
(Memo with agenda. Renaissance Committee recommends seeking proposals. Motion directing staff to prepare documents seeking structured and/or unstructured proposals for Council approval needed.)

ACTION: By motion (Whiteside/McGrath, unan., Mensinger absent) staff directed to seek structured proposals for lease of the garage.
(P/T to handle)

CONSENT

14. Consider authorizing the City Manager to approve an increase of $5,775.30 to the purchase order (original amount $56,000) issued to Turlock Irrigation District for installation of power facilities at the remote pond site for construction of Units 2 and 3 of the Treatment Plant Expansion Project.
(Memo with agenda. During construction several of the existing power poles had to be relocated to prevent conflicts with the new construction. These costs were not included in TID's original estimate. TID should be reimbursed for these additional costs. Resolution authorizing City Manager to approve the increase in purchase order needed. Funds are budgeted.)

ACTION: Res. 87-482 adopted authorizing increase in purchase order.
(Utility Serv to handle)

CONSENT

15. Consider approving agreement with Brown and Caldwell for consulting engineer services to perform a screening test and driven hole test at two inactive municipal landfills.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $6,000. Funds are budgeted.)

ACTION: Res. 87-483 adopted approving agreement. (Utility Serv to handle)

CONSENT

16. Consider approval of the final map of Cape Cod Estates No. 7 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.602(c) of the Modesto Municipal Code.
(Subdividers: Arambel and Rose)
(The subdivision agreement has been signed and all fees paid. Cape Cod Estates No. 7 is located east of Boise Avenue, south of Hatch Road. It contains 7.908 acres. Resolution approving final map needed.)

Dropped from agenda.

CONSENT

17. Monthly Treasurer's Report for May, 1987.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

18. Set hearing to consider proposed Finch Road No. 1 Annexation to the Modesto Municipal Sewer District.
(This is a proposed annexation of about 458.7 acres to the Modesto Municipal Sewer District. The area will remain in Stanislaus County. The application doesn't require LAFCO approval but does need consent from the County Board of Supervisors. The Board of Supervisors consented to this annexation at the meeting of May 26, 1987. Resolution setting hearing July 28, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-484 adopted setting hearing. (Clerk to handle)

CONSENT

19. Consider entering into contracts with Modesto City School District, Salida Union School District, Hart Ransom School District, Sylvan Union School District, Empire Union School District, and Stanislaus Union School District for collection of development fees and establishment of a Permit Processing Fee to cover processing costs for the Greater Modesto Relocatable Administration Agency (GMAA) members, .
(Memo with agenda. The school districts will pay the City $23 per building permit as a processing fee. Resolutions approving agreements needed.)

ACTION: Res. 87-485 adopted approving agreement with Modesto City School District.
Res. 87-486 adopted approving agreement with Salida Union School District.
Res. 87-487 adopted approving agreement with Hart Ransom School District.
Res. 87-488 adopted approving agreement with Sylvan Union School District.
Res. 87-489 adopted approving agreement with Empire Union School District.
Res. 87-490 adopted approving agreement with Stanislaus Union School District. (Planning to handle)

WRITTEN COMMUNICATIONS

CONSENT

20. Appeal of DeLaMare-Fultz, on behalf of Lee Newell, to a Planning Commission decision concerning Dutch Faire II vesting tentative subdivision map.
(Resolution setting hearing July 7, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-491 adopted setting hearing. (Clerk to handle)

21. Letter from Mid-Valley Independent Automobile Dealers Association and Modesto New Car Dealers Association regarding curbstoning.

ACTION: By motion (Lang/McGrath, majority, Whiteside and Sutton-no, Mensinger absent) staff directed to prepare an ordinance concerning regulating vehicles for sale parked on public streets.
(Attorney to handle)

CONSENT

22. Set hearing to consider Modesto Garbage Co.'s request for three-year extension of franchise.
(Resolution setting hearing July 7, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-592 adopted setting hearing. (Clerk to handle)

CONSENT

23. Appeal of C&G Engineering, on behalf of Martin Teunissen, to a Planning Commission decision regarding time extension and tentative subdivision map of Hillview Mobilehome Park.
(Resolution setting hearing July 7, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-493 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

CONSENT

24. Legislation: Staff recommends:

Support

a. AB 671 (Katz) - Road and Transit Projects - Government Obligation Bonds

Oppose

b. SB 1506 (Marks) - Mandatory Special District Representation on LAFCO

(Memos and attachments with agenda. Motion accepting recommendations needed.)

ACTION: By motion, recommendations approved.

25. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by the City Council 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

26. CLOSED SESSION

(Closed session to consider employee relations pursuant to Government Code Section 54957.6)

ADJOURNMENT

The meeting adjourned to closed session at 5:05 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 23, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 11, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42, 43

Removed from consent: 10, 28, 29
Dropped from agenda: 32
ACTION: (Whiteside/Sutton, 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Award to City motto contest winner.
(The Mayor will announce the winner and award prizes. A certificate of recognition will be given to the ten finalists.)

Mayor Mensinger presented certificates to runners-up and a certificate and award to Wanda Delgado, Parking and Traffic Department, for the motto "City Pride-Citywide".

b. Presentation by Daniel Marsh, Coalition Against the SSC, regarding the superconducting supercollider.

Mr. Marsh spoke in opposition to the supercollider and Monroe Taylor spoke about his concerns about affirmative action.

MINUTES

CONSENT

2. Approval of the minutes of the June 16, 1987, regular City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

3. ## ORAL COMMUNICATIONS
(Matters for the Good of the Community)

(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.)

Edward Lotko asked that parking be eliminated along the 4th of July Parade route.
Mike Loeffler and Tammy Menezes spoke about the library.
Mark Harris spoke about the Infrastructure Committee's fee recommendations.

UNFINISHED BUSINESS

4. Final adoption of Ord. No. 2518-C.S. rezoning from R-1 to R-3 and from R-3 to R-1, property located east of Veneman Avenue North and north of Standiford Avenue (Joe Trombetta).
(Motion adopting needed.)
(Councilmember McGrath will be excused due to a conflict of interest.)

ACTION: By motion (Patterson/Muratore, unan., McGrath absent) Ord. No. 2518-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider the appeal of James D. Grothe to a decision of the Board of Zoning Adjustment concerning an application for plot plan approval of an office building at the southwest corner of Coffee Road and Sylvan Meadows Drive.

ACTION: Res. 87-494 adopted (Patterson/McGrath, unan.) granting appeal. (Planning to handle)

6. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Rule Development, to a Planning Commission decision concerning Parker Ranch vesting tentative subdivision map, located on the south side of Parker Road and west of Held Drive.

ACTION: Res. 87-495 adopted (Whiteside/McGrath, unan.) granting appeal. (Planning to handle)

7. Hearing to consider rezoning from R-1 to P-D(420) to allow a two-story residential condominium development, property located on the south side of Scenic Drive west of Rose Avenue. (CPC/LEW)

ACTION: By motion (Lang/Muratore, unan.) Ord. No. 2519-C.S. introduced.
Res. 87-496 adopted (same vote) approving plan.
Res. 87-497 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

8. Hearing to consider the Infrastructure Study Committee report and recommendation on developer fees and financing mechanisms to fund existing and projected City infrastructure needs.

ACTION: By motion (Lang/Patterson, unan.) Urgency Ord. No. 2520-C.S. adopted authorizing capital facilities fees.
Res. 87-498 adopted (McGrath/Whiteside, unan,) establishing capital facilities fees.
By motion (Lang/Muratore, unan.) Ord. No. 2521-C.S. introduced authorizing capital facilities fees.
Urgency Res. 87-499 adopted (McGrath/Whiteside, unan.) establishing rockwell maintenance fees.
Res. 87-500 adopted (Lang/Muratore, unan.) adopting rockwell maintenance fees.
Res. 87-501 adopted (Lang/Muratore, unan.) setting public hearing for July 21, 1987 on first extension of Urgency Interim Capital Facilities Fees Ordinance and for Rockwell Maintenance Fee Resolution.
Res. 87-502 adopted (Lang/Muratore, unan.) setting public hearing for August 18, 1987, on second extension of Urgency Interim Capital Facilities Fees Ordinance and for Rockwell Maintenance Fee Resolution. (Planning/Clerk to handle)

There was a recess from 11:23 p.m. to 11:33 p.m.

9. 1986 Urban Growth Policy Review recommendations from the Public Projects Committee.
(Motion was made by the Public Projects Committee to accept the 1986 Urban Growth Policy Review. The Committee concluded that there is a need to initiate two sewer trunk extensions at this time - the Lakewood Trunk from Briggsmore to Floyd and the Sonoma Trunk from Floyd to Sylvan are to be placed on the November, 1987 ballot. Memo with agenda. Motion approving recommendations needed.)

ACTION: By motion (McGrath/Whiteside, majority, Mensinger-no)recommendations approved. (Atty/Clerk/Planning to handle)

BIDS

10. Consider approval of plans and specifications and call for bids for the resurfacing of Tully Road between Leonard Avenue and Briggsmore Avenue. (Suggested bid opening: July 14, 1987 at 11:00 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: $293,209.40 (contr. $266,554; eng. & cont. $26,655.40) Funds are budgeted.)

ACTION: By motion (McGrath/Lang, unan.) action deferred and staff requested to provide further information about the possibility of eliminating parking along this part of Tully. (Eng to handle)

CONSENT
11. Consider approving specifications and authorize call for bids to be opened July 14, 1987, at 3:00 p.m. for furnishing seven automatic samplers.
(Requested by the Sewerage Division, the samplers will be installed throughout the Treatment Plant to collect samples of water that will later be tested in the lab for contaminates. Resolution approving plans and specifications and authorizing call for bids needed. Estimated cost: $35,000. Funds are budgeted.)

ACTION: Res. 87-503 adopted calling for bids. (Finance to handle)

CONSENT
12. Consider approval of plans and specifications and call for bids for the terminal apron expansion, Runway 10L blast pad, exit taxiways C and E. (AIP No. 3-06-0153-06)
(Suggested bid opening: July 14, 1987 at 11:05 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: $395,060.05 (contr. $359,145.50; eng. & cont. $35,914.55) Funds are budgeted.)

ACTION: Res. 87-504 adopted calling for bids. (Eng to handle)

CONSENT

13. Consider acceptance of Howell Construction's contract for the McHenry Museum caterer's kitchen. (Original contract: $23,152)
(All work on this project has been completed to the satisfaction of the Engineering and Parks Departments. It is therefore recommended that the contract be accepted and the notice of completion filed. Memo with agenda. Resolution accepting project as complete. Final cost: $25,084.00 Funds are budgeted.)

ACTION: Res. 87-505 adopted accepting as complete. (Clerk to handle)

CONSENT

14. Consider declaring All Pure Chemical low bidder and authorize the purchase of liquid chlorine from the firm for the bid price of $320 per ton for a period of one year beginning July 1, 1987.
(Memo with agenda. Resolution awarding contract to All Pure Chemical needed. Estimated cost: $203,000. Funds are budgeted.)

ACTION: Res. 87-506 adopted awarding contract. (Finance to handle)

NEW BUSINESS

15. Consider adoption of the Fiscal Year 1987-88 Annual Budget (including the first year of the proposed Four-Year Capital Improvement Program).
(Memo with agenda. Adoption of an ordinance needed.)

ACTION: A motion to adopt the proposed budget reform package failed to carry. (Patterson/McGrath, lang, Muratore, Sutton, Whiteside, Mensinger - no)
By motion (Whiteside/Sutton, unan.) Ord. No. 2522-C.S. adopted.
Res. 87-507 adopted (same vote) amending final budget to establish reserves. (Clerk/Finance to handle)

16. Consider approving a contract with Boyle/Kilpatrick & Associates to advertise/promote Intracity Transit and Dial-A-Ride beginning July 1, 1987.
Memo with agenda. The contract is for one year for two one-year extensions possible upon mutual agreement of the parties and by a resolution of the City Council. The contract provides for a maximum expenditure of $30,000 during FY 1987/88. Funds are included in the 1987/88 budget. Resolution approving the contract needed. Councilmember Muratore will be excused due to a conflict of interest.)

ACTION: Res. 87-508 adopted (Whiteside/Lang, unan., Muratore absent) approving contract. (P/T to handle)

17. Consider annual job audit.
(The 1986 job audit has been completed and is recommended for adoption. In addition, it is recommended that the contract with Ralph Anderson & Associates be amended to audit all other employees. Memo with agenda. Five resolutions needed. Estimated cost to implement audits: $75,000; for new study: $50,000)

ACTION: By motion (Patterson/Sutton, unan.) this item was deferred to July 7 and staff directed to meet and confer with OE-3 and provide further information to the City Council. (Manager to handle)

CONSENT
18. Consider extension of appointment of Greg Lamb, Building Inspector II, to Senior Building Inspector to August 8, 1987.
(Memo with agenda. Motion approving needed.)

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

CONSENT
19. Consider amending the salary range of two classes - Budget Analyst and Traffic Engineer.
(Memo with agenda. Resolution amending alphabetical listing of the salary resolution needed.)

ACTION: Res. 87-509 adopted amending alphabetical listing of the salary resolution. (Manager to handle)

CONSENT
20. Consider authorizing diagonal parking on Chestnut and Jefferson Streets at the City Corporation Yard and updating diagonal parking resolution.
(Memo with agenda. The proposed diagonal parking would be on the south side of Chestnut between Jefferson and 8th Streets, the east side of Jefferson between 8th and Elm Streets, and on the west side of Jefferson between Elm and Laurel Streets. The diagonal parking would be installed by mid-July. Resolution authorizing Chestnut and Jefferson Streets as diagonal parking and eliminating obsolete sections of the diagonal parking needed. Estimated cost: $300. Funds are budgeted.)

ACTION: Res. 87-510 adopted authorizing diagonal parking and eliminating obsolete sections of the diagonal parking. (P/T to handle)

CONSENT
21. Consider final approval of a multi-family mortgage revenue bond issue to finance a 328-unit apartment complex on the northeast corner of Oakdale Road and Merle Avenue. (L. O. Associates)
(Memo with agenda Resolution authorizing issuance of bonds needed.)

ACTION: Res. 87-511 adopted authorizing issuance of bonds.
(Planning to handle)

CONSENT

22. Consider approval of the application for a federal grant for Modesto City-County Airport/Harry Sham Field for three projects involving construction of taxiways C & E, terminal aircraft parking apron and runway 10L blast pad.
(Memo with agenda. Resolution approving application needed. Estimated Cost: $395,060 (Federal, $355,554; City, $39,506). Funds are budgeted.)

ACTION: Res. 87-512 adopted approving application.
(Utility Services to handle)

CONSENT

23. Consider recommendation that the candidates for election to the City of Modesto or Modesto City Schools District pay the cost of candidates statements printed in the Voters' Information Pamphlet.
(Memo with agenda. Resolution approving recommendation needed.)

ACTION: Res. 87-513 adopted approving recommendation. (Clerk to handle)

CONSENT

24. Consider extending an official invitation to the Order Sons of Italy in America Grand Lodge of California to hold their 1990 Statewide Convention in Modesto.
(The local lodge of the Order Sons of Italy would like to hold their convention at the Modesto Centre Plaza. Memo with agenda. Resolution approving extending the invitation needed.)

ACTION: Res. 87-514 adopted approving extending the invitation.
(P/R to handle)

CONSENT

25. Consider approving unpaid assessment list, authorizing issuance of bonds, approving bond purchase contract and approving official statement for Improvement District No. 27 - Yosemite Assessment District.
(The 30-day period of the pre-payment for Improvement District No. 27 is over and it is now appropriate to continue with the sale of bonds. Resolution approving unpaid assessment list, authorizing issuance of bonds, approving bond purchase contract and approving official list needed.)

ACTION: Res. 87-515 adopted approving unpaid assessment list, authorizing issuance of bonds, approving bond purchase contract and approving official statement for Improvement District No. 27.
(Eng to handle)

CONSENT

26. Consider approval of the final map of Paradise Estates subdivision and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers: Central Valley Investment Company)
(The subdivision agreement has been signed and all fees paid. Paradise Estates is located on the southeast side of Paradise Road between Wade Avenue and Peggy Lane, and contains 14.306 acres. Resolution approving final map needed.)

ACTION: Res. 87-516 adopted approving final map. (Clerk to handle)

CONSENT

27. Consider approval of the final map of Cedar Brook No. 3 subdivision. (Subdivider: Cedar Brook Homes, Inc.)
(Offsite improvements are existing, so no subdivision agreement is required. All fees are paid. Cedar Brook No. 3 is located north of Scenic Drive and west of Claus Road, and contains 2.30 acres. Resolution approving final map needed.)

ACTION: Res. 87-517 adopted approving final map. (Clerk to handle)

28. Consider approval of the final map of Cape Cod Estates No. 6 subdivision. and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdivider: Matthew A. Bruno)
(The subdivision agreement has been signed and all fees paid. Cape Cod Estates No. 6 is located south of Hatch Road, between Ustick Road and Boise Avenue. It contains 12.696 acres. Resolution approving final map needed.)

ACTION: Res. 87-518 adopted (Lang/Muratore, unan.) approving final map and approving exception. (Clerk to handle)

29. Consider approval of the final map of Cape Cod Estates No. 7 Subdivision and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers: Arambel and Rose)
(The subdivision agreement has been signed and all fees paid. Cape Cod Estates No. 7 is located east of Boise Avenue, south of Hatch Road. It contains 7.908 acres. Resolution approving final map needed.

ACTION: Res. 87-519 adopted (Lang/Muratore, unan.) approving final map. (Clerk to handle)

CONSENT

30. Consider authorizing the City Attorney, Stan T. Yamamoto, to serve the unexpired term of Glywn Chase on the Board of Trustees of the Reclamation District 2091.
(Memo with agenda. Resolution authorizing appointment needed.)

ACTION: Res. 87-520 adopted authorizing appointment. (Attorney to handle)

CONSENT

31. Consider instructing Superintendent of Streets to give notices to construct curbs and sidewalks along Monterey Avenue at the locations listed below.

(The City Council, at its meeting of July 28, 1986, by motion directed staff to start the mandatory sidewalk program on Monterey Avenue. Design of curb grades has been accomplished and it is now recommended that a resolution be adopted instructing the Superintendent of Streets to give notices to construct. Resolution setting hearing July 14, 1987, at 7:30 p.m.needed.)

1. Curb and walk along Monterey Avenue at 1307 Monterey Avenue, a portion of Block 4 (Michael Dugan)

2. Curb and walk on the north side of Monterey Avenue at 1311 Monterey Avenue, a portion of Block 4 (Lloyd Briscoe)

3. Curb and walk on the north side of Monterey Avenue at 1315 Monterey Avenue, a portion of Block 4 (L. G. Cahill, et ux)

4. Curb and walk on the north side of Monterey Avenue at 1319 Monterey Avenue, a portion of Block 4 (Alvya A. Stohler, et ux)

5. Curb and walk along the north side of Monterey Avenue at 1331 Monterey Avenue, a portion of Block 4 (Melvin L. Myers, et ux)

6. Curb and walk along the North side of Monterey Avenue at 750 Benson Avenue, Lot 14 of Block 2076 (Marion T. Merrell)

7. Curb and walk along the north side of Monterey Avenue at 747 Kerr Avenue, Lot 13 of Block 2076 (Guadalupe Espinoza)

8. Curb and walk along the north side of Monterey Avenue at 1501 Monterey Avenue, a portion of Block 2108 (Jerry D. Reese)

9. Curb and walk along the north side of Monterey Avenue at 1507 Monterey Avenue, a portion of Block 2108 (Robbins Zandy Investors)

10. Curb and walk along the north side of Monterey Avenue at 747 Thrasher Avenue, Lot 13 of Block 2108 (Leo Tharp)

11. Curb and walk along the north side of Monterey Avenue at 1611 Monterey Avenue, Lots 14 and 15 of Block 2116 (Bipan K. Kochhar, et ux)

12. Curb and walk along the north side of Monterey Avenue at 1711 Monterey Avenue, a portion of Block 2141 (Abelardo Morales, et al)

13. Curb and walk along the north side of Monterey Avenue at 1719 Monterey Avenue, a portion of Block 2141 (Robert J. Meisenbach, et ux)

14. Curb and walk along the south side of Monterey Avenue at 802 Santa Cruz Avenue, Lot 7 of Block 2071 (Roy E. Chipps)

15. Curb and walk on the south side of Monterey Avenue at 1316 Monterey Avenue, Lot 6 of Block 2071 (Ruben Morales et ux)

16. Curb and walk on the south side of Monterey Avenue at 1320 Monterey Avenue, a portion of Block 2071 (Walt Garrity et ux)

17. Curb and walk on the south side of Monterey Avenue at 1324 Monterey Avenue, Lot 4 of Block 2071 (Donna M. Durling)

18. Curb and walk on the south side of Monterey Avenue at 1328 Monterey Avenue, Lot 3 of Block 2071 (Rodney C. Bonnell et ux)

19. Curb and walk on the south side of Monterey Avenue at 1336 Monterey Avenue, Lot 2 of Block 2071 (Richard Hodnett et ux)

20. Curb and walk along the south side of Monterey Avenue at 1402 Monterey Avenue, Lot 27 of Block 2110 (Odilon v. Rodriquez et ux)

21. Curb and walk on the south side of Monterey Avenue at 1410 Monterey Avenue, Lot 28 of Block 2110 (Marie L. Lester)

22. Curb and walk on the south side of Monterey Avenue at 1414 Monterey Avenue, Lot 25 of Block 2110 (Elma A. Alakely)

23. Curb and walk along the south side of Monterey Avenue at 1418 Monterey Avenue, Lots 1 and 2 of Block 2110 (Fred Sullivan et ux)

24. Curb and walk along the south side of Monterey Avenue at 1502 Monterey Avenue, Lot 1 of Block 2111 (Mark L. Morphy, et ux)

25. Curb and walk on the south side of Monterey Avenue at 1508 Monterey Avenue, Lot 2 of Block 2111 (Effie Beeks)

26. Curb and walk on the south side of Monterey Avenue at 1516 Monterey Avenue, Lot 3 of Block 2111 (Creed J. Rone)

27. Curb and walk along the south side of Monterey Avenue at 1634 Monterey Avenue, a portion of Block 2114 (Efiginia Irizarry)

28. Curb and walk along the south side of Monterey Avenue at 1708 Monterey Avenue, Lots 13 and 14 of Block 2142 (Joel Zuniga et ux)

29. Curb and walk on the south side of Monterey Avenue at 1710 Monterey Avenue, Lot 15 of Block 2142 (John Valdez et al)

30. Curb and walk on the south side of Monterey Avenue at 1714 Monterey Avenue, Lot 16 of Block 2142 (Roberto G. Bautista)

31. Curb and walk on the south side of Monterey Avenue at 1718 Monterey Avenue, Lot 17 of Block 2142 (Robert G. Bautista)

32. Curb and walk on the south side of Monterey Avenue at 1722 Monterey Avenue, Lot 18 of Block 2142 (Audrey M. Angle)

33. Curb and walk on the south side of Monterey Avenue at 1726 Monterey Avenue, Lot 19 of Block 2142 (Francisco C. Avila et al)

34. Curb and walk on the south side of Monterey Avenue at 1730 Monterey Avenue, Lot 20 of Block 2142 (Nancy Griffith)

35. Curb and walk on the south side of Monterey Avenue at 1734 Monterey Avenue, Lot 21 of Block 2142 (Jose G. Salas et ux)

36. Curb and walk on the south side of Monterey Avenue at 1738 Monterey Avenue, Lot 22 of Block 2142 (Harlin Harris et ux)

37. Curb and walk on the south side of Monterey Avenue at 1742 Monterey Avenue, Lot 23 of Block 2142 (Joe R. Murray et ux)

38. Curb and walk along the south side of Monterey Avenue at 1746 Monterey Avenue, Lot 24 of Block 2142 (Jaime Fonseca et ux)

39. Curb and walk along the north side of Monterey Avenue at 1627 Monterey Avenue, Lot 13 of Block 2116 (Mary J. Jones)

ACTION: Res. 87-521 adopted setting hearing.

(Clerk to handle)

CONSENT

32. Consider request for water and sewer service to property outside City limits at 130 Auto Center Court, located on the east side of McHenry Avenue between Claratina and Kiernan Avenues. (Owners: A. W. and Irene Sanders)
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

Dropped from agenda

CONSENT

33. Consider approving two agreements with the State of California Department of Transportation for raising of sewer manhole covers and water valve covers on 9th Street between "D" Street and "L" Street.
(State proposes to resurface 9th Street between "D" Street and "L" Street. Water and sewer covers will require raising after the resurfacing work is complete. Utilities Agreement No. 10Ut1911 for sanitary sewer manhole covers and Utilities Agreement No. 10Ut1911-1 for water valve covers. Two resolutions approving agreements needed. Estimated cost: $900. Funds are budgeted.)

ACTION: Res. 87-522 adopted approving agreement for raising sewer manhole covers on 9th Street.
Res. 87-523 adopted approving agreement for raising water valve covers on 9th Street. (Eng to handle)

CONSENT

34. Consider abandonment of the excess right of way for Chicago Avenue in Block 4050.
(Memo with agenda. Resolution vacating and abandoning the excess right of way for Chicago Avenue in Block 4050 needed.)

ACTION: Res. 87-524 adopted vacating and abandoning excess right of way. (Eng to handle)

CONSENT

35. Set hearing to consider walkway abandonment between 1437 and 1505 Brannon Avenue at Coolidge Avenue.
(On June 1, 1987, the Planning Commission adopted Resolution No. 87-90 recommending to the City Council the vacation and abandonment of the public walkway between 1437 and 1505 Brannon Avenue at Coolidge Avenue. Resolution setting public hearing July 14, 1987, at 7:30 p.m. needed.

ACTION: Res. 87-525 adopted setting hearing. (Clerk to handle)

CONSENT

36. Consider abandonment of the excess right of way for Albany Avenue at Blocks 6181 and 1682 of the City of Modesto.
(Memo with agenda. Resolution vacating and abandoning needed.)

ACTION: Res. 87-526 adopted abandoning. (Eng to handle)

CONSENT

37. Consider authorizing renewal of Excess Workers' Compensation Insurance with General Reinsurance Corporation for the period of June 1, 1987 - July 1, 1988.
(Memo with agenda. Resolution authorizing renewal of Excess Workers' Compensation Insurance needed. Estimated Cost: $45,000. Funds are budgeted.)

ACTION: Res. 87-527 adopted authorizing renewal of insurance. (Attorney to handle)

38. Consider actions necessary to implement various employee relations negotiations.

None

CONSENT

39. Consider agreement with California Fire Fighters Joint Apprenticeship Committee for a joint apprenticeship program for the City of Modesto Fire Department.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-528 adopted approving agreement. (Fire to handle)

CONSENT

40. Consider agreement with the California Federated Fire Fighters Joint Apprenticeship Committee for apprenticeship training for the City of Modesto Fire Department.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-529 adopted approving agreement. (Fire to handle)

WRITTEN COMMUNICATIONS

CONSENT

41. Appeal of Wes and Barbara Page, on behalf of concerned residents, to a Planning Commission decision regarding Shawnee Meadows subdivision located on the east side of Shawnee Drive north of Standiford Avenue.
(Resolution setting hearing July 14, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-530 adopted setting hearing. (Clerk to handle)

CONSENT

42. Petition concerning street light on the southeast corner of Barham Court.
(Motion referring to staff needed.)

ACTION: By motion, petition referred to staff. (Eng to handle)

MISCELLANEOUS

CONSENT

43. Legislation: Staff recommends:

Support

a. AB 971 (Costa) Railway Corridor Study Group

b. AB980 (Costa) Rail Passenger Service Development

c. SB 1268 (Petris) Housing and Economic Development Subvention Fund

Oppose

d. ACA 27 (Johnson) Requirement for Voter Approval of Fees and Assessment.

e. SB 1092 (Campbell) Mandatory Uniform Contract Provisions.

(Memos and attachments with agenda. Motion accepting recommendations needed.)

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

44. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by the City Council 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 2:23 a.m. with the Mayor announcing the Special City Council meeting on Saturday, June 27, 1987, to study the Forward Modesto IV recommendations.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
June 27, 1987

The Council of the City of Modesto met in special session at 9:00 a.m. in the Board Room of the Stanislaus Foundation for Medical Care Building, 2339 St. Paul's Way, Modesto, California. The purpose of the meeting was to study the Forward Modesto IV Committee report.

Present: Councilmembers Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmembers Lang, McGrath

Also present: Staff members Campbell, Carmody, Coyle, Grogan, Kolf, Lipsky, Long, McKinsey, Nichols, Sheldon, Walker, Willey, Westenberg, Yamamoto; Sentient Systems representatives Jones, Legare, Paz

Copies of a letter from Committee Co-Chairs Fisher and Seavy were distributed. The letter stated that if the City Council wished to refer any matters back to any of the subcommittees, the members are willing to continue working.

David Jones reviewed the suggested agenda for the meeting. After discussion of some of the recommendations, it was agreed that the Council would individually rate each recommendation, and ask questions of staff if necessary for clarification. All of the recommendations and ratings would be discussed later. (Copy of rating definitions attached.)

After a lunch break, the following ratings were agreed upon by the City Council:

SECURITY/LAW ENFORCEMENT

Communications Center

1. Stanislaus County should hire more staff to meet the Communication Center's needs.

Refer to the County by the Steering Committee.

2. Stanislaus County should initiate the periodic rotation of the communications staff to non-stress type jobs.

Not suitable to pursue at this time.

3. City of Modesto should support the use of off-duty police officers in the Communications Center.

Not suitable to pursue at this time.

4. Incorporate the dispatching of ambulance services within the centralized dispatch system.

In process. Action already being taken on recommendation. No other action needed at this time.

5. The County communications department should continue with the development of the enhanced 911 system.

In process. Action already being taken on recommendation. No other action needed at this time.

6. The City Council should seek a remedy to the confusion of non-emergency calls being referred by the Police Department to 911.

In process. Action already being taken on recommendation. (The new telephone system will permit 911-type of calls to be transferred directly to the communications center.)

Fire Service

1. The City Council should review the Fire Chief's efforts to develop long-term planning for the fire services.

Recommendation agreed with. Action needed within next two to five years.

2. The City Council should continue and expand the Fire Prevention services.

Recommendation agreed with. Action needed within next two to five years.

3. The Committee believes there is a strong need for a good fire rating.

In process. Action already being taken on recommendation. No other action needed at this time.

4. The City Council should seek potential revenue sources to fund Fire Prevention services.

In process. Action already being taken on recommendation. No other action needed at this time.

5. The Committee supports the Fire Department's first-responder program and recommends that it be continued in the future.

In process. Action already being taken on recommendation. No other action needed at this time.

Medical Response

1. The Task Force felt the centralization of the dispatch of ambulances through communication would be beneficial to all agencies concerned.

Recommendation agreed with. Further study required.

2. The Task Force also strongly urges the City Council to continue with the First Responder Program.

Recommendations agreed with. Further study required.

3. The committee felt the City Council should support the implementation of the enhanced 911 system which would further assist the Communications Services.

No action required. Agree with statement. (The State has mandated this.)

4. The City Council should seek ways of involving Neighborhood Watch in a CPR training program.

In process. Action already being taken on recommendation. Other action required. Recommendation agreed with. Further study required.

5. The committee also encourages the training of employees who work outside of the emergency services area in First Aid.

In process. Action already being taken on recommendation. No other action required.

6. In addition, the committee felt the City Council should support the development of a program to train people in business and industry in CPR, with the cooperation of the Red Cross, or other appropriate agency.

Refer to another Agency by Steering Committee. No action required. Agree with statement. (Refer to the Stanislaus County Safety Council.)

Pornography

1. The committee members felt the strongest activity the City Council could engage in would be developing a resolution or a public statement of community standards regarding pornography.

Refer to another agency by Council. (Council is concerned, but cannot legally set community standards. This recommendation will be referred to C.L.E.A.N. to work with the Council on monitoring new legislation and what other cities are doing.)

2. The City Council should establish decency standards for Cable TV in Modesto.

In process. Action already being taken on recommendation. Other action required. (A letter should be sent to the local Cable TV manager, with a copy to the parent company, commending him for not showing pornographic movies.)

3. The City Council should initiate zoning ordinances to regulate book stores which sell pornography.

Refer to another Agency by Council. (Refer to C.L.E.A.N.)

4. The City Council should support legislation which restricts the use of obscenity and pornography.

In process. Action already being taken on recommendation. No other action needed at this time.

5. The City Council should support the efforts by organizations which are helping to change these laws, especially C.L.E.A.N. and its national campaign.

No action required. Agree with statement.

Prostitution

1. The Modesto Bee should publish the names of sex partners.

Refer to another agency by Steering Committee.

2. The City Council should support the use of higher bail for those involved in prostitution.

Refer to another agency by Council and by Steering Committee. (Council will write to judges regarding setting higher bail and ask the Committee to contact the judges, also.)

3. The City Council should support legislation to establish stiffer penalties for prostitution and local customers who use these services.

Refer to another agency by Council. (Council will urge the Legislature to do everything possible to discourage prostitution; support any legislation attempting to do so.)

4. The Committee also felt that the law enforcement agencies within the community should continue to be responsive to the complaints of business and the public as they arise relating to prostitution.

No action required. Agree with statement.

Judicial System

1. The City Council should actively participate in a long-range planning process, for the building of a governmental center.

Refer to another agency by Steering Committee (Steering Committee talk to County.)

2. The City should support the County's request to the State for more judges and funding for administrative costs.

Continue to monitor and support State legislation for funding for the judicial system and for more judges.

LIBRARY

Library Services

1. Services at the library should be restored to the 1985-86 level with expansion of services commensurate with growth and demands of the community.

Refer to another agency by Steering Committee. In process. Action already being taken on recommendation. Other action required. (Some action has been taken, and further study is necessary on library services. The Steering Committee should talk to the County.)

2. Use volunteers under the supervision of library staff.

Refer to another agency by Steering Committee. (Steering Committee should talk to the County about this recommendation.

Funding

1. Support state legislation providing financial assistance to counties.

No action required. Agree with Statement. In process. Action already being taken on recommendation. No other action needed at this time. (Council agreed with statement and will support State legislation to fund libraries.)

2. Designate a percentage of any new revenues to the library system.

Refer to another agency by Steering Committee. (Steering Committee should contact County.)

3. When the debt service on the Community Center bonds is retired in 2015, a portion of the revenues then freed up should be earmarked for library services.

Not suitable to pursue at this time.

4. Designate a share of new developer fees to the library.

Refer to another agency by Steering Committee. (Steering Committee might suggest the County institute developer fees for operations expenses.)

5. Consider fee-based services appropriate to a public library.

Refer to another agency by Steering Committee.

6. If the 1/2 cent sales tax increase becomes a ballot measure and passes, some of this money should be designated to the library.

Not suitable to pursue at this time.

7. Increase the utility tax with the increased portion going to the library.

Not suitable to pursue at this time.

8. Existing revenues freed up by imposition of a city garden refuse collection fee could be used in part to finance the City library.

Not suitable to pursue at this time. Agree with the problem, but not with the recommendation.

Creation of an Endowment Fund and a Fundraising Network of Volunteers

1. Increase book sales, adopt-a-book programs, and other participating money raising functions.

2. Use telethons for specific costly projects.

3. Operate a book - art - gift shop.

4. Operate a coffee shop on the library premises.

5. Hold an annual gala event as a fundraiser.

Refer the five above recommendations to another agency by Steering Committee.

There was a general discussion of other items. Patterson asked about the park system in the future, in view of the fees recently imposed. Grogan pointed out that her staff is at the same level as it was in 1980, but that six additional parks have been developed. Funds are needed for operations along with development money. She felt that the land for the Tuolumne River Regional Park should not be sold. It would be extremely costly to repurchase it later, if funds became available. Further development of the park could be delayed.

In answer to Mensinger's question about study centers, both Lipsky and Grogan believed those functions should be the responsibility of the schools.

Westenberg said he would be willing to organize a job fair.

There was a brief discussion of other recommendations for the Councilmembers general information in proceeding with rating. It was decided that the next meeting would be Wednesday, July 15, from 8:30 a.m. to 1:00 p.m.

The meeting adjourned at 3:15 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

FORWARD MODESTO IV

RATINGS

1. REFER TO ANOTHER AGENCY

   A. By Council

   B. By Steering Committee

2. NO ACTION REQUIRED

   A. Agree with Statement

   B. Disagree with Statement

   C. No Response Needed

3. IN PROCESS: ACTION ALREADY BEING TAKEN ON RECOMMENDATION

   A. No Other Action Needed At This Time

   B. Other Action Required

4. RECOMMENDATIONS AGREED WITH

   A. Action Needed Within 1987-88 Fiscal Year

   B. Action Needed Within Next Two to Five Years

   C. Action Needed After Five Years

   D. Further Study Required

5. NOT SUITABLE TO PURSUE AT THIS TIME

6. AGREE WITH THE PROBLEM BUT NOT WITH THE RECOMMENDATION

Special Meeting
Modesto City Council
July 7, 1987

The Council of the City of Modesto met in special session at 3:00 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Sutton, Whiteside, Mayor Mensinger

Councilmember Muratore arrived at 3:05 p.m.

Absent: Councilmember Patterson

Councilmembers adjourned at 3:03 p.m. to closed session to consider employee relations pursuant to Government Code Section 54957.6.

The meeting adjourned at 4:00 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 7, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Rick Johnson, Chaplain, Pacific Youth Correctional Ministries

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51

Removed from consent: 6, 6A, 35, 40
Dropped from agenda: 18

ACTION: (Whiteside/Lang, 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Mayor Mensinger displayed the trophy won by Intracity Transit for the most unique entry in the 4th of July Parade. The idea for the entry came from the Boyle/Kilpatrick Advertising Agency.

   b. Oral presentation of Culture Commission Annual Report. Motion acknowledging receipt of report needed.)

   Report presented by Ken Savage, Culture Commission Chairman.

MINUTES

CONSENT

2. Approval of the minutes of the June 23, 1987, regular City Council meeting and the June 27, 1987 special City Council meeting. (Motion approving needed.)

ACTION: By motion, minutes approved.

3. ## ORAL COMMUNICATIONS

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

None

UNFINISHED BUSINESS

CONSENT

4. Final adoption of

   a. Ord. No. 2519-C.S. rezoning from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(420), property located on the south side of Scenic Drive, west from Rose Avenue (CPC/LEW).

   b. Ord. No. 2521-C.S. adding Article 9 to Chapter 1 of Title VIII of the Modesto Municipal Code relating to Capital Facilities Fees.

(Motion adopting needed.)

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

5. Further consideration of annual job audit.
(Staff will be meeting with MCEA representatives on July 2, 1987 and will provide a written update prior to the Council meeting.)

ACTION: Res. 87-531 adopted (Lang/Patterson, unan.) amending salary schedule.
Res. 87-532 adopted (same vote) amending Position Classification Plan.
Res. 87-533 adopted (same vote) amending annual budget for 1987-88 to provide financing for job audit recommendations.
Res. 87-534 adopted (same vote) approving amended agreement between City and Ralph Anderson and Associates for further position auditing not in the original study. (Manager to handle)

6. Consider calling for proposals to lease lower level of 11th and K parking garage.
(Memo with agenda. The lease would be for 5 years with 5% increases beginning at the end of the first year. The initial rent would be $700/month. A 6-month lease deposit and insurance are required. The property could only be used for parking. Resolution approving the call for proposals due on July 21, 1987 at 11:00 a.m. in the Parking and Traffic Department needed.)

ACTION: Res. 87-535 adopted (Whiteside/Sutton, unan.) approving Request for Proposals except that a 3-month lease deposit will be required.
(P/T to handle)

6A. Reasons, conditions and development schedule for Orchard Grove P-D zoning, subdivision and parcel map.
(At the meeting of June 9, 1987, the Council indicated its intent to grant the appeal of Mid-Valley Engineering, on behalf of Grant Construction, and directed staff to prepare conditions of approval. This item is for approval of reasons, conditions, and a development schedule in conjunction with the Orchard Grove P-D zoning, subdivision, and parcel map to allow a zero lot line single-family residential subdivision , property located on the east side of Temescal Drive, north of Merle Avenue. Memo with agenda. Introduction of an ordinance rezoning the property, resolution granting the appeal, approving the plan and certifying the review of the environmental assessment, and two resolutions granting the appeal and approving the subdivision map and the parcel map needed.)

ACTION: By motion (Whiteside/Sutton) Ord. No. 2523-C.S. introduced rezoning the property.
Res. 87-536 adopted (same vote) granting the appeal of zoning.
Res. 87-537 adopted (same vote) certifying review of Environmental Assessment.
Res. 87-538 adopted (same vote) granting appeal of subdivisio map.
Res. 87-539 adopted (same vote) granting appeal of parcel map.
(Clerk/Planning to handle)

6B. Further consideration of the proposed budget reform package as requested by Councilmember Patterson.
Mayor Mensinger excused due to a conflict of interest.

ACTION- By motion (Whiteside/Lang, unan., Mayor Mensinger absent) the proposal was referred to staff and a Council volunteer committee which is to include Councilmember Patterson, to evaluate and make recommendations to the City Council.
(Finance to handle)

HEARINGS

7. Hearing to consider an amendment to Section 21-3-9 of the Zoning Map to rezone from C-1 and C-2 to P-D(421), property located on the east side of McHenry Avenue and on the north side of East Roseburg Avenue.
(Ed Powell, City Tire)

ACTION: By motion (Patterson/Whiteside, unan.) Ord. No. 2524-C.S. introduced.
Res. 87-540 adopted (same vote) approving plan.
Res. 87-541 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

8. Hearing to consider the appeal of DeLaMare-Fultz, on behalf of Lee Newell, to a Planning Commission decision concerning Dutch Faire II vesting tentative subdivision map.

ACTION: Res. 87-542 adopted (Muratore/Lang, unan.) granting appeal.
Res. 87-543 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

9. Hearing to consider the appeal of C&G Engineering, on behalf of Martin Teunissen, to a Planning Commission decision regarding time extension and Hillview Mobilehome Park tentative subdivision map.

ACTION: Res. 87-544 adopted (Whiteside/Muratore, unan.) granting appeal.
Res. 87-545 adopted (same vote) approving tentative map.
Res. 87-546 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

10. Hearing to consider an amendment to Section 14-3-9 of the Zoning Map to rezone from R-2 to R-1, property located on the west side of Orchard Park Way and south of Floyd Avenue. (Franco Construction).

ACTION: By motion (Lang/McGrath, unan.) Ord. No. 2525-C.S. introduced.
Res. 87-547 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

11. Hearing to consider Modesto Garbage Company's request for a three-year extension of franchise.
(It has been requested by the applicant that the hearing be continued to the Council meeting of August 4, 1987, at 4:00 p.m.)

ACTION: By motion (Lang/Muratore, unan.) hearing continued to August 4, 1987, at 4:00 p.m. (Clerk to handle)

There was a 10-minute recess at 6:55 p.m.

BIDS

12. a. Consider approval of plans and specifications and call for bids for the resurfacing of Tully Road between Leonard Avenue and Briggsmore Avenue.
(Suggested bid opening: July 21, 1987 at 11:15 a.m. Resolution approving plans and specifications and call for bids needed. Estimated Cost: $293,209.40 (Contr. $266,544; Eng. & Cont. $26,655.40). Funds are budgeted.)

ACTION: Res. 87-548 adopted (McGrath/Sutton, unan.) calling for bids. (Eng to handle)

b. Consideration of no parking zones on Tully Road between Briggsmore and Leonard.

ACTION: By motion (McGrath/Whiteside, unan.) set informal public hearing on July 28, at 7:30 p.m. (P/T to handle)

CONSENT

13. Consider approval of plans and specifications and call for bids for the restroom addition for the Boy Scout Clubhouse in Enslen Park.
(Suggested bid opening: July 28, 1987 at 11:10 a.m. This project consists of constructing an additional restroom facility which will be accessible to the handicapped and the removal of all handicap barriers to the building. Resolution approving plans and specifications and call for bids needed. Estimated cost: $25,823 (contr. $23,476; eng. & cont. $2,347) Funds are partially budgeted. Parks and Recreation Department will make transfer after bid opening for balance of funds needed when it is determined exactly how much money will be required to construct the project.)

ACTION: Res. 87-549 adopted calling for bids. (Eng to handle)

CONSENT

14. Consider approval of plans and specifications and call for bids for the Police shop building door modification.
(Suggested bid opening: July 28, 1987 at 11:00 a.m. This project will modify the existing doors on the Police shop building to allow the doors to swing outward to meet the requirements of the Unform Building Code. Resolution approving plans and specifications and call for bids needed. Estimated cost: $7,425 (contr. $6,750; cont. & eng. $675) Funds are budgeted.)

ACTION: Res. 87-550 adopted calling for bids. (Eng to handle)

CONSENT

15. Consider approval of plans and specifications and call for bids for improvements to Fire Station No. 5 - heating and cooling system.
(Suggested bid opening: July 28, 1987, 11:05 a.m. This project consists of renovating the existing heating and air conditioning system at Fire Station No. 5 on Briggsmore Avenue to more efficiently control temperatures in the Station and conserve energy. Resolution approving plans and specifications and call for bids needed. Estimated cost: $20,182.50 (contr. $17,550; eng. & cont. $2,632.50) Funds are budgeted.)

ACTION: Res. 87-551 adopted calling for bids. (Eng to handle)

CONSENT

16. Consider approval of plans and specifications and call for bids for the Sylvan Avenue overlay from Coffee Road to Palmwood Drive.
(Suggested bid opening: July 21, 1987 at 11:05 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: $220,244.86 (contr. $200,222.60; eng. & cont. $20,022.26) Funds are budgeted.)

ACTION: Res. 87-552 adopted calling for bids. (Eng to handle)

CONSENT

17. Consider approval of plans and specifications and call for bids for the relocation of fuel vaults at the remote sewer ponds at 7007 Jennings Road.
(Suggested bid opening: July 21, 1987 at 11:10 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: $6,050 (contr. $5,500; eng. & cont. $550) Funds are budgeted.)

ACTION: Res. 87-553 adopted calling for bids. (Eng to handle)

CONSENT

18. Consider approval of plans and specifications and call for bids for overlay and reconstruction of Floyd Avenue.
(Suggested bid opening: July 21, 1987 at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated Cost: $190,680.60 (contr. $173,346; eng. & cont. $17,334.60) Funds are budgeted.)

Dropped from agenda.

CONSENT

19. Consider approving specifications and authorize call for bids to be opened July 28, 1987, at 3:00 p.m. for furnishing one atomic absorption spectrophotometer.
(Requested by the Utility Services Sewerage Division, the spectrophotometer will be used to measure the amount of metal content in the water. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $91,000. Funds are budgeted.)

ACTION: Res. 87-554 adopted calling for bids. (Finance to handle)

CONSENT

20. Consider approving specifications and authorize call for bids to be opened August 11, 1987, at 3:00 p.m., for furnishing discing services.
(Requested by the Parks and Recreation Department, the discing services will be conducted at various sites throughout the City. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $13,270. Funds are budgeted.)

ACTION: Res. 87-555 adopted calling for bids. (Finance to handle)

CONSENT

21. Consider award of contract for the installation of fence at the Water Quality Control Remote Pond site to Central Fence Company.
(Memo and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost $14,680.38. Funds are budgeted.)

ACTION: Res. 87-556 adopted awarding contract. (Eng to handle)

CONSENT

22. Consider authorizing the purchase of concrete products from Allied Concrete Supply Co. at the prices bid.
(Memo with agenda. Resolution authorizing the purchase of conceete products needed. Estimated cost: $15,000. Funds are budgeted.)

ACTION: Res. 87-557 adopted authorizing purchase. (Finance to handle)

CONSENT

23. 1) Consider declaring IBM Corporation low bidder on Items I & II, and authorize the purchase of three personal computers for the total price of $9,425; 2) Consider declaring Photo & Sound low bidder on Items III & IV and authorize the purchase of two printers for the total price of $3,036.
(Memo with agenda. Resolution authorizing purchase of three personal computers from IBM and resolution authorizing purchase of two printers from Photo & Sound needed. Estimated cost: $12,461. Funds are budgeted.)

ACTION: Res. 87-558 adopted authorizing purchase from IBM Corporation.
Res. 87-559 adopted authorizing purchase from Photo & Sound.
(Finance to handle)

CONSENT

24. Consider acceptance of Clyde Wheeler Pipeline Inc.'s contract for the Prescott Road water and sewer line extensions. (Original contract: $109,856)
(All work on this project has been completed to the satisfaction of the Engineering 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: $116,646.90. Funds are budgeted.)

ACTION: Res. 87-560 adopted accepting as complete. (Clerk to handle)

CONSENT

25. Consider acceptance of Wayne Fregien Construction's contract for the Yosemite Boulevard sewer trunk extension and water line. (Original contract: $436,339)
All work on this project has been completed to the satisfaction of the Engineering 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: $434,601. Funds are budgeted.)

ACTION: Res. 87-561 adopted accepting as complete. (Clerk to handle)

CONSENT

26. Consider acceptance of Tri County Builders' contract for the installation of play apparatus in Lakewood Park. (Original contract & final cost: $44,258)
(All work on this project has been completed to the satisfaction of the Engineering and Parks Departments. Therefore, it is in order to accept the project as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 87-562 adopted accepting as complete. (Clerk to handle)

CONSENT

27. Consider waiving formal bid procedures and authorize purchasing various services in connection with the 1987-88 Wastewater Discharge (Hyper Flooding) Program.
(Memo with agenda. Three resolutions waiving formal bid procedures and authorizing purchase of irrigation services from Hailwood Ranch, the purchase of field preparation services from Arsenio Land Leveling, Inc., and the purchase of mosquito control services from Turlock Mosquito Abatement District needed. (Five affirmative votes needed.) Estimated cost: $197,824. Funds are budgeted.)

ACTION: Res. 87-563 adopted waiving formal bid procedures and authorizing purchase of irrigation services from Hailwood Ranch.
Res. 87-564 adopted waiving formal bid procedures and authorizing purchase of field preparation services from Arsenio Land Leveling, Inc.
Res. 87-565 adopted waiving formal bid procedures and authorizing purchase of mosquito control services from Turlock Mosquito Abatement District. (Utility Serv to handle)

NEW BUSINESS

28. Consider actions necessary to implement various employees' relations negotiations.

ACTION: Res. 87-566 adopted (Sutton/Whiteside, unan.) establishing salary schedules and fixing compensation.
Res. 87-567 adopted (Sutton/Whiteside, unan.) authorizing payment of certain group health, dental and vision premium rates.
Res. 87-568 adopted (Sutton/Whiteside, unan.) establishing procedure for payment of uniform allowance for Police Department personnel.
Res. 87-569 adopted (Muratore/Whiteside, unan.) authorizing payment of portion of some Police Department employee's contributions to P.E.R.S.
Res. 87-569A adopted (Muratore/Whiteside, unan.) approving Memo of Understanding between the City and Modesto City Employees Association. (Manager to handle)

CONSENT
29. Consider an amendment to the 1987-88 Budget to establish the budget and account for money received from the Capital Facility Fee established by Council on June 23, 1987.
(Memo with agenda. Resolution establishing capital project funds needed and resolution amending the FY 1987-88 Budget to estimate revenues and appropriate projects relating to the Capital Facility Fee needed.)

ACTION: Res. 87-570 adopted establishing capital project funds.
Res. 87-571 adopted amending the FY 1987-88 Budget.
(Finance to handle)

CONSENT
30. Consider certifying to the Board of Supervisors of the County of Stanislaus the amount of money needed by the City of Modesto for the 1987-88 payment of principal and interest on bonds of the Modesto Municipal Sewer District No. 1.
(Memo with agenda. Resolution certifying amount needed for 1987-88 payment of principal and interest on bonds needed.)

ACTION: Res. 87-572 adopted certifying amount needed for 1987-88 payment of principal and interest on bonds. (Finance to handle)

CONSENT
31. Consider acceptance of improvements in Dutch Meadow No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Rule Development)
(Dutch Meadow No. 2 subdivision is located south of Snyder Avenue and east of Marsala Way. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-573 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

32. Consider acceptance of improvements in Northwood Park subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Resource Development) (Northwood Park subdivision is located east of Prescott Road between Sheldon Avenue and the Hetch Hetchy right of way. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-574 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

33. Consider approving agreement with Claudia Hagen, dba Balloons Over the Valley, to conduct a hot air balloon event at the Modesto Airport on September 19 and 20, 1987.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-575 adopted approving agreement. (Utility Serv to handle)

CONSENT

34. Consider authorizing City Manager to submit an additional fee to the State Division of Safety of Dams for the Unit 2/3 Wastewater Treatment Plant Expansion Project.
(Construction of the storage ponds is under permit by D.S.O.D. Regulations require that the final fee be based upon actual cost of construction. Actual cost has been determined and an additional fee is due. Memo with agenda. Resolution authorizing City Manager to submit additional fee to State Division of Safety of Dams. Estimated cost: $27,600. Funds are budgeted.)

ACTION: Res. 87-576 adopted authorizing submission of additional fee. (Utility Services to handle)

35. Consider authorizing a new Request for Proposals for Airport Commercial Development.
(The developer has terminated his efforts on the airpark development. Staff is recommending a new approach. Memo with agenda. Motion authorizing the preparation of a new Request for Proposals needed.)

ACTION: By motion (Muratore/Lang, unan.) preparation of new Request for Proposals approved. (Utility Services to handle)

CONSENT

36. Consider authorizing staff to proceed with a Request for Proposals from consulting firms to assess the merits of a construction claim on the Unit 1 Wastewater Treatment Plant expansion project.
(A claim has been filed by Dyn Construction Corporation on the Unit 1 project. Federal and State regulations require that the merits of the claim be assessed by an independent third party in an effort to settle the claim in lieu of litigation. Memo with agenda. Resolution authorizing a Request for Proposals needed. Estimated cost: $40,000 (Federal $30,000; $5,000 State; $5,000 City). Funds are budgeted.)

ACTION: Res. 87-577 adopted authorizing Request for Proposals (Utility Services to handle)

CONSENT

37. Consider request for water service to property outside City limits at 130 Auto Center Court, located on the east side of McHenry Avenue between Claratina and Kiernan Avenue. (Owners: A. W. and Irene Sanders)
(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. 87-578 adopted approving agreement. (Eng to handle)

CONSENT

38. Consider excusing Mayor Mensinger for being absent from the June 16, 1987, City Council meeting due to her attendance at the U.S. Conference of Mayors convention in Nashville, Tennessee, June 13 - 18, 1987.
(Motion excusing absence needed.)

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

CONSENT

39. Consider authorizing the City Manager to sign a lease/purchase agreement with Maryland National Leasing Corporation for financing the proposed telecommunications system.
(Memorandum with agenda. Resolution approving agreement needed. Estimated cost semi-annually for seven years: $37,266. Funds are budgeted.)

ACTION: Res. 87-579 adopted approving agreement. (Finance to handle)

40. Consider authorizing staff to develop a new proposal for the development of Dry Creek Golf Course.
(Staff had been negotiating with Robert Trent Jones II and Interdevco to develop and operate the Dry Creek Golf Course. Recently the City received a letter from Interdevco withdrawing from the project. Staff would like authorization to develop a new proposal. Memo with agenda. Motion authorizing staff to proceed needed.)

ACTION: By motion (Whiteside/McGrth, unan.) authorized staff to proceed. (P/R to handle)

CONSENT
41. Consider amending the Position Classification Plan and the salary resolution to create the new classification of Assistant Industrial Waste Inspector at salary range 123.0 ($1,876 - $2,880 per month).
(Memorandum with agenda. Resolution amending Position Classification Plan needed, and resolution amending alphabetical listing of classifications in the salary resolution needed. Funds are budgeted.)

ACTION: Res. 87-580 adopted amending Position Classification Plan.
Res. 87-581 adopted amending salary resolution.
(Manager to handle)

CONSENT
42. Consider renewal of Boiler and Machinery Insurance with Kemper Insurance for the year July 15, 1987 - July 15, 1988.
(Memo with agenda. Resolution authorizing renewal needed. Estimated cost: $4,019. Funds are budgeted.)

ACTION: Res. 87-582 adopted authorizing renewal. (Atty to handle)

CONSENT
43. Consider renewal of Property Insurance with Central Mutual Insurance Company for the year July 15, 1987 - July 15, 1988.
(Memo with agenda. Estimated cost: $35,559. Funds are budgeted.)

ACTION: Res. 87-583 adopted authorizing renewal. (Atty to handle)

CONSENT
44. Consider authorizing City Manager to sign an agreement with Wood Waste Recycling, Inc. to receive City's garden refuse materials.
(The City wil be taking all garden refuse to Wood Waste Recycling, located on Service Road, rather than the Geer Road landfill site. This alternative site will save dollars and travel time. Memo with agenda. Resolution approving agreement needed. Estimated cost: $210,000. Funds are budgeted.)

ACTION: Res. 87-584 adopted approving agreement. (Utility Serv to handle)

CONSENT
45. Consider authorizing Arco Petroleum Products Company to drill two monitoring wells near their station at 903 5th Street and authorize the City Manager to sign a letter agreement with Arco Petroleum Products Company.
(Memo with agenda. Arco would like to drill the wells to monitor the groundwater. Resolution authorizing drilling of wells needed and resolution approving letter agreement needed.)

ACTION: Res. 87-585 adopted authorizing drilling of wells.
Res. 87-586 adopted approving letter agreement.
(Utility Services to handle)

CONSENT
46. Report on Request for Proposals for sale of Parking Lot No. 32.
(The Council, at its May 6, 1987, meeting authorized a Request for Proposals to sell Parking Lot No. 32. Memo with agenda. Motion accepting report needed.)

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

CONSENT
47. Consider revision of Resolution No. 87-38 establishing sewer service charges.
(Memo with agenda. Resolution approving revision of Resolution No. 87-38 needed.)

ACTION: Res. 87-587 adopted approving revision of Resolution No. 87-38. (Finance to handle)

CONSENT
48. Consider amending fine schedule for violators of waste discharge permits as provided for by the Modesto Municipal Code Section 5-6.13.2(b).
(Memo with agenda. Resolution amending fine schedule for violation of waste discharge permits needed.)

ACTION: Res. 87-588 adopted amending fine schedule. (Finance to handle)

WRITTEN COMMUNICATIONS

CONSENT
49. Letter from Richard C. Austin regarding his proposal to provide a full memorial burial service for dog and cat owners.
(Motion referring to staff needed.)

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

CONSENT
50. Letter from the Downtown Improvement District advising of the resignation of Bill Gardner from the Downtown Improvement District Board.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 87-589 adopted accepting resignation with regret. (Clerk to handle)

MISCELLANEOUS

CONSENT
51. Legislation:

Staff recommends opposing SB 399 (McCorquodale) - Requirement to Share County's Cost in Defending Contested Assessments.
(Memo with agenda. Motion accepting recommendation needed.)

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

52. Appointments to the Rehabilitation Loan Pool Subcommittee. Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 87-590 adopted (Lang/Whiteside, unan., Muratore absent) appointing Deal Paulson and reappointing Michael Garcia to the Rehabilitation Loan Pool Subcommittee. (Clerk to handle)

53. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by the City Council 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.)

a. Consider accepting bid for bonds on Improvement District 27.

ACTION: By motion (Patterson/McGrath, unan.) it was determined that the need to take action arose subsequent to the posting of the agenda.

Res. 87-591 adopted (Lang/Patterson, unan.) accepting bid of M.L. Stern & Co. Inc. (Finance to handle)

ADJOURNMENT

The meeting adjourned at 7:55 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, JULY 14, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26

ACTION: (Lang/Whiteside, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Presentation of the plans for Mancini Band Hall by Mr. Lynn Russell, Modesto Band of Stanislaus.

Lynn Russell discussed plans for the new Mancini Band Hall.

b. Mayor's proclamation acknowledging the national achievements of the Beyer High School Marching Band.

Mayor presented proclamation.

Recessed at 7:58 p.m. and reconvened the Redevelopment Agency meeting.. City Council reconvened at 8:15 p.m.

MINUTES

CONSENT

2. Approval of the minutes of the July 7, 1987, special and regular City Council meetings.
(Motion approving needed.)

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

3. ## ORAL COMMUNICATIONS

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

Michael Garcia announced the Hispanic Chamber of Commerce office has moved and requested information regarding the status of the Affirmative Action Commission.

UNFINISHED BUSINESS

4. Consider citizens' petition to install a street light on Barham Court. (Citizens desire a street light. All public improvements must be installed at the expense of property owners. There are two methods of arranging this financing. Memo with agenda. Resolution directing City Manager to file report which is prerequisite to establishing the Public Facilities District needed. Estimated cost: $1,860. Funds are budgeted.)

ACTION: By motion (Patterson/Muratore, unan.) an estimate for the cost to the property owners for the street light was approved at $920.
(Eng to handle)

CONSENT

5. Final adoption of:

a. Ord. No. 2523-C.S. rezoning from P-D(390) to P-D(426), property located on the east side of Temescal Drive north of Merle Avenue. (Grant Construction)

b. Ord. No. 2524-C.S. rezoning from C-1 and C-2 to P-D(421), property located on the east side of McHenry and on the north side of East Roseburg Avenue. (Ed Powell, City Tire)

c. Ord. No. 2525-C.S. rezoning from R-2 to R-1, property located on the west side of Orchard Park Way and south of Floyd Avenue. (Franco Construction)

(Motion adopting needed.)

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

HEARINGS

6. Hearing to consider ordering the construction of curb and sidewalk at the following locations:

1. Curb and walk along Monterey Avenue at 1307 Monterey Avenue, a portion of Block 4 (Michael Dugan)

2. Curb and walk on the north side of Monterey Avenue at 1311 Monterey avenue, a portion of Block 4 (Lloyd Briscoe)

3. Curb and walk on the north side of Monterey Avenue at 1315 Monterey Avenue, a portion of Block 4 (L. G. Cahill, et ux)

4. Curb and walk on the north side of Monterey Avenue at 1319 Monterey Avenue, a portion of Block 4 (Alvya A. Stohler, et ux)

5. Curb and walk along the north side of Monterey Avenue at 1331 Monterey Avenue, a portion of Block 4 (Melvin L. Myers, et ux)

6. Curb and walk along the North side of Monterey Avenue at 750 Benson Avenue, Lot 14 of Block 2076 (Marion T. Merrell)

7. Curb and walk along the north side of Monterey Avenue at 747 Kerr Avenue, Lot 13 of Block 2076 (Guadalupe Espinoza)

8. Curb and walk along the north side of Monterey Avenue at 1501 Monterey Avenue, a portion of Block 2108 (Jerry D. Reese)

9. Curb and walk along the north side of Monterey Avenue at 1507 Monterey Avenue, a portion of Block 2108 (Robbins Zandy Investors)

10. Curb and walk along the north side of Monterey Avenue at 747 Thrasher Avenue, Lot 13 of Block 2108 (Leo Tharp)

11. Curb and walk along the north side of Monterey Avenue at 1611 Monterey Avenue, Lots 14 and 15 of Block 2116 (Bipan K. Kochhar, et ux)

12. Curb and walk along the north side of Monterey Avenue at 1711 Monterey Avenue, a portion of Block 2141 (Abelardo Morales, et al)

13. Curb and walk along the north side of Monterey Avenue at 1719 Monterey Avenue, a portion of Block 2141 (Robert J. Meisenbach, et ux)

14. Curb and walk along the south side of Monterey Avenue at 802 Santa Cruz Avenue, Lot 7 of Block 2071 (Roy E. Chipps)

15. Curb and walk on the south side of Monterey Avenue at 1316 Monterey Avenue, Lot 6 of Block 2071 (Ruben Morales et ux)

16. Curb and walk on the south side of Monterey Avenue at 1320 Monterey Avenue, a portion of Block 2071 (Walt Garrity et ux)

17. Curb and walk on the south side of Monterey Avenue at 1324 Monterey Avenue, Lot 4 of Block 2071 (Donna M. Durling)

18. Curb and walk on the south side of Monterey Avenue at 1328 Monterey Avenue, Lot 3 of Block 2071 (Rodney C. Bonnell et ux)

19. Curb and walk on the south side of Monterey Avenue at 1336 Monterey Avenue, Lot 2 of Block 2071 (Richard Hodnett et ux)

20. Curb and walk along the south side of Monterey Avenue at 1402 Monterey Avenue, Lot 27 of Block 2110 (Odilon v. Rodriquez et ux)

21. Curb and walk on the south side of Monterey Avenue at 1410 Monterey Avenue, Lot 28 of Block 2110 (Marie L. Lester)

22. Curb and walk on the south side of Monterey Avenue at 1414 Monterey Avenue, Lot 25 of Block 2110 (Elma A. Alakely)

23. Curb and walk along the south side of Monterey Avenue at 1418 Monterey Avenue, Lots 1 and 2 of Block 2110 (Fred Sullivan et ux)

24. Curb and walk along the south side of Monterey Avenue at 1502 Monterey Avenue, Lot 1 of Block 2111 (Mark L. Morphy, et ux)

25. Curb and walk on the south side of Monterey Avenue at 1508 Monterey Avenue, Lot 2 of Block 2111 (Effie Beeks)

26. Curb and walk on the south side of Monterey Avenue at 1516 Monterey Avenue, Lot 3 of Block 2111 (Creed J. Rone)

27. Curb and walk along the south side of Monterey Avenue at 1634 Monterey Avenue, a portion of Block 2114 (Efiginia Irizarry)

28. Curb and walk along the south side of Monterey Avenue at 1708 Monterey Avenue, Lots 13 and 14 of Block 2142 (Joel Zuniga et ux)

29. Curb and walk on the south side of Monterey Avenue at 1710 Monterey Avenue, Lot 15 of Block 2142 (John Valdez et al)

30. Curb and walk on the south side of Monterey Avenue at 1714 Monterey Avenue, Lot 16 of Block 2142 (Roberto G. Bautista)

31. Curb and walk on the south side of Monterey Avenue at 1718 Monterey Avenue, Lot 17 of Block 2142 (Robert G. Bautista)

32. Curb and walk on the south side of Monterey Avenue at 1722 Monterey Avenue, Lot 18 of Block 2142 (Audrey M. Angle)

33. Curb and walk on the south side of Monterey Avenue at 1726 Monterey Avenue, Lot 19 of Block 2142 (Francisco C. Avila et al)

34. Curb and walk on the south side of Monterey Avenue at 1730 Monterey Avenue, Lot 20 of Block 2142 (Nancy Griffith)

35. Curb and walk on the south side of Monterey Avenue at 1734 Monterey Avenue, Lot 21 of Block 2142 (Jose G. Salas et ux)

36. Curb and walk on the south side of Monterey Avenue at 1738 Monterey Avenue, Lot 22 of Block 2142 (Harlin Harris et ux)

37. Curb and walk on the south side of Monterey Avenue at 1742 Monterey Avenue, Lot 23 of Block 2142 (Joe R. Murray et ux)

38. Curb and walk along the south side of Monterey Avenue at 1746 Monterey Avenue, Lot 24 of Block 2142 (Jaime Fonseca et ux)

39. Curb and walk along the north side of Monterey Avenue at 1627 Monterey Avenue, Lot 13 of Block 2116 (Mary J. Jones)

ACTION: Res. 87-592 adopted (Lang/Sutton, unan.) ordering the construction of curb and sidewalk. (Eng to handle)

7. Hearing to consider the appeal of Wes and Barbara Page, on behalf of concerned citizens, to a Planning Commission decision regarding Shawnee Meadows subdivision located on the east side of Shawnee Drive north of Standiford Avenue.

ACTION: Res. 87-593 adopted (Patterson/McGrath, unan.) denying appeal and approving the vesting tentative subdivision map.
(Planning to handle)

8. Hearing to consider walkway abandonment between 1437 and 1505 Brannon Avenue at Coolidge Avenue.
(This hearing needs to be continued to Tuesday, July 28, 1987, at 7:30 p.m.)

ACTION: By motion (Lang/Sutton, unan.) hearing continued to July 28, 1987, at 7:30 p.m. (Clerk to handle)

9. Hearing to consider the appeal of Mid-Valley Engineering, Inc., on behalf of Grant Construction, to a Planning Commission decision regarding Pheasant Valley vesting tentative subdivision map, located on the north side of Kansas Avenue and west of Carpenter Road.

ACTION: Res. 87-594 adopted (Lang/Patterson, majority, Muratore-no) denying appeal. (Planning to handle)

10. Hearing to consider an amendment to Section 25-3-8 of the Zoning Map to rezone from R-1 to P-D(423) to allow an AM/PM mini-market on the northwest corner of Woodland Avenue and Carpenter Road. (Irwin Steinpress)

ACTION: By motion (Whiteside/McGrath, unan.) Ord. No. 2526-C.S. introduced.
Res. 87-595 adopted (same vote) approving plan.
Res. 87-596 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

11. Hearing to consider an amendment to Section 16-3-9 of the Zoning Map to rezone from R-3 to P-D(424) to allow a professional office complex, property located on the west side of Coffee Road and south of Rumble Road. (Phillip Overholtzer)

ACTION: By motion (Lang/Muratore, unan.) Ord. No. 2527-C.S. introduced.
Res. 87-597 adopted (same vote) approving plan.
Res. 87-598 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

12. Consider approval of plans and specifications and call for bids for Beyer Community Park Development - Phase II.
(Suggested bid opening: August 4, 1987, at 11:00 a.m. This work consists of the construction of horseshoe pits, tennis courts and fencing, restroom facility, drinking fountains and landscaping and irrigation. Resolution approving plans and specifications and call for bids needed. Estimated cost: $399,300 (contract $363,000; engineering & cont. $36,300). Funds are budgeted.)

ACTION: Res. 87-599 adopted calling for bids. (Eng. to handle)

CONSENT

13. Consider approval of plans and specifications and call for bids for the renovation of grand stand at John Thurman Field.
(Suggested bid opening: August 4, 1987, at 11:05 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: $108,067 (contract $98,243; engineering & Cont. $9,824). Funds are budgeted.)

ACTION: Res. 87-600 adopted calling for bids. (Eng to handle)

CONSENT

14. Consider acceptance of Walsh Construction's contract for the Scenic lift station pump and motor control. (Original contract: $65,900)
(All work on this project has been completed to the satisfaction of the Engineering Department and it is in order to accept the project as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: $75,091.23. Funds are budgeted.)

ACTION: Res. 87-601 adopted accepting work as complete.
(Clerk to handle)

CONSENT

15. Consider declaring Pope Chevrolet, Inc. low bidder and authorize the purchase of one Battalion Chief's mobile command post truck for the total price of $18,013.
(Memorandum with agenda. Resolution authorizing purchase of command post truck from Pope Chevrolet, Inc. needed. Funds are budgeted.)

ACTION: Res. 87-602 adopted awarding bid. (Finance to handle)

CONSENT

16. Consider waiving formal bid procedures and authorize the City Manager to sign an agreement with Advertising Communications (AdCom) for designing a print advertisement campaign for the Modesto Centre Plaza.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase agreement with AdCom needed. (Five affirmative votes needed.) Estimated cost, including ad placement: $20,000. Funds are budgeted.)

ACTION: Res. 87-603 adopted waiving formal bid procedure.
(Finance to handle)

NEW BUSINESS

17A. Consider submitting a sewer trunk advisory measure to the voters on the trunk sewer line extension into the Merle and Roselle Neighborhoods.
(At the June 23rd meeting, Council directed staff to prepare the necessary documents to submit two trunk sewer line extension for an advisory vote at the November 3, 1987 regular municipal election. Resolution submitting a sewer trunk advisory vote to the electors is needed.)

ACTION: Res. 87-604 adopted (Muratore/Lang, majority, Mensinger-no) submitting a sewer trunk advisory vote to the electors.
(Clerk to handle)

B. Consider directing City Clerk to submit a copy of the proposed sewer trunk advisory measure to the City Attorney for presentation of an impartial analysis of the advisory measure.
(Two sewer trunk extensions are being submitted to the voters as an advisory measure at the November election. Memo with agenda. Resolution transmitting a copy of the advisory measure to the City Attorney for an impartial analysis needed.)

ACTION: Res. 87-605 adopted (McGrath/Whiteside, unan.) directing City Clerk to submit a copy of the proposed measure to the City Attorney for impartial analysis. (Clerk to handle)

18. Consider Plannning Commission recommendation for an amendment to 1987-88 Capital Improvement Program to allow for the addition of a traffic signal at Oakdale Road at Floyd Avenue.
(Memo with agenda. The Planning Commission recommends that the signal be advanced from 1988-89 to 1987-88 and financed out of capital reserves. Motion directing staff needed. Estimated cost: $120,000 (City $90,000; County $30,000). Financing to be determined at a later date depending on the option selected by Council.)

ACTION: By motion (Sutton/McGrath, unan.) option 1 was chosen to defer the matter for 30 to 60 days until the Finance Department determines whether uncommitted funds are available and staff directed to proceed with plans. (Planning, P/T to handle)

19. Consider approving contract for soil investigation at Transportation Center and bid call for testing of soil samples.
(Mayor Mensinger will be excused due to a conflict of interest.)

(Memo with agenda. It is recommended that the City investigate under one contract the Transportation Center site and the adjacent property on the west side of the tracks. The cost for investigating both would be a maximum of $61,953 ($2,200 more than investigating the Center site alone). A testing contract is needed for soil samples in the event that soil borings are made. Resolution approving agreement with J. H. Kleinfelder & Associates needed, and resolution approving specifications and call for bids to be opened August 4, 1987 at 3:00 p.m. for laboratory soil testing needed. Estimated cost: $61,953. Funds are budgeted.) Mayor Mensinger excused eut to a conflict of interest.

ACTION: Res. 87-606 adopted (Lang/Muratore, unan., Mensinger absent) approving agreement.
Res. 87-607 adopted (same vote) calling for bids.
(P/T to handle)

CONSENT
20. Consider appointment of City Manager Pro Tempore during absences or disability of City Manager/Deputy City Manager.
(It is recommended that Ross Campbell be appointed City Manager Pro Tempore during the absence or disability of the City Manager and that Gerald McKinsey be appointed City Manager Pro Tempore during he absence or disability of both the City Manager and Deputy City Manager. Resolution appointing City Manager Pro Tempore and rescinding Resolution No. 83-133 needed.)

ACTION: Res. 87-608 adopted appointing City Manager Pro Tempore.
(Manager to handle)

CONSENT
21. Consider approving agreement with Robert D. Mangum for the inspection of subdivisions.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $35,000. Funds are budgeted.)

ACTION: Res. 87-609 adopted approving agreement. (Eng to handle)

CONSENT
22. Consider modifying speed limits on various streets.
(Memo with agenda. A total of 20 updated, revised, or new radar-enforceable speed limits are porposed. One new non-radar-enforceable speed limit is also proposed. The street descriptions on some existing speed limits need to be changed due to street name changes. Introduction of ordinance needed. Estimated cost: $780. Funds are budgeted.)

ACTION: By motion, Ord. No. 2528-C.S. introduced. (Clerk to handle)

CONSENT
23. Consider Monthly Treasurer's Report for May, 1987.
(Copies of report with agenda. Motion acknowledging report needed.)

By motion, receipt of report acknowledged.

WRITTEN COMMUNICATIONS

CONSENT
24. Letter from Modesto & Empire Traction Co. for the renewal of their franchise to operate and maintain a railroad in the City of Modesto. (Motion referring to staff needed.)

ACTION: By motion, letter referred to staff. (Manager, P/T to handle)

CONSENT
25. Request of Downtown Improvement District for the use of sidewalks for a sale on July 15, 16, 17 & 18. (Motion approving request needed.)

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

CONSENT
26. Request of DID for permission to block off parking spaces, elimination of time limit for on-street parking adjacent to the Courthouse on Friday, August 21, 1987 for Modesto's 117th Birthday Celebration. (Motion approving request needed.)

ACTION: By motion, permission granted. (Planning to handle)

27. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by the City Council 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 11:15 p.m. to Wednesday, July 15, at 8:30 a.m. in the Stanislaus Medical Society Board Room, 2339 St. Paul's Way, Modesto, California to review Forward Modesto IV recommendations, then to Tuesday, July 21, 1987, at 2:00 p.m. in the Third Floor Conference Room, City Hall, for a meeting with U. S. Fish and Wildlife Service representatives to discuss San Joaquin River National Wildlife Refuge proposal.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

CORRECTED

Special Meeting
Modesto City Council
July 14, 1987

The Council of the City of Modesto met in special session at 6:00 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmembers: None

The Councilmembers met in special session to discuss pending litigation pursuant to Government Code Section 54956.9(c).

The meeting adjourned at 6:05 p.m. to closed session

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
July 14, 1987

The Council of the City of Modesto met in special session at 6:00 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmembers McGrath, Muratore, Patterson

The Councilmembers met in special session to discuss pending litigation pursuant to Government Code Section 54956.9(c).

The meeting adjourned at 6:05 p.m. to closed session

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

The Council of the City of Modesto met in special session at 8:30 a.m. in the Board Room of the Stanislaus Foundation for Medical Care Building, 2339 St. Paul's Way, Modesto, California. The purpose of the meeting was to continue the study of the Forward Modesto IV Committee report.

Present: Councilmembers/Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger Lang, McGrath

Absent: None

Councilmember Patterson arrived at 8:50 a.m., and was excused at 11:15 a.m.

Also present: Staff members Carmody, Coyle, Donalson, Ferrera, Kolf, Kaufman, Lipsky, Long, Nichols, Sheldon, Walker, Westenberg, Yamamoto, Sentient Systems representative Legare.

SECURITY/LAW ENFORCEMENT

Judicial System

3. The Committee supported the use of selective plea bargaining.

Refer to another agency by Steering Committee. (Steering Committee talk to the County

4. The City Council should support the updating of judicial facilities and staff to meet the increases.

Refer to another agency by Steering Committee. (Steering Committee talk to the County.)

5. The courts should investigate the feasibility of the mediation process for neighborhood disputes.

Refer to another agency by Steering Committee. (Steering Committee talk to the County.)

6. The Committee believes the City Council should support legislation to reduce the jury size from 12 to six in certain cases.

Refer to another agency by Steering Committee. (Steering Committee talk to the County.)

7. The court system should explore the use of night court to alleviate some of the overcrowding.

Refer to another agency by Steering Committee. (Steering Committee talk to the County.)

Custodial Resources

1. The Committee would like to see prisoners use their time by working on meaningful work projects.

In process: Action already being taken on recommendation. No other action needed at this time.

2. A separate facility should be utilized for drunk driver arrestees.

Refer to another agency by Steering Committee. (Steering Committee talk to County.)

3. Inmates should pay custodial charges, where legally appropriate.

Refer to another agency by Steering Committee. (Steering Committee talk to County.)

4. In the women's facility, there needs to be an increase in security, specifically one that would not allow for the inflow of drugs.

Refer to another agency by Steering Committee. (Steering Committee talk to County.)

5. Improve the level of medical attention by encouraging the local medical society to participate in inmate health care.

Refer to another agency by Steering Committee. (Steering Committee talk to County and Medical Society.)

6. Encourage the City's participation in planning a centralized government center, specifically looking at creative financing options.

Refer to another agency by Council/Recommendations agreed with, further study required.

7. Establish a diversion program for nonviolent petty theft offenders.

Refer to another agency by Steering Committee. (Steering Committee talk to County.)

Substance Abuse - Drugs and Alcohol

1. The committee supports the police and criminal justice efforts concerning drunk drivers and their apprehension, including the use of publicity for those people convicted of committing drunk driving offenses.

Refer to another agency by the Steering Committee. (Steering Committee talk to the media.)

2. The Committee would like to see the City Council support even stiffer state penalties, including fines and incarceration for the sale of drugs or drug related offenses.

Recommendation agreed with. Action needed within 1987-88 fiscal year.

3. The City Council should push for further state involvement to provide money for drug programs.

Recommendation agreed with. Action needed within 1987-88 fiscal year.

4. The City Council should continue to fund the program D.A.R.E., in conjunction with the City's school districts.

In process: action already being taken on recommendation. No other action needed at this time.

5. The City Council should support increased manpower to the drug enforcement unit and actively seek further participation by cities that have pulled from the Drug Enforcement Unit.

In process: action already being taken on recommendation. Other action required.

6. The Committee believes that the City of Modesto should make strong efforts to remain in the drug Enforcement Program, with further money to increase the number of officers.

In process: action already being taken on recommendation. Other action required.

7. The City Council should initiate a program in cooperation with city schools to print teen crisis services information on the back of all student body cards.

Refer to another agency by Council. (Refer to the schools and tell them Council is willing to assist.)

Police Services

1. The Committee supports the existing programs activities, operations and planning being conducted by the Police Department.

No action required. Agree with statement.

2. The City Council should develop more cost recovery programs.

In process: Action already being taken on recommendation. No other action needed at this time.

3. The City Council should continue its participation in the D.A.R.E. program.

In process: Action already being taken on recommendation. No other action needed at this time.

4. The City Council should revive the citizen rider program.

Recommendation agreed with. Further study required.

5. The City Council should support the teaching of ethics in the schools.

Refer to another agency by the Steering Committee. (Steering Committee should refer this to the school boards.)

6. The City Council should develop more public awareness programs which highlight the activities of the Police Department

In process: Action already being taken on recommendation. Other action required.

7. The City Council should build a new police facility to be occupied by 1990.

Recommendation agreed with. Action needed within next two to five years.

8. The City Council should fire additional police personnel to accomplish a ratio of 2.0 employees per 1,000 population.

Recommendation agreed with. Action needed within next two to five years.

9. The City Council should revitalize and expand the activities of the Neighborhood Watch program.

In process: Action already being taken on recommendation. Other action required.

10. The City Council should take a major stance and support activities to reduce the problem of drugs within the city.

No action required. Agree with statement.

11. The City Council should support legislation which allows police officers' attendance to be waived from preliminary court hearings by providing affidavits.

Refer to another agency by Council.

12. The City Council should develop a Commercial Watch Program, similar to Neighborhood Watch, for business and industry.

Refer to another agency by Council. (Council refer this to the Chamber of Commerce and the Hispanic Chamber of Commerce.))

13. Each City Council member should ride with a police officer for a minimum of an eight hour shift annually.

Recommendation agreed with. Action needed within the 1987-88 fiscal year.

Governance

1. Efforts should be made to improve the cooperation and communication between the City of Modesto and Stanislaus County, particularly on library issues.

Refer to another agency by Steering Committee. (Steering Committee refer this to County Board.)

2. The City of Modesto and the County of Stanislaus should develop a new agreement for administering and funding the library.

Recommendation agreed with. Action needed within 1987-88 fiscal year.

3. The City of Modesto should increase its support to the Library as the greatest use of the Central Library come from residents of Modesto.

In process: Action already being taken on recommendation. No other action needed at this time.

4. Any new agreement between the City of Modesto and Stanislaus County should include the amount to be allocated for a period of at least five years for library services.

Recommendation agreed with. Further study required.

5. If new monies become available to the City or the County, a per percent should be predetermined for increased library funding.

No action required. Disagree with statement.

City Growth

1. A study groups need to be created, utilizing citizens of Modesto and Friends of the Library to study the impact of a three to five percent growth rate on the library and library services offered in our community.

Refer to another agency by Steering Committee. (Refer to the County and the Library Commission.)

Public Awareness

1. The Library, along with the citizens of Modesto, should define its role in the community and then publicize that role.

Refer to another agency by Steering Committee. (Refer to the County.)

2. The Library needs to actively advertise its services.

Refer to another agency by Steering Committee. (Refer to the County.)

3. All members of the City Council and Board of Supervisors should have a tour and be able to speak knowledgeably about the resources.

Refer to another agency by Steering Committee / No action required. Agree with statement. (Refer to the County.

4. Chamber of Commerce staff and all groups helping to bring more jobs to Modesto should also tour the Library and be able to speak knowledgeably abut its resources to new industry/business people.

Refer to another agency by Steering Committee. (Steering Committee refer to County and Chamber of Commerce.)

EDUCATIONAL CONCERNS?OPPORTUNITIES

Funding

1. We recommend that the citizens of Modesto hold educators and elected officials responsible for providing the leadership necessary to achieve the fiscal needs required to bring about the education quality addressed by the Forward Modesto IV Education Committee

Refer to another agency by Steering Committee. (Steering Committee has referred this recommendation to school board.)

2. To meet the fiscal needs, we suggest supporting increased state funding for educating each student in order to be more competitive with other states and meet the current funding needs of the K-12 reforms.

Refer to another agency by Steering Committee. (Steering Committee has referred this recommendation to school board.)

3. Support equitable funding amount the UC, SCU, community college and K-12.

Refer to another agency by Steering Committee. (Steering Committee has referred this recommendation to school board.)

4. Study year-round schools operation in order to determine fiscal and growth questions.

Refer to another agency by Steering Committee. (Steering Committee has referred this recommendation to school board.)

5. Establish material fees in order to provide sufficient instructional materials for each student.

Refer to another agency by Steering Committee. (Steering Committee has referred this recommendation to school board.)

6. Establish mandatory student body activity fees to help offset general funds used for extracurricular activities.

Refer to another agency by Steering Committee. (Steering Committee has referred this recommendation to school board.)

7. Submit for bond elections, when necessary, to solve special identified school needs such as facilities, buses, classroom equipment, etc.

Refer to another agency by Steering Committee. (Steering Committee has referred this recommendation to school board.)

8. Establish adequate developer fees to cover increased school enrollments as a result of growth.

In process: action already being taken on recommendation. No other action needed at this time.

9. Monitor the effect of Prop. 13 and the Gann Initiative on education and seek a referendum when the purposes of education are being sacrificed.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

Personnel

1. Adopt-a-school programs should be encouraged whereby businesses, civic groups, and trade unions would provide tutoring, counseling, field trips, and guest speakers.

In process: Action already being taken on recommendation. No other action needed at this time.

2. Probationary periods be extended from two years to four years for beginning teachers.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

3. Procedures for dismissal of unqualified teachers should involve peer evaluations and recommendations in the decision-making process.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

4. More incentive grants should be made available to teachers who demonstrate a desire to improve and enhance instructional skills and techniques.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

5. Counselors should be available at each elementary school site on a regular basis for the purpose of providing social and personal counseling to young children.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

Curriculum

1. We support the California Department of Education's model curriculum that has been recently developed.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

2. We support what is being done at the state level to decrease class size.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

3. We support career vocational preparation put into effect during 1986 by the State Department of Education.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

4. We recommend requiring all children entering kindergarten for the first time attain the age of five ;years old on or before September 1 of the entry year.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

5. We recommend the use of community volunteers to teach basic English to those parents of kindergarten age children deemed in need of such education.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

6. We recommend and support the efforts of our national government, state and local school districts in their efforts to help children achieve a healthier lifestyle.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

7. We recommend support of all alternative education programs currently being used or considered for the future.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

Involvement

1. We feel that an Educational Committee should be established to educate parents to become aware and involved in the educational system.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

2. We recommend that our schools use the untapped services of our senior citizens.

Refer to anotner agency by Steering Committee. (Steering Committee refer to school board.)

3. We recommend that Modesto Parks and Recreation Department establish Community Study Centers as a place where students who need help with their homework could obtain assistance.

Refer to another agency by Steering Committee / Recommendation agreed with. Further study required. (Steering Committee refer to school board.)

4. We recommend that a partnership be developed between the colleges, community agencies and the older adult community to develop additional opportunities for lifelong learning.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

5. We recommend that excessive excused and unexcused absence patterns not be allowed to develop by bringing matters to SARB sooner from elementary schools.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

Student Life

1. The Committee recommends continued support for programs, such as D.A.R.E., which addresses current social issues.

Refer to another agency by Steering Committee. (Steering Committee refer to school boards. City has previously indicated it would support this program.)

2. The Committee also recommends returning high school campuses to the closed campus concept.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

3. We recommend, beginning in junior high school, the requirements for promotion to the next grade be prominently posted and that all students be made aware of these requirements.

Refer to another agency by Steering Committee. (Steering Committee refer to school board.)

ECONOMIC DEVELOPMENT, AFFIRMATIVE ACTION/EMPLOYMENT OPPORTUNITIES, CHILD CARE TASK FORCE

1. We accept and support the City of Modesto's Affirmative Action Policy statement, and recommend that the plan be implemented in total as soon as possible.

In process: Action already being taken on recommendation. No other action needed at this time.

2. We recommend the City take the lead, along with the public agencies and private industries, to conduct educational in-service for employees on the goals of Affirmative Action.

Recommendations agreed with. Action needed within next two to five years. / Refer to another agency by Steering Committee. (Steering Committee refer to the County's Affirmative Action Committee.)

3. Under job opportunities, there is a recommendation that a Job Fair be conducted. In-service training of Affirmation Action should be included in the Job Fair.

Refer to another agency by Council. (Council should refer this to Modesto Junior College, which has been conducting job fairs, and let the College know that the Council is willing to assist.)

4. The Modesto Chamber of Commerce should be invited to participate in this in-service to reach both large and small businesses.

No action required. Agree with statement.

5. There should be some type of Affirmative Action statement included in the business license application.

Recommendation agreed with. Action needed within 1987-88 fiscal year. (Council to refer to the Affirmative Action Commission.)

6. The Committee recommends exposing people at an early age to different values, cultures and equality in employment opportunities. The Committee suggests that the City create a committee of educational representatives for children under the age of eight to explore developing and implementing an Affirmation Action educational program.

No action required. Agree with statement. / Refer to another agency by Steering Committee. (Steering Committee refer to the school boards.)

7. We recommend that the City include Affirmative Action concepts in the annual performance evaluations of all supervisory personnel.

Recommendation agreed with. Further study required. (Lang felt it would be very difficult to include this in a job evaluation.)

Job Opportunities

1. We recommend the City of Modesto attempt to convince new companies moving into the Modesto area to make a concerted effort to use as many local employees as possible.

In process: Action already being taken on recommendation. No other action needed at this time.

2. The City should become actively involved in what type of job training the Private Industry Council is providing with Job Training Partnership Act (JRPA) funds.

No action required. Agree with statement. (Westenberg said local industries like the P.I.C. program.)

3. We recommend the City of Modesto sponsor a job fair.

Refer to another agency by the City Council (As discussed previously, this will be referred to Modesto Junior College.

Child Care

1. Recommend that the City Personnel department immediately begin to include child care information in all new employee packets.

Recommendation agreed with. Further study required.

2. Recommend That the City of Modesto appoint a permanent child care liaison within the Personnel Department whose first assignment would be to study child care needs to come up with specific recommendations.

Recommendation agreed with. Further study required.

3. Recommend that the City of Modesto take a leadership role in coordinating an employer sponsored workshop, presented by a professional consulting firm to explore all types of employer support.

Recommendation agreed with. Further study required.

4. We support mandatory parenting classes in our high schools, and hope that the curriculum will include knowledge of out-of-home care.

Refer to another agency by Steering Committee. (Steering Committee take to school board.)

5. Recommend that the Mayor proclaim the second week in May the "Week of the Child and Family" to coincide with activities already scheduled and to encourage agencies within the community to sponsor events and programs relating to children and their needs.

Recommendation agreed with. Action needed within 1987-88 fiscal year.

6. Recommend that the proposed city liaison officer contact companies that are willing to provide financial aid for child care and use those funds to subsidize qualified child care homes to apply for accreditation.

Recommendation agreed with. Further study required.

7. Recommend that the City of Modesto institute a more permanent citizen's task force on child care in order to continue to study the issues and recommend solutions.

Refer to another agency by Steering Committee. / Not suitable to pursue at this time.

Economic Development

1. The Committee recommends that the City continue to provide at least the current level of basic services for industry and commerce.

In process: Action already being taken on recommendation. No other action needed at this time.

2. We recommend that industrial zoning be increased in appropriate areas of Modesto.

Recommendation agreed with. Action needed within 1987-88 fiscal year.

3. We recommend that the City actively provide information on all possible financing methods to generate healthy business growth.

In process: Action already being taken on recommendation. No other action needed at this time.

4. It is recommended that the City encourage local business and educational institutions to respond to the needs of both students and industry alike by developing and implementing educational programs, starting at the high school level.

In process: Action already being taken on recommendation. No other action needed at this time.

5. We recommend that the City continue to actively pursue solutions to transportation problems that directly affect the economic growth of this community.

In process: Action already being taken on recommendation. No other action needed at this time.

6. We recommend presenting a unified position in economic development through full cooperation and coordination between the various government agencies, Chamber of Commerce, and business groups that are engaged in economic self-enhancement.

In process: Action already being taken on recommendation. No other action needed at this time.

7. The Committee recommends that we encourage the expansion from a largely agriculturally based economy to one that is more diversified.

In process: Action already being taken on recommendation. No other action needed at this time.

8. We recommend the City continue its commitment to improving basic services such as sidewalks, curbs, gutters, sewer, and streets as the first steps in revitalizing economically depressed areas and making them more attractive to both business and residents.

In process: Action already being taken on recommendation. No other action needed at this time.

9. The City should create a Redevelopment Area/Agency in Census Tract 17, 22, and 23, and the city portions of tracts 18 and 21.

Recommendation agreed with. Further study needed.

10. The City should provide to this Redevelopment Agency specialized staff, research/planning assistance, permit/development, promotion and marketing.

Recommendation agreed with. Further study needed.

11. The City should use and/or assist in developing these financing and subsidy tools to provide funding for these areas of need: CDBG, CSDB, SBA financing, revenue bonds or industrial bonds.

In process: Action already being taken on recommendation. No other action needed at this time.

12. The City should assist the minority organizations create a Community Development Corporation to help in these business development areas: management assistance, technical assistance, SBA loan packaging, market studies, location studies, feasibility studies, new produce development, other assistance as needed.

Recommendation agreed with. Further study required.

13. Because the State requires at least 20% of the funds generated by redevelopment areas to be used to increase and improve the community's supply of low and moderate income housing, the City should use these monies to rehabilitate houses, help support neighborhood revitalization and to be used for non-profit organizations, help start a small business incubator.

Recommendation agreed with. Further study required. / No action required. Disagree with statement. (Disagree with the part of the recommendation concerning staring a small business incubator.)

14. The Committee recommends the formulation of a viable 5-year economic development plan for the City and the areas within its sphere of influence.

Recommendation agreed with. Further study required.

15. We approve the progress to date of the current programs and working relationships that the City has developed with the Chamber of Commerce and other organizations.

No action required. Agree with statement..

16. One important step toward upgrading our image would be the completion of major development projects such as the Tuolumne River Regional Park and the Modesto Centre Plaza, including the Performing Arts Center.

Recommendation agreed with. Further study required.

17. It is recommended that a Community Activities Commission be created to coordinate the fine arts, cultural, athletic and special events and to develop ideas and concepts for future community activities.

Not suitable to pursue at this time.

18. Expansion of Modesto's tourist events would bring in outside revenue, improve Modesto's image, and expand usage of the Convention Center facilities and Tuolumne River Regional Park. We also recommend concentrating on building up one sizable tourist attraction per year until we have established one major event to be held during each quarter.

No action required. Agree with statement.

It was agreed that the next meeting will be on Wednesday, August 12, noon to 5:00 p.m.

The meeting adjourned at 11:40 a.m. to closed session to consider employee relations pursuant to Government Code Section 54957.6.

ATTEST: Norrine Coyle
Norrine Coyle, City Clerk

Special Meeting
Modesto City Council
July 15, 1987

The Council of the City of Modesto met in special session at 11:40 a.m. in the Stanislaus Foundation for Medical Care Building, 2339 St. Paul's Way, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmember Patterson

The Councilmembers met in special session to consider employee relations pursuant to Government Code Section 54957.6.

The meeting adjourned at 11:40 p.m. to closed session.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
July 21, 1987

The Council of the City of Modesto met in special session at 2:00 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmember Patterson

Adjourned to closed session at 2:05 p.m. to discuss pending litigation pursuant to Government Code Section 54957.6.

The meeting adjourned at 3:00 p.m. to the third floor conference room at City Hall, for a meeting with the U.S. Fish and Wildlife Service.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
July 21, 1987

The Council of the City of Modesto met in special session at 3:00 p.m. in the third floor conference room, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, McGrath, Muratore, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmember Patterson

Also Present: Joe Miller and Jack Helvie - U.S. Fish and Wildlife Service

There was a discussion of the San Joaquin River National Wildlife Refuge proposal and draft environmental impact report.

The Planning and Community Development Director will write a letter to the U.S. Wildlife Service summarizing concerns of the City Council.

The meeting adjourned at 3:50 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 21, 1987 AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmember Patterson

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 37

Removed from consent: 21

ACTION: (Lang/Sutton, 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Mayor Mensinger introduced Beatrice Jezyeki from Poland, a relative of Ted Wroblicky of Touche Ross.

b. Mayor's proclamation honoring Marc Daniels and Thomas Downey High School speech program.

Mayor Mensinger presented copies of the proclamation to Marc Daniels and his speech teacher, Pam Liljiblad.

c. Presentation of Sister City Friendship Quilt made by local citizens as a gift to the people of Khmelnitsky.
(Mayor Mensinger will present the quilt to Mayor Bukhal of Khmelnitsky on her trip to the Soviet Union later this month.)

Angie Wiinika displayed the quilt and acknowledged the people involved in making it.

MINUTES

CONSENT

2. Approval of the minutes of the July 14, 1987 special and regular City Council meetings.
(Motion approving needed.)

ACTION: By motion, minutes approved with the minutes for the special July 14, 1987, corrected to show that Councilmembers McGrath, Muratore and Patterson were present. (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. 2526-C.S. rezoning from R-1 to P-D(423) property located on the northwest corner of Woodland Avenue and Carpenter Road. (Irwin Steinpress)

b. Ord. No. 2527-C.S. rezoning from R-3 to P-D(424) property located on the west side of Coffee Road and south of Rumble Road. (Phillip Overholtzer)

c. Ord. No. 2528-C.S. amending the Municipal Code relating to speed limits in the City of Modesto.

(Motion adopting needed.)

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

HEARINGS

5. Hearing to consider an amendment to P-D(379), allowing a 135-unit condominium development, to allow a zero-lot line patio home project, property located on the south side of Pelandale Avenue and on the west side of Gagos Drive. (Grant Construction)

ACTION: By motion (Whiteside/Lang, unan., Patterson absent) Ord. No. 2529-C.S. introduced.
Res. 87-610 adopted (same vote) approving plan.
Res. 87-611 adopted (same vote) certifying review of Environmental Assessment report. (Clerk/Planning to handle)

6. Hearing to consider an amendment to Section 19-3-9 of the Zoning Map to rezone from C-3 to P-D(425) to allow an office furniture warehouse and sheet metal shop, property located on the southeast corner of North Ninth Street and Clayton Avenue. (Ciccarelli)

ACTION: By motion (McGrath/Sutton, unan., Patterson absent) Ord. No. 2530-C.S. introduced.
Res. 87-612 adopted (same vote) approving plan.
Res. 87-613 adopted (same vote) certifying review of Environmental Assessment report. (Clerk/Planning to handle)

7. Hearing to consider the first extension of the urgency interim Capital Facilities Fee Ordinance (Ord. No. 2520-C.S.) and the Rockwell Maintenance Fee Resolution (Res. No. 87-500).

ACTION: By motion (Lang/Sutton, unan., Patterson absent) Ord. No. 2531-C.S. introduced.
Res. 87-614 adopted (same vote) approving first extension. (Clerk to handle)

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the construction of Orchard Park sidewalks.
(Suggested bid opening: August 4, 1987, at 11:10 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: $27,126 (contract $24,660; engineering & cont. $27,126). Funds are budgeted.)

ACTION: Res. 87-615 adopted calling for bids. (Eng to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for the Boise Avenue water line extension from Standish to Dezanni. (Suggested bid opening: August 4, 1987, at 11:15 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: $16,654 (contract $15,140; engineering & cont. $1,514). Funds are budgeted.)

ACTION: Res. 87-616 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider award of contract for the resurfacing of the 9th Street Bridge to Western Stone Products, Inc. (Bids were opened on June 23, 1987. The low bid of $435,446.75, submitted by Western Stone Products, Inc. is considered acceptable and it is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to Western Stone Products, Inc. needed. Funds are budgeted.)

ACTION: Res. 87-617 adopted awarding contract. (Eng to handle)

CONSENT

11. Consider awarding contract for engineering services for Morton Boulevard trestle reconstruction to DeLeuw, Cather & Company. (Memo with agenda. This contract is with DeLeuw, Cather & Company and would carry the work through the reconstruction of the trestle. Resolution approving agreement needed, and resolution amending the 1987-88 budget needed. Estimated cost: $65,500. Funds are budgeted.)

ACTION: Res. 87-618 adopted approving agreement.
Res. 87-619 adopted amending the 1987-88 budget.
(P/T to handle)

CONSENT

12. Consider awarding contract for the installation of additional guardrail on Tuolumne Boulevard to Western Stone Products, Inc. (Memo with agenda. This is a 90% federally funded project. Only one bid was received, 6% below the estimate, and is acceptable. Resolution awarding contract needed. Estimated cost: $12,162.50. Funds are budgeted.)

ACTION: Res. 87-620 adopted awarding contract. (Eng to handle)

CONSENT

13. Consider acceptance of Redwood Painting's contract for the repair and painting of the elevated water tanks. (Original contract: $315,252) (All work on this project has been completed to the satisfaction of the Engineering & Utility Services Departments. It is, therefore, recommended that the contract be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Final cost: $292,104.10. Funds are budgeted)

ACTION: Res. 87-621 adopted accepting work as complete.
(Clerk to handle)

CONSENT

14. Consider acceptance of Phillips General Construction's contract for the vehicle wash facility at the City corporation yard. (Original contract: $137,148)
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services Departments. It is, therefore, recommended that the contract be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Final cost: $140,773. Funds are budgeted.)

ACTION: Res. 87-622 adopted accepting work as complete.

(Clerk to handle)

CONSENT

15. Consider waiving formal bid procedure and authorize issuance of a purchase order not to exceed $15,000 for the installation of curb, sidewalk and street patch at 2437 E. Orangeburg Avenue. (K102 Radio Station)
(Memo with agenda. Resolution waiving formal bid procedure and authorizing the issuance of purchase order needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-623 adopted waiving formal bid procedure.

(Eng to handle)

CONSENT

16. Consider waiving formal bid procedures and authorize the purchase of silk-screened binders from H. S. Crocker for the total price of $16,499.09.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing the issuance of a purchase order needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-624 adopted waiving formal bid procedure.

(Finance to handle)

NEW BUSINESS

17. Consider response to 1986-87 County Grand Jury Report.
(The City received the 1986-87 County Grand Jury Report on July 1, 1987. The governing bodies of public agencies are required to respond to Grand Jury findings and recommendations within 90 days. City staff has prepared a two-part responding report for the City Council's consideration. The first part is being distributed with the agenda. The second part will be presented at the Council meeting. Motion authorizing the Mayor to (1) transmit the Community Center financial report to the Grand Jury, and (2) also notify the Grand Jury that annual reports on the income and expenses of the Community Center will be prepared in the future at the end of each fiscal year needed.)

ACTION: By motion (Lang/McGrath, unan., Patterson absent) this item continued to August 18, if there will be a full Council on that day.

(Clerk to handle)

18. Consider authorizing City Manager to sign amended agreement with J. H. Kleinfelder & Associates, and consider approval of an appropriation transfer from Water Exigency Fund to the Solvent Cleanup Block 58 Account. (Memo with agenda. Resolution authorizing City Manager to sign an amended agreement needed, and resolution approving appropriation transfer needed. Estimated cost: $70,000. Funds are partially budgeted.)

ACTION: Res. 87-625 adopted (Lang/Sutton, unan., Patterson absent) approving amended agreement.
Res. 87-626 adopted (same vote) approving appropriation transfer.
(Utility Services to handle)

19. Consider desigating voting delegate and an alternate for the League of California Cities annual conference October 4 - 7, 1987, in San Francisco. (Motion designating voting delegate and alternate needed.)

ACTION: By motion (Lang/Whiteside, unan., Patterson absent) Mayor Mensinger designated delegate and Vice Mayor Sutton designated alternate.
(Clerk to handle)

20. Consider request for higher priority for the urban development of the Fairview Neighborhood.
(Memo with agenda. Staff recommends consideration as part of the 1987 Urban Growth Review which will be held after the November 3, 1987 municipal election. Motion directing staff needed.)

ACTION: By motion (Whiteside/Lang, unan., Patterson absent) staff directed to research the matter to determine whether or not the sewer can legally be extended to this area. (Atty to handle)

21. Clarification of the motion of City Council on July 7, 1987, regarding the proposed budget reform package.
(Memo with agenda.)

Mayor Mensinger said she has appointed Councilmembers Patterson and Whiteside and herself as the committee to study the proposed budget reform package.

CONSENT

22. Consider updating Modesto Police Department fees for police reports and photos, fingerprinting, criminal history summary, and permits to sell concealable weapons.
(Memo with agenda. Adoption of four resolutions needed.)

ACTION: Res. 87-627 adopted establishing fees for copies of official Police Department accident reports and photographs.

Res. 87-628 adopted amending fees for childrens fingerprints.

Res. 87-629 adopted fee for selling licenses for concealable weapons.

Res. 87-630 adopted fee for furnishing local summary criminal history information. (Police to handle)

CONSENT
23. Consider amending the Modesto Municipal Code Section 3-2.1701 to allow the Police Department to charge a fee for permits to close public rights of way.
(Memo with agenda. Introduction of ordinance needed, and resolution setting fee needed.)

ACTION: By motion, Ord. No. 2532-C.S. introduced.
Res. 87-631 adopted setting fee. (Clerk/Police to handle)

CONSENT
24. Consider updating the rate schedule for Modesto's tow companies.
(Memo and fee schedule with agenda. Resolution revising rate schedule needed.)

ACTION: Res. 87-632 adopted revising rate schedule. (Police to handle)

CONSENT
25. Consider approval of the Alberta Martone Park master plan.
(The master plan for the above-mentioned park has been completed by Recreation Systems, Inc. Master plan report with agenda. Motion approving master plan needed, and resolution approving negative declaration needed.)

ACTION: By motion, master plan approved.
Res. 87-633 adopted approving negative declaration.
(P/R to handle)

CONSENT
26. Consider setting hearing to authorize filing for federal grants to purchase two replacement buses and construct a new bus maintenance facility.
(Memo with agenda. These projects are included in the adopted CIP. The two buses will cost about $326,000, and the bus maintenance facility will cost $4,334,000. If approved by UMTA, the grants will cover 80% of these costs. Resolution setting hearing August 11, 1987, at 7:30 p.m. needed. Funds are budgeted.)

ACTION: Res. 87-634 adopted setting hearing. (Clerk to handle)

CONSENT
27. Consider amending Personnel Rules to implement, in part, Section 15 of the 1987-88 Memorandum of Understanding between the City and the Modesto City Employees Association.
(The amendment to Section 1.7 - Definitions, and Section 3.4g - Change from a Higher to a Lower Class, allows an employee who has incurred an on-the-job illness or injury to downgrade to a lower class and retain the salary of the higher class. Resolution amending Personnel Rules needed.)

ACTION: Res. 87-635 adopted amending Personnel Rules.
(Manager to handle)

CONSENT
28. Consider authorizing 1987 Land Treatment Test Program at the Water Quality Control Treatment Plant - Remote Pond Site.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing issuing a purchase order to Golden State Irrigation in the amount of $16,538.23 needed (five affirmate votes needed), and motion authorizing staff to negotiate a contract with Metcalf & Eddy Consulting Engineers to provide operation and monitoring services needed.)

ACTION: Res. 87-636 adopted waiving formal bid procedure and issuing purchase order.
By motion, staff authorized to negotiate a contract with Metcalf & Eddy Consulting Engineers. (Utility Services to handle)

CONSENT
29. Consider joining in two amicus curiae briefs in the following cases:

a. Snedaker v. County of San Bernardino

b. Hermansen v. County of San Bernardino

(Issues: Main issue is what happens if a city does not approve or disapprove a development project within certain time deadlines. Additional issues are whether projects approved by operation of law must conform to the general plan, zoning and CEQA and whether the withdrawal of an application or submission of a revised application starts a new time period. Memo with agenda. Motion authorizing joining in as amici needed.)

ACTION: By motion, authorized joining in as amici. (Atty to handle)

CONSENT
30. Consider setting hearing regarding Conflict of Interest Codes for the City Attorney, Finance, Fire, Parks & Recreation, and Utility Services Departments.
(Resolution setting hearing on August 4, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-637 adopted setting hearing. (Clerk to handle)

CONSENT
31. Consider yearly revision of school sewer and water rates.
(Annual review of school water and sewer fees has been completed. An increase in both fees is recommended to become effective November 1, 1987. Memo with agenda. Two resolutions revising school sewer and water rates needed.)

ACTION: Res. 87-638 adopted revising sewer rates.
Res. 87-639 adopted revising water rates.
(Utility Services/Finance to handle)

CONSENT
32. Consider accepting proposal from Brown and Caldwell Consulting Engineers and authorizing the City Manager to sign an agreement with them for the design of a fixed-film reactor.
(Memo witb agenda. Resolution approving agreement needed. Estimated cost: $99,659. Funds are budgeted.)

ACTION: Res. 87-640 adopted approving agreement. (Utility Serv to handle)

WRITTEN COMMUNICATIONS

CONSENT
33. Request of Mike G. Hill for permission to file late claim.
(Resolution denying permission to file late claim needed.)

ACTION: Res. 87-641 adopted denying permissionto file late claim.
(Clerk to handle)

CONSENT
34. Letter from Mid-Valley Engineering, on behalf of Bright Development, appealing Planning Commission decision regarding Copper Creek No. 2 subdivision.
(Resolution setting hearing August 11, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-642 adopted setting hearing. (Clerk to handle)

35. Letter from John P. Souza, Teamsters, Chauffeurs, Warehousemen & Helpers Union No. 386, regarding City bus service.

Dropped from agenda.

36. Letter from James H. Gain regarding the Draft Environmental Assessment of the proposed San Joaquin National Wildlife Refuge.

ACTION: By motion (Whiteside/Sutton, unan., Patterson absent) staff directed to communicate the Council's general support for the refuge and to express concerns about Highway 132, possible loss of property tax revenue and an appropriate name. (Planning to handle)

MISCELLANEOUS

CONSENT
37. Legislation - Staff recommends:

Support

a. AB 1125 (Tanner) - Elections - Candidate Statement

b. AB 1573 (Eastin) and SB 178 (Deddeh) - Local Funding of State Highway Construction and Improvements

c. AB 2202 (Chacon) - Municipal & County Initiative Petitions

Oppose

d. AB 231 (Lancaster) - Insurance Reform

e. SB 323 (Lockyer) - Increase in Workers' Compensation Benefits

Oppose Unless Amended

f. SB 1473 (Peters) - Notice Prior to Conversion of Federally Subsidized Housing Units

(Memos and attachments with agenda. Motion accepting recommendations needed.)

ACTION: By motion, recommendations accepted. (Manager 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

CLOSED SESSION

Closed session to consider employee relations pursuant to Government Code Section 54957.6.

Not held

ADJOURNMENT

The meeting adjourned at 6:45 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
July 28, 1987

The Council of the City of Modesto met in special session at 7:00 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, Muratore, Sutton, Whiteside

Absent: Councilmembers McGrath, Patterson, Mayor Mensinger

The meeting adjourned to closed session at 7:02 p.m. to consider employee relations pursuant to Government Code Section 54957.6.

The meeting adjourned at 7:30 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

MODESTO CITY COUNCIL

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 28, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Whiteside, Acting Mayor Sutton

Absent: Mayor Mensinger

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33

ACTION: (Lang/Whiteside, unan., Mensinger 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the two special meetings and the regular meeting of July 21, 1987.
(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 actions necessary to implement employee relations negotiations.

Dropped from agenda.

5. Further consideration of leasing lower level of 11th and K Streets garage. (Memo with agenda. Only one proposal was received. It doesn't conform to the Council's requirements regarding the term of the lease and the monthly payments. Motion directing staff to negotiate further needed.)

ACTION: By motion (Lang/Whiteside, unan., Mensinger absent) the matter was referred back to staff for further negotiation. (P/T to handle)

CONSENT

6. Request by Mid-Valley Engineering for a variance from the standard sidewalk requirements at the old Lincoln School site.
(Memo with agenda. Resolution approving variance needed.)

ACTION: Res. 87-643 adopted approving variance. (Eng to handle)

CONSENT

7. Final adoption of the following:

   a. Ord. No. 2529-C.S. amending Section 2, Uses., of Ordinance No. 2341-C.S. amending Section Map 2-3-8 of the Zoning Map of the City of Modesto. (Resource Development)

   b. Ord. No. 2530-C.S. amending Section Map 19-3-9 of the Zoning Map to rezone from C-3 Highway Commercial Zone, to P-D(425), property located on the southeast corner of North Ninth Street and Clayton Avenue. (Richard Ciccarelli)

c. Ord. No. 2532-C.S. amending the Modesto Municipal Code section relating to fees for application to temporarily close rights of way.

(Motion adopting needed.)

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

HEARINGS

8. Hearing to consider vacation and abandonment of the 5-foot walkway located on the west side of Brannon Avenue, opposite Coolidge Avenue, between 1437 and 1505 Brannon Avenue.

ACTION: Res. 87-644 adopted (Lang/Whiteside, unan., Mensinger absent) vacating and abandoning. (Planning to handle)

9. Hearing to consider the proposed Finch Road No. 1 Annexation to the Modesto Municipal Sewer District No. 1.

ACTION: Res. 87-645 adopted (Whiteside/Muratore, unan., Mensinger absent) annexing to Sewer District. (Clerk to handle)

10. Informal public hearing concerning elimination of parking and installation of a left turn lane near the intersection of Tully Road and Granger Avenue.

ACTION: By motion (McGrath/Lang, unan., Mensinger absent) staff directed to not install additional left-turn lanes on Tully between Briggsmore and Leonard. (P/T to handle)

BIDS

CONSENT

11. Consider approval of plans and specifications and call for bids for the reconstruction of Pump Station No. 7.
(Suggested bid opening: August 18, 1987, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: $75,970 (contract $67,700; engineering & cont. $8,270) Funds are budgeted.)

ACTION: Res. 87-646 adopted calling for bids. (Eng to handle)

CONSENT

12. Consider approving specifications and authorize call for bids to be opened August 18, 1987, at 3:00 p.m., for furnishing mauget tree injecticide.
(Requested by the Parks and Recreation Department, the injecticide will be used to treat maple trees infested by insects. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $10,200. Funds are budgeted.)

ACTION: Res. 87-647 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider award of contract for the Sylvan Avenue overlay from Coffee Road to Palmwood Drive.
(Bids were opened on July 21, 1987. The low bid of $148,888.88, submitted by George Reed, Inc., is 25.64% below the engineer's estimate and considered acceptable. Memo and bid tabluation with agenda. Resolution awarding the contract to George Reed, Inc., needed. Funds are budgeted.)

ACTION: Res. 87-648 adopted awarding contract. (Eng to handle)

CONSENT

14. Consider award of contract for the resurfacing of Tully Road between Leonard Avenue and Briggsmore Avenue.
(Bids were opened on July 21, 1987. The low bid of $174,444.44, submitted by George Reed, Inc., is 34.56% below the engineer estimate and is considered acceptable. Memo and bid tabulation with agenda. Resolution awarding contract to George Reed, Inc., needed. Funds are budgeted.)

ACTION: Res. 87-649 adopted awarding contract. (Eng to handle)

CONSENT

15. Consider declaring ISCO, Inc., sole bidder and authorize the purchase of seven automatic water samplers for the total price of $17,643.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-650 adopted authorizing purchase. (Finance to handle)

CONSENT

16. Consider award of contract for the terminal apron expansion, Runway 10L blast pad, exit taxiways "C" and "E" at the Modesto City-County Airport.
(Bids were opened July 14, 1987. The low bid of $332,199.50, submitted by Granite Construction Company, is 7.5% below the engineer's estimate and considered acceptable. Memo and bid tabulation with agenda. Resolution awarding contract to Granite Construction needed. Funds are budgeted.)

ACTION: Res. 87-651 adopted awarding contract. (Eng to handle)

CONSENT

17. Consider acceptance of Tri County Builders contract for the Sipherd Park play apparatus. (Original contract and final cost: $39,165)
(All work on this project has been completed to the satisfaction of the Engineering Department and Parks & 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. 87-652 adopted accepting as complete. (Clerk to handle)

CONSENT

18. Consider acceptance of Rolfe Construction's contract for the Fairway Neighborhood Park soccer field. (Original contract: $506,961.32)
(All work on this project has been completed to the satisfaction of the Engineering Department and the Parks & Recreation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: $536,091.59. Funds are budgeted.)

ACTION: Res. 87-653 adopted accepting as complete. (Clerk to handle)

CONSENT

19. Consider acceptance of Clyde Wheeler Pipeline's contract for the Boise Avenue waterline extension. (Original contract: $35,614.75)
(All work on this project has been completed to the satisfaction of the Engineering Department and Utility Services 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: $35,108.75. Funds are budgeted.)

ACTION: Res. 87-654 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

20. Consider report on eliminating grass cuttings from garden refuse pick up and response to Forward Modesto IV recommendations.
(Report with agenda. Motion accepting report needed.)

ACTION: By motion (Muratore/Lang, unan., Mensinger absent) this matter was referred to the Council Solid Waste Committee and staff for further study. (Utility Services to handle)

CONSENT

21. Consider request for water service to property outside City limits at 3016 Oakdale Road located on the east side of Oakdale Road between Floyd and Sylvan. (Owners: Paul and Cecelia LaVine)
(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 service it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 87-655 adopted approving agreement. (Eng to handle)

CONSENT

22. Consider approval of an agreement with Creative Alternatives/Senior Aides Program for the 1986-87 fiscal year for funding under the Community Development Block grant Program.
(Memo with agenda. Estimated cost: $10,000. Funds are budgeted.)

ACTION: Res. 87-656 adopted approving agreement. (Planning to handle)

CONSENT
23. Consider approval of an agreement with Creative Alternatives/Senior Aides Program for the 1987-88 fiscal year for funding under the Community Development Block Grant Program.
(Memo with agenda. Estimated cost: $20,000. Funds are budgeted.)

ACTION: Res. 87-657 adopted approving agreement. (Planning to handle)

CONSENT
24. Consider approval of an amendment to the lease agreement for additional office space at the Housing Program Office.
(Memo with agenda. Estimated cost: $750. Funds are budgeted.)

ACTION: Res. 87-658 adopted approving agreement. (Planning to handle)

CONSENT
25. Consider agreement with Metcalf & Eddy, Inc., consulting engineers, for professional services on 1987 Land Treatment Test Program.
(Professional services are needed to operate and monitor the test program and prepare a final report of findings. Memo with agenda. Resolution approving agreement needed. Estimated cost: $23,844. Funds are budgeted.)

ACTION: Res. 87-659 adopted approving agreement. (Utility Services to handle)

CONSENT
26. Consider renewal of Inland Marine Insurance Policy.
(Memorandum with agenda. Resolution approving renewal of the Inland Marine Insurance Policy with Great American Insurance for the policy year 8/6/87 - 8/6/88 needed. Estimated cost: $4,873. Funds are budgeted.)

ACTION: Res. 87-660 adopted approving renewal of policy. (Atty to handle)

CONSENT
27. Consider supporting Bret Harte South Reorganization.
(A proposal to annex approximately 221.4 acres to the City of Modesto. The area is generally bounded by Glenn Avenue, Crows Landing Road, Whitmore Avenue, and Yuma Avenue. Submission of questionnaire to LAFCO with application is needed. Memo and maps with agenda. Resolution supporting Bret Harte South Reorganization for submission to LAFCO needed.)

ACTION: Res. 87-661 adopted supporting Bret Harte South Reorganization. (Planning to handle)

CONSENT
28. Consider supporting the Bret Harte North Reorganization.
(A proposal to annex about 148.5 acres to the City of Modesto. The area is generally bounded by Amador Avenue, Crows Landing Road, Glenn Avenue and Las Vegas Street. Submission of questionnaire to LAFCO is needed. Memo and map with agenda. Resolution supporting Bret Harte North Reorganization for submission to LAFCO needed.)

ACTION: Res. 87-662 adopted supporting the Bret Harte North Reorganization. (Planning to handle)

CONSENT

29. Consider approval of LAFCO Questionnaire for proposed Laurel Avenue No. 3 Reorganization.
(Property owners along Laurel Avenue between Franklin Street and Bennett Avenue have submitted petitions requesting annexation. The inhabited proposal includes approximately 32 single-family dwellings and totals about 14.5 acres. LAFCO requires evidence of City approval and a statement as to whether the City can provide the necessary services. Memo, map and questionnaire with agenda. Resolution supporting Laurel Avenue No. 3 Reorganization for submission to LAFCO needed.)

ACTION: Res. 87-663 adopted supporting Laurel Avenue No. 3 Reorganization. (Planning to handle)

CONSENT

30. Consider ordering the Carver Road No. 3 Reorganization to the City of Modesto.
(On July 15, 1987, LAFCO approved the Carver Road No. 3 Reorganization to the City of Modesto. This uninhabited proposal includes 28.02 acres located on the west side of Carver Road and south of Snyder Avenue. There are two properties, and both owners consented to the Reorganization. No hearing is required. Resolution ordering the Carver Road No. 3 Reorganization, consisting of annexation to the Modesto Municipal Sewer District No. 1, detachment from the Salida Fire Protection District, and certifying review of environmental impact needed.)

ACTION: Res. 87-664 adopted annexing Carver Road No. 3 Reorganization. (Clerk to handle)

CONSENT

31. Set time and date for protest hearing for the Kansas Avenue No. 6 Reorganization to the City of Modesto.
(On June 17, 1987, LAFCO approved this Reorganization which was initiated by some of the property owners. The Reorganization includes 19 properties located on both sides of Carpenter Road between Torrid and Kansas Avenues, including the area on Franzia Court and Reno Avenue. The total area is 47.4 acres including street area, with 18 registered voters. Resolution setting hearing August 25, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-665 adopted setting hearing. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

32. Appeal of Pacific Design Associates, on behalf of the Building Committee of the Trinity United Presbyterian Church, to the assessment of the Capital Facilities Fees on the new sanctuary building.
(Resolution setting hearing August 11, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-666 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

CONSENT

33. Legislation - Staff recommends supporting SB539 (Keene) - Leaking Underground Storage Tanks.
(Memos and attachments with agenda. Motion accepting report needed.)

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

34. MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 9:35 p.m. to closed session to discuss employee relations in accordance with Government Code Section 54957.6.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
July 31, 1987

The Council of the City of Modesto met in special session at 8:00 a.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California. The meeting convened at 8:25 a.m.

Present: Councilmembers Lang, McGrath, Muratore, Patterson, Whiteside

Absent: Councilmembers Sutton, Mayor Mensinger

ACTION: By motion (McGrath/Whiteside, unan., Sutton, Mayor Mensinger absent) Councilmember Muratore designated as Mayor pro tem.

Councilmember McGrath said that even though he did not support the 3% offer, he would vote for the resolution as a substitute for councilmembers not present.

ACTION: Res. 87-667 adopted (Lang/Whiteside, majority, Patterson - no, Sutton and Mensinger absent) implementing a 3% wage adjustment for the fire fighters, effective July 21, 1987.

The meeting adjourned at 8:45 a.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
August 4, 1987

The Council of the City of Modesto met in special session at 3:15 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, McGrath, Patterson, Whiteside, Acting Mayor Sutton
(Councilmember Patterson arrived at 3:45 p.m.)

Absent: Councilmembers Muratore, Mayor Mensinger

The meeting adjourned at 3:18 p.m. to closed session to discuss potential litigation with National Advertising Company in accordance with Government Code Section 54956.9(b) and adjourned at 3:30 p.m. to closed session to discuss acquisition of the Hailwood, Inc. property for expansion of the waste water treatment facility in accordance with Government Code Section 54956.8.

The meeting adjourned at 4:00 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

8/4/87

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 4, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Whiteside, Acting Mayor Sutton

Absent: Mayor Mensinger

Pledge of allegiance to the Flag

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

ACTION: (Lang/Whiteside, unan., Mensinger 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the July 15, 1987, special City Council meetings, and the July 28, 1987, special and regular City Council meetings.
(Motion approving needed.)

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

3. ORAL COMMUNICATIONS

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

None

UNFINISHED BUSINESS

4. Consider revised agreement for Morton Boulevard trestle construction.
(Memo with agenda. The revised agreement eliminates some unsatisfactory features of the interim agreement. Resolution approving agreement and rescinding 3/24/87 agreement needed. Estimated cost: $300,000. Funds are budgeted.)

ACTION: Res. 87-668 adopted (Whiteside/Muratore, unan., Mensinger absent) approving revised agreement. (P/T to handle)

5. Consider notifying Union Pacific that they must remove their 9th Street tracks.
(Memo with agenda. A formal notification is needed to get Union Pacific and Southern Pacific to begin negotiations for the track relocation. Resolution advising Union Pacific they must remove their tracks from 9th Street needed.)

ACTION: Res. 87-669 adopted (Muratore/Whiteside, unan., Mensinger absent) notifying Union Pacific that the tracks must be removed within 3 years. (P/T to handle)

HEARINGS

6. Hearing to consider Modesto Garbage Company's request for a three-year extension of franchise. (Continued from the July 7, 1987, City Council meeting.)
Vice Mayor excused due to a conflict of interest.

ACTION: By motion (Patterson/McGrath, unan., Mensinger absent) Councilmember Lang designated Mayor pro tem.

By motion (Muratore/McGrath, unan., Sutton and Mensinger absent) Ord. No. 2533-C.S. introduced. (Utility Services to handle)

7. Hearing to consider amendments to the Conflict of Interest Codes for the City Attorney, Finance, Fire, Parks & Recreation, and Utility Services Departments.

ACTION: Res. 87-670 adopted (McGrath/Whiteside, unan., Mensinger absent) amending the Attorney Conflict of Interest Code.
Res. 87-671 adopted (same vote) amending the Finance Department Conflict of Interest Code.
Res. 87-672 adopted (same vote) amending the Fire Department Conflict of Interest Code.
Res. 87-673 adopted (same vote) amending the Parks & Recreation Conflict of Interest Code.
Res. 87-674 adopted (same vote) amending the Utility Service Department Conflict of Interest Code. (City Clerk to handle)

NEW BUSINESS

8. Industrial and commercial uses and low-income housing considerations - Capital Facilities Fee.
(Memo with agenda. No exemptions are recommended, but if the Council disagrees, staff believes the excempt classes should be narrowly defined: industry that meets the Enterprise Zone Guidelines and very low-income public housing and not-for-profit sponsored housing. Motion reaffirming fees with no exemptions or motion directing staff to prepare ordinance amending fees needed.)

ACTION: By motion (Whiteside/Lang, majority, Muratore and Sutton-no, Mensinger absent) it was decided no exemptions will be allowed in Enterprise Zones.

A motion to allow no exemptions for low-income housing had a tie vote (Lang/Whiteside, McGrath, Patterson and Sutton-no, Mensinger absent)

By motion (Patterson/McGrath, majority, Muratore-no, Mensinger absent) the item concerning low-income housing was continued until there is a full Council. (Planning to handle)

CONSENT

9. Consider approving lease agreement with Kias A. and Gwendolee Williams for the lease of five lots purchased as part of the Tuolumne river Regional Park.
(This is a one year renewal of an existing lease. The Williams' only pay the City a nominal amount of $1.00 a year to lease the lots. However, there is no other market for the lots and the Williams' take excellent care of the lots, thereby relieving the City of maintenance. Resolution approving agreement needed.)

ACTION: Res. 87-675 adopted approving agreement. (Utility Serv to handle)

CONSENT

10. Consider request of E. & J. Gallo Winery to have landscaped island in Grand Street cul-de-sac.
(Memo with agenda. When new Grand Street bridge is completed the present Grand Street will be ended just east of the bridge. Gallo proposes to build and maintain the island. Motion indicating intention to approve needed.)

ACTION: By motion, intention to approve indicated. (P/T to handle)

CONSENT

11. Consider introduction of an ordinance amending Municipal Code Section 4-8.04 to allow the Police Department to charge a fee for permits for parades and a resolution establishing the fee.
(Memo with agenda. Introduction of an ordinance needed, and resolution establishing fee needed.)

ACTION: By motion, Ord. No. 2534-C.S. introduced.
Res. 87-676 adopted establishing fee. (Clerk/Police to handle)

CONSENT

12. Consider approval of the application for federal grant for Modesto City-County Airport/Harry Sham Field for three projects involving construction of taxiways C & E, terminal aircraft parking apron and runway 10L blast pad.
(Memo with agenda. Resolution approving application needed. Estimated cost: $368,114 (Federal $331,303; City $36,811). Funds are budgeted.)

ACTION: Res. 87-677 adopted approving application. (Utility Serv to handle)

CONSENT

13. Consider approval of the final map of Scottsdale Estates subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Setion 4-4.604(c) of the Modesto Municipal Code.
(Subdivider: United Homes Incorporated)
(The subdivision agreement has been signed and all fees paid. Scottsdale Estates subdivision is located between Encina Avenue and Roble Avenue, on both sides of Phoenix Avenue. It contains 4.57 acres. Resolution approving final map needed.)

ACTION: Res. 87-678 adopted approving final map. (Clerk to handle)

CONSENT

14. Set hearing to consider approval of Report by Superintendent of Streets on the costs of Residential Alley Resurfacing - Project No. 13.
(The following information shows the project locations listed by Lot and Block Number. The dollar amounts listed reflect the contract costs for the placement of asphalt and the raising of sewerage facilities. The raising of water valve boxes and grading of the alleys was paid for by the City. Resolution setting hearing August 25, 7, at 7:30 p.m. needed.)

ACTION: Res. 87-679 adopted setting hearing. (Clerk to handle)

BLOCK 467 COLDWELL - MORRIS/N. OLIVE - MYRTLE

Property Owner	Lot	Contract Cost
John Henry Jennings	Portion	$283.23
Walter J. Masciorini	Portion	317.22
Vera S. Chreese	Portion	249.25
Valentine E. Kelly	Portion	283.23
Verle Bartels	37 & 38	226.59
Howard E. Bates	35 & 36	226.59
Guido P. Teresi	Portion	283.23
Florence S. Smith	Portion	283.23
Betty J. Monteith	Portion	283.23
Wilmar J. Jensen	Portion	283.25
Cornelio Q. Hernandez	Portion	317.22
Louise E. Lewis	Portion	249.25
Richard H. Doscher	18 & 19	226.59
Philip A. Sanders	Portion	283.23
Carolyn A. Bradford	Portion	283.23
Gary a. Simonson	11 & 12	226.59
Neill W. Seversen	Portion	283.23
David B. McMicken	Portion	283.23
Andrew M. Stewart	Portion	294.57
Catherine D. Hurd	Portion	271.91

BLOCK 823 COLLEGE - WELLESLEY/CECIL - EXETER

Property Owner	Lot	Contract Cost
Robert W. Lokker	11	$308.47
John E. Coyle	12	286.35
Dale R. Caskey	Portion	366.33
Charles A. Jostad	Portion	319.49
Sally L. Gross	Portion	443.45
John F. Church	8	322.66
Dan Bodily	6 & 7	511.18
George P. Thomas	5 & 9	593.85
Dale E. Davis	10	308.47

BLOCK 2281 CLOVERDALE - EL VISTS/ROBLE - HADDON

Property Owner	Lot	Contract Cost
George A. Jeffrey	1	$295.11
James L. Maxey, Jr.	2	272.34
Frank L. Ball	3	272.34
Herman R. Fittje	4	272.34

Verna E. Lane	5	272.34
Marsha E. Magin	6	272.34
Diane L. Ross	7	272.34
Elmer E. Gravelle	10	272.34
Richard R. Smith	11	272.34
James R. Bradley	12	272.34
Kenneth J. Rodrigues	13	272.34
Clarence W. Olson	14	272.34
Fred C. Leathers	15	272.34
Herbert E. Bauman	16	295.11

BLOCK 6017 ROSEBURG - ASHWOOD/DEL REY - CRESCENT

Property Owner	Lot	Contract Cost
Russell B. De Freest	1	$506.62
Jethro Strickland	17	338.22
Hobart D. Blair	16	169.11

BLOCK 6026 ROSEBURG - ASHWOOD/DEL REY - CRESCENT

Property Owner	Lot	Contract Cost
Elio A. Guerrini	8	$332.08
Adolph Shuttera	7	278.14
Thomas D. Lyons	6	278.14
T. L. Hartman	5	293.72
Barbara J. Goss	4	178.01
Erlene Johnson	3	188.56
John L. Silva	2	267.01
Freda K. Grainger	1	267.01
Donald Corbett	14	281.48
Joseph V. Porter	13	370.53
Steve F. Zipser	12	396.74
Gloria Jaggers	11	372.75
Bertha M. Davis	10	298.61
Duane L. Holderman	9	298.17

BLOCK 6043 OAKWOOD - ORANGEBURG/TEBBUTT - TULLY

Property Owner	Lot	Contract Cost
Robert A. Henman	5	$310.54
James . Carey	4	313.45
James E. White	3	313.45
Eddie L. Scott	2	313.45
Larry L. Esan	1	323.30

Walter J. Masciorini	10	310.54
L. N. Hards	9	313.45
Inez F. Anders	8	313.45
Michael H. Lawson	7	313.45
Ronald J. Smith	6	323.30

BLOCK 6117 CYPRESS - MADRONE/ARBOR - LINWOOD

Property Owner	Lot	Contract Cost
Larry W. Mills	13	$326.31
Ronald L. Atkinson	14	292.55
Frank E. Vaccaro	15	292.55
Leland D. Smith	16	292.55
Stephen J. McCorkle	17	292.55
Fredrick W. Forbes	18	292.55
Vincent Kavanaugh	Portion	321.81
Barbara E. Watson	Portion	263.30
Walter A. Graf	21	292.55
Robert T. Wolff	22	292.55
Hazel F. Pohlmann	23	292.55
Luciano Beltran, Jr.	24	335.63
Bill J. Fithian	1	328.56
Thelma a. Chase	2	292.55
Noah B. Baker	3	292.55
Norman L. Tomlinson	4	292.55
James S. Greer	5	292.55
Marshall W. Wheeler	6	292.55
Elsie M. Mensing, Trustee	7	292.55
Marvin L. Jones	8	292.55
Melvin Jones	9	292.55
Lawrence Duffy	10	292.55
Ramon L. Gintz	11	292.55
Gus Rentiziperis	12	333.38

BLOCK 6702 TULLY - MONTICELLO/BOWEN - BISPO

Property Owner	Lot	Contract Cost
Frank L. Mendes	1	$286.49
Earl P. Waddell	2	286.49
Alice Lane	3	286.49
Neva L. Ogden	4	286.49
Raymond K. Jenkins	5	286.49
Donna A. Walker	6	286.49
John E. King	7	286.49
Leroy Applequist	8	286.49
Benjamin J. Brocco	9	286.49
Mildred L. Hayes	10	286.49
Phillip G. Bowers	11	286.49

Ruth C. Talbert	12	286.49
Michael J. Dugan	13	286.49
Estela G. Uderos	14	286.49
Donald R. Whipple	15	286.49
Vera M. Hedberg	16	286.49
Ernest W. Young	17	286.49
Michael J. Strickler	18	286.49
L. R. Van Horn, Jr.	19	286.49
Pauline Harms	20	286.49
Michael D. McGar	21	286.49
Raymond D. Jorgensen	22	286.49
Janice C. Carpenter	23	286.49
L. A. Holloman	24	286.49
Henry Roggenbock	25	286.49
John Kenshalo	26	286.49
James E. Burden	27	286.49
R. K. Jenkins	28	286.49
Sandra J. Moore	29	286.49
Socorro R. Becerra	30	286.49
Chris Pakas	31	286.49
James E. Row	32	286.49
Suringer Singh	33	286.49

BLOCK 12318 KING RICHARD - LITTLE JOHN/TUXFORD - NOTTINGHAM

Property Owner	Lot	Contract Cost
Paul T. Fleming	17	$ 565.95
Kenneth E. Burke	5	308.61
Frank I. Pirrone	4	1,104.70
Janet L. Page	Portion	468.21
Jon L. Walther	20	445.91
Russell N. Peck	19	445.91
Donald J. Ferrera	18	505.89

BLOCK 12317 KING RICHARD - LITTLE JOHN/TUXFORD - NOTTINGHAM

Property Owner	Lot	Contract Cost
John D. Hynes	3	$ 244.85
Ronald A. Emerzian	4	1,073.57
Robert W. Purvis	5	213.01
Harry J. Bradley	11	630.25
Irvin L. Rand	12	713.77
Van Newell	13	445.91
Robert C. Holm	14	445.91
Francis G. Burke	15	445.91
Marck C. Kluender	Portion	459.29

BLOCK 12950 HAMPSHIRE/SUNRISE

Property Owner	Lot	Contract Cost
American Covenant Evangelical Church	Portion	$575.89
Robert L. Stewart	13	502.62
G. General Hurst, Jr.	14	435.33
Richard A. Costa	15	410.67
Richard A. Chilton	16	692.01
John D. Powell	17	302.57
James Kadry	18	346.00
David D. Sundy	19	340.64
Barry P. Ackerman	20	351.31
James S. Lippert	21	349.55
Don C. Hubbard	22	486.46

BLOCK 6829 NORTHGATE - FLEETWOOD/SHERWOOD - DORRINGTON CT.

Property Owner	Lot	Contract Cost
Phillip Line	8	$111.64
Harry R. Cannon	7	470.87
John B. Shore	5 & 6	470.87
BLOCK 6830		
Alfred J. Lorenz	9	470.87
Helen A. Moser	8	470.87
Phillip K. Ware	7	470.87
David W. Triplett	6	470.87
George Thoukis	5	470.87
Donald R. Mende	4	470.87
Donald Dean Fellows	3	470.87
Gardner L. Hutchins	2	470.87
Lawrence P. Thompson	1	470.87
Joanne Allustiarte	15	470.87
Walter P. Wesson, Jr.	14	470.87
Thomas Andersen	13	470.87
Carl A. Gagliardi	12	470.87
Julius C. Manrique	11	470.87
Ward F. Robinson	10	470.87

BLOCK 6831 NORTHGATE - FLEETWOOD/SHERWOOD - DORRINGTON CT.

Property Owner	Lot	Contract Cost
Richard L. Belt	9	470.87
Paul O. Humbert	8	470.87
Albert L. Rubalcava	7	470.87

Carlton Degnan	6	470.87
Van W. Switzer	5	470.87
Maurice D. Nordell	4	470.87
John A. Morris	3	470.87
Conrad J. Lang	2	470.87
Charles H. Davies	1	470.87
James Saras	15	470.87
Daniel H. Clark	14	470.87
Gene B. Gibson	13	470.87
Diane Howard	12	470.87
Charles K. Brunn	11	470.87
Beverly A. Baird	10	470.87

BLOCK 12921 LANGSFORD - SUNRISE/CHARLES - FLOYD

Property Owner	Lot	Contract Cost
Cinda S. Walch	14	$304.56
Charles E. Willburn, Jr.	13	300.34
Andrew E. Jenkins	12	300.34
Glenn D. Dodson	11	300.34
Mark L. Morphy	10	300.34
Henry Thimsen, Jr.	9	300.34
Dale A. Ashford	8	300.34
Virginia M. Lehfeldt	7	300.34
Eugene W. Messelbeck	6	293.62
Lloyd E. Loeb	5	286.76
Michael A. Jenkins	4	362.43
Dorothy D. Hutchinson	3	380.27
Ursula Patry	2	255.38
Peggy Lofstrom	1	193.65
Henry Esau	Portion	407.93
Joseph Chirco, Jr.	Portion	320.29
Joseph Chirco, Jr.	Portion	224.14
William G. Parish	28	272.37
Deanna M. Lillie	27	287.88
Jack R. Koski	26	283.31
Myron G. Williams	25	283.31
Jack W. Greening	24	283.31
Danny M. Willard	23	283.31
Lawrence E. Owens	22	283.31
Harold G. Holland	21	283.31
Robbie J. Silva	20	283.31
Margaret Iriqui	19	283.31
Charles J. Bell	18	283.31
William F. Nungesser	16	283.31
Arturo M. De Anda	15	323.12

BLOCK 6993 EDWARD - HAMPSHIRE/FLOYD - RUMBLE

Property Owner	Lot	Contract Cost
Harold E. Wilburn	12	$667.49
Ratomer E. Bruk	13	718.30
Leslie H. May	14	682.33
Dennis W. Barker	Portion	426.67
Ernest Mishoe	Portion	350.44
Emilee J. Lindee	Portion	372.86
Werner J. Kaiser	18	390.80
Daniel Mendes	19	679.24
Delbert W. Reynolds	20	678.52
Tamio Kitano	21	390.92
John C. Holzheimer	22	390.92
Mathew Bruno	23	413.44
Ramon Batista, Jr.	24	504.03
Gary E. Zimmerman	25	481.56
Harold E. Abernathy	26	481.56
John M. Shepherd	27	480.30
Gregorio R. Gloria	2	423.94
Darrel A. Sharp	1	424.93
William M. Allen, Jre.	3	731.61
Truman Traphagan	4	440.12
Mark D. Wheeler	5	440.12
Melvin Kampen Stephens	6	440.12
James W. Huggins	7	471.78

BLOCK 6892 EDWARD - HAMPSHIRE/FLOYD - RUMBLE

Property Owner	Lot	Contract Cost
Clara J. Achelpohl	1	$ 345.77
Don A. Sousa	2	381.92
Marvin H. Bort	3	381.92
Earlene F. Righetti	4	372.95
Lawrence M. Johnson	5	395.15
Original Apost. Faith Church	Portion	1,461.28

BLOCK 6932 EDWARD - HAMPSHIRE/FLOYD - RUMBLE

Property Owner	Lot	Contract Cost
Ross Briles	1	$682.64
Francis J. Fiori	Portion	377.34
Muzio Valerio	Portion	377.34
John Alcamo, Trustee	Portion	435.64
Marvin Smith	2	385.23
Ronald Deane, Trustee	3	416.23
Anthony F. Pinheiro	4	760.90

Melva Nichols	5	505.91
Michael J. Blakeslee	6	439.36
Edward T. Walters	7	376.31
Virginia E. Hull	8	363.67
Gary H. Parham	9	$763.45
John E. Leitch	10	550.17
Donovan C. Beachler	11	583.45
Kenneth F. Bondurant	12	413.23
Alfred L. Holcombe	13	394.29
Dorothy Kidd	14	433.76

WRITTEN COMMUNICATIONS

15. Letter from Kirk W. McAllister, representing the S.P.C.A., requesting an ordinance regulating and supervising the use of animals in exhibits, such as reindeer on Christmas tree lots.

    By order of the Chair, this item referred to staff to work with the County on a proposed regulation. (Attorney to handle)

CONSENT

16. Letter from Dennis E. Wilson, Chairman, Downtown Improvement District, requesting extension of time during which the arch is illuminated. (Motion referring to staff needed.)

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

CONSENT

17. Consider accepting with regret the resignation of Steve Fontana from the Rehabilitation Loan Pool Subcommittee.
    (Memo with agenda. Resolution accepting resignation with regret needed.)

ACTION: Res. 87-680 adopted accepting resignation. (Clerk to handle)

CONSENT

18. Consider appeal of J. Wilmar Jensen, Inc., on behalf of the Sundial Restaurant, to administrative actions taken by the Building Inspection Division regarding issuance of a permit after June 30, 1987.
    (Resolution setting hearing August 18, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-681 adopted setting hearing. (Clerk to handle)

19. Letter from Peace Essay Contest Committeemember, Chris Davidson, regarding a Pease Essay Contest being sponsored by the Modesto Peace/Life Center.

ACTION: By motion (Lang/McGrath, unan., Mensinger absent) receipt of letter acknowledged and letter referred to staff. (Attorney to handle)

MISCELLANEOUS

CONSENT

20. Legislation: Staff recommends:

    a. Oppose - HR 2697 (Rahall) and S 1391 (Exon) Truck Access

    b. Oppose Unless Amended - AB 465 (N. Waters) Garbage Truck Weight limit.

    (Memos and attachments with agenda. Motion accepting recommendations needed.)

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

21. MATTERS TOO LATE FOR THE AGENDA

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

ACTION: Res. 87-682 adopted (Lang/Muratore, unan., Mensinger absent) declaring picture arcade booths a public nuisance.
(Attorney to handle)

ADJOURNMENT

The meeting adjourned at 5:27 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 11, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 25, 26

Removed from consent: 20,22

ACTION: (Whiteside/Lang, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of July 31, 1987, and the special and regular City Council meetings of August 4, 1987. (Motion approving needed.)

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

ORAL COMMUNICATIONS

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

Dave Kilby, representing the Chamber of Commerce, spoke about budget reform and run-off elections.

Robert Brockway spoke about speeding on Clevenger Drive.

UNFINISHED BUSINESS

4. Consider exempting low-income housing from Capital Facilities Fee. (Memo with agenda. No exemptions are recommended, but if the Council disagrees, staff believes the exempt classes should be narrowly defined: very low-income public housing and not-for-profit sponsored housing. Due to a tie vote, this item was continued from the August 4, 1987, meeting to a meeting at which there is a full Council. Motion reaffirming fees with no exemptions, or motion directing staff to prepare ordinance amending fees needed.)

ACTION: By motion (Patterson/Sutton, majority, Lang and Muratore-no) staff directed to prepare language for an ordinance that would exempt the Housing Authority projects from the fees, but providing that other low-cost housing project exemptions would be considered on a case by case basis. (Attorney to handle)

5. Final adoption of Ord. No. 2533-C.S. granting to Modesto Garbage Company, Inc., a license for the collection of garbage in the City of Modesto. (Councilmember Sutton will be excused due to a conflict of interest. (Motion adopting needed.)

ACTION: By motion (Lang/Whiteside, unan., Sutton absent) Ord. No. 2533-C.S. adopted. (Clerk to handle)

CONSENT

6. Final adoption of Ord. No. 2534-C.S. amending Section 4-8.04 of Chapter 8 of Title IV of the Modesto Municipal Code relating to parade regulations and issuance of permits.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2534-C.S. adopted. (Clerk to handle)

HEARINGS

7. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Bright Development, to a Planning Commission decision concerning an application to amend P-D(392), to eliminate the use of the M.I.D. right of way, and the vesting tentative subdivision map of Copper Creek No. 2, property located at the northeast corner of Claus Road and Scenic Drive. (Mr. Wilson has requested that this item be continued to August 18, 1987.)

ACTION: By motion (Lang/Whiteside, unan.) hearing continued to August 18, 1987, at 4:00 p.m. (Clerk to handle)

8. Hearing to consider the appeal of John R. Doxey & Associates, on behalf of Village Properties, to a Planning Commission decision denying an application to rezone from R-3 to P-D, property located on the southeast corner of Briggsmore and Lakewood Avenues.

Mayor Mensinger excused from the meeting at 8:17 p.m.

ACTION: By motion (Patterson/McGrath, unan., Mensinger absent) Ord. No. 2535-C.S. introduced.
Res. 87-683 adopted approving plan (same vote)
Res. 87-684 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

9. Hearing to consider the appeal of Barbara and Richard Jones to a Board of Zoning Adjustment decision regarding a sign for Black Walnut Square Apartments on Rumble Road.
(Mr. and Mrs. Jones have requested that this hearing be continued to August 18, 1987, at 4:00 p.m.)

ACTION: By motion (Patterson/Whiteside, unan., Mensinger absent) hearing continued to August 18, 1987, at 4:00 p.m. (Clerk to handle)

10. Hearing to consider the appeal of Pacific Design Associates, on behalf of the Building Committee of the Trinity United Presbyterian Church, to the assessment of the Capital Facilities Fees on the new sanctuary building.

ACTION: Res. 87-685 adopted (Lang/Whiteside, unan., Mensinger absent) granting the appeal and refunding the fee. (Eng to handle)

11. Hearing to consider authorizing filing for federal grants to purchase two replacement buses and construct a new bus maintenance facility. Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 87-685 adopted (Patterson/Lang, unan., McGrath and Mensinger absent) approving the Section 9 Program of Projects for the purchase of two replacement buses.

Res. 87-687 adopted (same vote) approving the Section 3 application for the bus maintenance facility. (P/T to handle)

BIDS

CONSENT

12. Consider award of contract for the Police Shop Building door modification to Calaska Limited.
(Bids were opened on July 28, 1987. The low bid of $7,594, submitted by Calaska Limited General Contractors, is 12.5% above the engineer's estimate and considered acceptable. Memo and bid tabulation with agenda. Resolution awarding contract to Calaska Limited. Estimated cost: $7,594. Funds are budgeted.)

ACTION: Res. 87-688 adopted awarding contract. (Eng to handle)

CONSENT

13. Consider award of contract for the construction of the Orchard Park Sidewalks.
(This project will add sidewalks to the perimeter of Orchard Neighborhood Park. Memo and bid tabulation with agenda. Resolution awarding contract to George Reed, Inc. needed. Estimated cost: $24,550.40. Funds are budgeted.)

ACTION: Res. 87-689 adopted awarding contract. (Eng to handle)

CONSENT

14. Consider award of contract for the Boise Avenue waterline extension from Standish to Dezzani to the Bowers Company.
(Bids were opened on August 4, 1987. The low bid of $13,492.50, submitted by Bowers Company is 10.88% below the engineer's estimate and considered acceptable. It is recommended that the contract be award to them. Memo and bid tabulation with agenda. Resolution awarding contract to Bowers Company needed. Funds are budgeted.)

ACTION: Res. 87-690 adopted awarding contract. (Eng to handle)

CONSENT

15. Consider acceptance of Tri County Builders' contract for the relocation of the refuse compactor pad. (Original contract: $17,348.80) (All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, recommended that the contract be accepted as complete and tne Notice of Completion be filed. Final cost: $17,576.80. Funds are budgeted.)

ACTION: Res. 87-691 adopted accepting as complete. (Clerk to handle)

CONSENT

16. Consider acceptance of W. M. Lyles' contract for the Sisk and Dale Road waterline extension. (Original contract: $64,686.80) (All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, recommended that the contract be accepted as complete and the Notice of Completion be filed. Resolution accepting contract as complete needed. Final cost: $63,819.80. Funds are budgeted.)

ACTION: Res. 87-692 adopted accepting as complete. (Clerk to handle)

CONSENT

17. Consider acceptance of Granite Construction's contract for the 1987 street overlays. (Original contract: $398,344.81. ((All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: $411,510.76. Funds are budgeted.)

ACTION: Res. 87-693 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

18. Consider setting hearing regarding renewal of the M&ET Railroad franchise. (Memo with agenda. Franchise covers operating trains on B Street from 12th Street to near 7th Street. Resolution setting hearing September 1, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-694 adopted setting hearing. (Clerk to handle)

CONSENT

19. Consider acceptance of California Parks and Recreational Facilities of 1984 Historical Preservation Grant in the amount of $26,000 for McHenry Mansion Restoration.
(The State Parks & Recreation Department has approved the City's grant application for the McHenry Mansion Restoration. Memo with agenda. Resolution accepting the grant and authorizing City Manager to sign letter of acceptance needed. Estimated cost: $60,000. Funds are budgeted.)

ACTION: Res. 87-695 adopted accepting the grant. (P/R to handle)

20. Consider renewal of three-year lease with Theodore M. Cook for storage/office space at 500 9th Street.
(Under the terms of this lease, the City will lease this space for Mansion and Museum storage and office. The City will pay $595/month plus utilities. This represents an increase of $20/month over the previous lease agreement. Staff recommends approval. Resolution approving agreement needed. Estimated cost: $7,140. Funds are budgeted.)

ACTION: By motion (McGrath/Patterson, unan., Mensinger absent) this item continued one week for a report from the City Manager.
(Manager to handle)

CONSENT

21. Consider approval of the final map of Dry Creek Woods subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers: Continental Paragon Corporation)
(The subdivision agreement has been signed and all fees paid. Dry Creek Woods is located at the northwest corner of Yosemite Boulevard and McClure Avenue. It contains 29.764 acres. Resolution approving final map needed.)

ACTION: Res. 87-696 adopted approving final map. (Clerk to handle)

22. Consider approval of the final map of Westridge Estates No. 4 subdivision of the City of Modesto and consider accepting improvements. (Developer: Zagaris Management Services, Inc.)
(All improvements have been completed to the satisfaction of the Engineering Department and and all fees have been paid. Westridge No. 4 is located at the southwest corner of Blue Gum AVenue and Rosemore Avenue. It contains 8.154 acres. Resolution approving final map needed.)
Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 87-697 adopted (Lang/Whiteside, unan., McGrath and Mensinger absent) approving the final map. (Clerk to handle)

CONSENT

23. Consider approval of the final map of Live Oak subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdivider: Florsheim Bros.)
(The subdivision agreement has been signed and all fees paid. Live Oak subdivision is located east of Oakdale Road, north of Merle Avenue. It contains 3.622 acres. Resolution approving final map needed.)

ACTION: Res. 87-698 adopted approving final map. (Clerk to handle)

WRITTEN COMMUNICATIONS

24. Letter from John P. Souza, President/Business Representative, Teamsters, Chauffers, Warehousemen & Helpers Union No. 386, regarding City bus service.

ACTION: By motion (McGrath/Muratore, unan., Mensinger absent) this matter referred to the City Attorney for analysis and returned to Council within 45 days. (Attorney to handle)

CONSENT

25. Application of Cardozo, Nickerson, Martelli, Curtis & Arata, on behalf of Ninevah, Inc. for leave to present late claim.
Resolution denying application for leave to present late claim needed.)

ACTION: Res. 87-699 adopted denying application for leave to present late claim. (Clerk to handle)

MISCELLANEOUS

CONSENT

26. Legislation: Staff recommends:

Oppose

Department of Transportation 1988 Appropriations Bill - Airport Improvement Projects.

Oppose Unless Amended

AB 616 (Harris) Eminent Domain - Municipal Utilities

(Memos and attachments with agenda. Motion accepting recommendation needed.)

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

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

Meeting adjourned at 10:27 p.m. to Wednesday, August 12, 1987, at 12:00 noon, in the Stanislaus Medical Society Board Room, 2339 St. Paul's Way, Modesto, California for further review of Forward Modesto IV recommendations.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

The Council of the City of Modesto met in adjourned session at 12:00 noon in the Board Room of the Stanislaus Foundation for Medical Care Building, 2339 St. Paul's Way, Modesto, California. The purpose of the meeting was to continue the study of the Forward Modesto IV Committee report.

Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
Councilmember Patterson arrived at 2:05 p.m.
Councilmember Lang excused at 3:05 p.m.

Absent: None

Also present: Staff members Carmody, Coyle, Grogan, Kaufman, Lipsky, Nichols, Stewart, Walker, Yamamoto; Sentient Systems Representative Legare

CULTURAL OPPORTUNITIES/PARKS AND RECREATION

Community Center (Modesto Centre Plaza)

1. This Task Force feels that the City should make an all-out effort to overcome the general distrust and misunderstanding that is felt by the public. Reassure the community that the Community Center is intended for their use as well as for outside organizations.

Recommendations agreed with. Action needed within 1987-88 fiscal year.

Performing Arts Center

Mayor Mensinger was excused from discussion of this item due to a conflict of interest.

1. This Task Force recommends that the City support efforts to construct an arts center.

Performing Arts Center: Recommendations agreed with. Action needed with 1987-88 fiscal year.

Visual Arts Center: Recommendations agreed with. Further study required.

Tuolumne Regional Park

1. It is important to the image and well-being of the community that the development of Tuolumne Regional Park be continued. It is also strongly recommended that development take priority over land acquisition.

Agree with the problem but not with the recommendation. (Council felt that land acquisition takes precedence over development.)

International Festival

1. The Citizens of Modesto should organize a committee that would develop a 2-day International Festival.

Recommendation agreed with. Action needed within 1987-88 fiscal year. (A festival may be held in conjunction with the Community Center opening.)

Cultural Image of Modesto

We became aware of the general lack of communication among the various groups promoting local cultural activities, and recommend the following:

1. A community events calendar.

In process: Action already being taken on recommendation. (This recommendation referred to staff.)

2. Cultural events magazine.

Not suitable to pursue at this time.

3. A dial-event public telephone service.

Not suitable to pursue at this time.

4. Cable TV: Weekly announcements of community events, interviews and previews of coming cultural activities in Modesto.

In process: Action already being taken on recommendation.

5. Logo usage: Modesto logo to be used on flags, letterhead, signs on highways entering and leaving Modesto, etc.

Recommendation agreed with. Further study required. (Staff to check with CalTrans regarding putting the logo on highway signs.)

6. Photo contest: "This is Modesto"

Recommendation agreed with. Further study required.)

7. Sculpture contest: Abstract or realistic presentation of "Modesto, Out City"

Refer to another agency by City Council. (This recommendation is to be referred to the Culture Commission.)

290-B-76
290-C-76

Aquatics Complex

1. An aquatics complex is a facility that would greatly enhance the image of Modesto.

Recommendation agreed with. Further study required. / Refer to another agency by Council. (This recommendation is to be discussed with the School Board as a possibility to be constructed in conjunction with a new high school.)

Community Parks and Historical Sites

1. Parallel with the continued development of the Regional Park, the Mancini Bowl should be covered by the summer of 1988 and McClure House should be renovated over the next 18 months (i.e. by 11/88) in conjunction with the housing development and related services being developed in the area immediately adjacent to the McClure property.

Recommendation agreed with. Further study required. / Refer to another agency by Council. (The McClure House recommendation is to be referred to the Culture Commission.)

Bike Lanes

1. It is recommended that this Plan be implemented as proposed.

In process: Action already being taken on recommendation. No other action needed at this time.

Additional Golf Course

1. It is recommended that the City Council make every effort to resolve contractual problems and get construction underway for an additional eighteen hole golf course.

In process: Action already being taken on recommendation. No other action needed at this time.

Neighborhood Parks

1. It is recommended that the current Bedroom Tax be raised to a minimum of $100 per bedroom with a maximum of $300 per household.

In process: Action already being taken on recommendation. No other action needed at this time.

2. We further recommend that the City of Modesto consider levying a $30 resale fee on existing residential structures benefiting the neighborhood parks.

In process: Action already being taken on recommendation. No other action needed at this time / Other action required.

1. It would seem proper that the City recognize the growing need for a larger outdoor theater and start construction of the New Mancini Bowl as it appears in the Master Plan for the Tuolumne Regional Park.

Agree with the problem but not with the recommendation.

2. There is also a need for a much better rehearsal hall than the one that now exists.

In process: Action already being taken on recommendation. (This is being done privately.)

Teenage and Youth Activities

1. It is recommended that the City Park and Recreation Department work in close harmony with the Modesto City Schools to accomplish the desired end result of involving youth in worthwhile activities.

In process: Action already being taken on recommendation. No other action needed at this time.

2. It is recommended that a full-time program supervisor be assigned to coordinate increased youth activities at Maddox Youth Center.

Recommendation agreed with. Further study required.

Recreational Buildings in the Parks

1. It is suggested that funding be made available for the construction of one building per year starting in 1988.

In process. Action already being taken on recommendation. No other action needed at this time.

2. We suggest year round programs for youth, senior citizens and the disabled.

In process. Action already being taken on recommendation. No other action needed at this time.

TRAFFIC

Regional Planning

1. The Traffic Task Force recommends the creation of a Regional Planning Agency that will advance the needs of the valley today and into the future.

In process: Action already being taken on recommendation. Other action required.

2. It is recommended that the cities and county meet together in a cooperative manner to promote sound growth and economic development. The issues of revenue, annexations, uniform development standards, and an equitable distribution of taxes should be addressed and resolved in a mutually beneficial binding agreement.

Recommendation agreed with. Action needed with 1987-88 fiscal year.

3. It is recommended that in order to have a county-wide sales tax approved, a regional transportation plan is essential. The Traffic Task Force supports a half-cent sales tax increase which should have a 15 year sunset clause.

Refer to another agency by City Council. (S.A.A.G. should be requested to start proceedings for a county-wide sales tax, and the Chamber of Commerce should be asked for assistance.

Streets

1. It is recommended that Carver, Rose, and Sunrise should be closed only as a last resort, and then only ti improve the Briggsmore traffic flow - not to reduce traffic on these collectors.

Council will not pursue closure at this time. (It was felt that the controllers should be installed at Carver, Rose and Sunrise. Council consensus was that the streets will not be closed at this time.)

2. The Traffic Task Force concurs with the diversion as indicated on pages 12 and 13 of the Circulation Element, and additionally recommends that:

When the traffic flow diversion off of Orangeburg is implemented, re-stripe Coffee to six lanes between Orangeburg and Briggsmore with the extreme right lane being a right turn only.

The diversion of westbound traffic on Orangeburg should be addressed.

Recommendations agreed with. Action needed within 1987-88 fiscal year. (Refer to staff.)

3. The Task Force concurs with the concept of an expressway loop.

Recommendation agreed with. Action needed within 1987-88 fiscal year. (The study will be done during 1987-88.)

4. For improved access to the State Highway system, the following items should be considered:

Construct on and off ramps at Pelandale and plan for six lanes; improve access to Highway 99 at or near the Woodland crossing.

Councilmember Muratore excused from discussion of this item due to a conflict of interest.

Recommendation agreed with. Further study required.

5. An additional grade crossing of the railroad should be explored for Alva Gum.

Recommendation agreed with. Further study required.

6. The Traffic Tax Force supports a grade separation at Highway 132 over the Santa Fe tracks in Empire with the possible realignment of Highway 132.

Refer to another agency by City Council. (Refer to the County since this crossing is in Empire.)

7. The Task Force supports the Jenny-Grand bridge and all other bridge recommendations as proposed in the Circulation Element.

In process: Actin already being taken on recommendation. No other action needed at this time.

8. Planning should be made for an efficient flow of traffic at major/major intersections in future development.

In process: Action already being taken on recommendation.

9. All street name changes listed in the Circulation Element should be implemented concurrently. Additionally, consideration should be given to renaming Woodland/Coldwell.

In process: Action already being taken on recommendation. No other action needed at this time. / Refer to another agency by City Council. (Refer to County)

10. There should be more consistency given to speed limits.

Agree with the problem but not with the recommendation.

11. It is suggested that there should be a higher level of traffic enforcement, and the number of traffic officers should be increased.

Recommendations agreed with. Action needed within the next two to five years.

12. Notification of citizens regarding traffic and circulation changes should be improved.

In process: Action already being taken on recommendation. No other action needed at this time.

Transit

1. The City should expand to 44 buses as the need arises.

Councilmember McGrath excused from discussion of this item due to a conflict of interest.

No action required. Agree with statement.

Warrants.

No action required. Agree with statement.

3. Planning for the transportation center is good and is currently underway.

Mayor Mensinger excused from discussion of this item due to a conflict of interest.

No action required. Agree with statement.

4. The Traffic Task Force supports the proposal to provide a new bus maintenance facility.

Councilmember McGrath excused from discussion of this item due to a conflict of interest.

No action required. Agree with statement.

5. Dial-a-Ride service is mandated by UMTA and it is responding to existing needs.

No action required. Agree with statement.

6. The Task Force recommends that the right-of-way along Virginia Avenue be preserved including all of the Union Pacific right-of-way.

Recommendation agreed with. Further study required. (Study to be done in two to five years.)

7. The Task Force supports the center median right of way for light rail in the Expressway Loop.

Not suitable to pursue at this time.

8. The Task Force supports the removal of the 9th Street tracks. Two grade separations in the downtown area should be provided under the Southern Pacific Railroad tracks.

Mayor Mensinger excused from discussion of this item due to a conflict of interest.

In process: Action already being taken on recommendation. Other action required. (Council wishes to remove the train from 9th Street, but not the tracks.)

9. Additional consideration should be given to third grade separation near the College West area.

Recommendation agreed with. Further study required.

to the task force recommendation that Kansas Ave. through Modesto be grade separated from the Pacific Railroad tracks.

Mayor Mensinger excused from discussion of this item due to a conflict of interest.

No action required. Agree with statement.

Air Service

1. Promote the use of valley air service by aggressively marketing the use of Modesto City-County and Stockton Municipal Airports.

In process: Action already being taken on recommendation. No other action needed at this time.

2. Designate Stockton Municipal Airport as a regional airport and concurrently promote and maintain Modesto's commercial service rating.

No action required. Disagree with statement.

3. Expand and upgrade the Modesto City-County passenger terminal as in the Capital Improvement Program.

Recommendation agreed with. Action needed within 1987-88 fiscal year.

4. Upgrade the food services at the Modesto City-County Airport to a privately operated coffee shop/restaurant status.

Recommendation agreed with. Action needed within next two to five years.

5. The budgeted $250,000 expenditure for marketing and consultant's services not be allotted at this time.

Not applicable.

6. Expand the private hangar space at the Modesto City and County Airport.

Recommendation agreed with. Action needed within next two to five years.

7. Develop future parking in accordance with the airport master plan.

In process: Action already being taken on recommendation. No other action needed at this time.

ENVIRONMENTAL QUALITY/PUBLIC WORKS

Declining Water Level in the Underground Water Tables

1. The Committee believes that the concept of delivering high quality surface water from the Tuolumne River to supplement underground water supplies makes sense and strongly supports immediate implementation of this program.

Recommendation agreed with. Action needed within next two to five years.

Refer to another agency by City Council. / Recommendation agreed with. Further study required. (Council refer recommendation to S.A.A.G.)

3. Education of the public should be a top priority

No action required. Agree with statement.

Contamination of Underground Water Table from Surface Pollutants

1. Prevention is the preferred solution and education of the public is important.

No action required. Agree with statement.

2. Farmers and small businesses need guidance of the proper storage, use and disposal of chemicals which are potential pollutants.

Refer to another agency by Steering Committee. (Refer to County.)

3. State and Federal assistance should be requested to overcome the expense of implementation monitoring, and enforcement of the County's comprehensive underground storage tank program.

Refer to another agency by Steering Committee. (Refer to County.)

4. The public must be education on proper uses of rock wells to avoid pollution to our underground water supply.

In process: Action already being taken on recommendation. Other action required.

5. The Task Force desires to see greater cooperation between agencies in solving the formidable problems of the management, data collection and research of our local water resources.

No action required. Agree with statement.

6. The Task Force also recommends that the City form a committee to study, on a regional basis, the inter-relationship of our water resources and preservation of our quality and quantity.

In process. Action already being taken on recommendation. No other action needed at this time.

Mobile Sources of Pollution

1. It is recommended that automobiles pass biennial smog inspections.

Refer to another agency by Steering Committee. (Refer to the County.)

2. Drive through lanes for businesses such as fast food and bank auto-tellers should be discouraged.

Not suitable to pursue at this time.

3. Support of newer regulation to control toxic emissions (i.e. hydrocarbon vapors from gasoline) should be supported by local politicians.

Recommendation agreed with. Further study required.

Stationary Sources of Pollution

1. The approvals to build fireplaces, inserts, or freestanding stoves in new homes should require that they be equipped with anti-pollution devises

Recommendation agreed with. Further study required.

2. New Source Performance Standards will possibly soon be set, by the government, requiring fireplaces and inserts to meet certain standard of reduced emissions. These regulations should be implemented in Stanislaus County as soon as possible.

Refer to another agency by Steering Committee. (Refer to the County.

3. The disposal of household hazardous materials, such as garden chemicals, is a source of pollution. Education of consumers could be accomplished with a pamphlet in the monthly bills from utility companies.

Recommendation agreed with. Action needed with 1987-88 fiscal year.

4. Smoking in public places should be severely restricted.

In process: Action already being taken on recommendation. No other action needed at this time.

5. Local major stationary polluters still need to be identified, and appropriate control measures implemented.

Refer to another agency by Steering Committee. (Refer to County.)

General Recommendations

1. Support the creation of a San Joaquin Valley Air Pollution Control District with strong enforcement powers.

Recommendation agreed with. Further study required.

2. The Air Resources Board should further study the recommendation that the standards for Total Suspended Particulates be measured by the particles less than 10 microns.

Refer to another agency by Steering Committee. (Refer to the County.)

3. The Bay Area Board for Air Pollution Control should be required to strictly enforce air pollution permits and allow no extensions for polluters.

Refer to another agency by Steering Committee. (Refer to the County.)

4. City officials need to develop a "get tough" approach to reduce air pollution and should encourage other cities and towns in the San Joaquin Valley to do the same.

Refer to another agency by Steering Committee. (Refer to the County. The "Modesto Statistical Area" is actually Stanislaus County.)

5. The tactics outlined in the 1982 Stanislaus County Air Quality Plan should be implemented.

Refer to another agency by Steering Committee. (Refer to the County.)

Storm Drainage

1. Retrofitting a positive system into existing rock well areas should continue to be studied by City Staff.

Not suitable to pursue at this time.

2. This Task Force strongly urges that the Modesto City Council appoint a Committee to study pollution caused by rock wells to our water table, within the next year.

Recommendation agreed with. Action needed within next two to five years. (Walter said no one in Modesto has the expertise to do the necessary testing.)

3. Containerization of garden refuse.

In process: Action already being taken on recommendation. Other action required.

4. Stenciling of curb face at every point of storm drainage entry (rock well or positive system) indicating "No Dumping" or other phrases emphasizing to the public that these are not sewers.

Recommendation agreed with. Action needed within the 1987-88 fiscal year.

5. Enforcement of existing City ordinances prohibiting dumping into storm sewers or areas tributary to drain inlets and levying of stiff fines.

Recommendation agreed with. Action needed within the 1987-88 fiscal year.

6. Education of the public to the fact that what goes down rock wells will eventually end up in our water supply.

Recommendation agreed with. Action needed within the 1987-88 fiscal year.

Curb, Gutter and Sidewalk Repair and Installation

1. Since the responsibility for installation of curbs, gutters and sidewalks lies with each property owner whose property they abut, this problem must be solved through the use of either improvement districts or assessment districts.

In process: Action already being taken on recommendation. No other action needed at this time.

2. It is recommended that the City install handicapped curb cuts in the area from J Street to Orangeburg Avenue with City funds or the Block Grant Program funds which can be made available.

In process: Action already being taken on recommendation. No other action needed at this time.

Street Pavement Repair and Maintenance

1. The Task Force accepts the use pay concept of gas tax to pay for street maintenance; however, these funds are inadequate.

Refer to another agency by City Council. (Refer to State Senator and Assemblyman.)

Upgrading of Street Lighting

1. The responsibility of improved lighting again falls back on the individual property owner. A source of funding can be made through an improvement district.

No action required. Agree with statement.

2. Dusk to dawn lights are also available through the Modesto Irrigation District at no cost other than monthly user charges. This would be suitable in most cases for alley-type uses.

No action required. Agree with statement.

Sewers and Connections in Newly Annexed Areas to City

1. This Task Force feels, upon study of connection policies, that the City has a very accommodating policy which is adequate as is.

No action required. Agree with statement.

Preservation of Prime Agricultural Lands from Urbanization

1. The City of Modesto and County of Stanislaus governments should cooperate in land use planning of urban and agricultural lands. The establishment of a joint general plan should be encouraged in order to conform with State of California General Plan guidelines.

Recommendation agreed with. Action needed within 1987-88 fiscal year.

2. The City of Modesto should support a Stanislaus County ordinance requiring a vote to develop prime agricultural land.

Refer to another agency by Steering Committee. (Refer to the County.)

Co-Existence of Urban and Rural Areas

1. The City of Modesto should consider adopting a Right to Farm Ordinance, such as the Butte County Code, to reduce agricultural/urban conflicts in the Modesto Urban Area of Stanislaus County.

Refer to another agency by Steering Committee. (Refer to the County)

2. The community should identify urban development limits in or near agricultural lands and consider purchasing development rights outside the ultimate sewer service boundary of the City.

Further study needed.

3. A combination of natural and man-made barriers (coincidental with the green belt) should be created to act as a buffer zone between urban and agricultural lands.

Further study needed.

Environmental Balance that Results from Agricultural Uses

1. Preserve prime farm lands in order to insure recharge of the underground water table.

Refer to another agency by Steering Committee. (Refer to County.)

Promotion of Agriculture Within Our Community

1. Identify and support a permanent site for the Farmers' Market.

Recommendation agreed with. Action needed within next two to five years.

Management of Hazardous Materials Used in the Home

1. A step towards public awareness would be the suggestion that merchants identify hazardous materials, and make the consumer aware of available disposal sites.

Refer to another agency by Steering Committee. (Refer to the Chamber of Commerce.)

2. A disposal site should be made available to the public a few days per year by having a disposal contractor set up a collection station.

Refer to another agency by Steering Committee. (Refer to the County.)

3. An alternate solution would be permanent hazardous waste collection sites within the County which would be open year around. This should be financed by a surcharge on garbage disposal rates.

Refer to another agency by Steering Committee. (Refer to the County.)

4. It is also suggested that a city/county hazardous waste team be established to coordinate the use and disposal of such materials, particularly in the case of emergencies.

In process: Action already being taken on recommendation. No other action needed at this time.

Agricultural Use of Hazardous Materials

1. The City of Modesto needs to encourage strong enforcement of existing laws against air and water pollution.

Refer to another agency by Steering Committee. (Refer to the County.)

Industrial and Commercial Use of Hazardous Materials

1. Prepare a register of past and present users of hazardous materials.

In process. Action already being taken on recommendation. No other action needed at this time.

2. Undertake education programs which will acquaint business and the public with existing regulations.

Refer to another agency by Steering Committee. (Refer to the County.)

3. Institute a formal monitoring program of existing business operators for compliance.

Refer to another agency by Steering Committee. (Refer to the County.)

4. In order to promote education, it is recommended that a permanent watchdog committee be formed.

Refer to another agency by Steering Committee / In process: Action already being taken on recommendation. No other action needed at this time. (Refer to the County.)

Methods of Waste Collection

1. It is recommended that automated waste collection utilizing standardized 60 and 90-gallon containers and automated trucks be implemented. Special allowances should be made for the elderly and handicapped who could not handle these larger containers.

Recommendation agreed with. Further study required.

2. Continue to support and educate the public, through the new City Recycling Coordinator, to separate recyclable material from waste that must be burned or buried.

In process: Action already being taken on recommendation.

3. Continue curb side pickup of these recyclables, possibly in standardized containers or the 60-90 gallon automated containers at one location on a block.

In process: Action already being taken on recommendation.

4. Provide collection points at supermarket sites in conjunction with the statewide container deposit bill.

In process: Action already being taken on recommendation.

5. The statewide container deposit program should be supported and legislation encouraging a higher container fee supported.

In process: Action already being taken on recommendation.

Methods of Waste Disposal

1. The City of Modesto should support the completion of the new, solid waste incinerating plant which is currently under construction in western Stanislaus County.

No action required. Agree with statement.

Undergrounding of Utilities

1. Privately owned utilities in the State of California are required to designate two percent of their revenues for utility undergrounding. The City of Modesto should encourage the MID to set up a similar program.

Refer to another agency by Steering Committee. (Refer to the M.I.D.)

2. The Committee believes that residential areas should be considered for undergrounding BEFORE commercial arteries because residential streets would lend themselves more easily to the implementation of such a program.

Refer to another agency by City Council. (Refer to the Planning Commission to determine whether commercial or residential areas should be first.)

Code Enforcement to Protect Existing Neighborhood Quality

1. Pursue an aggressive, but friendly, enforcement of codes pertaining to residential upkeep.

In process: Action already being taken on recommendation. No other action needed at this time.

Consensus and perhaps expand the policy of requesting [illegible] letters sent in a spirit of cooperation.

In process: Action already being taken on recommendation. No other action needed at this time.

3. Insist that deteriorating or unkempt vacancies in the downtown area comply with codes.

In process: Action already being taken on recommendation. No other action needed at this time.

4. Continue enforcement of Sign Control Ordinance and alert the public to the Citizen Information Service.

In process: Action already being taken on recommendation. No other action needed at this time.

5. Look at upgrading and maintaining unkempt properties in the downtown areas.

Refer to another agency by City Council. (Refer to the Downtown Renaissance Committee.)

City Tree and Park Maintenance

1. Enforce alley ordinances.

In process: Action already being taken on recommendation.

2. Review use of blowers which are used to clear lawns and sidewalks but which litter the streets.

In process: Action already being taken on recommendation. Other action needed.

3. Containerize grass cuttings and clippings.

In process: Action already being taken on recommendation. Other action needed.

4. Re-introduce greenery into commercial areas -- it provides color and softens the mortar, concrete, asphalt and harsh architectural angles.

Refer to another agency by City Council. (Refer to the Downtown Renaissance Committee.)

5. Amend the Zoning Code for commercial parking lots from one three per ten spaces to one tree per eight spaces.

Not suitable to pursue at this time.

Open Space, Greenbelt, Park Development and Planning

1. This Committee vigorously supports the Tuolumne River Regional Park plan, a cooperative venture between Stanislaus County and the cities of Ceres and Modesto which is currently in jeopardy due to county budget constraints. An answer to the park's funding problems must be found by December 1989 when current maintenance funding runs out.

No action required. Agree with statement.

2. This Committee also advocates support of a golf course adjacent to the Dry Creek greenbelt as it is in keeping with the aesthetic and recreational profile of that area of park land.

In process: Action already being taken on recommendation. Other action required.

Noise Pollution

1. Determine corridors of travel for the aircraft so they disturb the fewest residents.

No action required. Agree with statement.

2. The existing Noise Ordinance should be vigorously enforced.

In process: Action already being taken on recommendation. No other action needed at this time.

3. Consideration should be given to banning gasoline powered leaf blowers.

In process: Action already being taken on recommendation. Other action required.

Canal Beautification/Undergrounding

1. This Committee advocates the landscaping of MID canal property at least so that it conforms with standards of the surrounding area.

Refer to another agency by Steering Committee. (Refer to the M.I.D.)

Beautification Campaign

1. This Committee would like to recommend that the City spearhead a comprehensive, well thought out beautification campaign, organized and executed by a standing committee.

Recommendation agreed with. Action needed within next two to five years.

1. Promote efficient development within the Modesto General Plan Area so as to achieve an attractive urban environment.

In process: Action already being taken on recommendation. No other action needed at this time.

2. Limit new growth to the ability of the City of finance it. New growth should pay for the incremental cost of providing City services and capital improvements.

In process: Action already being taken on recommendation. Other action required.

3. Develop an urban area with an efficient land use pattern.

In process: Action already being taken on recommendation. No other action needed at this time.

4. Develop a plan to maintain or reestablish a desirable level of City services in the developed areas.

In process: Action already being taken on recommendation. Other action required.

5. Continue to encourage a diversity of housing within each neighborhood: condominiums, single-family attached units, townhouses, apartments, and detached single-family units.

In process: Action already being taken on recommendation. No other action needed at this time.

6. Encourage development patterns which strengthen the transportation system of the urban area.

Recommendation agreed with. Further study required.

7. To encourage the development of low-income housing, the City should continue the use of Multi-Family Mortgage Revenue Bonds density bonus policy and waiving or reducing the infrastructure fees. The City should discuss with the School Boards the possibility of reduction or elimination of school assessment fees.

In process: Action already being taken on recommendation. No other action needed at this time.

8. Provide for an appropriate proportion of new ground floor multiple family housing units that are specifically designed for senior citizens and disabled persons.

In process: Action already being taken on recommendation. No other action needed at this time.

growth limiting measure. A specific, desirable growth rate was not determined by the Task Force.

No action required. No response needed.

10. The City Council should appoint a committee to review performance standards of city services to ensure that the quality of life is maintained.

Agree with the problem but not with the recommendation.

11. Oppose the Stanislaus County zoning for urban development within the Modesto Urban Reserve Area if it conflicts with the City's general plan.

Agree with the problem but not with the recommendation.

12. The City of Modesto should work to have one of its Planning Commissioners sit as a voting member on the County Planning Commission in order to foster cooperation.

Refer to another agency by the Steering Committee. (Refer to the County.)

13. Stanislaus County and City of Modesto should hold biannual Planning Commission meetings to resolve mutual concerns.

Recommendation agreed with. Action needed within 1987-88 fiscal year.

14. Promote coordinated planning between the City and County regarding Modesto's General Plan.

Recommendation agreed with. Action needed within 1987-88 fiscal year.

15. Promote regional planning via a formal San Joaquin Valley organization similar to the Association of Bay Area Governments of the nine San Francisco Bay Area counties.

In process: Action already being taken on recommendation. Other action required.

16. Establish a San Joaquin Valley Regional Planning Agency through California State enabling legislation to promote coordination of areas of mutual concern including but not limited to: air quality, transportation, water, and land use.

In process: Action already being taken on recommendation. Other action required.

17. Encourage the continuation of agricultural land use as a means of preserving open space.

Refer to another agency by Steering Committee. (Refer to County.)

18. Support agricultural uses as a viable interim use within the urban area until urban development is approved.

No action required. Agree with statement.

19. Support the County's exclusive agricultural zoning and Williamson Act contracts which assist agricultural land preservation.

In process: Action already being taken on recommendation. No other action needed at this time.

20. The City should provide the necessary information and encourage the use of voluntary agricultural land trust methods.

Recommendation agreed with. Further study required.

21. Growth should occur with a balance of industrial, commercial and residential development.

No action required. Agree with statement.

22. Develop incentives for higher densities and better development within areas currently serviced by sanitary sewer, such as: use of the P-D zone to accommodate higher densities of residential development in established areas and use of the downtown P-D zone to encourage highest residential and office density in the core of the City.

In process: Action already being taken on recommendation. No other action needed at this time.

23. Continue to achieve an overall development density of 7.5 units per net residential acre.

In process: Action already being taken on recommendation. No other action needed at this time.

24. Regional shopping centers should be designed to include a variety of establishments to meet the comparison shopping needs of consumers in the region. The locations need to be readily accessible to local and regional transportation, i.e., freeways, major thoroughfares and bus routes.

No action required. Agree with statement.

25. The City of Modesto must accept its rule as a regional economic center. The City should do a study to determine the needed mix of land uses; if necessary, allocate a larger percentage of available land for office, commercial and industrial development.

Recommendation agreed with. Action needed within 1987-88 fiscal year.

26. To foster citizen input, quarterly town hall meetings sponsored by an impartial organization should be held in different neighborhoods throughout the City.

Not suitable to pursue at this time.

27. The task force endorses measure A as a means of providing local input on growth. It is recommended that the City Attorney provide a summary in the election materials to include information on the financial impact (costs and revenues) of the advisory vote.

In process.

28. Recognize that economic segregation is creating de facto racial segregation. The City Council should monitor this and take action as deemed appropriate to alleviate the situation.

In process: Action already being taken on recommendation. Other action required.

29. Continue to analyze the Urban Growth Policy Review annually. Review should provide for the selection of potential neighborhoods for residential, commercial and industrial development to be added to the Current Sewer Service Area during the ensuing five years.

In process: Action already being taken on recommendation. No other action needed at this time.

30. The Central Business District should remain a strong, identifiable center for the entire Stanislaus County area; serving as the regional center for office employment, finance, government, judicial, culture, and the hub for circulation and transit systems, dining, entertainment, and specialty shopping. Preservation and revitalization of the existing downtown area should be encouraged.

In process: Action already being taken on recommendation. Other action required. / Refer to another agency by City Council. (Refer to the D.I.D. and the Downtown Renaissance Committee.)

31. The City should allocate a higher proportion of commercially zoned land within the prototype neighborhood zoning and development plan for commercial facilities.

Further study needed.

32. Modesto is the preferred location for administrative, professional and medical offices in the Stanislaus county region. There is a need to allocate a higher proportion of office zoned land adjacent to major street intersections and commercial complexes. Parcels of greater depth and width should facilitate development with higher parking ratios and better circulation off the major streets.

Further study needed.

33. Wholesale warehousing, utility, manufacturing, transportation, and communication facilities should be readily accessible to freeways, railroads and major streets. These areas should be planned to maintain the harmony of the residential areas.

Recommendation agreed with. Further study required.

Another meeting will be held so the Council can review the results of its study. Then a letter will be sent to the Steering Committee transmitting the items being referred back to it. In the meantime, Legare will send a letter to the Steering Committee informing the members that the Council study has been completed and the results will be sent to the Committee as soon as they have been compiled.

The next meeting will be held on Thursday, September 10, 1987, at 4:00 p.m.

The meeting adjourned at 4:40 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 18, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Lee Heim, Trinity Presyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 25A, 26 27, 28

Dropped from agenda: 25
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.)

Item No. 9 was taken out of order.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the August 11, 1987, regular City Council. (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. Reconsider renewal of three-year lease with Theodore M. Cook for storage/office space at 500 9th Street.
(Under the terms of this lease, the City will lease this space for mansion and museum storage and office. The City will pay $595/month plus utilities. This represents an increase of $20/month over the previous lease agreement. Staff recommends approval. Resolution approving agreement needed. Estimated cost: $7,140. Funds are budgeted.)

ACTION: Res. 87-700 adopted (Patterson/Whiteside, majority, McGrath-no) approving agreement.

5. Staff report regarding request from Richard C. Austin for Council approval to operate a business to provide full burial services for dog and cat owners.
(Memo with agenda. Motion accepting staff report needed.)

ACTION: By motion (Lang/Whiteside, unan.) staff report accepted.

HEARINGS

6. Hearing to consider an amendment to Section 24-3-9 of the Zoning Map to rezone from R-3 to P-D(427) to allow two-story residential condominiums, property located on the northwest corner of Claus Road and Scenic Drive. (Continental Paragon Corporation)

ACTION: By motion (Patterson/McGrath, unan.) Ord. No. 2536-C.S. introduced.
Res. 87-701 adopted (same vote) approving plan.
Res. 87-702 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

7. Hearing to consider the appeal of J. Wilmar Jensen, on behalf of the Sundial Restaurant, to adminstrative actions taken by the Building Inspection Department.

ACTION: Res. 87-703 adopted (McGrath/Muratore, majority, Mensinger-no) granting appeal and directing that the Capital Facilities Fees be refunded. (Eng/Finance to handle)

8. Hearing to consider the second extension of the urgency interim Capital Facilities Fee Ordinance and the Rockwell Fee Resolution.

ACTION: By motion (McGrath/Lang, unan.) Ord. No. 2537-C.S. introduced. Res. 87-704 adopted (same vote) approving second extension. (Clerk to handle)

9. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Bright Development, to a Planning Commission decision concerning an application to amend P-D(392) to eliminate the use of the M.I.D. right of way, and the vesting tentative subdivision map of Copper Creek No. 2, property located at the northeast corner of Claus Road and Scenic Drive. (Continued from August 11, 1987, City Council meeting.) (The appellant has requested that the appeal concerning the vesting tentative subdivision map of Copper Creek No. 2 be withdrawn.)

This item was taken up before item 1.

ACTION: By motion (Muratore/Whiteside, unan.) withdrawal of appeal of the vesting tentative subdivision map accepted, and the hearing concerning amendment to P-D(392) ws continued to September 1, 1987, at 4:00 p.m. (Clerk to handle)

10. Hearing to consider the appeal of Barbara and Richard Jones to a Board of Zoning Adjustment decision regarding a sign for Black Walnut Square Apartments on Rumble Road. (Continued from August 11, 1987, City Council meeting.)

ACTION: Res. 87-705 adopted (Muratore/McGrath, majority, Lang-no) granting the appeal and approving the sign. (Planning to handle)

BIDS

CONSENT

11. Consider approval of plans and specifications and call for bids for the construction of commercial alley paving Project No. 5. (Suggested bid opening: September 15, 1987, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed.)

ACTION: Res. 87-706 adopted calling for bids. (Eng to handle)

NEW BUSINESS

12. Consider a status report on staff work to set up a Public Facilities District to finance certain park construction, park maintenance and street tree maintenance.
(The Infrastructure Study Committee recommended broad based funding for parks construction and maintenance. Memo with agenda lists the status of this effort. Motion directing staff to continue its efforts needed.)

ACTION: By motion (Sutton/Lang, majority, Muratore and Whiteside-no) directed staff to continue its efforts, include in the next report information concerning capital projects accomplished over the last five years, and include information about reductions in revenue.
(Eng to handle)

CONSENT
13. Consider request to continue consideration of the 1986-87 County Grand Jury report from August 18 to August 25.
(Memo with agenda. Motion continuing this item to August 25, 1987 at 7:30 p.m. needed.)

ACTION: By motion, this item was continued to August 25, 1987, 7:30 p.m.
(Manager to handle)

CONSENT
14. Consider introduction of an ordinance amending the Municipal Code to update the fee charged by the Police Department for search light permit applications and a resolution establishing the fees.
(Memo with agenda. Introduction of an ordinance needed, and resolution establishing fee needed.)

ACTION: By motion, Ord. No. 2538-C.S. introduced.
Res. 87-707 adopted updating fee.

CONSENT
15. Consider providing for the defense of actions for recovery of taxes and designating the County of Stanislaus as agent for service of process in tax actions.
(Memo with agenda. Adoption of a resolution needed.)

ACTION: Res. 87-708 adopted providing for defense of actions for recovery of taxes and designating County as agent.

CONSENT
16. Consider approving lease agreement between the City of Modesto and Pacific Aircraft Services, Inc. to enlarge their hangar facility at the Modesto Airport.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-709 adopted approving agreement. (Utility Serv to handle)

CONSENT

17. Consider approving lease agreements with the Avis Rent-A-Car System, Inc. and the Hertz Corporation for their operation at the Modesto Airport. (These are one-year renewals of existing agreements. The new leases call for a reduction to rental car concession fee from 10% to 8%. Memo with agenda. Resolutions approving agreements needed.)

ACTION: Res. 87-710 adopted approving agreement with Avis Ren-A-Car System.
Res. 87-711 adopted approving agreement with Hertz Corporation.
(Utility Serv to handle)

CONSENT

18. Consider approving lease agreement with Walser Travel Service, Inc. for their operation at the Modesto Airport.
(This is a one-year renewal of an existing lease. Walser sells mail-in travel insurance at the Airport terminal. They pay the City 5% of the proceeds with a $50/year minimum. Resolution approving agreement needed.)

ACTION: Res. 87-712 adopted approving agreement. (Utility Serv to handle)

CONSENT

19. Consider approving lease agreement with Gus J. Papatone for the lease of 11.33± acres of land purchased for Roselle N. park site.
(This is a one-year renewal of an existing lease. Mr. Papatone pays the City $740/year for the use of this property. Because of its location, no one else can lease it. Mr. Papatone has been leasing the property since the City purchase it in 1983. Resolution approving agreement needed.)

ACTION: Res. 87-713 adopted approving agreement. (Utility Serv to handle)

CONSENT

20. Consider approving lease agreement with Raymond L. and Ruby C. Marsh for the lease of 1004 Thrasher in the Airport Neighborhood Park site.
(This is a month-to-month renewal of an existing year-to-year lease at the request of the tenants. Rent is raised to $450/month from $410/month. The Marshes have been in this house for four years and are good tenants. Resolution approving agreement needed.)

ACTION: Res. 87-714 adopted approving agreement. (Utility Serv to handle)

CONSENT

21. Consider approving lease agreement with Gallo Glass Company for the lease of Mark Twain Park site.
(This is a one-year renewal of an existing lease. Gallo maintains this park for the City and pays taxes. They cannot irrigate the property for farming, but use it for a staging area for an adjoining plot of land. Resolution approving agreement needed.)

ACTION: Res. 87-715 adopted approving agreement. (Utility Serv to handle)

CONSENT

22. Consider request for water service to property outside City limits at 1421 N. Carpenter Road located on the west side of Carpenter Road between Shaddox Avenue and Woodland Avenue. (Owner: Elsie Ownbey.)
(The property owner has signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line will be extended to serve property. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-716 adopted approving agreement. (Eng to handle)

CONSENT

23. Consider request for water service to property outside City limits at 1609 Shaddox Avenue, located on the north side of Shaddox Avenue between Carpenter Road and Watts Avenue. (Owner: Josephine Passalaqua.)
(The property owner has signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line will be extended to serve property. Memo with agenda. Resolution approving agreement needed.

ACTION: Res. 87-717 adopted approving agreement. (Eng to handle)

CONSENT

24. Monthly Treasurer's Report for July, 1987.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

25. Consider acceptance of dedication of Ardia Avenue and Mechalys Way.
(Memo with agenda. Dedication is needed to provide for installation of utilities and roadway. Resolution accepting dedication of Ardia Avenue and Mechalys Way needed.)

Dropped from agenda

CONSENT

25A. Consider amending Municipal Code relating to the definition of Public Facilities Projects.
(Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2539-C.S. introduced. (Atty to handle)

WRITTEN COMMUNICATIONS

CONSENT

26. Letter from Richard Barhite, President, McHenry Museum Society, requesting that the Modesto Arch be repainted to its original color. (Motion referring to staff needed.)

ACTION: By motion, letter referred to staff. (Eng to handle)

MISCELLANEOUS

CONSENT

27. Legislation: Staff recommends opposing H.R. 2508 (Waxman) and S. 1265 (Kennedy) Mandatory Health Insurance.
(Memos and attachments with agenda. Motion accepting recommendations needed.)

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

CONSENT

28. Appointments

Consider a ten months' extension of Planning Commissioner Fleming's second term in support of his activities with the League of California Cities.
(On August 3, 1987, the Planning Commission adopted Resolution No. 87-129 recommending to the City Council a ten months' extension of John Fleming's second term on the Planning Commission in support of his activities with the League of California Cities. Resolution extending John Fleming's term needed.)

ACTION: Res. 87-718 adopted extending term. (Manager 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 6:35 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 25, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27

Removed from consent: 13

ACTION: (Lang/Whiteside, 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Review of recent trip to sister city of Khmelnitsky. Presentation of slides of the trip and gifts from Khmelnitsky.

   Slides were shown and people who were on the trip described their experiences.

MINUTES

CONSENT

2. Approval of the minutes of the August 18, 1987, regular City Council meeting.
(Motion adopting needed.)

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

3. ORAL COMMUNICATIONS

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

None

UNFINISHED BUSINESS

3A Further consideration of response to 1986-87 County Grand Jury Report. (The City received the 1986-87 County Grand Jury Report on July 1, 1987. The governing bodies of public agencies are required to respond to Grand Jury findings and recommendations within 90 days. The two-part responding report was sent to the Council with the July 21, 1987 agenda. Motion authorizing the Mayor to transmit the Community Center financial report to the Grand Jury and to notify the Grand Jury that annual reports on the income and expenses of the Community Center will be prepared in the future at the end of each fiscal year needed.

ACTION: By motion (Lang/Sutton, majority, McGrath and Patterson-no) Mayor authorized to transmit the Community Center financial report to the Grand Jury and to notify the Grand Jury that annual reports on the income and expenses of the Community Center will be prepared in the future at the end of each fiscal year. (Manager to handle)

By motion (Lang/Sutton, unan.) staff directed to prepare a separate annual financial report on the Redevelopment Agency in addition to any required reports. (Finance to handle)

By motion (Whiteside/Sutton, unan.) staff directed to prepare information about repayment at a realistic interest rate and a plan for recovering the $314,000 from the Sewer Fund. (Finance to handle)

4. Report on the June 2, 1987, election conducted by mail, and consideration of method of conducting the December 8, 1987, run-off election. (Memo with agenda. Motion acknowledging receipt of report and directing staff needed.)

ACTION: By motion (McGrath, Patterson, majority, Lang, Muratore, Mensinger-no) voted not to use mail-in process for run-off election. (Clerk to handle)

CONSENT

5. Consider final adoption go the following:
   b. Ord. No. 2536-C.S. rezoning from R-3 to P-D(427) property located on the northwest corner of Claus Road and Scenic Drive. (Continental Paragon Corporation)
   c. Ord. No. 2538-C.S. amending the Municipal Code relating to fees for searchlight application permits.
   d. Ord. No. 2539-C.S. amending the Municipal Code relating to the definition of public facilities projects.

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

HEARINGS

6. Hearing to consider the Kansas Avenue No. 6 Reorganization. (This hearing needs to be continued to September 8, 1987, at 7:30 p.m. Motion continuing hearing needed.)

ACTION: By motion (Patterson/Lang, unan.) hearing continued to September 8, 1987, at 7:30 p.m. (Clerk to handle)

7. Hearing to consider approval of Report by Superintendent of Streets on the costs of Residential Alley Resurfacing - Project No. 13. (The following information shows the project locations listed by lot and block number. The dollar amounts listed reflect the contract costs for the placement of asphalt and the raising of sewerage facilities. The raising of water valve boxes and grading of the alleys was paid for by the City.

BLOCK 467 COLDWELL - MORRIS/N. OLIVE - MYRTLE

Councilmember Muratore excused from discussion on this block because of a conflict of interest.

Property Owner	Lot	Contract Cost
John Henry Jennings	Portion	$283.23

ACTION: Res. 87-719 adopted (Patterson/Lang, unan.,Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Walter J. Masciorini	Portion	317.22

ACTION: Res. 87-720 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Vera S. Chreese	Portion	249.25

ACTION: Res. 87-721 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Valentine E. Kelly	Portion	283.23

ACTION: Res. 87-722 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Verle Bartels	37 & 38	226.59

ACTION: Res. 87-723 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Howard E. Bates	35 & 36	226.59

ACTION: Res. 87-724 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Guido P. Teresi	Portion	283.23

ACTION: Res. 87-725 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Florence S. Smith	Portion	283.23

ACTION: Res. 87-726 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Betty J. Monteith	Portion	283.23

ACTION: Res. 87-727 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Wilmar J. Jensen	Portion	283.25

ACTION: Res. 87-728 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Cornelio Q. Hernandez — Portion — 317.22

ACTION: Res. 87-729 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Louise E. Lewis — Portion — 249.25

ACTION: Res. 87-730 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Richard H. Doscher — 18 & 19 — 226.59

ACTION: Res. 87-731 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Philip A. Sanders — Portion — 283.23

ACTION: Res. 87-732 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Carolyn A. Bradford — Portion — 283.23

ACTION: Res. 87-733 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Gary A. Simonson — 11 & 12 — 226.59

ACTION: Res. 87-734 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Neill W. Seversen — Portion — 283.23

ACTION: Res. 87-735 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

David B. McMicken — Portion — 283.23

ACTION: Res. 87-736 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Andrew M. Stewart — Portion — 294.57

ACTION: Res. 87-737 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

Catherine D. Hurd	Portion	271.91

ACTION: Res. 87-738 adopted (Patterson/Lang, unan., Muratore absent) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 823 COLLEGE - WELLESLEY/CECIL - EXETER

Property Owner	Lot	Contract Cost
Robert W. Lokker	11	$308.47

ACTION: Res. 87-739 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John E. Coyle	12	286.35

ACTION: Res. 87-740 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Dale R. Caskey	Portion	366.33

ACTION: Res. 87-741 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Charles A. Jostad	Portion	319.49

ACTION: Res. 87-742 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sally L. Gross	Portion	443.45

ACTION: Res. 87-743 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John F. Church	8	322.66

ACTION: Res. 87-744 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Dan Bodily	6 & 7	511.18

ACTION: Res. 87-745 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

George P. Thomas	5 & 9	593.85

ACTION: Res. 87-746 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Dale E. Davis	10	308.47

ACTION: Res. 87-747 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 2281 CLOVERDALE - EL VISTS/ROBLE - HADDON

Property Owner	Lot	Contract Cost
George A. Jeffrey	1	$295.11

ACTION: Res. 87-748 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James L. Maxey, Jr.	2	272.34

ACTION: Res. 87-749 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Frank L. Ball	3	272.34

ACTION: Res. 87-750 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Herman R. Fittje	4	272.34

ACTION: Res. 87-751 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Verna E. Lane	5	272.34

ACTION: Res. 87-752 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Marsha E. Magin	6	272.34

ACTION: Res. 87-753 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Diane L. Ross	7	272.34

ACTION: Res. 87-754 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Elmer E. Gravelle	10	272.34

ACTION: Res. 87-755 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Richard R. Smith	11	272.34

ACTION: Res. 87-756 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James R. Bradley	12	272.34

ACTION: Res. 87-757 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Kenneth J. Rodrigues	13	272.34

ACTION: Res. 87-758 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Clarence W. Olson	14	272.34

ACTION: Res. 87-759 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Fred C. Leathers	15	272.34

ACTION: Res. 87-760 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Herbert E. Bauman	16	295.11

ACTION: Res. 87-761 adopted (Lang/Patteson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6017 ROSEBURG - ASHWOOD/DEL REY - CRESCENT

Property Owner	Lot	Contract Cost
Russell B. De Freest	1	$506.62

ACTION: Res. 87-762 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Jethro Strickland	17	338.22

ACTION: Res. 87-763 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Hobart D. Blair	16	169.11

ACTION: Res. 87-764 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Property Owner	Lot	Contract Cost
Elio A. Guerrini	8	$332.08

ACTION: Res. 87-765 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Adolph Shuttera	7	278.14

ACTION: Res. 87-766 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Thomas D. Lyons	6	278.14

ACTION: Res. 87-767 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

T. L. Hartman	5	293.72

ACTION: Res. 87-768 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Barbara J. Goss	4	178.01

ACTION: Res. 87-769 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Erlene Johnson	3	188.56

ACTION: Res. 87-770 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John L. Silva	2	267.01

ACTION: Res. 87-771 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Freda K. Grainger	1	267.01

ACTION: Res. 87-772 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Donald Corbett	14	281.48

ACTION: Res. 87-773 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Joseph V. Porter	13	370.53

ACTION: Res. 87-774 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Steve F. Zipser	12	396.74

ACTION: Res. 87-775 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Gloria Jaggers	11	372.75

ACTION: Res. 87-776 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Bertha M. Davis	10	298.61

ACTION: Res. 87-777 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Duane L. Holderman	9	298.17

ACTION: Res. 87-778 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6043 OAKWOOD - ORANGEBURG/TEBBUTT - TULLY

Property Owner	Lot	Contract Cost
Robert A. Henman	5	$310.54

ACTION: Res. 87-779 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James Carey	4	313.45

ACTION: Res. 87-780 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James E. White	3	313.45

ACTION: Res. 87-781 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Eddie L. Scott	2	313.45

ACTION: Res. 87-782 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Larry L. Esan	1	323.30

ACTION: Res. 87-783 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Walter J. Masciorini	10	310.54

ACTION: Res. 87-784 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

L. N. Hards	9	313.45

ACTION: Res. 87-785 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Inez F. Anders	8	313.45

ACTION: Res. 87-786 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Michael H. Lawson	7	313.45

ACTION: Res. 87-787 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ronald J. Smith	6	323.30

ACTION: Res. 87-788 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6117 CYPRESS - MADRONE/ARBOR - LINWOOD

Property Owner	Lot	Contract Cost
Larry W. Mills	13	$326.31

ACTION: Res. 87-789 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ronald L. Atkinson	14	292.55

ACTION: Res. 87-790 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Frank E. Vaccaro	15	292.55

ACTION: Res. 87-791 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Leland D. Smith	16	292.55

ACTION: Res. 87-792 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Stephen J. McCorkle	17	292.55

ACTION: Res. 87-793 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Fredrick W. Forbes 18 292.55

ACTION: Res. 87-794 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Vincent Kavanaugh Portion 321.81

ACTION: Res. 87-795 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Barbara E. Watson Portion 263.30

ACTION: Res. 87-796 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Walter A. Graf 21 292.55

ACTION: Res. 87-797 adopted (Lang/Patteson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Robert T. Wolff 22 292.55

ACTION: Res. 87-798 adopted (Lang/Patteson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Hazel F. Pohlmann 23 292.55

ACTION: Res. 87-799 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Luciano Beltran, Jr. 24 335.63

ACTION: Res. 87-800 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Bill J. Fithian 1 328.56

ACTION: Res. 87-801 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Thelma A. Chase 2 292.55

ACTION: Res. 87-802 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Noah B. Baker 3 292.55

ACTION: Res. 87-803 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Norman L. Tomlinson	4	292.55

ACTION: Res. 87-804 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James S. Greer	5	292.55

ACTION: Res. 87-805 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Marshall W. Wheeler	6	292.55

ACTION: Res. 87-806 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Elsie M. Mensing, Trustee	7	292.55

ACTION: Res. 87-807 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Marvin L. Jones	8	292.55

ACTION: Res. 87-808 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Melvin Jones	9	292.55

ACTION: Res. 87-809 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Lawrence Duffy	10	292.55

ACTION: Res. 87-810 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ramon L. Gintz	11	292.55

ACTION: Res. 87-811 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Gus Rentiziperis	12	333.38

ACTION: Res. 87-812 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6702 TULLY - MONTICELLO/BOWEN - BISPO

Property Owner	Lot	Contract Cost
Frank L. Mendes	1	$286.49
WPCC206	13	8/25/87

Earl P. Waddell	2	286.49
Alice Lane	3	286.49
Neva L. Ogden	4	286.49
Raymond K. Jenkins	5	286.49
Donna A. Walker	6	286.49
John E. King	7	286.49
Leroy Applequist	8	286.49
Benjamin J. Brocco	9	286.49
Mildred L. Hayes	10	286.49
Phillip G. Bowers	11	286.49
Ruth C. Talbert	12	286.49
Michael J. Dugan	13	286.49
Estela G. Uderos	14	286.49
Donald R. Whipple	15	286.49
Vera M. Hedberg	16	286.49
Ernest W. Young	17	286.49
Michael J. Strickler	18	286.49
L. R. Van Horn, Jr.	19	286.49
Pauline Harms	20	286.49
Michael D. McGar	21	286.49
Raymond D. Jorgensen	22	286.49
Janice C. Carpenter	23	286.49
L. A. Holloman	24	286.49
Henry Roggenbock	25	286.49
John Kenshalo	26	286.49
James E. Burden	27	286.49
R. K. Jenkins	28	286.49

Sandra J. Moore	29	286.49
Socorro R. Becerra	30	286.49
Chris Pakas	31	286.49
James E. Row	32	286.49
Suringer Singh	33	286.49

BLOCK 12318 KING RICHARD - LITTLE JOHN/TUXFORD - NOTTINGHAM

Property Owner	Lot	Contract Cost
Paul T. Fleming	17	$ 565.95

ACTION: Res. 87-813 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Kenneth E. Burke	5	308.61

ACTION: Res. 87-814 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Frank I. Pirrone	4	713.77

ACTION: Res. 87-815 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Janet L. Page	Portion	468.21

ACTION: Res. 87-816 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Jon L. Walther	20	445.91

ACTION: Res. 87-817 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Russell N. Peck	19	445.91

ACTION: Res. 87-818 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Donald J. Ferrera	18	505.89

ACTION: Res. 87-819 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 12317 KING RICHARD - LITTLE JOHN/TUXFORD - NOTTINGHAM

Property Owner	Lot	Contract Cost
John D. Hynes	3	$ 244.85

ACTION: Res. 87-820 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ronald A. Emerzian	4	713.77

ACTION: Res. 87-821 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Robert W. Purvis	5	213.01

ACTION: Res. 87-822 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Harry J. Bradley	11	630.25

ACTION: Res. 87-823 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Irvin L. Rand	12	713.77

ACTION: Res. 87-824 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Van Newell	13	445.91

ACTION: Res. 87-825 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Robert C. Holm	14	445.91

ACTION: Res. 87-826 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Francis G. Burke	15	445.91

ACTION: Res. 87-827 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Marck C. Kluender	Portion	459.29

ACTION: Res. 87-828 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 12950 HAMPSHIRE/SUNRISE

Property Owner	Lot	Contract Cost
American Covenant Evangelical Church	Portion	$575.89

ACTION: Res. 87-829 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Robert L. Stewart	13	502.62

ACTION: Res. 87-830 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

G. General Hurst, Jr.	14	435.33

ACTION: Res. 87-831 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Richard A. Costa	15	410.67

ACTION: Res. 87-832 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Richard A. Chilton	16	692.01

ACTION: Res. 87-833 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John D. Powell	17	302.57

ACTION: Res. 87-834 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James Kadry	18	346.00

ACTION: Res. 87-835 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

David D. Sundy	19	340.64

ACTION: Res. 87-836 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Barry P. Ackerman	20	351.31

ACTION: Res. 87-837 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James S. Lippert	21	349.55

ACTION: Res. 87-838 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Don C. Hubbard	22	486.46

ACTION: Res. 87-839 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6829 NORTHGATE - FLEETWOOD/SHERWOOD - DORRINGTON CT.

Property Owner	Lot	Contract Cost
Phillip Line	8	$111.64
Harry R. Cannon	7	470.87
John B. Shore	5 & 6	470.87
BLOCK 6830		
Alfred J. Lorenz	9	470.87
Helen A. Moser	8	470.87
Phillip K. Ware	7	470.87
David W. Triplett	6	470.87
George Thoukis	5	470.87
Donald R. Mende	4	470.87
Donald Dean Fellows	3	470.87
Gardner L. Hutchins	2	470.87
Lawrence P. Thompson	1	470.87
Joanne Allustiarte	15	470.87
Walter P. Wesson, Jr.	14	470.87
Thomas Andersen	13	470.87
Carl A. Gagliardi	12	470.87
Julius C. Manrique	11	470.87
Ward F. Robinson	10	470.87

BLOCK 6831 NORTHGATE - FLEETWOOD/SHERWOOD - DORRINGTON CT.

Property Owner	Lot	Contract Cost
Richard L. Belt	9	470.87
Paul O. Humbert	8	470.87
Albert L. Rubalcava	7	470.87
Carlton Degnan	6	470.87
Van W. Switzer	5	470.87
Maurice D. Nordell	4	470.87
John A. Morris	3	470.87
Conrad J. Lang	2	470.87
Charles H. Davies	1	470.87
James Saras	15	470.87
Daniel H. Clark	14	470.87
Gene B. Gibson	13	470.87
Diane Howard	12	470.87

ACTION: Res. 87- adopted (, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Charles K. Brunn	11	470.87
Beverly A. Baird	10	470.87

BLOCK 12921 LANGSFORD - SUNRISE/CHARLES - FLOYD

Property Owner	Lot	Contract Cost
Cinda S. Walch	14	$304.56

ACTION: Res. 87-840 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Charles E. Willburn, Jr.	13	300.34

ACTION: Res. 87-841 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Andrew E. Jenkins 12 300.34

ACTION: Res. 87-842 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Glenn D. Dodson 11 300.34

ACTION: Res. 87-843 adopted (Lang/Patteson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Mark L. Morphy 10 300.34

ACTION: Res. 87-844 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Henry Thimsen, Jr. 9 300.34

ACTION: Res. 87-845 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Dale A. Ashford 8 300.34

ACTION: Res. 87-846 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Virginia M. Lehfeldt 7 300.34

ACTION: Res. 87-847 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Eugene W. Messelbeck 6 293.62

ACTION: Res. 87-848 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Lloyd E. Loeb 5 286.76

ACTION: Res. 87-849 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Michael A. Jenkins 4 362.43

ACTION: Res. 87-850 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Dorothy D. Hutchinson 3 380.27

ACTION: Res. 87-851 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ursula Patry 2 255.38

ACTION: Res. 87-852 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Peggy Lofstrom 1 193.65

ACTION: Res. 87-853 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Henry Esau Portion 407.93

ACTION: Res. 87-854 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Joseph Chirco, Jr. Portion 320.29

ACTION: Res. 87-855 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Joseph Chirco, Jr. Portion 224.14

ACTION: Res. 87-856 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

William G. Parish 28 272.37

ACTION: Res. 87-857 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Deanna M. Lillie 27 287.88

ACTION: Res. 87-858 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Jack R. Koski 26 283.31

ACTION: Res. 87-859 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Myron G. Williams 25 283.31

ACTION: Res. 87-860 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Jack W. Greening 24 283.31

ACTION: Res. 87-861 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Danny M. Willard 23 283.31

ACTION: Res. 87-862 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Lawrence E. Owens	22	283.31

ACTION: Res. 87-863 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Harold G. Holland	21	283.31

ACTION: Res. 87-864 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Robbie J. Silva	20	283.31

ACTION: Res. 87-865 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Margaret Iriqui	19	283.31

ACTION: Res. 87-866 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Charles J. Bell	18	283.31

ACTION: Res. 87-867 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

William F. Nungesser	16	283.31

ACTION: Res. 87-868 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Arturo M. De Anda	15	323.12

ACTION: Res. 87-869 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6993 EDWARD - HAMPSHIRE/FLOYD - RUMBLE

Property Owner	Lot	Contract Cost
Harold E. Wilburn	12	$667.49

ACTION: Res. 87-870 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ratomer E. Bruk	13	718.30

ACTION: Res. 87-871 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Leslie H. May 14 682.33

ACTION: Res. 87-872 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Dennis W. Barker Portion 426.67

ACTION: Res. 87-873 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ernest Mishoe Portion 350.44

ACTION: Res. 87-874 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Emilee J. Lindee Portion 372.86

ACTION: Res. 87-875 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Werner J. Kaiser 18 390.80

ACTION: Res. 87-876 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Daniel Mendes 19 679.24

ACTION: Res. 87-877 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Delbert W. Reynolds 20 678.52

ACTION: Res. 87-878 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Tamio Kitano 21 390.92

ACTION: Res. 87-879 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John C. Holzheimer 22 390.92

ACTION: Res. 87-880 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Mathew Bruno 23 413.44

ACTION: Res. 87-881 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ramon Batista, Jr. 24 504.03

ACTION: Res. 87-882 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Gary E. Zimmerman 25 481.56

ACTION: Res. 87-883 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Harold E. Abernathy 26 481.56

ACTION: Res. 87-884 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John M. Shepherd 27 480.30

ACTION: Res. 87-885 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Gregorio R. Gloria 2 423.94

ACTION: Res. 87-886 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Darrel A. Sharp 1 424.93

ACTION: Res. 87-887 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

William M. Allen, Jr. 3 731.61

ACTION: Res. 87-888 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Truman Traphagan 4 440.12

ACTION: Res. 87-889 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Mark D. Wheeler 5 440.12

ACTION: Res. 87-890 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Melvin Kampen Stephens 6 440.12

ACTION: Res. 87-891 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James W. Huggins 7 471.78

ACTION: Res. 87-892 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6892 EDWARD - HAMPSHIRE/FLOYD - RUMBLE

Property Owner	Lot	Contract Cost
Clara J. Achelpohl	1	$ 345.77

ACTION: Res. 87-893 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Don A. Sousa	2	381.92

ACTION: Res. 87-894 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Marvin H. Bort	3	381.92

ACTION: Res. 87-895 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Earlene F. Righetti	4	372.95

ACTION: Res. 87-896 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Lawrence M. Johnson	5	395.15

ACTION: Res. 87-897 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Original Apost. Faith Church	Portion	1,461.28

ACTION: Res. 87-898 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6932 EDWARD - HAMPSHIRE/FLOYD - RUMBLE

Property Owner	Lot	Contract Cost
Ross Briles	1	$682.64

ACTION: Res. 87-899 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Francis J. Fiori	Portion	377.34

ACTION: Res. 87-900 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Muzio Valerio	Portion	377.34

ACTION: Res. 87-901 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John Alcamo, Trustee	Portion	435.64

ACTION: Res. 87-902 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Marvin Smith	2	385.23

ACTION: Res. 87-903 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ronald Deane, Trustee	3	416.23

ACTION: Res. 87-904 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Anthony F. Pinheiro	4	760.90

ACTION: Res. 87-905 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Melva Nichols	5	505.91

ACTION: Res. 87-906 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Michael J. Blakeslee	6	439.36

ACTION: Res. 87-907 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Edward T. Walters	7	376.31

ACTION: Res. 87-908 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Virginia E. Hull	8	363.67

ACTION: Res. 87-909 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Gary H. Parham	9	$763.45

ACTION: Res. 87-910 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John E. Leitch	10	550.17

ACTION: Res. 87-911 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Donovan C. Beachler 11 583.45

ACTION: Res. 87-912 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Kenneth F. Bondurant 12 413.23

ACTION: Res. 87-913 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Alfred L. Holcombe 13 394.29

ACTION: Res. 87-914 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Dorothy Kidd 14 433.76

ACTION: Res. 87-915 adopted (Lang/Patterson , unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

By motion (Lang/Patterson, unan.) referred Blocks 6702,6829, 6830 and 6831 to staff for further study. (Engineering to handle)

BIDS

CONSENT

8. Consider approving specifications and authorize call for bids to be opened September 15, 1987, at 3:00 p.m., for furnishing street trees. (Requested by the Parks and Recreation Tree Division, the trees will be nurtured at the Sutter Street Nursery and eventually planted as new or replacement trees along City streets. Resolution approving specifications and calling for bids needed. Estimated cost: $16,000. Funds are budgeted.)

ACTION: Res. 87-916 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider approval of plans and specifications for the re-bidding of the relocation of fuel vaults at the water quality control remote pond site. (Suggested bid opening: September 15, 1987, 11:05 a.m. Bids were previously opened for this project on July 21, 1987. No bids were received. Since that time, contractors have been contacted who would be willing to submit bids. Staff recommends that the project be rebid. Memo with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: $7,150. (contract - $6,500; engineering $650) Funds are budgeted.)

ACTION: Res. 87-917 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider declaring Target Specialty Projects low bidder and authorize the purchase of tree injecticide for the total price of $9,467.49.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-918 adopted authorizing purchase. (Finance to handle)

CONSENT

11. Consider rejecting the sole bid for discing services received August 11, 1987, at 3:00 p.m., and authorize new bids to be opened September 22, 1987, at 3:00 p.m.
(Memo with agenda. Resolution rejecting sole bid and authorizing call for new bids needed. Estimated cost: $13,270. Funds are budgeted.)

ACTION: Res. 87-910 adopted rejecting bid and authorizing call for new bids. (Finance to handle)

CONSENT

12. Consider award of contract for the reconstruction of pump station No. 7 to Central Pump Co.
(Bids were opened on August 18, 1987, for the reconstruction of pump station No. 7. The low bid of $62,892, submitted by Central Pump Co. is 7.10% 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 to Central Pump Co. needed. Funds are budgeted.)

ACTION: Res. 87-920 adopted awarding contract. (Eng to handle)

13. Consider award of contract for the renovation of the grandstand at John Thurman Field to Opinski Construction.
(Bids were received August 4, 1987. The low bid of $137,249, submitted by Opinski Construction is approximately 40% above the engineer's estimate and considered acceptable. Memo and bid tabulation with agenda. Resolution awarding contract to Opinski Construction needed. Funds are budgeted.)

ACTION: Res. 87-921 adopted (McGrath/Lang, unan.) awarding contract to Opinski Constr.
By motion (McGrath/Lang, unan.) staff directed to look into ways of improving the bidding process.

CONSENT

14. Consider acceptance of Conco West's contract for installation of aerators at the City's remote pond site. (Original contract: $337,200.)
(All work on this project has been completed to the satisfaction of the Utility Services Department. It is, therefore, recommended that the contract be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Final cost: $328,400. Funds are budgeted.)

ACTION: Res. 87-922 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

CONSENT
15. Consider approval of proposed agreement with Recreation Systems, Inc. (Staff is recommending a contract with Recreation Systems, Inc., to develop the masterplan for Pelandale Neighborhood Park. Memo with agenda. Resolution approving agreement needed. Estimated cost: $4,900. Funds are budgeted.)

ACTION: Res. 87-923 adopted approving agreement. (P/R to handle)

CONSENT
16. Consider excusing Mayor Mensinger for being absent from the August 4, 1987, City Council meeting due to her official duties in Modesto's Sister City Khmelnitsky.
(Motion excusing Mayor Mensinger needed.)

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

CONSENT
17. Staff response to 1986-87 County Grand Jury inquiry regarding Community Development Block Grant (CDBG) funds.
(Memo with agenda. The Grand Jury recognizes that our CDBG funds are used more broadly than in the past. Motion acknowledging receipt of staff response needed.)

ACTION: By motion, receipt of staff response acknowledged.

18. Consider amendment to Capital Facilities Fee ordinance to add "Hospital" as a separate category, and review the convenience mart and fast food restaurant categories.
(Memo with agenda. Motion directing staff needed.)
Mayor Mensinger excused from the hospital fee discussion due to a conflict of interest.

ACTION: By motion (Lang/Whiteside, unan., Mensinger absent) staff recommendation concerning hospitals approved.

By motion (Whiteside/Sutton, unan.) the fee for fast food restaurants was referred to staff for further study and make a recommendation concerning to what amount the fee can be adjusted.

CONSENT
19. Consider setting hearing on September 8, 1987, at 7:30 p.m.,to consider various fee increases relative to land development, street work, building inspection, water and sewer inspections, document reproduction and signs.
(Memo with agenda. Resolution setting public hearing needed.)

ACTION: Res. 87-924 adopted setting hearing. (Clerk to handle)

CONSENT

20. Consider setting hearing on September 8, 1987, at 7:30 p.m. for reconsideration of the Tenth Street Plaza alley closure.
(The City Council reviewed the closure after one year on May 12, 1987. The review was continued for three months to give the applicant time to resolve several issues. Staff recommends a public hearing be set for this reconsideration. Resolution setting date needed.)

ACTION: Res. 87-925 adopted setting hearing. (Clerk to handle)

CONSENT

21. Consider approval of an agreement with Westside Economic and Minority Alliance for funding of the Job Opportunities in Business for Youth Project under the Community Development Block Grant program for 1987-88.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $124,042. Funds are budgeted.)

ACTION: Res. 87-926 adopted approving agreement. (Planning to handle)

CONSENT

22. Consider acceptance of improvements in Walnut Woods East subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Grant Construction.
(Walnut Woods East subdivision is located south of Merle Avenue and east of Oakdale Road. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-927 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

23. Consider acceptance of improvements in Live Oak subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Florsheim Bros.
(Live Oak subdivision is located east of Oakdale Road, north of Merle Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-928 adopted accepting as complete. (Clerk to handle)

CONSENT

24. Consider approval of the final map of Live Oak Condominiums subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
Subdividers: LO Associates.
(The subdivision agreement has been signed and all fees paid. Live Oak Condominiums is located at the northeast corner of Oakdale Road and Floyd Avenue. It contains 14.652 acres. Resolution approving final map needed.)

ACTION: Res. 87-929 adopted approving final map. (Clerk to handle)

CONSENT

25. (Consider approval of LAFCO questionnaire indicating no opposition to Houser Lane No. 4 Reorganization to the City of Modesto. (Property owners on the south side of Houser Lane east of Carpenter Road have petitioned for annexation. The proposed uninhabited annexation would consist of three parcels and include three single family dwellings, and totals 4.732 acres. Resolution responding favorably to proposed reorganization needed.)

ACTION: Res. 87-930 adopted responding favorably to proposed reorganization. (Planning to handle)

WRITTEN COMMUNICATIONS

CONSENT

26. Appeal by John A. Myrtakis and Ken David Elving, Matel Realtors, to an order by the Director of Engineering Services, concerning a driveway, curb and sidewalk on their property at 1562 Tully Road. (Resolution setting hearing on September 8, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-931 adopted setting hearing. (Clerk to handle)

CONSENT

27. Legislation - Staff recommends opposing:

    a. AB 2448 (Easten) Solid Waste - Landfill Clean-up Fund

    b. SB 52 (Torres) Solid Waste

(Memo with agenda. Motion accepting recommendation needed.)

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

68. 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 12:10 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 1, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
Councilmember Lang excused at 5:20 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Herbert Henry, Richland Assembly of God Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 8, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30

Removed from consent: 14, 17
ACTION: (Whiteside/Sutton)

(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.)

ACTION: By motion (Patterson/Lang, unan.) item 26 taken up before item 1

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Mensinger introduced Luis Figaroa, newly appointed Affirmative Action Officer, and M.J.C. students from Central America.

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of August 12, 1987, and the regular City Council meeting of August 25, 1987.

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. Report by a Stanislaus County Economic Development Corporation representative concerning Business Retention & Expansion Program.

   Report made by Charline Speck.

CONSENT

5. Consider extension of the hours of illumination of the "Water, Wealth, Contentment, Health" Arch on I Street from 11:00 p.m. to at least 2:30 a.m. daily.
   (The Downtown Improvement District recommends extending the hours. Staff recommends lighting the arch all night. Motion approving staff recommendation needed. Estimated additional cost: $360. Estimated new annual cost: $820.)

ACTION: By motion, recommendation approved. (Utility Serv/Planning to handle)

CONSENT

6. Further report on no parking and extra lanes on McHenry Avenue.
   (Memo with agenda. Caltrans will not be able to create extra lanes until the fall of 1988 as part of their next project. Extra lanes will then be available from Roseburg northerly to Wells, instead of just from Tokay to Wells. If the City wanted to advance the work, $47,000 would be required to do the work just between Tokay and Wells with perhaps a 50% reimbursement eventually. Staff recommends that the work be left to Caltrans to handle. Motion acknowledging receipt of report and approving recommendation needed.)

ACTION: By motion, receipt of report acknowledged. (P/T to handle)

CONSENT

8. Consider final adoption of Ord. No. 2535-C.S., amending Section May 24-3-9 of the Zoning Map to rezone from R-3 to P-D(429), property located at the southeast corner of Briggsmore Avenue and Lakewood Avenue. (Village Properties)
(Motion adopting ordinance needed.)

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

HEARINGS

9. Hearing on the renewal of the Modesto & Empire Traction Company franchise to operate trains on B Street from 12th to near 7th Streets.

ACTION: By motion (Patterson/Lang, unan.) Ord. No. 2540-C.S. adopted. (Clerk to handle)

10. Hearing to consider an amendment to Section 10-3-9 of the Zoning Map to rezone from a portion of P-D(211) to P-D(428) to allow a neighborhood shopping center, property located on the southwest corner of Oakdale Road and Sylvan Avenue. (U.S. By-Products)

ACTION: By motion (Whiteside/Lang, unan.) hearing continued to September 15, 1987, 4:00 p.m. (Clerk to handle)

11. Hearing to consider an amendment to P-D(413) to allow a dental/medical office condominium, property located on the north side of East Orangeburg Avenue between Collier Avenue and Trombetta Avenue. (Bob Scott)

ACTION: By motion (Muratore/Whiteside, unan.) hearing continued to September 15, 1987, 4:00 p.m. (Clerk to handle)

12. Appeal by William Ferrell to a Planning Commission decision regarding a plot plan at the northeast corner of California Avenue and M.I.D. Lateral No. 5.

ACTION: Res. 87-932 adopted (Lang/McGrath, unan.) denying appeal. (Clerk to handle)

13. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Bright Development, to a Planning Commission decision concerning an application to amend P-D(392) to eliminate the use of the M.I.D. right of way, property located at the northeast corner of Claus Road and Scenic Drive. (Continued from the August 18, 1987, meeting.)

ACTION: By motion (Lang/Whiteside, unan.) hearing continued to September 22, 1987, 7:30 p.m. (Clerk to handle)

BIDS

14. Consider approval of plans and specifications and call for bids for the construction of Alberta Martone Park.
(Suggested bid opening: September 22, 1987, at 11:00 a.m. This project consists of grading, paving, electrical, turf and irrigation system installation at the Alberta Martone Park located at Woodland Avenue and Poust Avenue. Resolution approving plans and specifications and call for bids needed. Estimated cost: $267,894 (Contract - $243,894; Engineering & Cont. - $24,000). Funds are budgeted.)

ACTION: Res. 87-933 adopted (Whiteside/Sutton, unan.) calling for bids. (Eng to handle)
By motion (McGrath/Whiteside, unan.) intent indicated to amend the agreement with the Modesto School District concerning development of the park. (P/R to handle)

Councilmember Lang excused at 5:20 p.m.

NEW BUSINESS

14A. Response to James Dignan's comments of August 24, 1987.
(Requested by Mayor Mensinger)

Reports were made by Mayor Mensinger and City Manager Lipsky.

CONSENT
15. Consider approving lease agreement with E. & J. Gallo Winery for the lease of Hangar No. 6 at the Airport.
(This is a one-year renewal of an existing lease. Rent is established by resolution of the County and is presently $397 per month. All terms remain the same. Resolution approving agreement needed.)

ACTION: Res. 87-934 adopted approving agreement. (Utility Serv to handle)

CONSENT
16. City Manager's Administrative Activities Report, 1986-87.
(The City Charter requires the City Manager to submit an annual report to the City Council on "Administrative Activities" at the completion of each fiscal year. Report with agenda. Motion accepting report needed.)

ACTION: By motion, report accepted.

17. Consider acceptance of State grant for development of Riverside Neighborhood Park.
(The State has approved the City's grant application under the California Parklands Act of 1986. Memo with agenda. Resolution accepting grant needed.)

ACTION: Res. 87-935 adopted (Sutton/McGrath, unan. Lang absent) accepting grant. (P/R to handle)

CONSENT

18. Consider request from staff to change the street name of Zeeland Circle to Van Tuyl Place.
(Zeeland Circle is a name of a street in Dutchollow #4 Subdivision located on the south side of Snyder Avenue and east of Dale Road. The final map was recorded in March 1987. Staff discovered in July, 1987, that there is an existing street in Modesto called Zeeland Court. Resolution changing street name from Zeeland Circle to Van Tuyl Place needed. Estimated cost: $40.14. Funds are budgeted.)

ACTION: Res. 87-936 adopted changing name. (Planning to handle)

CONSENT

19. Consider a proposal to authorize the Director of Engineering Services to appear at a hearing of the State Water Resources Control Board to deliver a policy statement.
(The policy statement would be that water in the Tuolumne River should be reserved for local use and not diverted to the Delta Estuary area to prevent intrusion of saltwater. Memo with agenda. Resolution directing Director of Engineering Services to deliver a policy statement at the hearing needed.)

ACTION: Res. 87-937 adopted directing Director of Engineering Services to deliver a policy statement. (Eng to handle)

CONSENT

20. Consider authorizing City Manager to consent to assignment of telecommunications contract.
(Memo with agenda. Resolution approving consent to assignment of telecommunications contract needed.)

ACTION: Res. 87-938 adopted approving consent to assignment.
(Attorney to handle)

CONSENT

21. Consider referring to Planning Commission a request by Police Department for abandonment of a portion of the alley from 10th to 11th and F to G Streets to allow the Police Department expansion project (parking lot construction)
(Memo with agenda. Motion referring request for abandonment to Planning Commission needed.)

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

CONSENT

22. Consider acceptance of improvements in Yellowstone Estates Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: P & R Enterprises. (Yellowstone Estates Subdivision is located at the southwest corner of Yellowstone Avenue and Temperate Avenue. It contains 3.291 acres. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-939 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

23. Consider approval of the final map of Briggs Estates Subdivision of the City of Modesto and authorize an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: P & R Enterprises.
(The subdivision agreement has been signed and all fees paid. Briggs Estates is located on the north side of Briggs Avenue at Spencer Avenue. It contains 5.671 acres. Resolution approving final map needed.)

ACTION: Res. 87-940 adopted approving final map. (Clerk to handle)

CONSENT

24. Consider authorizing City Manager to sign consent to common use agreement with Modesto Irrigation District for Lateral No. 2 for the McClure Road storm drain line.
(This agreement will allow for the boring and jacking of the 66" storm drain line under Lateral No. 2 in conjunction with the installation of the storm sewer in Improvement District No. 27 at McClure Road. Resolution approving agreement needed.)

ACTION: Res. 87-941 adopted approving agreement. (Eng to handle)

CONSENT

25. Consider endorsement of Economic Development Partnership application for $10,000 from Stanislaus County Economic Development Corporation (SCEDCO) under Rural Renaissance/Private Industry Council Economic Development Grant Program.
(Economic Development Partnership is requesting $10,000 to be used for a Modesto Image publication. Memo with agenda. Resolution endorsing Economic Development Partnership application for grant needed.)

ACTION: Res. 87-942 adopted endorsing Economic Development Partnership application. (Econ Devel Dir to handle)

26. Consider proposed Health Care Facilities Revenue Bond issue for Memorial Hospital.
(Memorial Hospitals Association proposes a $21,150,000 revenue bond issue to finance expansion, renovation, capital equipment, and refinancing of variable-rate debt. Amendment to criteria for health care bond issuance to allow refinancing of existing tax-exempt debt is also recommended. Resolution amending City Council Resolution 82-497 regarding criteria for issuance of Health Care Facility Revenue Bonds, and resolution providing preliminary approval for issuance of bonds for Memorial Hospital needed.)
(Mayor Mensinger will be excused due to a conflict of interest.)

ACTION: Res. 87-943 adopted (Whiteside/Muratore, unan., Mensinger absent) amending Resolution 82-497 regarding criteria for issuance of Health Care Facility Revenue Bonds.

Res. 87-944 adopted (same vote) providing preliminary approval for issuance of bonds for Memorial Hospital.

(Planning to handle)

CONSENT
27. Consider approval of transfer for Beyer Community Park Development.
(The low bid for the above project was 24.4% above the engineer's estimate. To complete the project, a transfer is needed. Memo with agenda. Amount of transfer: $64,800. Resolution amending budget needed.)

ACTION: Res. 87-945 adopted amending budget. (Finance to handle)

CONSENT
28. Consider amendment to the Position Classification Plan -- Accountant I/II.
(The minimum employment standards are revised to read "equivalent to graduation from a four-year college." There is no change in the salary range. Memo with agenda. Resolution amending the Position Classification Plan needed.)

ACTION: Res. 87-946 adopted amending Position Classification Plan.
(Manager to handle)

CONSENT
29. Request for refund of $2,984.17 for overpayment of business license tax by Doll's Enterprise, Inc., 3420 Oakdale Road.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 87-947 adopted approving refund. (Finance to handle)

WRITTEN COMMUNICATIONS

CONSENT
30. Petition from residents of Poplar and Wright Streets concerning conditions at the residence at 315 Poplar Avenue.
(Motion referring petition to staff needed.)

ACTION: By motion, petition referred to staff. (Planning/Police to handle)

31. Letter from Griffin, Conway & Jones, on behalf of Modesto Garbage Co. and Orange Line Sanitation Co. requesting a public hearing to consider the merger of the two companies into Modesto Garbage Co., Inc. (Resolution setting hearing September 15, 1987, at 4:00 p.m. needed.) (Vice Mayor Sutton will be excused due to a conflict of interest.)

ACTION: Res. 87-948 adopted (McGrath/Whiteside, unan., Lang and Sutton absent) setting hearing. (Clerk to handle)

MISCELLANEOUS

32. Legislation - Consider SB 349 (Bergeson), Justice Facilities (Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Sutton/McGrath, majority, Mensinger-no, Lang absent) supported Option #3 in favor of the bill. (Manager to handle)

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

The meeting adjourned at 6:26 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 8, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Cliff Sexton, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,

ACTION: (Lang/Whiteside, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Mayor's proclamation and M.J.C. Readers Theatre presentation in recognition of the Bicentennial of the Constitution.

"Letters between John and Abigail Adams" presented by Trena Cambron and Larry Zabel. Mayor Mensinger proclaimed September 17th a day for Modesto to celebrate the signing of the United States Constitution.

b. Presentation by the "Stop Bork/Save the Court Coalition."

ACTION: By motion (Whiteside/Muratore, unan.) this item was taken up under item 3, "Oral Communications".

MINUTES

CONSENT

2. Approval of the minutes of the September 1, 1987, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS
(Matters for the Good of the Community)

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 presentation was made by a representative of "Stop Bork-Save the Court" Coalition.

UNFINISHED BUSINESS

CONSENT

4. Report on traffic count survey for convenience marts and fast food restaurants.
(Memo with agenda. The traffic counts will be used to determine whether any changes are necessary in the Capital Facilities Fees rate for these uses. Motion concurring with staff approach needed.)

ACTION: By motion, Council concurred with staff approach.
(Planning to handle)

HEARINGS

5. Continued hearing to consider approval of Report by Superintendent of Streets on the costs of Residential Alley Resurfacing - Project No. 13.
(The following information shows the project locations listed by lot and block number. The dollar amounts listed reflect the contract costs for the placement of asphalt and the raising of sewerage facilities. The raising of water valve boxes and grading of the alleys was paid for by the City.)
(Consideration of four of the alleys was continued from the August 25, 1987 meeting.)

BLOCK 6702 TULLY - MONTICELLO/BOWEN - BISPO

Property Owner	Lot	Contract Cost
Frank L. Mendes	1	$286.49

ACTION: Res. 87-949 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Earl P. Waddell	2	286.49

ACTION: Res. 87-950 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Alice Lane	3	286.49

ACTION: Res. 87-951 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Neva L. Ogden	4	286.49

ACTION: Res. 87-952 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Raymond K. Jenkins	5	286.49

ACTION: Res. 87-953 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Donna A. Walker	6	286.49

ACTION: Res. 87-954 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John E. King	7	286.49

ACTION: Res. 87-955 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Leroy Applequist	8	286.49

ACTION: Res. 87-956 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Benjamin J. Brocco	9	286.49

ACTION: Res. 87-957 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Mildred L. Hayes	10	286.49

ACTION: Res. 87-958 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Phillip G. Bowers 11 286.49

ACTION: Res. 87-959 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ruth C. Talbert 12 286.49

ACTION: Res. 87-960 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Michael J. Dugan 13 286.49

ACTION: Res. 87-961 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Estela G. Uderos 14 286.49

ACTION: Res. 87-962 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Donald R. Whipple 15 286.49

ACTION: Res. 87-963 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Vera M. Hedberg 16 286.49

ACTION: Res. 87-964 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ernest W. Young 17 286.49

ACTION: Res. 87-965 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Michael J. Strickler 18 286.49

ACTION: Res. 87-966 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

L. R. Van Horn, Jr. 19 286.49

ACTION: Res. 87-967 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Pauline Harms 20 286.49

ACTION: Res. 87-968 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing metnod of payment. (Finance to handle)

Michael D. McGar 21 89.54

ACTION: Res. 87-969 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Raymond D. Jorgensen 22 166.57

ACTION: Res. 87-970 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Janice C. Carpenter 23 286.49

ACTION: Res. 87-971 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

L. A. Holloman 24 286.49

ACTION: Res. 87-972 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Henry Roggenbock 25 286.49

ACTION: Res. 87-973 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John Kenshalo 26 286.49

ACTION: Res. 87-974 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James E. Burden 27 286.49

ACTION: Res. 87-975 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

R. K. Jenkins 28 286.49

ACTION: Res. 87-976 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Sandra J. Moore 29 286.49

ACTION: Res. 87-977 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Socorro R. Becerra 30 286.49

ACTION: Res. 87-978 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Chris Pakas	31	286.49

ACTION: Res. 87-979 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James E. Row	32	286.49

ACTION: Res. 87-980 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Suringer Singh	33	286.49

ACTION: Res. 87-981 adopted (Whieside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6829 NORTHGATE - FLEETWOOD/SHERWOOD - DORRINGTON CT.

Property Owner	Lot	Contract Cost
Phillip Line	8	$111.64

ACTION: Res. 87-982 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Harry R. Cannon	7	470.87

ACTION: Res. 87-983 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John B. Shore	5 & 6	470.87

ACTION: Res. 87-984 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6830

Alfred J. Lorenz	9	470.87

ACTION: Res. 87-985 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Helen A. Moser	8	470.87

ACTION: Res. 87-986 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Phillip K. Ware	7	470.87

ACTION: Res. 87-987 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

David W. Triplett 6 470.87

ACTION: Res. 87-988 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

George Thoukis 5 470.87

ACTION: Res. 87-989 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Donald R. Mende 4 470.87

ACTION: Res. 87-990 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Donald Dean Fellows 3 470.87

ACTION: Res. 87-991 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Gardner L. Hutchins 2 470.87

ACTION: Res. 87-992 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Lawrence P. Thompson 1 470.87

ACTION: Res. 87-993 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Joanne Allustiarte 15 106.98

ACTION: Res. 87-994 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Walter P. Wesson, Jr. 14 470.87

ACTION: Res. 87-995 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Thomas Andersen 13 470.87

ACTION: Res. 87-996 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Carl A. Gagliardi 12 470.87

ACTION: Res. 87-997 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Julius C. Manrique 11 106.98

ACTION: Res. 87-998 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Ward F. Robinson	10	470.87

ACTION: Res. 87-999 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

BLOCK 6831 NORTHGATE - FLEETWOOD/SHERWOOD - DORRINGTON CT.

Property Owner	Lot	Contract Cost
Richard L. Belt	9	470.87

ACTION: Res. 87-1000 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Paul O. Humbert	8	470.87

ACTION: Res. 87-1001 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Albert L. Rubalcava	7	86.89

ACTION: Res. 87-1002 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Carlton Degnan	6	470.87

ACTION: Res. 87-1003 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Van W. Switzer	5	470.87

ACTION: Res. 87-1004 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Maurice D. Nordell	4	470.87

ACTION: Res. 87-1005 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

John A. Morris	3	470.87

ACTION: Res. 87-1006 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Conrad J. Lang	2	470.87

ACTION: Res. 87-1007 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Charles H. Davies	11	108.50

ACTION: Res. 87-1008 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

James Saras	15	470.87

ACTION: Res. 87-1009 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Daniel H. Clark	14	470.87

ACTION: Res. 87-1010 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Gene B. Gibson	13	470.87

ACTION: Res. 87-1011 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Diane Howard	12	470.87

ACTION: Res. 87-1012 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Charles K. Brunn	11	470.87

ACTION: Res. 87-1013 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

Beverly A. Baird	10	470.87

ACTION: Res. 87-1014 adopted (Whiteside/McGrath, unan.) confirming report, assessing costs, directing method of payment. (Finance to handle)

6. Hearing on appeal by John A. Myrtakis and Ken David Elving, Matel Realtors, to an order by the Director of Engineering Services, concerning a driveway, curb and sidewalk on their property at 1562 Tully Road.

ACTION: Res. 87-1015 adopted (Lang/Muratore, unan.) granting appeal, using option 2 in the report from the Director of Engineering Services and requiring the appelants to indemnify the City against liability. (Eng to handle)

7. Hearing on appeal by Graceada Mansion Partnership to a Planning Commission decision regarding rezoning to the northwest corner of Needham and Park Avenue from R-3 to P-O.

ACTION: By motion (Sutton/Whiteside, unan.) hearing continued to September 22, 1987, at 7:30 p.m. (Clerk to handle)

8. Hearing on Kansas Avenue No. 6 Reorganization.
(Continued from August 25, 1987, Council meeting.)

After the hearing was closed it was moved (Patterson/McGrath, unan.) this item was tabled until later in the meeting when staff had a report ready.

ACTION: Res. 87-1016 adopted (Muratore/McGrath, unan.) annexing.
(Planning/Clerk to handle)

9. Hearing on various fee increases relative to land development, street, work, building inspection, water and sewer inspections, document reproduction and signs.

ACTION: Res. 87-1017 adopted (Patterson/Sutton, majority, McGrath-no) establishing filing fees for subdivision and parcel maps and rescinding Res. No. 86-1254.

Res. 87-1018 adopted (same vote) establishing fees and charges for copies of various maps and prints and rescinding Res. No. 86-1253.

Res. 87-1019 adopted (same vote) establishing investigation and permit fees relating to moving of buildings and rescinding Res. No. 86-1256.

Res. 87-1020 adopted (same vote) establishing a sewer bond redemption charge and water connection charge inspection fees and rescinding Res. No. 86-1261.

Res. 87-1021 adopted (same vote) establishing sign permit fees and rescinding Res. No. 86-1262.

Res. 87-1022 adopted (same vote) establishing a fee for preparation of sewer line reimbursement agreements and rescinding Res. No. 86-1257.

Res. 87-1023 adopted (same vote) establishing a building compliance inspection fee and rescinding Res. No. 86-1252.

Res. 87-1024 adopted (same vote) adopting a schedule of fees in connection with encroachment permits and inspections and rescinding Res. No. 86-1255.

Res. 87-1025 adopted (same vote) establishing filing fees for special assessment district financing and rescinding Res. No. 86-1259.

Res. 87-1026 adopted (same vote) establishing filing fees for special assessment benefit districts for landscaping and rescinding Res. No. 86-1258.

Res. 87-1027 adopted (same vote) allowing the sale of electronic data and establishing a fee to be charged by City departments for the sale of electronic data.

Res. 87-1028 adopted (same vote) establishing fees for issuance of annual permits for oversized or overloaded vehicles and for issuance of one trip permits for oversized or overloaded vehicles.
(Engineering/Clerk to handle)

10. Hearing on reconsideration of closure of the alley in Block 68 bounded by 10th, 11th, J and I Streets (10th Street Plaza).
(Roger Schlesinger has requested that this hearing be continued to September 22, 1987, at 7:30 p.m.)

ACTION: By motion (Whiteside/McGrath, unan.) hearing continued to October 13, 1987, at 7:30 p.m.

10A Hearing to consider the appeal of Peter J. Koetting, Westar Associates, concerning payment of Capital Facilities Fees.

ACTION: Res. 87-1029 adopted (Lang/McGrath, unan.) denying appeal.

By motion (Muratore/Whiteside, majority, Lang, McGrath, Patterson-no) staff directed to determine whether or not Capital Facilities Fees could be paid in installments and report back on September 15, 1987.) (Finance to handle)

BIOS

CONSENT
11. Consider approving plans and specifications and calling for bids for time base coordination on Briggsmore Avenue and the modification of the traffic signal at Briggsmore and Oakdale.
(Memo with agenda. This project will reduce stops by Briggsmore traffic and replace four 12-to-20 year old signal controllers that are no longer appropriate for current traffic volumes. Resolution approving plans and specifications and calling for bids to be opened at 11:00 a.m., Tuesday, October 13, 1987 needed. Estimated cost: $85,000. Funds are budgeted.)

ACTION: Res. 87-1030 adopted calling for bids. (P/T to handle)

CONSENT
12. Consider award of contract for the restroom addition for the Boy Scout Clubhouse in Enslen Park.
(Memo and bid tabulation with agenda. Resolution awarding the contract to Monnachie Tamraz needed. Estimated cost: $26,800. Funds are budgeted.)

ACTION: Res. 87-1031 adopted awarding contract. (Engineering to handle)

CONSENT

14. Consider accepting Morisoli Construction's contract to construct traffic signals at Standiford and Prescott as complete.
(Memo with agenda. Substantial completion occurred on June 30, 1987, when the signal become operational. Acceptance has been delayed awaiting completion of minor contract items. All work has now been completed. Resolution accepting the contract as complete and directing the City Clerk to file Notice of Completion needed. Final cost: $81,231. Funds are budgeted.)

ACTION: Res. 87-1032 adopted accepting work as complete. (Clerk to handle)

CONSENT

15. Consider acceptance of Western Stone Products' contract for the Roosevelt Park tennis courts overlay. (Original contract and final cost: $22,119.)
(All work on this project has been completed to the satisfaction of the Engineering and Parks Departments. It is, therefore, 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. 87-1033 adopted accepting work as complete. (Clerk to handle)

CONSENT

16. Consider acceptance of Cunningham & Sons' contract for the construction of Project No. 16 - replacement of curb, drive aprons and sidwalks. Original contract: $73,751.90.
(All work on this project has been completed to the satisfaction of the Engineering 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: $76,529.58. Funds are budgeted.)

ACTION: Res. 87-1034 adopted accepting work as complete. (Clerk to handle)

CONSENT

17. Consider waiving formal bid procedures and authorize the purchase of one memory upgrade from IBM for the total price of $50,694.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-1035 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

CONSENT

18. Consider adoption of the revised City of Modesto Disadvantaged Business Enterprise (DBE) Program, as it relates to Federal Highway Administration Projects.

(The City of Modesto's disadvantaged business program must be modified to comply with the 1987 Surface Transportation and Uniform Relocation Assistance Act. Memo with agenda. Resolution adopting Revised City of Modesto Disadvantaged Business Enterprise (DBE) Program needed.)

ACTION: Res. 87-1036 adopted adopting revised Program. (Eng to handle)

CONSENT

19. Consider authorizing City Manager to sign an amendment to Utilities Agreement No. 10UT1854 between the City and the State of California.
(This amendment covers the cost of adjusting an additional number of manhole and valve covers to grade by the State's contractor to accommodate construction on Route 108 in Modesto from Tokay Avenue to Wells Avenue. These additional covers require adjusting to grade due to an increase in the area which was resurfaced. Resolution approving amendment to agreement needed. Estimated cost: $36,700. Funds are budgeted.)

ACTION: Res. 87-1037 adopted approving amendment to agreement. (Eng to handle)

CONSENT

20. Consider requesting the Stanislaus Area Association of Governments to take the lead in initiating enabling legislation for a county-wide half-cent sales tax increase for roadway improvements.
(Memo with agenda. Resolution making the request of the Stanislaus Area Association of Governments needed.)

ACTION: Res. 87-1038 adopted making the request. (Manager to handle)

21. Consider an ordinance amending the Modesto Municipal Code relating to Capital Facilities Fees to provide that a separate definition entitled "Hospitals" be added thereto, and consideration of an amendment to Resolution No. 87-498 to provide for a Capital Facilities Fee for hospital uses.
(Memo with agenda. Introduction of an ordinance and adoption of a resolution needed.)
(Mayor Mensinger will be excused due to a conflict of interest.)

ACTION: By motion (Lang/Whiteside, unan., Mensinger absent) Ord. No. 2541-C.S. introduced amending Code.

Res. 87-1039 adopted (same vote) providing for Capital Facilities Fee for hospital uses. (Planning/Clerk to handle)

CONSENT

22. Consider request for sewer service to property outside City limits at 2027 Frazier Street, located between Inyo Avenue and Lassen Avenue. Owners: Ronnie J. and Judith A. Connel.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 87-1040 adopted approving agreement. (Eng to handle)

CONSENT

23. Consider request for water service to property outside City limits at 3212 Oakdale Road, located between Floyd Avenue and Sylvan Avenue. Owners: Joseph and Anna Magaddino.
(The property owners have 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. 87-1041 adopted approving agreement. (Eng to handle)

CONSENT

24. Consider authorizing the addition of an Accountant II position in the Finance Department and an Associate Civil Engineer in the Engineering Services Department to implement the financing plans recommended by the Infrastructure Committee, and approving an amendment to the 1987-88 Annual Budget to provide financing for these positions.
(Memo with agenda. Resolution authorizing the hiring of an Accountant II and an Associate Civil Engineer, and resolution amending the Annual Budget for 1987-88. Estimated cost: $86,610.)

ACTION: Res. 87-1042 adopted authorizing hiring.
Res. 87-1043 adopted amending budget. (Finance to handle)

WRITTEN COMMUNICATIONS

25. Letter from The Glass Works owner concerning a commemorative plate with the City Seal.

ACTION: By motion (Muratore/Patterson, unan.) Sue Markle's request approved to produce commemorative plates for the City to sell at the opening of the Community Center.

MISCELLANEOUS

27. Appointments -- Consider appointing members to the following:

a. Downtown Improvement District Advisory Board.

ACTION: Res. 87-1044 adopted (Lang/Sutton, majority, McGrath and Patterson-no) appointing Vivian McNulty to the D.I.D.

b. Affirmative Action Commission.

ACTION: Res. 87-1045 adopted (Lang/Sutton, majority, McGrath and Patterson-no) appointing members to the Affirmative Action Commission (John Kenealy, Jerry Kunishige, Anita Adams, Michelle Aiken, Janie Tomlin, Dorothy Falco, Pearl Hough, Mary Ann Greenwood, Yvonne Marrable)

By order of the Chair, staff requested to report on adding a member of the Human Relations Commission to the Affirmative Action Commission. (Manager/Clerk 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.)

None

ADJOURNMENT

The meeting adjourned at 10:12 p.m. to Thursday, September 10, 1987, at 4:00 p.m. in the City Hall Fourth Floor Conference Room to continue study of the Forward Modesto IV report.

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 15, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Sutton, Whiteside,
Councilmember Muratore arrived at 4:10 p.m.

Absent: Patterson, Mayor Mensinger

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 13, 24, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24A

ACTION: (Lang/Whiteside, unan., Muratore, Patterson, Mensinger 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the September 8, 1987, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS
(Matters for the Good of the Community)

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

Richard Gates thanked the Council for getting sidewalks installed near Sonoma School, and asked that the Council include Measure N for Empire School District along with Measures R and S during discussion of agenda item 25.

UNFINISHED BUSINESS

4. Oral report on whetner Capital Facilities Fees can be paid in installments.

Report made. No action taken.

CONSENT

5. Staff report regarding Modesto Peace/Life Center's request for sponsorship of peace essay contest.
(Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

HEARINGS

6. Hearing to consider amendment to P-D(413) to allow a dental/medical office condominium, property located on the north side of East Orangeburg Avenue between Collier Avenue and Trombetta Avenue. (Bob Scott)

ACTION: By motion (Lang/Muratore, unan., Patterson and Mensinger absent)
Ord. No. 2542-C.S. introduced.
Res. 87-1046 adopted (same vote) amending plan. (Clerk to handle)

7. Hearing to consider an amendment to Section 29-3-9 of the Zoning Map to rezone from C-2 to P-D(430) to allow conversion of two existing office buildings into two condominium office buildings, property on the east corner of K and 15th Streets. (Heritage Partners)

ACTION: By motion (Muratore/McGrath, unan., Patterson and Mensinger absent) Ord. No. 2543-C.S. introduced.
Res. 87-1047 adopted (same vote) approving plan.
Res. 87-1048 adopted (same vote) certifying review of Environmental Assessment report. (Clerk/Planning to handle)

8. Hearing to consider amendments to Sections 3-3-8 and 10-3-8 of the Zoning Map to rezone from P-D(404) to P-D(431) to allow a recreational vehicle sales and service facility, property located between Salida Boulevard, Freeway 99, and Pelandale Avenue. (Thompson-Hysell Engineers)

ACTION: By motion (Lang/Whiteside, majority, Muratore-no, Patterson and Mensinger absent) ord. No. 2544-C.S. introduced.
Res. 87-1049 adopted (same vote) approving plan.
Res. 87-1050 adopted (same vote) certifying review of Environmental Assessment report. (Clerk/Planning to handle)

9. Hearing to consider an amendment to Section 28-3-9 to rezone from R-3 to P-D(139) for a parking lot addition to the Modesto City Hospital and for an amendment to P-D(139) to revise the parking areas and requirements for the hospital located southeast of H Street and on both sides of 17th Street southeast of G Street. (Modesto City Hospital)

ACTION: By motion (Whiteside/McGrath, unan., Patterson and Mensinger absent) Ord. No. 2545-C.S. introduced.
Res. 87-1051 adopted (same vote) amending plan.
Res. 87-1052 adopted (same vote) certifying review of Environmental Assessment report. (Clerk/Planning to handle)

10. Hearing to consider the merger of Modesto Garbage Company and Orange Line Sanitation Company into Modesto Garbage Company, Inc

ACTION: By motion (McGrath/Whiteside, unan., Patterson and Mensinger absent) Councilmember Lang was designated Mayor Pro tem.

Vice Mayor Sutton excused due to a conflict of interest.

By motion (McGrath/Whiteside, unan., Patterson, Sutton and Mensinger absent) Ord. No. 2546-C.S. introduced amending franchise.
Res. 87-1053 adopted (same vote) consenting to merger.
(Clerk to handle)

11. Hearing to consider an amendment to Section 10-3-9 of the Zoning Map to rezone from a portion of P-D(211) to P-O(428) to allow a neighborhood shopping center, property located on the southwest corner of Oakdale Road and Sylvan Avenue. (U.S. By-Products)

ACTION: By motion (McGrath/Muratore, unan., Patterson and Mensinger absent) Ord. No. 2547-C.S. introduced.
Res. 87-1054 adopted (same vote) approving plan.
Res. 87-1055 adopted (same vote) certifying review of Environmental Assessment report. (Clerk/Planning to handle)

12. Hearing to consider issuance of Health Care Facilities Revenue Bonds for up to $21,150,000 for Memorial Hospital Association.

ACTION: By motion (Lang/Muratore, unan., Patterson and Mensinger absent) hearing continued to September 22, 1987, at 7:30 p.m.
(Clerk to handle)

BIDS

CONSENT
13. Consider approving specifications and authorize call for bids to be opened October 6, 1987, at 3:00 p.m. for furnishing Wang computer equipment.
(Memorandum with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $67,500. Funds are budgeted.)

ACTION: Res. 87-1056 adopted calling for bids. (Finance to handlke)

CONSENT
14. Consider approving specifications and authorize call for bids to be opened October 13, 1987, at 3:00 p.m. for furnishing building permit computer equipment.
(Memorandum with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $ 36,500. Funds are budgeted.)

ACTION: Res. 87-1057 adopted calling for bids. (Finance to handle)

15. Consider approval of specifications and calling for proposals to develop and operate an 18-hole golf course at Dry Creek Park.
(Suggested opening of proposals: December 22, 1987, at 3:00 p.m. This project provides for the leasing of the rights to develop and operate an 18-hole golf course. Memo with agenda. Resolution approving specifications and call for proposals needed.)

ACTION: Res. 87-1058 adopted (Whiteside/Muratore, unan., Patterson and Mensinger absent) calling for proposals to develop and operate the Dry Creek Eighteen Hole Golf Course, and for proposals to develop and operate the Dry Creek Eighteen Hole Golf Course and maintain and operate Dryden Eighteen Hole and Muni Nine Hole Golf Courses.

CONSENT
16. Consider award of contract for the development of Beyer Park.
(Bids were opened on August 4, 1987. Staff has determined that the low bid, submitted by Western Stone Products, is acceptable and recommends that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to Western Stone Products needed. Estimated cost: $451,644. Funds are budgeted.)

ACTION: Res. 87-1059 adopted awarding contract. (Eng to handle)

CONSENT
17. Consider declaring Varian Company low bidder and authorize the purchase of one atomic absorption spectrophotometer from them for the total price of $87,968.80.
(Memorandum with agenda. Resolution awarding bid contract to Varian Company needed. Funds are budgeted.)

ACTION: Res. 87-1060 adopted awarding contract. (Finance to handle)

CONSENT
18. Consider acceptance of Bowers Company's contract for the Rosemore, Shaddox, Lone Palm waterline extension. (Original contract: $27,683.75)
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: $26,175. Funds are budgeted.)

ACTION: Res. 87-1061 adopted accepting as complete. (Clerk to handle)

CONSENT
19. Consider waiving formal bid procedures and authorize the purchase of two flowmeters from Marsh-McBirney Company for the total price of $10,494.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-1062 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

CONSENT

20. Consider amending the Police Department's 1987-88 operating budget relating to the Community Crime Resistance Grant.
(A contract extension request has been approved in the amount of $30,000 by the State Office of Criminal Justice Planning. Memo with agenda. Resolution amending budget needed.)

ACTION: Res. 87-1063 adopted amending the budget. (Finance to handle)

CONSENT

21. Consider authorizing City Manager to sign agreement with Oak Grove Estates for the installation of street improvements in conjunction with the construction of Beyerwood West subdivision on the north side of Sylvan Avenue at Palmwood Drive.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $47,300. Funds are budgeted.)

ACTION: Res. 87-1064 adopted approving agreement. (Eng to handle)

CONSENT

22. Consider approval of the final map of Prescott Faire subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Owners: Brooks & Sons Construction.
(The subdivision agreement has been signed and all fees paid. Prescott Faire is located west of Prescott Road and south of the Hetch Hetchy right of way. It contains 12.467 acres. Resolution approving final map needed.)

ACTION: Res. 87-1065 adopted approving final map. (Clerk to handle)

CONSENT

23. Consider request for sewer service to property outside City limits at 1009 Houser Lane, located on the north side of Houser Avenue between Alcamo Avenue and S. Franklin. (Owners: Gary K. and Dorothy V. Bengston, and William L. and Barbara J. Hampton)
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits and a line exists to serve it. No City funds are involved.)

ACTION: Res. 87-1066 adopted approving agreement. (Eng to handle)

CONSENT

24. Request from Staff to change the street name of "Chatham Court" to "Blane Court."
(Chatham Court is a name of a street in Cape Cod Estates No. 6 located on the west side of Boise Avenue and south of Hatch Road. The final map was approved on June 24, 1987. The name should be changed because there is an existing stre et named Cheatham Court. Memo with agenda. Resolution changing street name from Chatham Court to Blane Court needed.)

ACTION: Res. 87-1067 adopted changing street name. (Planning to handle)

CONSENT

24A. Consider approval of amendment to agreement with Modesto City Schools for the development of Martone Neighborhood Park (formerly Woodland Neighborhood Park).
(Proposal amends agreement with Modesto City Schools for the development of Martone Neighborhood Park to allow the City of Modesto rather than the school district to, at its sole cost and expense, install first phase development at Martone Park. No other changes proposed in the agreement. Resolution approving amendment to agreement needed.)

ACTION: Res. 87-1068 adopted approving amendment to agreement.
(P/R to handle)

WRITTEN COMMUNICATIONS

25. Letter from Keith J. Schneider, on behalf of Modestans for Adequate School Housing, requesting City Council endorsement of school bond issues, Measures R & S at the November 3, 1987 election.

ACTION: By motion (Muratore/McGrath, unan., Patterson and Mensinger absent) school bond issues for all local school districts were supported.
(Manager 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 6:41 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 22, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Whiteside, Mayor Mensinger

Absent: Sutton,

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 16, 18, 19, 19A, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 35, 36, 37, 38, 39, 40
Dropped from Agenda: 15, 34
Removed from consent: 6, 7, 29, 32, 41

ACTION: (Lang/Patterson, unan., Sutton, 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.)

ACTION: By motion (Patterson/McGrath, unan., Sutton, absent) Councilmember Lang was designated as Mayor pro tem for this meeting.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

359-76

MINUTES

CONSENT

2. Approval of the minutes of the September 15, 1987, regular City Council meeting.
(Motion approving needed.)

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

3. ## ORAL COMMUNICATIONS
(Matters for the Good of the Community)

(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.)

Kirk Coleman, PRO Modesto, gave the Council pins saying "Modesto. We like it here.

Loretta Carhart spoke about problems with trees in her neighborhood.

Helen Andrade spoke about the need for a marshal to keep children off the golf courses, and a problem with slow golfers.

UNFINISHED BUSINESS

4. Consider amending Section 8-1.905 of the Modesto Municipal Code relating to Capital Facilities Fees to add exemptions for low-income housing.
(Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2548-C.S. (Patterson/Whiteside, majority, Lang and Muratore, no; Sutton, absent) introduced.
(Clerk to handle)

5. Consider possible abandonment of portion of Briggsmore Avenue at Coffee Road.
(Memo with agenda. Council asked for a report as to the possibility of abandoning a portion of Briggsmore Avenue between the travel lanes and the on-ramp from the Calvary Temple Assembly of God Church, west of Coffee Road. Motion approving staff recommendation not to abandon right of way needed.)

ACTION: By motion (Whiteside/McGrath, unan., Sutton, absent) report accepted and subsequent action is awaited.

(Plan & CD to handle)

6. Consider authorizing staff to develop guidelines to establish a golf advisory committee.
(This committee would serve as an ad hoc committee to the Director of Parks and Recreation for the Dry Creek Golf Course Request for Proposals. Memo with agenda. Motion authorizing staff to develop a golf advisory committee needed.)

ACTION: By motion (Muratore/McGrath, unan., Sutton, absent) staff authorized to develop guidelines to establish a Golf Advisory Committee, with the Committee charge to include recommendations submitted by the golfers.

(P & R to handle)

7. Consider readoption of Economic Development Revenue Bond Ordinance and Health Facilities Financing Ordinance.
(Chapters 4 and 5 of Title VII of the Modesto Municipal Code, the "Economic Development Revenue Bond Law" and the "Health Facilitiles Financing Law," lapsed on July 1, 1987. Staff recommends readoption of these ordinances. Memo with agenda. Introduction of two ordinances needed.)

(Mayor Mensinger excused due to a conflict of interest.)

ACTION: A motion (Whiteside/Muratore, McGrath and Patterson, no, Sutton and Mensinger, absent) to introduce the ordinances failed to carry.

By motion (Whiteside/McGrath, unan., Sutton and Mensinger, absent) this item referred to staff to provide answers to questions raised.

(Plan & CD to handle)

CONSENT

8. Final adoption of the following:

   a. Ord. No. 2540-C.S. granting to Modesto and Empire Traction Co. a franchise to operate, maintain, repair and renew a commercial railroad for the transportation of property as a common carrier on various public streets in the City of Modesto.

   b. Ord. No. 2542-C.S. amending P-D(413) to allow a dental/medical office condominium, property located on the north side of East Orangeburg Avenue between Collier Avenue and Trombetta Avenue. (Bob Scott)

   c. Ord. No. 2543-C.S. rezoning from C-2 to P-D(430), property located on the east corner of K Street and 15th Street. (Heritage Partners)

   d. Ord. No. 2545-C.S. rezoning from R-3 to P-D(139), property located on the east corner of 17th and H Streets. (Modesto City Hospital)

   e. Ord. No. 2546-C.S. amending Modesto Garbage Company's franchise.

   f. Ord. No. 2547-C.S. rezoning from a portion of P-D(211) to P-D(428), property located on the southwest corner of Oakdale Road and Sylvan Avenue. (U.S. By-Products)

   (Motion adopting needed.)

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

9. Final adoption of Ord. No. 2541-C.S. amending Municipal Code relating to Capital Facilities Fees to provide that a separate definition entitled "Hospitals" be added.
   (Mayor Mensinger excused due to a conflict of interest.)
   (Motion adopting needed.)

ACTION: By motion (Whiteside/Patterson, unan., Sutton and Mensinger, absent) Ord. No. 2541-C.S. adopted.)
(Clerk to handle)

By motion (Patterson/Whiteside, unan., Sutton, absent) items 15 and 41 taken up next.

10. Final adoption of Ord. No. 2544-C.S. rezoning from P-D(404) to P-D(431), property located between Salida Boulevard and Freeway 99 south of Pelandale Avenue. (Thompson-Hysell Engineers)
(Motion adopting needed.)

ACTION: By motion (McGrath/Lang, majority, Muratore, no, Sutton, absent) Ord. No. 2544-C.S. adopted.)

(Clerk to handle)

HEARINGS

11. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Bright Development, to a Planning Commission decision concerning an application to amend P-D(392) to eliminate the use of the M.I.D. right of way, property located at the northeast corner of Claus Road and Scenic Drive. (Continued from the August 18, 1987, and September 1, 1987, City Council meetings.)

ACTION: Res. 87-1069 (Whiteside/McGrath, unan., Sutton, absent) adopted granting the appeal and excluding the M.I.D. right of way from P-D(392).

(Plan & CD to handle)

12. Hearing to consider an amendment to Section 14-3-9 of the Zoning Map to rezone from R-1 to P-D(432) to allow a small commercial shopping center, property located on the southeast corner of Oakdale Road and Floyd Avenue. (Ross Briles)

ACTION: By motion (Lang/Muratore, unan., Sutton, absent) Ord. No. 2549-C.S. introduced.

Res. 87-1070 (same vote) adopted approving development plan.
Res. 87-1071 (same vote) adopted certifying review of Environmental Assessment.

(Clerk/Plan & CD to handle)

13. a. Hearing to consider an amendment to Section 11-3-8 of the Zoning Map to rezone from R-1 and P-D(367) to P-D(433) for one-story commercial buildings, property located at the northwest corner of Standiford Avenue and Dale Road. (Belco Development)

b. Appeal by Belco Development to the condition concerning access.

ACTION: By motion (Lang/Patterson, majority, McGrath, no, Sutton, absent) Ord. No. 2550-C.S. introduced.
Res. No. 87-1072 (same vote) approving plan, with access from Sisk on a right-in right-out basis.
Res. No. 87-1073 (same vote) adopted certifying review of Environmental Assessment.

(Clerk/Plan & CD to handle)

14. Hearing to consider the appeal of Graceada Mansion Partnership to a Planning Commission decision regarding rezoning from R-3 to P-O at the northwest corner of Needham and Park Avenue. (Continued from September 8, 1987, City Council meeting.)

ACTION: Res. 87-1074 (Lang/Whiteside, unan., Sutton, absent) adopted denying appeal.
By order of the Chair, staff directed to give Council options available as far as a specific plan for Needham Avenue.
(Plan & CD to handle)

15. Hearing to consider issuance of Health Care Facilities Revenue Bonds for up to $21,150,000 for Memorial Hospital Association. (Continued from September 15, 1987, City Council meeting.)

This item taken out of order after item 9.

(Mayor Mensinger excused due to a conflict of interest.)

ACTION: By motion (Whiteside/McGrath, unan., Sutton and Mensinger, absent) this item was dropped from the agenda.

BIDS

CONSENT
16. Consider award of soil testing contract to Canonie Environmental Laboratory Services Corporation.
(Memo with agenda. Canonie was the low bidder at a total cost of $646 per tested soil sample. Laboratory testing of soil samples is part of the investigation of the Transportation Center site for soil contamination. Resolution awarding contract to Canonie Laboratory Services Corporation needed. Estimated maximum cost: $11,628. Funds are budgeted.)

ACTION: Res. 87-1075 adopted awarding contract. (P & T to handle)

CONSENT
17. Consider declaring Orange County Nursery low bidder and authorize the purchase of street trees from the firm for the total price of $17,723.20.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-1076 adopted awarding contract. (Finance to handle)

CONSENT
18. Consider award of contract for the relocation of fuel vaults at Water Quality Control Plant Remote Pond Site.
(Bids were opened September 15, 1987. The low bid, submitted by Conco-West, Inc. is considered acceptable, and it is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to Conco-West, Inc. needed. Estimated cost: $11,400; funds are budgeted.)

ACTION: Res. 87-1077 adopted awarding contract. (Eng to handle)

CONSENT
19. Consider award of contract for the construction of Commercial Alley Paving, Project No. 5.
(Bids were opened for this project on September 15, 1987. The low bid of $32,580, submitted by Western Stone Products, Inc., is considered acceptable, and it is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to Western Stone Products needed. Funds are budgeted.)

ACTION: Res. 87-1078 adopted awarding contract. (Eng to handle)

CONSENT

19A. Consider approving specifications and authorize call for bids to be opened October 27, 1987, at 3:00 p.m. for furnishing fixed film reactor equipment.
(Requested by the Utility Services Department, the equipment is for the upcoming fixed film reactor construction project. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $1,026,000. Funds are budgeted.)

ACTION: Res. 87-1979 adopted calling for bids. (US to handle)

NEW BUSINESS

20. Comments on Draft EIR, Stanislaus County General Plan Amendment, Maples Association, Inc.
(Staff has prepared comments supplemented by those of the Planning Commission that relate to the proposed 38.4-acre light industrial park rezoning in the City's Urban Reserve at the northeast corner of Tully Road and Bangs Avenue. Staff and the Commission recommend comments be modified as necessary and transmitted to the County staff and EIR consultant. Motion directing staff needed.)

ACTION: By motion (McGrath/Patterson, unan., Sutton absent) recommended comments on the draft E.I.R. approved be transmitted to the County.
(Plan & CD to handle)

By motion (Whiteside/McGrath, unan., Sutton absent) consideration of protection of the City's Urban Reserve to be placed on the Council agenda in January, 1988.
(Plan & CD to handle)

CONSENT

21. Consider installing left-turn signals at McHenry/Rumble and installing new signals at Oakdale/Floyd.
(Memo with agenda. Both signal projects have been favored by the City Council. Funds can now be made available. The cost will be shared with the State at McHenry and with the County at Floyd. Resolution approving appropriation transfer needed. Estimated cost: $163,000)

ACTION: Res. 87-1080 adopted approving appropriation transfer.
(P & T to handle)

CONSENT

22. Consider renewal of lease agreement with the Central California Art League, Inc.
(This agreement renews the agreement with the Central California Art League to lease rooms AL1, AL2, AL3 and AL4 at the McHenry Museum, beginning August 14, 1987. The rent will be increased from $257 per month to $293 per month. All other conditions remain the same. Art League has signed lease. Resolution approving lease agreement needed.)

ACTION: Res. 87-1081 adopted approving lease agreement. (P & R to handle)

CONSENT

23. Consider authorizing the City Manager to make application for $750,000 under the State Office of Criminal Justice Planning's Anti-Drug Abuse Program to establish the "Stanislaus Drug Task Force," which will enhance the Stanislaus Drug Enforcement Agency.
(Memo with agenda. Resolution authorizing grant application needed.)

ACTION: Res. 87-1082 adopted authorizing grant application.
(Police to handle)

CONSENT

24. Consider proposal from M. E. Grover to harvest olives from City-owned trees located on Mellis Park.
(Mr. Grover will pay the City, no later than December 15, 1987, $3.50 per 50-pound box of olives for right to harvest olive trees. Resolution approving agreement needed.)

ACTION: Res. 87-1083 adopted approving agreement. (P & R to handle)

CONSENT

25. Consider extension of provisional appointment for Sandra McKean, Account Clerk to Accounting Technician until November 23, 1987.
(Memo with agenda. Motion approving needed.)

ACTION: By motion, extension approved.

CONSENT

26. Consider request for water service to property outside City limits at 1105 Carpenter Road, located on the west side of Carpenter Road between Houser Lane and Chicago Avenue. (Owner: Assemblies of God, Northern California and Nevada District Council, Inc.)
(The property owner has 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. 87-1084 adopted approving agreement. (Eng to handle)

CONSENT

27. Consider request for sewer service to property outside City limits at 929 Paradise Road, located on the west side of Paradise Road between Mayette Avenue and Harris Avenue. (Owners: Sam An Chrun & Kin Kong and Sam Oeun Chrun & Kem Thy.
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 87-1085 adopted approving agreement. (Eng to handle)

CONSENT

28. Consider approval of the final map of Regency Park No. 4 subdivision of the City of Modesto and authorizing an agreement with sudividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdividers: Beuzedom Beheer, B.V. and Joseph D. Trombetta & Marvin G. Dole)
(The subdivision agreement has been signed an all fees paid. Regency Park No. 4 is located north of Standiford Avenue, between Veneman Avenue and Prescott Road. It contains 7.46 acres. Resolution approving final map needed.)

ACTION: Res. 87-1086 adopted approving final map. (Clerk to handle)

29. Consider approval of the final map of Sundance Unit No. 1 subdivision of the City of Modesto and authorizing an agreement with sudividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdividers: James W. Thayer, Inc. and Zagaris Management Services)
(The subdivision agreement has been signed an all fees paid. Sundance Unit No. 1 is located north of E. Orangeburg Avenue, west of Claus Road. It contains 5.108 acres. Resolution approving final map needed.)

Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 87-1087 adopted approving final map. (Clerk to handle)

CONSENT

30. Consider acceptance of improvements in Countryside Meadows No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Lodi Development)
(Countryside Meadows No. 2 subdivision is located north of Kansas Avenue and east of Yankee Drive. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-1088 adopted accepting improvements. (Clerk to handle)

CONSENT

31. Consider request of Del Dotto Enterprise, Inc. for refund of $4,829.03 for overpayment of Business Improvement Area Tax.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 87-1089 adopted approving refund.

32. Presentation of report reflecting the financial status of the City for the year ended June 30, 1987.
(Memo and report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Lang,Whiteside, unan., Sutton, absent) receipt of report acknowledged.

By order of the Chair, a discussion of the contingency reserve to be placed on agenda in October.

(Finance to handle)

CONSENT

33. Monthly Treasurer's Report for August, 1987.
(Copies of Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion receipt of report acknowledged.

CONSENT

34. Consider approving an agreement with Society for Handicapped Children and Adults for funding of handicapped improvements and repairs under the Community Development Block Grant Program for 1987-88.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $40,000. Funds are budgeted.)

DROPPED FROM AGENDA.

CONSENT

35. Consider approving agreement with Children's Crisis Center for funding of rehabilitation under the Community Development Block Grant Program for 1987-88.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $40,000. Funds are budgeted.)

ACTION: Res. 87-1090 adopted approving agreement. (Plan & C D to handle)

CONSENT

36. Consider approving agreement with Highway Village Community Service District for funding of handicapped improvements under the Community Development Block Grant Program for 1987-88.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $45,000. Funds are budgeted.)

ACTION: Res. 87-1091 adopted approving agreement. (Plan & C D to handle)

CONSENT

37. Consider resolution supporting change of Federal Court Boundaries of the Counties of Calaveras, Stanislaus, and Tuolumne.
(Memo with agenda. Resolution supporting Federal Court Boundary change needed.)

ACTION: Res. 87-1092 adopted supporting boundary changes. (Police to handle)

CONSENT

38. Set date for hearing on October 20, 1987 at 4:00 p.m. to consider an adjustment of the Capital Facilities Fees.
(Memo with agenda that outlines staff suggestions regarding a 1.23% fee increase and public hearing procedures. Resolution setting date for hearing needed.)

ACTION: Res. 87-1093 adopted setting hearing. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

39. Letter from Santina and Thompson, Inc., on behalf of Nora Noraghi, appealing a decision of the Planning Commision denying an appliation to rezone from R-1 to P-O and P-D and a tentative subdivision map for Noreen Park.
(Resolution setting hearing October 13, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-1094 adopted setting hearing. (Clerk to handle)

CONSENT

40. Application of Modesto Unit of United Nations Association of USA for direct City assistance on October 20, 1987, for their United Nations Day Celebration.
(Motion referring to staff needed.)

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

41. Petition from residents concerning property on Alma and Orangeburg Avenues owned by Phillips Electric which is to be a parking lot.
(Motion referring to staff needed.)

(This item taken out of order after item 15.
(Mayor Mensinger excused due to a conflict of interest.)

ACTION: By motion (Patterson/McGrath, unan., Sutton and Mensinger, absent) petition referred to staff.
(Plan & C D to handle)

MISCELLANEOUS

42. Appointments

Economic Development Loan Pool Subcommittee of the Citizens Housing and Community Development Committee.

ACTION: Res. 87-1095 (Muratore/Whiteside, unan., Sutton, absent) adopted making the following appointments to Economic Development Loan Pool: Seat #1, Councilmember Patterson; Seat #2, Duane Fager; Seat #3, Stan Nelson; Seat #4, Arthur Martin; Seat #5, Doug Mathes, Seat #6, Abel Acosta, Seat #6 Sophie Karet.

MATTERS TOO LATE FOR THE AGENDA

43. (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 adourned at 11:10 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

October 6, 1987

The meeting of the City Council was called to order at 4:00 p.m. in the City Council Chambers, City Hall, Modesto, California, by the Assistant City Clerk.

Present: Councilmember Patterson

Absent: Councilmember Lang, McGrath, Muratore, Sutton, Whiteside, Mayor Mensinger

There being a lack of a quorum, the meeting was adjourned.

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, OCTOBER 13, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 46A, 48, 49, 50

Dropped from agenda: 35,44
Removed from consent: 29
ACTION: (Lang/Sutton, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Proclamation regarding Sweet Adeline Awareness Week and 40th birthday celebration.

Mayor Mensinger presented a proclamation to representatives of Sweet Adelines commemorating their 40th Anniversary, after which the quartet sang a number.

b. Presentation by representative of the Modesto Says No Task Force regarding October 17, 1987, event, Modesto Says No...To Substance Abuse by Young People.

Paul Neumann, Chairman of the Modesto Board of Education, described the program to be held on October 17, 1987.

c. Presentation of California State Automobile Association Pedestrian Safety Citation Award by Ken Montgomery, Manager, Modesto District Office.

Mayor Mensinger accepted the plaque presented by Ken Montgomery.

MINUTES

CONSENT

2. Approval of the minutes of the September 22, 1987, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

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

None

UNFINISHED BUSINESS

4. Consider readoption of Economic Development Revenue Bond Ordinance and Health Facilities Financing Ordinance.
(Chapters 4 and 5 of Title VIII of the Modesto Municipal Code, the "Economic Development Revenue Bond Law" and the "Health Facilities Financing Law," lapsed on July 1, 1987. Staff recommends readoption of these ordinances. Memo with agenda. Introduction of two ordinances needed.)
Mayor Mensinger excused due to a conflict of interest.

ACTION: By motion, Ord. No. 2551-C.S. introduced (Patterson/McGrath, unan., Mensinger absent) readopting Economic Development Revenue Bond financing.

By motion, Ord. No. 2552-C.S. introduced (Patterson/McGrath, unan., Mensinger absent) readopting Health Facilities Financing.

(Clerk to handle)

CONSENT

5. Consider request for direct City assistance and financial assistance for United Nations Day Observance.
(Memo with agenda. Motion accepting staff recommendation needed.)

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

6. Staff response to petition regarding Alma Avenue/Orangeburg Avenue.
(A petition regarding development of property at the southwest corner of Alma Avenue and Orangeburg Avenue was referred to staff for response by the Council on September 22, 1987. Memo with agenda. Motion acknowledging receipt of memo needed.)
(Mayor Mensinger will be excused due to a conflict of interest.)

ACTION: By motion (Lang/Whiteside, unan., Mensinger absent) receipt of memo acknowledged.

CONSENT

7. Final adoption of Ord. No. 2549-C.S. rezoning from R-1 to P-D(432), property located on the southeast corner of Oakdale Road and Floyd Avenue (Ross Briles).
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2549-C.S. adopted. (Clerk to handle)

8. Final adoption of Ord. No. 2548-C.S. amending the Municipal Code relating to Capital Facilities Fees to add exemptions for low-income housing.
(Motion adopting needed.)
Councilmember Sutton was excused due to his absence when the ordinance was introduced.

ACTION: By motion (McGrath/Whiteside, majority, Lang and Muratore-no, Sutton absent) Ord. No. 2548-C.S. adopted. (Clerk to handle)

9. Final adoption of Ord. No. 2550-C.S. rezoning from R-1 and P-D(367) to P-D(433), property located on the northwest corner of Standiford Avenue and Dale Road. (Belco)
(Motion adopting needed.)
Councilmember Sutton was excused due to his absence when the ordinance was introduced.

ACTION: By motion (Muratore/Whiteside, majority, McGrath-no, Sutton absent) Ord. No. 2550-C.S. adopted. (Clerk to handle)

HEARINGS

10. Hearing on reconsideration of closure of the alley in Block 68 bounded by 10th, 11th, J and I Streets (10th Street Plaza).
(Continued from the September 8, 1987, City Council meeting.

ACTION: Res. 87-1096 adopted (McGrath/Whiteside, unan.) revoking closure of the alley, with planters to be retained and directing staff to report on financial obligations of the property owner and methods being followed to collect the debts. (Planning/Eng to handle)

11. Appeal of Santina and Thompson, Inc., on behalf of Nora Naraghi, to a Planning Commission decision denying an application to rezone from R-1 to P-O and P-D and a vesting tentative map of Noreen Park subdivision, located on the south side of Merle Avenue, east of Oakdale Road.

ACTION: By motion (McGrath/Muratore, unan.) hearing continued to October 20, 1987, at 4:00 p.m.) (Clerk to handle)

12. Hearing to consider an amendment to Section 10-3-9 of the Zoning Map to rezone from P-D(276), to R-2 for the conversion of 64 condominium lots into 32 duplex lots, property located south of Evergreen Avenue and west of Grape Avenue. (Evergreen Investment Group)

ACTION: By motion (Lang/Sutton, unan.) Ord. No. 2553-C.S. introduced.
Res. 87-1097 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

13. Hearing to consider an amendment to Section 27-3-9 of the Zoning Map to rezone from R-1 to P-D(434) to allow a 24-unit offset zero lot line townhouse project, property located on the south side of Scenic Drive at Brighton Avenue. (Rolland Young)

ACTION: By motion (Muratore/McGrath, unan.) Ord. No. 2554-C.S. introduced,
Res. 87-1098 adopted (same vote) approving plan.
Res. 87-1099 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

14. Hearing to consider an amendment to Section 27-3-9 of the Zoning Map to rezone from R-1 to R-2, property located on the east side of Brighton Avenue north of Scenic Drive. (Ike Shaw)

ACTION: By motion (Muratore/McGrath, unan.) Ord. No. 2555-C.S. introduced.
Res. 87-1100 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

15. Consider approval of plans and specifications and call for bids for the McClure Road water line extension and subtrunk sewer extension. (Suggested bid opening: October 27, 1987, at 11:00 a.m. This project will extend water and sewer mains to the proposed subdivision and school site in the Yosemite Neighborhood. Resolution approving plans and specifications and call for bids needed. Estimated cost: $277,592.40 (contract $231,327; eng. & cont. $46,265.40). Funds are budgeted.)

ACTION: Res. 87-1101 adopted calling for bids. (Eng to handle)

CONSENT

16. Consider approval of plans and specifications and call for bids for the repair of Claus Road at Dry Creek Bridge. (Suggested bid opening: October 27, 1987, at 11:05 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: $12,650 (contract $11,000; eng. & cont. $1,650) Funds are budgeted.)

ACTION: Res. 87-1102 adopted calling for bids. (Eng to handle)

CONSENT

17. Consider award of contract for the construction of Alberta Martone Park. (Bids were opened on September 22, 1987. The low bid of $228,000, submitted by George Reed, Inc., is 6.52% 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 George Reed, Inc. needed. Funds are budgeted.)

ACTION: Res. 87-1103 adopted awarding contract. (Eng to handle)

CONSENT

18. Consider declaring Triple T Farms low bidder and authorize the purchase of discing services from the firm for $3,250 per cycle. (Resolution declaring Triple T Farms low bidder and authorizing purchase needed. Estimated cost: $13,270. Funds are budgeted.)

ACTION: Res. 87-1104 adopted awarding bid. (Finance to handle)

CONSENT

19. Consider accepting contract of Western Stone Products, Inc. for the Tuolumne Boulevard guardrail project as complete. (Memo with agenda. All work was completed on Friday, August 14, 1987. A Federal Highway Administration grant will cover 90% of the project costs. Caltrans administers the grant. Caltrans approved acceptance of the project on October 2, 1987. Work was completed at the contract amount. Resolution accepting contract as complete needed. Estimated cost: $12,162.50. Funds are budgeted.)

ACTION: Res. 87-1105 adopted accepting contract as complete. (Clerk to handle)

CONSENT

20. Consider acceptance of George Reed, Inc.'s contract for the Tully Road overlay from Briggsmore to Leonard. (Original contract: $174,444.44) (All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, recommended that the project be accepted and the Notice of Completion filed. Resolution accepting work as complete needed. Final cost: $177,507.41. Funds are budgeted.)

ACTION: Res. 87-1106 adopted accepting as complete. (Clerk to handle)

CONSENT

21. Consider acceptance of CPM Co.''s contract for the 1987 slurry seal of various City streets. (Original contract: $226,481.78) (All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, recommended that the work be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Final cost: $171,131.92. Funds are budgeted.)

ACTION: Res. 87-1107 adopted accepting as complete. (Clerk to handle)

CONSENT

22. Consider waiving formal bid procedures and authorizing the issuance of a single purchase order to Dee Burton Cement Contractor for installation of curb and sidewalk along Monterey Avenue at 33 parcels. (Memo with agenda. Resolution waiving formal bid procedures and authorizing issuance of purchase order needed. Estimated cost: $69,000; funds are budgeted.)

ACTION: Res. 87-1108 adopted waiving formal bid procedures. (Eng to handle)

NEW BUSINESS

23. Consider designation of Voting and Alternate Voting Delegates, Annual Congress of Cities, December 12-16, 1987, Las Vegas, Nevada. (Memo with agenda.)

ACTION: By motion (Whiteside/Lang, unan.) designated Mayor and Vice Mayor in office at the time of the Conference as Voting and Alternate Voting Delegates with Mayor Mensinger's name to be submitted and changed after the election. (Clerk to handle)

24. Consider policy regarding City and County coordination on infrastructure fees. (On August 31, 1987, the Planning Commission recommended a policy position for each of three situations on the urban fringe. Memo with agenda. Resolution recommending proposed policy to Board of Supervisors needed.)

ACTION: By motion (McGrath/Whiteside, unan.) the proposed policy was approved as a position paper. (Planning to handle)

CONSENT

25. Consider excusing Councilmembers Lang, McGrath, Muratore, Sutton, Whiteside, and Mayor Mensinger for being absent from the October 6, 1987, meeting due to their attendance at the Annual League of California Cities Conference.
(Motion excusing absences needed.)

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

CONSENT

26. Consider revision to Modesto Municipal Code Section 5-6.01 (c), (s), and (u) pertaining to definitions of "dwelling unit," residential," and "commercial" as they relate to land uses where sewer is required.
(Current definitions of the above terms need to be revised and clarified to alleviate problems that have arisen with the new senior residential housing developments. Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2556-C.S. introduced. (Clerk to handle)

CONSENT

27. Consider approval of the final map of Vintage Faire Village subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdividers: Emerald Homes)
(The subdivision agreement has been signed and all fees paid. Vintage Faire Village is located between Sisk Road and Dale Road and between Vintage Drive and Akeby Drive. It contains 29.684 acres. Resolution approving final map needed.)

ACTION: Res. 87-1109 adopted approving final map. (Clerk to handle)

CONSENT

28. Consider approval of the final map of Woodland Gardens subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdividers: Bernard & Clara Oostema and P & R Enterprises)
(The subdivision agreement has been signed and all fees paid. Woodland Gardens is located at the southwest corner of Woodland Avenue and Shasta Avenue. It contains 2.687 acres. Resolution approving final map needed.)

ACTION: Res. 87-1110 adopted approving final map. (Clerk to handle)

29. Consider approval of the final map of Sundance Unit 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 Modesto Municipal Code.
(Subdividers: Oakwood Builders and Zagaris Management Services)
(The subdivision agreement has been signed and all fees paid. Sundance Unit No. 2 is located between East Orangeburg Avenue and East Briggsmore Avenue, west of Claus. It contains 7.33 acres. Resolution approving final map needed.)
Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 87-1111 adopted (Lang/Patterson, unan., McGrath absent) approving final map. (Clerk to handle)

CONSENT
30. Consider renewal of lease agreement with United Way for office space at the Modesto Community Service Center.
(Memo with agenda. Resolution approving agreement lease agreement needed.)

ACTION: Res. 87-1112 adopted approving agreement. (P/R to handle)

CONSENT
31. Consider approval of the final map of Gibson Gardens subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdividers: Joaquin Construction, Inc.)
(The subdivision agreement has been signed and all fees paid. Gibson Gardens is located at the northeast corner of Yosemite Boulevard and Lincoln Avenue. It contains 11.053 acres. Resolution approving final map needed.)

ACTION: Res. 87-1113 adopted approving final map. (Clerk to handle)

CONSENT
32. Consider approval of the final map and acceptance of improvements for Carpenter Villas subdivision of the City of Modesto. (Developer: P & R Enterprises)
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Carpenter Villas is located between California Avenue and Houser Lane, east of Carpenter Road. It contains 2.08 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 87-1114 adopted approving final map. (Clerk to handle)

CONSENT

33. Consider acceptance of improvements in Westwood Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: G. M. Winchell & Sons) (Westwood Estates subdivision is located at the southeast corner of Woodland Avenue and Morse Road. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-1115 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

34. Consider acceptance of improvements in Country Ranch Estates No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Bright Development)
(Country Ranch Estates No. 2 subdivision is located south of Floyd Avenue, east of Oakdale Road. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-1116 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

35. Consider authorizing City Manager to sign agreement with Anthony and Langford for architectural services for the design of the Regional Fire Training Center at Carpenter Road and Blue Gum Avenue.
(Memo with agenda. Resolution approving agreement needed.)

Dropped from agenda.

CONSENT

36. Consider acceptance of grant under the California Parks and Recreational Facilities Act of 1984, Regional Competitive Program.
(The City has been awarded $44,000 under the above-mentioned program for play equipment installation at Wesson Ranch Neighborhood Park. Memo with agenda. Resolution accepting grant needed.)

ACTION: Res. 87-1117 adopted accepting grant. (P/R to handle)

CONSENT

37. Monthly Treasurer's Report for September, 1987.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

38. Consider request of King-Kennedy Board for financial assistance for insurance coverage for June Teenth Day, June 18, 1988.
(Memo with agenda. Resolution approving request for financial assistance needed. Estimated cost: $1,200. Funds are budgeted.)

ACTION: Res. 87-1118 adopted approving request. (P/R to handle)

CONSENT

39. Request for refund of $724.55 for overpayment of Business Improvement Area Tax by The Warden's Office, Inc.
(Memo with agenda. Resolution authorizing refund needed.)

ACTION: Res. 87-1119 adopted authorizing refund. (Finance to handle)

CONSENT

40. Consider amendment to the salary resolution to add the new class of Assistant Laboratory Technician and three amendments to the Position Classification Plan to revise Laboratory Technician to coordinate the experience and education required with the lower class of Assistant Laboratory Technician; revise Building Inspector I/II to make two years of education desirable instead of mandatory; revise Senior Civil Engineer to add duties of sanitary engineering.
(Resolution amending the alphabetical listing of classifications in the salary resolution needed, and resolution amending the position classification plan needed.)

ACTION: Res. 87-1120 adopted amending classification plan.
Res. 87 -1121 adopted amending salary schedule.
(Manager to handle)

CONSENT

41. Consider authorizing negotiations with Hill International, Inc. for Third Party Claims Assessment Services on the Wastewater Treatment Plant Expansion Project, Unit 1.
(Memo with agenda. Motion authorizing staff negotiations with Hill International, Inc. needed. Estimated cost: $100,000 (Federal $75,000; State $12,500; City $12,500). Funds are budgeted.)

ACTION: By motion, staff authorized to negotiate with Hill International, Inc. (Utility Services to handle)

CONSENT

42. Consider modifying speed limits on Floyd, Prescott, Dale and Snyder.
(Memo with agenda. One new and three revised radar-enforceable speed limits are proposed. Also, a non-radar limit is proposed to be changed to a radar limit. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2557-C.S. introduced. (Clerk to handle)

CONSENT

43. Consider rescinding Res. 87-584, and authorize the City Manager to sign a contract with Bonzi Sanitary Landfill, Inc., to receive the City's garden refuse materials.
(Memorandum with agenda. Resolution rescinding Res. No. 87-584 and approving agreement needed. Estimated cost: $180,000. Funds are budgeted.)

ACTION: Res. 87-1122 adopted rescinding Res. No. 87-584 and approving agreement. (Finance to handle)

CONSENT

44. Consider approval of the Citizens Participation Plan for the Community Development Block Grant application for fiscal year 1988-89.
(Memo with agenda. Resolution approving plan needed.)

Dropped from agenda.

45. Consider implementing second phase of Lincoln School Site Traffic Plan.
(Memo with agenda. Motion authorizing implementation of second phase needed. Estimated cost: $125,000. Funds are budgeted.)
Mayor Mensinger excused due to a conflict of interest.

ACTION: By motion (Lang/Whiteside, unan., Mensinger absent) authorized implementation. (Manager to handle)

46. Discussion of the General Fund Contingency Reserves and the City's financial status as of June 30, 19,87.
(At the September 22, 1987, Council meeting, Council ordered further discussion of the Contingency Reserve and the City's financial status.

ACTION: By motion (McGrath/Whiteside, unan.) staff directed to put an item on the November 17, 1987, City Council agenda considerating possible uses of contingency reserves. (Finance to handle)

CONSENT

46A. Consider approving an amendment to Stanislaus Drug Enforcement Agency Joint Powers Agreement to provide for inclusion of the City of Ceres in the Agency.
(Resolution approving amendment to agreement needed.)

ACTION: Res. 87-1124 adopted approving amendment to agreement. (Police to handle)

WRITTEN COMMUNICATIONS

47. Letter from Susan D. Siefkin proposing revision to regulations affecting the posting of political campaign signs.

ACTION: By motion (McGrath/Patterson, majority, Lang-no) staff directed to place this item on the agenda of January 1, 1988 for consideration. (Planning to handle)

CONSENT

48. Letter from Michael Navarro, on behalf of Acme Construction requesting refund of Capital Assessment Fees on building located at 1444 Florida Avenue.
(Resolution setting hearing October 27, 1987, at 7:30 p.m. needed.)

ACTION: Res. 87-1125 adopted setting hearing. (Clerk to handle)

CONSENT

49. Letter from David Hosmer requesting a refund of Capital Assessment Fees.
(Resolution setting hearing October 27, 1987, at 7:30 p.m. needed.)

ACTION: Res. 877-1126 adopted setting hearing. (Clerk to handle)

CONSENT

50. Application of American Legion Post No. 74 for direct City assistance with Veterans Day Parade on November 11, 1987.
(Motion referring to staff needed.)

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

Councilmember Lang excused at 10:25 p.m.

51. Discussion of the State Red Light Abatement Law.
(Requested by Councilmember Patterson.)

ACTION: By motion (Patterson/McGrath, unan., Lang absent) Council supported the Police Chief action in using the red light abatement law and reaffirmed to the District Attorney's Office, the City's interest in action.

MATTERS TOO LATE FOR THE AGENDA

52. (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 10:38 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 20, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
Mayor Mensinger arrived at 4:11 p.m.

Absent: None

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20,

Removed from consent: 19 , 21
ACTION: (Whiteside/Lang, unan., Mensinger absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 5
Mayor Mensinger to be excused due to a conflict of interest.

ACTION: (McGrath/Patterson, unan., Mensinger 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Vice Mayor Sutton introduced Robert Van Orsow, Recycling Coordinator.
Doug Carmody introduced Firoz Vohra, Traffic Engineer.

CONSENT
2. Approval of the minutes of the October 13, 1987, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

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

George Russell discussed problems with Horn Construction Company's project near his home on Moccasin Drive.

UNFINISHED BUSINESS

4. Consider formation of a Golf Course Advisory Committee.
(Recommendations concerning the formation of a Golf Course Advisory Committee. Report with agenda. Motion approving formation of a committee, committee charge and appointment of committee needed.

ACTION: Res. 87-1127 adopted (Whiteside/Lang, unan.) approving formation and make-up of the committee and approving committee charge as amended. (P/R to handle)

CONSENT -- MAYOR MENSINGER EXCUSED DUE TO A CONFLICT OF INTEREST
5. Final adoption of:

a. Ord. No. 2551-C.S. adding section regarding Economic Development Revenue Bond Law to the Municipal Code.

b. Ord. No. 2552-C.S. adding section regarding Health Facilities Financing Law to the Municipal Code.

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

CONSENT
6. Final adoption of:

a. Ord. No. 2553-C.S. rezoning from P-D(276) to R-2, property located south of Evergreen Avenue west of Grape Avenue. (Evergreen Investment)

b. Ord. No. 2554-C.S. rezoning from R-1 to P-D(434), property located on the south side of Scenic Drive at Brighton Avenue. (Rolland Young)

c. Ord. No. 2555-C.S. rezoning from R-1 to R-2, property located on the east side of Brighton Avenue north of Scenic Drive. (Ike Shaw)

d. Ord. No. 2556-C.S. amending Municipal Code relating to definitions of land uses.

e. Ord. No. 2557-C.S. amending Municipal Code relating to speed limits in the City of Modesto.

(Motion adopting needed.)

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

HEARINGS

7. Hearing to consider an adjustment to the Capital Facilities Fees.

ACTION: Res. 87-1128 adopted (McGrath/Sutton, unan.) approving adjustment to be effective January 1.

By motion (McGrath/Whiteside, unan.) the Council Budget Committee directed to work with staff on a proposed policy concerning indirect costs. (Manager/Finance to handle)

8. Hearing to consider the appeal of Santina and Thompson, Inc., on behalf of Nora Naraghi, to a Planning Commission decision denying an application to rezone from R-1 to P-O and P-D, and a vesting tentative map of Noreen Park subdivision, located on the south side of Merle Avenue, east of Oakdale Road. (Continued from October 13, 1987, City Council meeting.)

ACTION: By motion (Patterson/Lang, unan.) Council declared its intent to approve the zone after changes are made to the plan and conditions proposed. (Planning to handle)

BIDS

CONSENT

9. Consider approving specifications and authorize call for bids to be opened November 17, 1987, at 3:00 p.m. for furnishing closed-circuit television equipment.
(Requested by the Utility Services Department, the television equipment will replace current equipment being used by the Sewers Division to inspect new subdivision sewer lines. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $40,000. Funds are budgeted.)

ACTION: Res. 87-1129 adopted calling for bids. (Finance to handle)

10. Consider approval of plans and specifications for construction fixed film reactor No. 3, oxidation ponds, wastewater treatment plant addition.
(Suggested bid opening: November 24, 1987, at 11:00 a.m. This project will benefit the efficiency of the secondary treatment plant. Memo with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: $2,205,000 (construction $2,000,000; engineering $105,000; contingencies $100,000). Funds are budgeted.)

ACTION: Res. 87-1130 adopted calling for bids. (Eng to handle)

CONSENT
11. Consider approving specifications and authorize request for proposals for furnishing catering services for the Centre Plaza.
(Suggested bid opening: November 17, 1987, at 3:05 p.m. Requested by the Parks and Recreation Department, the proposals would be for the purpose of providing catering services for groups utilizing the Centre Plaza. Memo with agenda. Resolution approving specifications and authorizing request for proposals needed.)

ACTION: Res. 87-1131 adopted calling for bids. (Finance/P & R to handle)

CONSENT
12. Consider approving specifications and authorize request for proposals for furnishing concessionaire services for the Centre Plaza.
(Suggested bid opening: November 17, 1987, at 3:10 p.m. Requested by the Parks and Recreation Department, the proposals would be for the purpose of providing concessionaire services to groups and individuals utilizing the Centre Plaza. Memo with agenda. Resolution approving specifications and authorizing request for proposals needed.)

ACTION: Res. 87-1132 adopted calling for bids. (Finance/ P & R to handle)

CONSENT
13. Consider awarding contract for time base coordination on Briggsmore Avenue and the modification of the traffic signal at Briggsmore/Oakdale.
(Memo with agenda. Bids were opened on October 13, 1987. Seven bids were received. M & M Electric Company was the low bidder at $84,291. This is 1% below the estimate and is acceptable. Resolution awarding contract needed Funds are budgeted.)

ACTION: Res. 87-1133 adopted awarding contract. (P/T to handle)

CONSENT
14. Consider acceptance of George Reed, Inc.'s contract for the Orchard Park sidewalks. (Original contract: $24,550.40)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting the work as complete needed. Final cost: $24,622.08. Funds are budgeted.)

ACTION: Res. 87-1134 adopted accepting work as complete. (Clerk to handle)

CONSENT

15. Consider acceptance of Rolfe Construction's contract for the "K" Street water line extension from 8th Street to 9th Street. (Original contract: $49,565)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting works as complete needed. Final cost: $50,432. Funds are budgeted.)

ACTION: Res. 87-1135 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

16. Consider approval of encroachment permit for the installation of a masonry wall at 901 McHenry Avenue which encroaches 18 inches into the public right of way.
(The encroachment into the 10' sidewalk area will not involve setting a precedent because there are existing and unique conditions where light wells already encroach into the public right of way. Memo with agenda. Resolution authorizing the Director of Engineering to issue an encroachment permit needed.)

ACTION: Res. 87-1136 adopted authorizing issuance of encroachment permit. (Engineering to handle)

CONSENT

17. Consider approving amendment to agreement with California Air Charter, Inc. for their operation at the airport.
(This is an amendment to reflect Cal Air Charter's name change to Ameriflight, Inc. There are no other changes. Resolution approving amendment to agreement needed.)

ACTION: Res. 87-1137 adopted approving amended agreement. (Utility Serv to handle)

CONSENT

18. Consider approving an agreement with Brethren Community Services for funding of building improvements at Westcare under the Community Development Block Grant (CDBG) Program for 1987-88.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: $10,000. Funds are budgeted.)

ACTION: Res. 87-1138 adopted approving agreement. (Planning to handle)

19. Annual report of the activities of the International Friendship Committee.
(The Committee has been in existence since March, 1986, and will give a review of past activities and a preview of the year to come. Memo with agenda. Motion acknowledging receipt of report needed.)

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

CONSENT

20. Request of Downtown Improvement District for the use of downtown sidewalks for the selling of merchandise on Friday and Saturday, October 23 and 24th.
(Motion approving needed.)

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

21. Request of Zivko and Ernestina Jurkovic for permission to file a late claim.
(Resolution denying request to file late claim needed.)

ACTION: By motion (McGrath/Patterson, unan.) this matter continued to October 27, 1987, at 7:30 p.m. (Clerk to handle)

MISCELLANEOUS

22. Appointments

a. Farm-City Advisory Committee

ACTION: Res. 87-1139 adopted (Lang/Whiteside, unan.) reappointing Tom Ciccarelli and Eldon Glenn to the Farm-City Advisory Committee, and appointing new member Janice Gray.

b. Youth Commission

ACTION: Res. 87-1140 adopted (Lang/Whiteside, unan.) appointing the following members to the Modesto Youth Commission: Suzi Doxey, Erin Higby, Kristine Van Tress, Denise Shanahan, Jason Kimbraugh, Carrie Cardoza, Jennifer Henry, Kim Shanks, Don Jordan, Jim Munoz, Sean Caster and Chris Peterson.

23.

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 6:05 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 27, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
Councilmember Patterson arrived at 7:35 p.m.

Absent: Mayor Mensinger

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 38, 29

Removed from consent: 12
Dropped from agenda: 14
ACTION: (McGrath/Whiteside, unan., Patterson and Mensinger 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the October 20, 1987, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

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

a. Mark Harris made a presentation to Mayor Mensinger.

b. Councilmember McGrath excused due to a conflict of interest. Andres Treskon presented a petition requesting development of a park at Snyder Avenue and Honey Creek Road.

c. Dave Dolan spoke about the proposed Modesto festival.

UNFINISHED BUSINESS

4. Request of Zivko and Ernestina Jurkovic for permission to file a late claim.
(Continued from October 20, 1987, City Council meeting. Resolution denying request to file late claim needed.)

ACTION: By motion (Whiteside/Muratore, unan., Mensinger absent) this matter was referred to the staff to reconsider the property damage claim.
(Attorney to handle)

4A. Discussion by Bev Jones of equipment to aid the hearing impaired.

ACTION: By motion (Patterson/Lang, unan., Mensinger absent) this matter referred to staff for investigation and report to Council.
(Mgr/Finance to handle)

HEARINGS

5. Hearing to consider an amendment to Section 23-3-9 of the Zoning Map to rezone from R-1 and P-D(260) to P-D(436) to allow a combination church, elderly housing complex, and a 24-hour elderly care facility, property located on the north side of Scenic Drive, west of McGuire Drive. (Bethel Church)

ACTION: By motion (Muratore/Patterson, unan., Mensinger absent) Ord. No. 2558-C.S. introduced.
Res. 87-1141 adopted (same vote) approving plan.
Res. 87-1142 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

6. Hearing to consider the request of David Hosmer for a refund of Capital Assessment Fees paid for an addition to his residence at 318 Magnolia. Acting Mayor Sutton excused due to a conflict of interest.

ACTION: By motion (Patterson/Whiteside, unan., Mensinger absent) Councilmember McGrath designated as Mayor pro tem.

Res. 87-1143 adopted (Patterson/Whiteside, unan., Sutton and Mensinger absent) fees are to be refunded on properties at 318 Magnolia, 904 Yale, 933 College, 413 Raquel, 1225 Brady, 314 Cypress and 205 Trinity, and waived fees on property at 320 Floyd. (Eng to handle)

7. Hearing to consider appeal of Pratt and Navarro Architecture, on behalf of Acme Construction, to the Capital Assessment Fees levied against the medical office building located at 1444 Florida Avenue.

ACTION: Res. 87-1144 adopted (Whiteside/Patterson, unan., Mensinger absent) the parking area of the building was eliminated from the Capital Assessment Fees. (Eng to handle)

Councilmember Lang excused at 8:45 p.m.

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the boiler replacement at the sewage treatment plant.
(Suggested bid opening: November 17, 1987, at 11:00 a.m. This project consists of replacing the treatment plant boiler for the digester sludge heating. Resolution approving plans and specifications and call for bids needed. Estimated cost: $44,000; contract $40,000; eng. & cont. $4,000. Funds are budgeted.)

ACTION: Res. 87-1145 adopted calling for bids. (Eng to handle)

CONSENT

9. Consider approving specifications and authorize call for bids to be opened November 24, 1987, at 3:00 p.m. for furnishing one copy machine. (Requested by the Finance Department, the copy machine will replace a Xerox 3450 located on the fourth floor of City Hall. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $15,000. Funds are budgeted.)

ACTION: Res. 87-1146 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider declaring low bidders and authorize the purchase of Wang equipment as follows:
    a. Work stations and disk drive - Seek Systems - $48,601.
    b. Laser printers - California Computer Exchange - $20,750.56
    c. Cable Concentrator and assemblies - Microtek Corp. - $1,484
    (Memo with agenda. Resolution authorizing the purchase of Wang Equipment needed. Funds are budgeted.)

ACTION: Res. 87-1147 adopted authorizing purchase. (Finance to handle)

CONSENT

11. Consider acceptance of George Reed, Inc.'s contract for the Sylvan Avenue overlay from Coffee Road to Palmwood Drive. (Original contract: $148,888.88)
    (All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, recommended that the project be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Final cost: $145,523.57. Funds are budgeted.)

ACTION: Res. 87-1148 adopted accepting improvements as complete. (Clerk to handle)

12. Consider waiving formal bid procedures and authorize the Purchasing Officer or his designated agent to purchase eight used cars from a wholesale auto dealers auction.
    (Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: $67,840. Funds are budgeted.)

ACTION: Res. 87-1149 adopted (Muratore/Patterson, unan., Lang and Mensinger absent) (Finance to handle)

CONSENT

13. Consider appropriation transfer in the amount of $6,255 for the operation of the Affirmative Action Program.
    (Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 87-1150 adopted approving appropriation transfer. (Finance to handle)

CONSENT

19. Consider request for refund of $625.63 for overpayment of Business License Tax by Joe's Mini Mart.
(Resolution approving refund needed.)

ACTION: Res. 87-1156 adopted approving refund. (Finance to handle)

20. Consider amending Personnel Rules as follows:

Section 7.5g amends "acting" appointments to remove limitation of temporary vacancies
Section 7.7 amends "transfer" to authorize approval at the department head level
Section 7.8 amends "residency" requirements for sworn police and sworn fire by replacing the 15-mile limit with a 45-minute time limit.
(Memorandum with agenda. Resolution amending Personnel Rules needed.)

ACTION: Res. 87-1157 adopted (Muratore/Patterson, unan., Lang and Mensinger absent) amending Personnel Rules. (Manager to handle)

CONSENT

21. Consider amendment to agreement with Brown and Caldwell Engineers to provide services during the construction of the third fixed film reactor at the Jennings Road remote pond site.
(The original agreement provided for design of the third fixed film reactor only. Additional services are needed to provide review of key equipment shop drawings and general consultation during construction. Memo with agenda. Resolution approving agreement needed. Estimated cost: $12,594. Funds are budgeted.)

ACTION: Res. 87-1158 adopted approving agreement. (Utility Serv to handle)

CONSENT

22. Consider approval of the final map of Beyerwood West subdivision of the City of Modesto and consider accepting improvements. (Developer: Security Title Insurance)
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Beyerwood West is located on the north side of Sylvan Avenue, east of Beyer High School. It contains 19.598 acres. Memo with agenda. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 87-1159 adopted approving final map and accepting improvements. (Clerk to handle)

CONSENT

23. Consider approval of the final map of Livingstone Manor subdivision of the City of Modesto and consider accepting improvements. (Developer: Vinson Chase)
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Livingstone Manor is located on the west side of McGuire Avenue, north of Scenic Drive. It contains 3.188 acres. Memo with agenda. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 87-1160 adopted approving final map and accepting improvements. (Clerk to handle)

CONSENT

24. Consider approval of the final map of Wellington Cove Condominiums subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers: CPC/LEW Venture)
(The subdivision agreement has been signed and all fees paid. Wellington Cove is located on the south side of Scenic Drive at Rose Avenue. It contains 9.106 acres. Resolution approving final map needed.)

ACTION: Res. 87-1161 adopted approving final map. (Clerk to handle)

CONSENT

25. Consider approval of the final map of Dry Creek Vista Unit One subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers: CPC/LEW Venture)
(The subdivision agreement has been signed and all fees paid. Dry Creek Vista Unit One is located on the west side of McClure Road, north of Yosemite Boulevard. It contains 13.729 acres. Resolution approving final map needed.)

ACTION: Res. 87-1162 adopted approving final map. (Clerk to handle)

CONSENT

26. Consider acceptance of improvements in Paradise Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Rule Enterprises)
(Paradise Estates subdivision is located on the southeast side of Paradise Road between Wade Avenue and Peggy Lane. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 87-1163 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

27. Consider acceptance of improvements in Honey Creek Villas subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Bennett & Compton)
(Honey Creek Villas subdivision is located at the southeast corner of Pelandale Avenue and Honey Creek Drive. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 87-1164 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

28. Consider authorizing City Manager to sign agreement with Richard L. Marks for Construction Inspection Services.
(Memo with agenda. Resolution approving agreement needed, and resolution approving appropriation transfer needed. Estimated cost: $30,000.)

ACTION: Res. 87-1165 adopted approving agreement.
Res. 87-1166 adopted approving appropriation transfer.
(Eng to handle)

CONSENT

29. Consider authorizing City Manager to sign agreement with Emerald Homes for the installation of 405 lineal feet of 8-inch sewer in Setrok Drive in conjunction with Vintage Faire Village subdivision.
(Owner has requested direct reimbursement from City for increased costs to install a larger and deeper sewer later than needed to serve owner's development. Memo with agenda. Resolution approving agreement needed. Estimated cost: $13,442.50. Funds are budgeted.)

ACTION: Res. 87-1167 adopted approving agreement. (Eng to handle)

30. MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 9:02 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 3, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19

ACTION: (Lang/Sutton, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Mayor's proclamation in recognition of the American Cancer Society's Great American Smokeout.

Mayor Mensinger proclaimed November 17, as "Great American Smokeout in Modesto".

b. Suggestion Awards:

(1) Linda Boston, Engineering Services employee, $50, for suggesting a more efficient method of collecting encroachment permit fees.

(2) Linda Boston and Doug Samski, Engineering Services employees, $50 each, for suggesting that building permits for plumbing installations be handled in one place at City Hall.

(3) Walter Woodley, Parks & Recreation employee, $250, for designing a three-point drag harness to better utilize the ballfield drag.

Awards were presented by Mayor Mensinger.

c. Presentation of California Association of Public Information Officials award for 1987 to City of Modesto Public Information Officer Cathy Gorham for the Best Employee Newsletter.

Award presented by Mayor Mensinger

MINUTES

CONSENT

2. Approval of the minutes of the October 27, 1987, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3.

(These matters may be presented only be 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. Consider final adoption of Ord. No. 2558-C.S. amending Section Map 23-3-9 of the Zoning Map to rezone from R-1 and P-D(260) to P-D(436), to allow a church, elderly housing complex, and 24-hour elderly care facility, property located on the north side of Scenic Drive, west of McGuire Drive. (Bethel Church)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2558-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing regarding an amendment to P-D(378) to allow a convenience market with gas pump island on the northeast corner of Standiford Avenue and Prescott Road. (Arco Petroleum)

ACTION: By motion (Patterson/Lang, unan., McGrth absent) Ord. No. 2559-C.S. introduced.
Res. 87-1168 adopted amending P-D(378).

BIDS

CONSENT
6. Consider authorizing the purchase of building permit computer equipment from IBM for $38,150; and from Photo & Sound for $4,708.
(Memo with agenda. Two resolutions authorizing purchase of equipment needed. Funds are budgeted.)

ACTION: Res. 87-1170 adopted authorizing purchase from IBM.
Res. 87-1171 adopted authorizing purchase from Photo & Sound.
(Finance to handle)

CONSENT
7. Consider award of contract for the McClure Road subtrunk sewer extension and water line extension.
Memo and bid tabulation with agenda. Resolution awarding contract to Joe Martin Pipeline needed. Estimated cost: $249,632. Funds are budgeted.)

ACTION: Res. 87-1172 adopted awarding contract. (Eng to handle)

CONSENT
8. Consider award of contract for bridge repair at Claus Road and Dry Creek. (Bids were opened November 27, 1987. The low bid of $11,525, submitted by Bill Mineni Construction, is 4.77% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Memo and bid tabulation with agenda. Resolution awarding contract to Bill Mineni Construction needed. Estimated cost: $11,525. Funds are budgeted.)

ACTION: Res. 87-1173 adopted awarding contract. (Eng to handle)

CONSENT
9. Consider waiving formal bid procedures and authorize the purchase of pump repair services from Johnston Pump Company for the total price of $6,342. (Memo with agenda. Resolution approving the purchase of pump repair services from Johnston Pump Co. (Five affirmative votes needed.) Estimated cost: $6,342. Funds are budgeted.)

ACTION: Res. 87-1174 adopted approving purchase. (Finance to handle)

NEW BUSINESS

CONSENT

10. Consider renewal of agreement with Nancy M. Young, Executive Director, Downtown Improvement District.
(This is the seventh renewal of an existing annual agreement. Memo with agenda. Resolution approving agreement needed. Estimated cost: $37,779. Funds are budgeted.)

ACTION: Res. 87-1175 adopted approving agreement. (Finance to handle)

CONSENT

11. Consider amending criteria for issuance of Health Care Facilities Revenue Bonds.
(At the Council meeting of October 13, 1987, Council indicated a desire to amend criteria for issuance of Revenue Bonds. Memo with agenda. Resolution establishing amended criteria needed.

ACTION: 1Res. 87-1176 adopted establishing amended criteria.
(Planning to handle)

CONSENT

12. Annual report of the activities of the Human Relations Commission.
(Letter with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion receipt of report acknowledged.

CONSENT

13. Request of Michael D. Delfley, Jr., and Lisa M. Delfley to revise collection of costs for installation of sidewalk along Rosina Avenue at 1705 Miller Avenue.
(A three year payment plan is requested, rescinding Resolution 87-14 ($509). (The Delfleys did not request time payments when offered and hve written that they cannot afford to pay all of the sidewalk bill at this time. Resolution approving time payments needed.)

ACTION: Res. 87-1177 adopted approving time payments. (Finance to handle)

CONSENT

14. Consider acceptance of improvements in Tully Manor No. 7 Subdivision of the City of Modesto and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Stone Bros.
(Tully Manor No. 7 Subdivision is located at the northeastern corner of Carver Road and Montclair Drive. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 87-1178 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

15. Consider approving amendment to lease agreement with James E. and Susann Coleman.
(The Colemans are leasing a portion of the former Scott property and would like to add additional land to the lease. Memo with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 87-1179 adopted amending agreement. (Utility Serv to handle)

WRITTEN COMMUNICATIONS

CONSENT

19. Request by Dennis Walden, Attorney for Karen Boyd and Leanna Boyd aka Leanna Cheatham, for permission to file a late claim.
(Resolution denying request needed.)

ACTION: Res. 87-1180 adopted denying request. (Clerk to handle)

MISCELLANEOUS

20. Appointments

Economic Development Loan Pool Subcommittee

ACTION: Res. 87-1181 adopted (Patterson/Whiteside, unan.) appointing Arthur Martin as Chairperson. (Clerk to handle)

21. MATTERS TOO LATE FOR THE AGENDA

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

ACTION: By motion (Patterson/McGrath, unan.) Council approved the Mayor's clarification of Modesto's crime statistics. No action taken.

ADJOURNMENT

The meeting adjourned at 4:32 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 10, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Whiteside, Mayor Mensinger

Absent: Councilmember Sutton

Pledge of allegiance to the Flag

Invocation: Rev. Robert Smythe, First Christian Church

A. Certification of canvass of votes at the November 3, 1987, election.

ACTION: Res. 87-1182 adopted (McGrath/Whiteside, unan., Sutton absent) certifying canvass of votes.

B. Remarks/acknowledgements.

None

C. Oath of office.

The City Clerk administered the oath of office to Councilmember Frank Muratore and Board of Education members Steven Grenbeaux, Axel Hedberg, and Donna Thayer.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22

Dropped from agenda: 12
ACTION: (Lang/Patterson, unan., Sutton absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 5
Councilmember McGrath to be excused due to a conflict of interest.

ACTION: (Lang/Whiteside, unan., McGrath and Sutton 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor's Proclamation in recognition of the American Cancer Society's Great American Smokeout.

Mayor Mensinger presented a proclamation declaring November 19, as the "Great American Smokeout in Modesto" to representatives of the American Cancer Society.

MINUTES

CONSENT

2. Approval of the minutes of the November 3, 1987, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

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

Mark Hasket, representing G.O.A.L., spoke about Measure Q.

UNFINISHED BUSINESS

4. Report on adding a member to the Affirmative Action Committee.
(By order of the Chair at the September 8, 1987, City Council meeting, staff was requested to report on adding a member of the Human Relations Commission to the Affirmative Action Committee.
(Memo with agenda. Motion directing staff needed.)

ACTION: Res. 87-1183 adopted (Whiteside/Muratore, unan., Sutton absent) adding the Human Relations Commission representative as a voting member of the Affirmative Action Commission and rescinding Resolution No. 87-237.

By motion (Whiteside/Muratore, unan., Sutton absent) Affirmative Action Commission requested to study the size and composition of the Commission and make a recommendation to the City Council.
(Manager to handle)

4A. Report on the status of Stoddard solvent clean-up, as requested by Councilmember Whiteside.
(Verbal report will be presented at the meeting.)

Report was made. By order of the Chair, staff was directed to prepare a written report. (Utility Services to handle)

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

5. Final adoption of Ord. No. 2559-C.S. amending P-D(378) to allow a convenience market with gas pump island on the northeast corner of Standiford Avenue and Prescott Road. (Arco Petroleum)
(Motion adopting needed.)

ACTION: By motion (Lang/Whiteside, unan., McGrath and Sutton absent) Ord. No. 2559-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider the Rosemore-Cox Reorganization to the City of Modesto, the Modesto Municipal Sewer District No. 1, and detachment from Woodland Avenue Fire District.

ACTION: By motion (Muratore/Whiteside, unan., Sutton absent) hearing continued to November 17, 1987, at 4:00 p.m. (Clerk to handle)

7. Hearing to consider the appeal of Anthony Johnstad to a decision of the Planning Commission regarding a request for an amendment to a plot plan approval to allow a single-family dwelling on a flag lot in the R-1 Zone, property located on the north side of Woodland Avenue, west of Rosemore Avenue.

ACTION: Res. 87-1185 adopted (McGrath/Whiteside, unan., Sutton absent) granting the appeal and including a condition concerning eliminating parking near the north property line. (Planning to handle)

8. Hearing to consider rezoning from R-1 to P-D(437) to allow a neighborhood shopping center, property located on the west side of Carpenter Road between Kansas and Torrid Avenues. (Grant Construction Co.)

ACTION: By motion (Lang/Whiteside, unan., Sutton absent) Ord. No. 2560-C.S. introduced.
Res. 87-1186 adopted (same vote) approving plan.
Res. 87-1187 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for the construction of Robertson Road Park streets.
(Suggested bid opening: November 24, 1987, at 11:05 a.m. needed. This work consists of street improvements on Hammond Street between Erie Avenue and Pelton Avenue and Crippen Avenue to approximately 415 feet north of Mugo Pine Drive, which are the streets that are adjacent to the Robertson Road park site. Resolution approving plans and specifications and call for bids needed. Estimated cost: $31,579 (contract $27,460; engineering & cont. $4,119). Funds are budgeted.)

ACTION: Res. 87-1188 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider rejection of bids for the improvements to Fire Station No. 5 heating and cooling system and approval of plans and specifications and new bid call.
(Suggested bid opening: November 24, 1987, at 11:10 a.m. Bids were opened On July 28, 1987, and after staff evaluation, all bids were considered to be unacceptable. The scope of the project has been redesigned allowing for alternatives in the work to be accomplished and the project to be rebid. Resolution rejecting bids, approving plans and specifications and call for bids needed. Estimated cost: $20,182.50 (contract $17,550; eng. & cont. $2,632). Funds are budgeted.)

ACTION: Res. 87-1189 adopted calling for bids. (Eng to handle)

CONSENT

11. Consider approving specifications and authorizing call for bids to be opened December 1, 1987, at 3:00 p.m., for furnishing one 600 volt motor control center.
(Requested by the Utility Services Sewerage Division, the motor control center will be used to operate the centrifugal pumps for the fixed film reactor. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $60,000. Funds are budgeted.)

ACTION: Res. 87-1190 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider rescinding that portion of Resolution 87-1147 that authorized the purchase of Wang workstations from Seek Systems, Inc., and adopt new Resolution authorizing the purchase of Wang workstations from Wang Labs, Inc. for a total cost of $46,078.20.
(Memo with agenda. Resolution rescinding portion of Resolution 87-1147 and authorizing the purchase of Wang workstations from Wang Labs., Inc. needed. Funds are budgeted.)

Dropped from agenda.

CONSENT

13. Consider waiving formal bid procedures and authorizing the purchase of one automated ion analyzer from Tegal Scientific, Inc. for $35,260.
(Memo with agenda. Resolution authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-1191 adopted authorizing purchase. (Finance to handle)

CONSENT

14. Consider waiving formal bid procedures and authorizing the purchase of Christmas decorations from Kelley Display Company for the total price of $9,815.
(Memo with agenda. Resolution waiving formal bid procedures needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-1192 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

CONSENT

15. Consider excusing Mayor Mensinger for being absent from the October 27, 1987, meeting due to her attendance at a meeting concerning air service in Modesto.
(Motion excusing absence needed.)

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

CONSENT

16. Consider leasing lower level of 11th and K garage to the partnership of Rodney Johnson and Bradley Hawn.
(Memo with agenda. The lease has been prepared in accordance with Council's instructions. The lease is for five years with a five-year option. The rent starts at $550 per month and goes to $669 per month in the fifth year. Resolution approving lease agreement needed.)

ACTION: Res. 87-1193 adopted approving lease agreement. (P/T to handle)

CONSENT
17. Consider list of comparable jurisdictions for job audit salary survey.
(Memo with agenda. Resolution approving comparable jurisdictions needed.)

ACTION: Res. 87-1194 adopted approving comparable jurisdictions.
(Manager to handle)

CONSENT
18. Consider approving an agreement with the Society for Handicapped Children and Adults for funding of handicapped improvements and repairs under the Community Development Block Grant Program for FY 1987-88.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-1195 adopted approving agreement. (Planning to handle)

CONSENT
19. Consider approving an increase in the grant from $25,500 to $40,000 for the Society for Handicapped Children and Adults for funding of handicapped improvements and repairs under the Community Development Block Grant Program for FY 1987-88.
(Memo with agenda. Resolution approving increase in grant needed. Funds are budgeted.)

ACTION: Res. 87-1196 adopted approving increase in grant.
(Planning to handle)

CONSENT
20. Consider approving an appropriation transfer from the Community Development Block Grant loan reserve to the Housing Program Office Operation Budget for the implementation of Community Development Block Grant-funded activities.
(Memo with agenda. Resolution approving appropriation transfer needed. Estimated Cost: $250,000.)

ACTION: Res. 87-1197 adopted approving appropriation transfer.
(Finance/Planning to handle)

WRITTEN COMMUNICATIONS

CONSENT
21. Letter from Vivian A. McNulty resigning from the Downtown Improvement District Advisory Board
(Resolution accepting resignation with regret needed.)

ACTION: Res. 87-1198 adopted accepting resignation. (Clerk to handle)

CONSENT
22. Request for direct City assistance from Christian Berets, Inc. for Christmas Parade on December 5, 1987.
(Motion referring to staff needed.)

ACTION: By motion, request referred to staff. (P/R and Police to handle)

23. MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 10:43 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
November 17, 1987

The Council of the City of Modesto met in special session at 3:30 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, Muratore, Sutton, Whiteside, Mayor Mensinger

Absent: Councilmembers McGrath, Patterson

The Councilmembers met to consider pending litigation pursuant to Government Code Section 54956.9(a).

The meeting adjourned to closed session at 3:35 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 17, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
Councilmember McGrath arrived at 4:05 p.m.

Absent: None

Pledge of allegiance to the Flag

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

Removed from consent: 2, 10, 22
ACTION: (Lang/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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

The oath of office was taken by Councilmember Sutton.

MINUTES

2. Approval of the minutes of the adjourned regular meeting of September 10, 1987, and the November 10, 1987 regular City Council meeting. (Motion approving needed.)

ACTION: By motion (Whiteside/Sutton, unan.) 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. Council consideration of possible uses of contingency reserves. (At the October 13, 1987, Council meeting the Council directed that discussion of the possible uses of the contingency reserves should be held at the November 17th meeting. Motion directing staff needed.)

ACTION: Res. 87-1199 adopted (Patterson/Lang, unan.) recommending expenditures be approved. (Finance to handle)
An up-date was provided on the new Police facility.

5. Follow-through to Measure Q, City of Modesto Sewer Trunk Extension Advisory Measure.
(Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Whiteside/McGrath) it was determined that the sewerlines included in Measure Q will not be extended for development purposes, but Public Projects Committee and staff was directed to work with the school districts concerning extending sewers to new schools and park sites. (Planning to handle)

HEARINGS

6. Continued hearing to consider the Rosemore-Cox Reorganization to the City of Modesto, the Modesto Municipal Sewer District No. 1, and detachment from Woodland Avenue Fire District.

ACTION: Res. 87-1200 adopted (McGrath/Lang, unan.) annexing Rosemore-Cox Reorgnization. (Clerk to handle)

7. Hearing to consider an amendment to Section 12-3-8 of the Zoning Map to rezone from R-3 to P-D(438), to allow a 136-unit air space condominium, property located on the west side of Prescott Avenue, north of M.I.D. Lateral No. 7. (Resource Development)
Councilmember McGrath excused due to a conflict of interest.

ACTION: By motion (Sutton/Patterson, unan., McGrath absent) hearing continued one week. (Clerk to handle)

8. Consider the appeal of Pan Capital Group to a Planning Commission decision denying an application for an amendment to Section 8-4-9 of the Zoning Map to rezone from R-1 to P-D, property located at the southeast corner of Hatch Road and Ustick Avenue.

ACTION: Res. 87-1201 adopted (McGrath/Lang, majority, Patterson and Sutton-no) denying appeal. (Planning to handle)

BIDS

CONSENT

9. Consider rescinding that portion of Resolution 87-1147 that authorized purchase of Wang workstations from Seek Systems and cable concentrator from Microtek and adopt new resolution authorizing the purchase of Wang workstations and cable concentrator from Wang Labs, Inc. for the total cost of $47,604.60.
(Memorandum with agenda. Resolution rescinding portions of Res. 87-1147 and authorizing purchase from Wang Labs, Inc. needed. Funds are budgeted.)

ACTION: Res. 87-1202 adopted authorizing purchase. (Finance to handle)

10. Consider authorizing the purchase of fixed film reactor equipment as follows: Item 1 - Eimco Process Equipment - $94,446; Item 2 - American SurfPac - $770,302; Item 3 - Fairbanks Morse - $113,665.92.
(Memorandum with agenda. Resolution authorizing purchase needed. Estimated total cost: $978,413.92. Funds are budgeted.)

ACTION: Res. 87-1203 adopted (Lang/Whiteside, majority, McGrath-no) authorizing purchase. (Utility Serv to handle)

CONSENT

11. Consider waiving formal bid procedures and authorize the purchase of two-way radios and mobile data terminals from Motorola, Inc. for the total price of $107,938.74.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-1204 adopted authorizing purchase. (Finance to handle)

NEW BUSINESS

CONSENT

12. Consider approval of the Citizens Participation Plan of the Community Development Block Grant Application for Fiscal Year 1988-89. (Memo with agenda. Resolution approving Citizens Participation Plan needed.

ACTION: Res. 87-1205 adopted approving Citizens Participation Plan. (Planning to handle)

CONSENT

13. Consider adding an additional seat on the Citizens Housing and Community Development Committee for the new Chairperson of the Econominc Development Loan Pool Subcommittee, as recommended by the CH&CDC. (Memo with agenda. Resolution adding additional seat on the CH&CDC needed.)

ACTION: Res. 87-1206 adopted adding additional seat on the Citizens Housing and Community Development Economic Development Loan Pool Subcommittee. (Planning to handle)

CONSENT

14. Consider acceptance of improvements in Cape Cod Estates No. 4 and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Franco Construction) (Cape Cod Estates No. 4 is located south of Hatch Road and east of Ustick Road. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 87-1207 adopted accepting improvements as complete. (Clerk to handle)

15. Consider authorizing the International Friendship Committee to proceed with a design for a city flag. (The International Friendship Committee members feel that Modesto is a city that should have its own city flag. The Vernon Sister City subcommittee has volunteered to take charge of this project. Memo with agenda. Motion authorizing International Friendship Committee to proceed needed.)

Mayor Mensinger excused at 6:48 p.m. and returned at 6:50 p.m.

ACTION: By motion (Muratore/Lang, unan.) authorized International Friendship Committee to proceed. (International Friendship Com)

CONSENT

16. Set hearing to consider amendments to Zoning Regulations of the Municipal Code. (Omni 10)
(On September 28, 1987, the Planning Commission adopted Resolution 87-169 recommending to the Council a Zoning Code Text amendment pertaining to gas price signs, satellite dish antennas, and off-street parking requirements. Resolution setting hearing December 1, 1987, at 4:00 p.m. needed.)

ACTION: Res. 87-1208 adopted setting hearing. (Clerk to handle)

CONSENT

17. Consider amending the Position Classification Plan and the salary resolution to create the new classification of Fire Plans Checker at a salary range of 127.5, reallocating the present vacant position of Plan Review Engineer to this new class.
(Memorandum with agenda. Resolution amending Position Plan needed, and resolution amending Alphabetical Listing of Classifications in salary resolution needed.)

ACTION: Res. 87-1209 adopted amending Position Classification Plan.
Res. 87-1210 adopted amending salary schedule.
(Manager to handle)

CONSENT

18. Consider City-County Joint Transportation Committee recommendations on transit.
(Memo with agenda. The Committee recommends approval of sick leave for Dial-A-Ride drivers, IT route changes, and a plan to provide transportation services for handicapped persons by continuing IT and Dial-A-Ride service at their current level. Resolution approving amendment to DAR agreement; resolution setting hearing December 8, 1987, at 7:30 p.m. to consider route changes needed; resolution setting hearing January 5, 1988, at 4:00 p.m. to accept public comment on the plan for providing transportation services for handicapped persons needed. Estimated maximum cost for DAR sick leave: $7,304. Funds are budgeted.)

ACTION: Res. 87-1211 adopted approving amendment to DAR agreement.
Res. 87-1212 adopted setting hearing to consider route changes.
Res. 87-1213 adopted setting hearing to accept public comment on the plan for providing transportation services for handicapped persons.
(P/T and Clerk to handle)

CONSENT

19. Consider approving cooperative agreement between City and County for construction of traffic signal at Oakdale and Floyd.
(Memorandum with agenda. Resolution approving agreement needed. Estimated cost: $110,000. Funds are budgeted.)

ACTION: Res. 87-1214 adopted approving agreement. (P/T to handle)

CONSENT

20. Consider approval of request of Richard T. Vine, owner of Yosemite Exxon, to install one monitoring well at 1234 Yosemite Boulevard and consider approval of letter agreement.
(Memo with agenda. Resolution granting request to install monitoring well needed, and resolution approving letter agreement needed.)

ACTION: Res. 87-1215 adopted granting request to install well.
Res. 87-1216 adopted approving letter agreement.
(Utility Services to handle)

CONSENT

21. Report of Superintendent of Streets on the cost of installation of curb and/or sidewalk at the locations listed below:
(Required work has been completed. Costs have been calculated and a tabulation properties, the owners and respective costs follows. Resolution setting hearing December 8, 1987, at 7:30 p.m. needed.)

1. Curb and walk at 2347 E. Orangeburg Avenue, Portion of Block 1437 (Community Pacific Broadcasting - $13,816.00)

2. Curb and walk at 2405 E. Orangeburg Avenue, a portion of Block 1465 (Carl and Evelyn A. Crhistiansen - $3,776.00)

3. Curb and Walk at 2405 Kansas Avenue, a portion of Block 5445 (Lawrence and Helen Welch - $1,687.00)

4. Curb at 620 El Camino, a portion of Block 1039 (Donald and Mary A. Bailey - $1,053.00)

5. Curb along El Camino Avenue at 602 El Camino Avenue, Lot 1 of Block 1039 (Brice M. and Dianne C. Gauldin - $618.00)

6. Curb at 626 E. Camino Avenue, a portion of Block 1039 (Warren Stone - $1,505.00)

7. Curb at 312 E. Roseburg Avenue, Lot 5 of Block 658 (James H. and Kathy M. Batey - $726.00)

8. Curb at 420 E. Roseburg Avenue, a portion of Block 662 (Letha Brasher - $1,278.00)

9. Curb at 318 E. Roseburg Avenue, Lot 6 of Block 658 (Damon and Eleanor Browning - $874.00)

10. Curb along E. Roseburg Avenue and Nelson Avenue at 322 E. Roseburg Avenue, Lot 7 of Block 658 (Joe Frank and Frances Fielded - $2,778.00)

11. Curb at 244 E. Roseburg Avenue, a portion of Block 658 (Joseph Ray and Evelyn Yvonne Keener - $1,314.00)

12. Curb at 506 E. Roseburg Avenue, a portion of Block 662 (Robert J. and Jean Locondo - $2,068.00)

13. Curb at 410 E. Roseburg Avenue, Lot 2 of Block 662 (June C. McElroy - $1,172.00)

14. Curb along E. Roseburg Avenue and Nelson Avenue at 400 E. Roseburg Avenue, Lot 1 of Block 662 (Robert E. Miller - $2,978.00)

15. Curb at 305 E. Roseburg Avenue, Portion of Block 1127 (Clifford G. and Vivian J. Mullins - $1,638.00)

16. Curb at 304 E. Roseburg Avenue, a portion of Block 658 (Doris I. Roberts - $1,028.00)

17. Curb along E. Roseburg Avenue and Nelson Avenue at 501 E. Roseburg Avenue, Lot 13 of Block 1125 (Robert A. and Mable E. Snow - $2,978.00)

18. Curb at 509 E. Roseburg Avenue, Lot 12 of Block 1125 (Stanley E. and Maria T. Shaw - $1,102.00)

19. Curb at 414 E. Roseburg Avenue, a portion Block 662 (Ronald G. and Katherine A. Wheat - $1,172.00)

ACTION: Res. 87-1217 adopted setting hearing. (Clerk to handle)

22. Annual Update of fees for Planning and Zoning Applications.
(Planning and Zoning fees are adjusted annually. This proposal would update fees to reflect current costs. Resolution updating fees needed.)

ACTION: Res. 87-1218 adopted (Whiteside/Patterson, unan.) establishing filing fees for zone boundary changes, use permits, variances, environmental review, subdivisions and other applications, and rescinding Res. 87-150.

Res. 87-1219 adopted (same vote) establishing filing fees for applications for abandonment or vacation of public right-of-way or easements, and rescinding Res. 82-345. (Planning to handle)

WRITTEN COMMUNICATIONS

CONSENT

23. Letter from Peg Crowther resigning from the Modesto Arts in Action Committee.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 87-1220 adopted accepting resignation. (Clerk 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 7:00 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 24, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
Councilmember Muratore arrived at 7:33 p.m.

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 27

Removed from consent: 18, 24A 24B
ACTION: (Lang/Whiteside, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the November 17, 1987, special and regular City Council meetings.
(Motion approving needed.)

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

3. ## ORAL COMMUNICATIONS

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

None

UNFINISHED BUSINESS

CONSENT

4. Consider approval of request of the Christian Berets for direct City assistance with a Christmas parade on December 5, 1987.
(Memo with agenda. Resolution approving request needed. Estimated cost: $1,151.80. Funds are budgeted.)

ACTION: Res. 87-1221 adopted approving request. (Police/P & R to handle)

CONSENT

5. Final adoption or Ord. No. 2560-C.S. rezoning from R-1 to P-D(437), property located on the west side of Carpenter Road between Kansas and Torrid Avenues (Grant Construction).
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2560-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider an amendment to Section 12-3-8 of the Zoning Map to rezone from R-3 to P-D(438), to allow a 136-unit air space condominium, property located on the west side of Prescott Avenue, north of M.I.D. Lateral No. 7 (Resource Development)
(Continued from November 17, 1987, City Council meeting.
Councilmember McGrath excused due to a conflict of interest.

ACTION: By motion (Muratore/Whiteside, unan., McGrath absent) Ord. No. 2561-C.S. introduced.
Res. 87-1222 adopted (same vote) approving plan.
Res. 87-1223 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

7. Hearing to consider an amendment to Section 13-3-8 of the Zoning Map to rezone from R-2 to P-D(440) to allow an elderly housing and family care facility, property located on the west corner of Brenner Way and Lou Ann Drive. (R.K.M. Development)

ACTION: By motion (McGrath/Sutton, unan.) Ord. No. 2562-C.S. introduced.
Res. 87-1224 adopted (same vote) approving plan.
Res. 87-1225 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

Item 25 was taken up at this time.

8. a. Hearing to consider proposed issuance of Health Care Facilities Revenue Bonds for up to $22,000,000 for Memorial Hospitals Association to finance health care facilities at 1700 Coffee Road, Modesto, California.
Mayor Mensinger excused due to a conflict of interest.

ACTION: Res. 87-1226 adopted (Whiteside/Muratore, unan., Mensinger absent) approving issuance of bonds for financing certain health care facilities.

b. Consider approval of issuance of Health Care Facilities Revenue bonds of up to $22,000,000 for Memorial Hospitals Association to finance health care facilities at 1700 Coffee Road, Modesto, California.
(Memo with agenda. Resolution relating to the financing of the project of Memorial Hospitals Association needed.)
Mayor Mensinger excused due to a conflict of interest.

ACTION: Res. 87-1227 adopted (Whiteside/Muratore, unan., Mensinger absent) approving financing of a health facilities project for Memorial Hospital Association. (Planning to handle)

BIDS

CONSENT

9. Consider approving specifications and authorize call for bids to be opened December 15, 1987, at 3:00 p.m. for furnishing landscape maintenance services.
(Memorandum with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $27,384. Funds are budgeted.)

ACTION: Res. 87-1228 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for the downtown waterline strengthening project.
(Suggested bid opening: December 8, 1987, at 11:00 a.m. This project will provide better water circulation, increase fire flows and reduce pressure fluctuations in the downtown area. Resolution approving plans and specifications and call for bids needed. Estimated cost: $263,124 (contract $219,270; eng. & cont. $43,854). Funds are budgeted.)

ACTION: Res. 87-1229 adopted calling for bids. (Eng to handle)

CONSENT

11. Consider acceptance of Central Fence Company's contract for installation of fencing at remote pond site. (Original contract & final cost: $14,680.38)
(All work on this project has been completed to the satisfaction of the Utility Services Department. It is, therefore, recommended that the contract be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 87-1230 adopted accepting as complete. (Clerk to handle)

CONSENT

12. Consider acceptance of Daycor, Inc.'s contract for crack sealing various City streets, 1986-87. (Original contract: $49,999.95)
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services Departments. It is now in order to accept the project as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final costs: $48,232. Funds are budgeted.)

ACTION: Res. 87-1231 adopted accepting as complete. (Clerk to handle)

CONSENT

13. Consider acceptance of Central Pump Company's contract for the construction of Pump Station No. 49. (Original contract: $166,305)
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services Department. It is now in order to accept the project as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: $177,906. Funds are budgedted.)

ACTION: Res. 87-1232 adopted accepting as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of Howell Construction's contract for the expansion of the City corporation yard. (Original contract: $89,919)
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services Departments. It is now in order to accept the project as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: $97,036. Funds are budgeted.)

ACTION: Res. 87-1233 adopted accepting as complete. (Clerk to handle)

CONSENT

15. Consider rescinding City Council Resolution No. 87-921 which accepted the bid of Opinski Construction and awarded the contract for the renovation of the grandstand at John Thurman Field.
(Bids were opened on August 4, 1987, for the grandstand renovation at John Thurman Field. The bids received were higher than anticipated by the engineer prior to bid opening. In order to meet the budgeted amount, it was necessary to eliminate the rest room facility from the bid, and the low bidder wasn't willing to do that. Memo with agenda. Resolution rescinding Res. No. 87-921 needed.)

ACTION: Res. 87-1234 adopted rescinding Resolution No. 87-921.
(Eng to handle)

CONSENT

16. Consider waiving formal bid procedures and authorize the City Manager to sign an agreement with Holguin Company for two additonal licenses for the computer-aided design drafting system for $8,480.
(Memorandum with agenda. Resolution waiving formal bid procedures (five affirmative votes needed) and approving agreement with Holguin Company needed. Funds are budgeted.)

ACTION: Res. 87-1235 adopted waiving formal bid procedures and authorizing purchase. (Finance to handle)

NEW BUSINESS

CONSENT

17. Consider adoption of a policy regarding acquisition of right of way for new traffic signals.
(Memo with agenda. Resolution adopting policy needed.)

ACTION: Res. 87-1236 adopted establishing policy. (P/T to handle)

18. Consider approving agreement with Graceada Mansion Partnership for the lease of a portion of Well Site No. 2.
(Graceada Mansion Partnership would like to lease a portion of this site for parking for adjacent development. Memo with agenda. Resolution approving agreement needed.)

ACTION: By motion (Whiteside/Lang, unan.) this item continued until the land use issues are decided.

By order of the Chair, staff requested to determine whether a building permit for 80% of the building is possible.
(Attorney to handle)

CONSENT

19. Consider approving agreement with Turlock Irrigation District which sets guidelines for future surface water supply studies and appointing a member and alternate member to Advisory Committee.
(Memo with agenda. Resolution approving agreement and appointing member and alternate member needed.)

ACTION: Res. 87-1237 adopted approving agreement and appointing members.
(Eng to handle)

CONSENT

20. Monthly Treasurer's Report for October, 1987.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

21. Consider accepting Council Solid Waste Committee's recommendation to support issuance of revenue bonds by the California Pollution Control Financing Authority to Ogden Martin Systems Equity, Inc.
(Memo with agenda. Resolution supporting the issuance of revenue bonds by CPCFA to Ogden Martins Systems Equity, Inc. needed.)

ACTION: Res. 87-1238 adopted supporting issuance of bonds.
(Utility Services to handle)

CONSENT

22. Consider approval of request of Unocal Corporation to install three groundwater monitoring wells at the Unocal gas station located at 1801 McHenry Avenue and four groundwater monitoring wells at the Unocal gas station located at 3461 McHenry Avenue and approval of letter agreement.
(Memo with agenda. Resolution granting request needed and resolution approving letter agreement needed.)

ACTION: Res. 87-1239 adopted granting request.
Res. 87-1240 adopted approving letter agreement.
(Utility Serv to handle)

CONSENT

23. Consider request for water service to property outside City limits at 4513 McHenry Avenue, located on the west side of McHenry Avenue between Wells Avenue and Kiernan Avenue. (Owners: Modesto Datson, Inc.)
(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. 87-1241 adopted approving agreement. (Eng. to handle)

CONSENT

24. Consider a dance hall/dance permit ordinance to rescind the current provisions, some of which have a sunset clause of December 31, 1987, extending the hours of operation and updating and restating Sections 4-1.401 through 4-1.413 of the Modesto Municipal Code.
(Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2563-C.S. introduced. (Clerk to handle)

24A. Consider re-funding of Series 85 Wastewater Treatment bonds.
(Memo with agenda. Resolution authorizing the negotiation and signing of a purchase agreement to sell the bonds needed.)

ACTION: Res. 87-1242 adopted (Lang/Patterson, unan.) authorizing agreement to sell bonds. (Finance to handle)

24B. Consider transferring $314,281 from the Sewer Fund to the General Fund to recover increased indirect costs for fiscal years 1981-82 through 1985-86 as calculated by Touche Ross & Co.
(Memo with agenda. Resolution approving transfer needed.)

ACTION: Res. 87-1243 adopted (McGrath/Sutton, unan.) approving transfer. (Finance to handle)

WRITTEN COMMUNICATIONS

25. Letter from Dorothy M. Hawkins concerning conditions of Prescott Estates. This item taken up after item 7.

ACTION: By motion (Muratore/Patterson, unan.) it was agreed that a strong letter would be sent to property owners, State and Federal legislators, the Board of Supervisors, Health Department, District Attorney, and Housing Authority concerning conditions at Prescott Estates, and a City staff member is to act as a liaison with the County task force working on the problems and make progress reports to the Council. (Manager to handle)

MISCELLANEOUS

CONSENT

27. Appointments:

Consider designating Councilmember Patrick McGrath as Vice Mayor for the ensuing year.
(Resolution designating Councilmember McGrath as Vice Mayor needed.)

ACTION: Res. 87-1244 adopted designating Councilmember McGrath as Vice Mayor for the ensuing year. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 9:48 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 1, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 12, 13
Removed from consent: 4
ACTION: (Sutton/Whiteside, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the November 24, 1987, regular City Council meeting.

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 report from Director of Parking and Traffic on the count of average daily trips into convenience markets and fast food restaurants. (Average daily trips are used in calculating Capital Facilities Fees. The report verifies that data used in calculating these fees are realistic. Memorandum with agenda. Motion accepting report needed.)

ACTION: By motion (Whiteside/McGrath, unan.) Council agreed to reconsider item 4 after the vote was taken on the consent items.
Res. 87-1245 adopted (McGrath/Patterson, unan.) changing the rate for fast food restaurants based on the mechanical car count. (Eng. to handle)

HEARINGS

5. Hearing to consider amendments to the Zoning Regulations of the Modesto Municipal Code (Omni 10) pertaining to gas price signs, satellite dish antennas, and off-street parking requirements.

ACTION: By motion (Lang/Patterson, unan.) Ord. No. 2564-C.S. introduced.
Res. 87-1246 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

6. Hearing to consider request of Waldo & Jensen, on behalf of Central Valley Investment Company, for a refund of building permit fees for Paradise Gardens, an apartment complex.

ACTION: By motion (Patterson/Sutton, unan.) hearing continued to January 19, 1988. (Clerk to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for street lights - E. Morris, Lucern and 10th Street circuits.
(Suggested bid opening: December 22, 1987, at 11:00 a.m. This project consists of replacing existing high voltage street lights with low voltage street lights. Resolution approving plans and specifications and call for bids needed. Estimated cost: $183,700 (contract $167,000; eng. & cont. $16,700). Funds are budgeted.)

ACTION: Res. 87-1247 adopted calling for bids. (Eng. to handle)

NEW BUSINESS

CONSENT

8. Consider approving agreement with Kenneth H. and Marjorie J. Snider Overbey for the purchase of 1,563+ square feet of their property at 1411 Scenic for the Scenic-Sunnyside to Rose project.
(The Overbeys have agreed to settle for the appraised value of $8,600. Resolution approving agreement needed. Estimated total cost: $9,600 ($8,600 purchase price; $1,000 est. escrow). Funds are budgeted.)

ACTION: Res. 87-1248 adopted approving agreement. (Utility Serv. to handle)

CONSENT

9. Consider approving the Economic Development Loan Pool Subcommittee proposed guidelines as recommended by the Citizens Housing & Community Development Committee.
(Memo with agenda. Motion approving guidelines for the Economic Development Revolving Loan Fund under the Community Development Block Grant Program needed.)

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

CONSENT

10. Consider authorizing the City Manager to sell the City property at 101A, B, C and D "I" Street; 107-109 "I" Street, and 905 Second Street by listing this property with a Multiple Listing Service and paying the listing and the appraisal fees.
(Memo with agenda. Resolution authorizing City Manager to sell by listing with Multiple Listing Service needed.)

ACTION: Res. 87-1249 adopted authorizing selling by Multiple Listing Service. (Planning to handle)

CONSENT

11. Consider approval of request of Foster Farms Dairy to install one groundwater monitoring well at 1707 McHenry Avenue and consider approval of letter agreement.
(Memo with agenda. Resolution granting request to install well needed, and resolution approving letter agreement needed.)

ACTION: Res. 87-1250 adopted granting request to install well.
Res. 87-1251 adopted approving letter agreement. (Utility Serv. to handle)

CONSENT

12. Consider approving agreement with Coldwell Banker - Vinson Chase, Realtor, Inc., for the payment of excess right of way dedication.
(Mr. Chase is the owner of property at the northwest corner of Merle Avenue and Roselle Avenue, extended. He has requested payment of $50,105 for excess right of way dedication. Memo with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 87-1252 adopted approving agreement. (Utility Serv. to handle)

WRITTEN COMMUNICATIONS

CONSENT

13. Letter from Stanislaus County Local Agency Formation Commission regarding City of Modesto sphere of influence and designation of a contact person.
(Motion referring to staff needed.)

ACTION: By motion, letter referred to staff for recommendation. (Planning 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 5:05 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Adjourned Special Meeting
Modesto City Council
December 8, 1987

The Council of the City of Modesto met pursuant to adjournment at 7:00 p.m. in the City Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, Sutton, Mayor Mensinger

Absent: Councilmembers McGrath, Muratore, Patterson, and Whiteside

There being a lack of a quorum, the meeting was adjourned.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 8, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
Councilmember McGrath arrived at 7:34 p.m.
Councilmember Patterson arrived at 7:36 p.m.

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24

ACTION: (Lang/Sutton, unan., McGrath, Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 4
Councilmember McGrath to be excused due to a conflict of interest

(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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the December 1, 1987, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

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

David Blake played a cassette of Shadrack the Black Reindeer.

UNFINISHED BUSINESS

CONSENT COUNCILMEMBER McGRATH EXCUSED DUE TO A CONFLICT OF INTEREST

4. Final adoption of Ord. No. 2561-C.S. rezoning from R-3 to P-D(438), property located on the west side of Prescott Road and north of M.I.D. Lateral No. 7 (Resource Development)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2561-C.S. adopted. (Clerk to handle)

CONSENT

5. Final adoption of:

a. Ord. No. 2562-C.S. rezoning from R-2 to P-D(440), property located on the west corner of Brenner Way and Lou Ann Drive (R.K.M. Development)

b. Ord. No. 2563-C.S. amending the Modesto Municipal Code relating to dance halls and public dances and permits.

c. Ord. No. 2564-C.S. amending the Zoning Regulations of the Modesto Municipal Code relating to satellite dish antennas, off-street parking requirements, and gas sign prices.

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

HEARINGS

6. Hearing to consider the cost of installation of curb and/or sidewalk at the locations listed below:
(Memo from Direction of Engineering Services requesting a continuance of hearing to January 12, 1988, at 7:30 p.m. with agenda. Motion continuing hearing needed.)

   1. Curb and walk at 2347 E. Orangeburg Avenue, Portion of Block 1437 (Community Pacific Broadcasting - $13,816.00)

   2. Curb and walk at 2405 E. Orangeburg Avenue, a portion of Block 1465 (Carl and Evelyn A. Christiansen - $3,776.00)

   3. Curb and Walk at 2405 Kansas Avenue, a portion of Block 5445 (Lawrence and Helen Welch - $1,687.00)

   4. Curb at 620 El Camino, a portion of Block 1039 (Donald and Mary A. Bailey - $1,053.00)

   5. Curb along El Camino Avenue at 602 El Camino Avenue, Lot 1 of Block 1039 (Brice M. and Dianne C. Gauldin - $618.00)

   6. Curb at 626 E. Camino Avenue, a portion of Block 1039 (Warren Stone - $1,505.00)

   7. Curb at 312 E. Roseburg Avenue, Lot 5 of Block 658 (James H. and Kathy M. Batey - $726.00)

   8. Curb at 420 E. Roseburg Avenue, a portion of Block 662 (Letha Brasher - $1,278.00)

   9. Curb at 318 E. Roseburg Avenue, Lot 6 of Block 658 (Damon and Eleanor Browning - $874.00)

   10. Curb along E. Roseburg Avenue and Nelson Avenue at 322 E. Roseburg Avenue, Lot 7 of Block 658 (Joe Frank and Frances Fielded - $2,778.00)

   11. Curb at 244 E. Roseburg Avenue, a portion of Block 658 (Joseph Ray and Evelyn Yvonne Keener - $1,314.00)

   12. Curb at 506 E. Roseburg Avenue, a portion of Block 662 (Robert J. and Jean Locondo - $2,068.00)

   13. Curb at 410 E. Roseburg Avenue, Lot 2 of Block 662 (June C. McElroy - $1,172.00)

   14. Curb along E. Roseburg Avenue and Nelson Avenue at 400 E. Roseburg Avenue, Lot 1 of Block 662 (Robert E. Miller - $2,978.00)

   15. Curb at 305 E. Roseburg Avenue, Portion of Block 1127 (Clifford G. and Vivian J. Mullins - $1,638.00)

16. Curb at 304 E. Roseburg Avenue, a portion of Block 658 (Doris I. Roberts - $1,028.00)

17. Curb along E. Roseburg Avenue and Nelson Avenue at 501 E. Roseburg Avenue, Lot 13 of Block 1125 (Robert A. and Mable E. Snow - $2,978.00)

18. Curb at 509 E. Roseburg Avenue, Lot 12 of Block 1125 (Stanley E. and Maria T. Shaw - $1,102.00)

19. Curb at 414 E. Roseburg Avenue, a portion Block 662 (Ronald G. and Katherine A. Wheat - $1,172.00)

ACTION: By motion (Whiteside/Sutton, unan.) hearing continued to January 12, 1988, at 7:30 p.m.

7. Hearing to consider the Emerald Avenue No. 2 Reorganization to the City of Modesto, consisting of the annexation of the territory to the City and the Modesto Municipal Sewer District No. 1, and the detachment from the Woodland Avenue Fire Protection Agency.

ACTION: A motion to order annexation failed to carry (McGrath/Muratore, majority-no).
After close of hearing, a motion was made (McGrath/Whiteside, unan.) to continue further consideration to December 22, 1987.

8. Hearing to consider proposed route modifications for Intracity Transit.

ACTION: By motion (Sutton/McGrath, unan.) the proposed route modifications for Intracity Transit approved. (P/T to handle)

Councilmember McGrath left the meeting at 9:05 p.m.

9. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from R-1 and C-2 zones to P-D(439) for a video studio and employee parking area and denying a portion of the request, property located on the north side of Yosemite Boulevard on the east side of Las Flores Avenue. (Gallo)

ACTION: By motion (Lang/Sutton, unan., McGrath absent) Ord. No. 2565-C.S. introduced.
Res. 87-1253 adopted (same vote) approving development plan.
Res. 87-1253Aadopted (same vote) certifying review of Environmental Assessment.

BIDS

CONSENT

10. Consider approving specifications and authorize call for bids to be opened January 5, 1988, at 3:00 p.m. for furnishing computer equipment. (Memorandum from Fire Department Operations Chief with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: $8,000. Funds are budgeted.)

ACTION: Res. 87-1254 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider award of contract for construction of the third fixed film reactor at the City's Secondary Waste Treatment Plant to C. W. Roen Construction Co.
(The low bid of $1,839,100 was submitted by C. W. Roen Construction Company. The staff and the design consultant have reviewed the low bid proposal and both recommend the contract be awarded to C. W. Roen Construction Co. Memo with agenda. Resolution awarding contract to C. W. Roen Construction Co. needed. Estimated cost: $2,004,100 (Const. $1,839,100; contr. admin. $73,000; contingencies (5%) $92,000). Funds are budgeted.)

ACTION: Res. 87-1255 adopted awarding contract. (Utility Serv to handle)

CONSENT

12. Consider award of contract for the construction Robertson Road Park streets to Ragsdale & Son, Inc.
(Bids were opened on November 24, 1987. The low bid of $29,996, submitted by Ragsdale & Son, Inc., is within 9.24% of the engineer's estimate and considered acceptable. Memo with agenda. Resolution awarding contract to Ragsdale & Son, Inc. needed. Funds are budgeted.)

ACTION: Res. 87-1256 adopted awarding contract. (Eng. to handle)

NEW BUSINESS

13. Consider approving Planning Commission recommendation for a policy on curbed medians on major streets.
(The Planning Commission recommends four-foot wide medians on major streets:
    a. Along the entirety of those portion of major streets that are currently two lane when they are widened to four or six lanes.

    b. On all major streets from their intersection with another major street or expressway for a distance of 300 feet.

    Memo with agenda. Resolution approving policy needed.)

ACTION: A motion to approve the policy failed to carry (Patterson/Lang, majority-no, McGrath absent)
By motion (Muratore/Whiteside, Patterson-no, McGrath-absent) referred back to Planning Commission.

14. Consider approving Planning Commission recommendation for an amendment to the Standard Specifications for driveway approach standards.
(The proposed amendments were developed by Engineering Services working with the Construction Industry Liaison Committee. The amendments specify current practice: 41 feet for two-way driveways, pursuit of accessway policy, sparing use of driveways on major streets, and drop curb approaches at neighborhood shopping centers and equivalent sized developments. Resolution approving amendments needed.)

ACTION: By motion (Patterson/Lang, unan.) deferred until item regarding medians settled. (Eng. to handle)

Councilmember Whiteside left at 9:43 p.m.

CONSENT
15. Presentation of the City of Modesto's audited Comprehensive Annual Financial Report for the fiscal year ended June 30, 1987.
(Memo and report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, acknowledged receipt of report.

CONSENT
16. Consider extension of provisional appointment for Sandra McKean, Account Clerk, to Accounting Technician until January 25, 1988.
(Memo with agenda. Motion approving needed.)

ACTION: By motion, extension of provisional appointment approved.

CONSENT
17. Consider approving reorganization of Fire Department Management positions by amending Position Classification Plan to add Fire Division Chief and revise Fire Battalion Chief, and eliminate position of Administrative Analyst II.
(Memo with agenda. Resolution amending Position Classification, resolution amending salary resolution, and resolution amending Personnel Rules needed.)

ACTION: Res. 87-1257 adopted amending Position Classification Plan.
Res. 87-1258 adopted amending salary resolution.
Res. 87-1259 adopted amending Personnel Rules.
(Manager to handle)

CONSENT
18. Consider amending Municipal Code in order to revise procedures for authorization of monitoring well/emergency extraction well permits and establishing a monitoring well permit fee.
(Memo with agenda. Introduction of ordinance needed, and resolution establishing a monitoring well permit fee needed.)

ACTION: By motion, Ord. No. 2566-C.S. introduced.
Res. 87-1260 adopted establishing a monitoring well permit fee.
(Clerk/Utility Services to handle)

CONSENT

19. Consider setting Hearing of Necessity to acquire real property for the Sisk Road/Standiford -Dale intersection traffic signal project.
(Recommended hearing date: January 5, 1988, at 4:00 p.m. Condemnation must be started now to keep this project on schedule. Memo with agenda. Resolution setting Hearing of Necessity needed.)

ACTION: Res. 87-1261 adopted setting Hearing of Necessity. (Clerk to handle)

CONSENT

20. Consider approving fee adjustment for septic tank dumping at the Wastewater Treatment Plant.
(Memo with agenda. Staff has completed annual review of current fee and recommends an adjustment to the fees to reflect more accurately the cost of operation. Memo with agenda. Resolution amending fee schedule needed.)

ACTION: Res. 87-1262 adopted amending fee schedule. (Utility Serv to handle)

CONSENT

21. Consider changing procedure for contractors to obtain City water during construction.
(Memo with agenda. Currently, City installs hydrant meters for a fee at the request of contractors. Proposed change would eliminate fee, have contractor install meter, and pay a refundable deposit. Water would be billed according to usage. Resolution revising procedure, amending fee and changing amount to cost of water needed.)

ACTION: Res. 87-1263 adopted revising procedure, amending fee and changing amount to cost of water needed. (Eng. to handle)

CONSENT

22. Consider establishing fine schedule for the violation of categorical industry pretreatment standards.
(Memo with agenda. EPA and California Regional Water Quality Control Board have established discharge limitations on categorical industries. Modesto Municipal Code Section 5-6.13.2(b) authorizes the City Council to approve a fine schedule for violations of these standards. Resolution establishing fine schedule needed.)

ACTION: Res. 87-1264 adopted establishing fine schedule.
(Utility Services to handle)

CONSENT

23. Consider approval of the final map of Wickford Place subdivision of the City of Modesto and consider accepting improvements and authorizing City Clerk to file the Notice of Completion and release bonds upon expiration of statutory periods.
(Wickford Place is located on the east side of Sisk Road, south of Pelandale Road. It contains 5.35 acres. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution approving final map and accepting improvements as complete needed.)

ACTION: Res. 87-1265 adopted approving final map. (Clerk to handle)

CONSENT

24. Consider approval of the final map of Manor Oak Estates subdivision of the City of Modesto and consider accepting improvements and authorizing City Clerk to file the Notice of Completion and release bonds upon expiration of statutory periods.
(Manor Oak Estates is located on the southeast corner of Oakdale Road and Manor Oak Drive. It contains 11.382 acres. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution approving final map and accepting improvements as complete needed.)

ACTION: Res. 87-1266 adopted approving final map. (Clerk to handle)

MISCELLANEOUS

25. Appointments

Appointment to Golf Advisory Committee.

ACTION: Res. 87-1267 adopted (Patterson/Muratore, unan., McGrath and Whiteside absent) appointing Gary Ard to the Golf Advisory Committee.

Appointment to Affirmative Action Commission.

ACTION: Res. 87-1268 adopted (Muratore/Lang, unan., McGrath and Whiteside absent) appointing Barbara Boyette to the Affirmative Action Commission. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 9:45 p.m.

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, DECEMBER 15, 1987, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Sutton, Mayor Mensinger

Absent: Councilmembers Muratore, Patterson, Whiteside

Pledge of Allegiance to the Flag

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

1. Report on certification of canvass of votes at the December 8, 1987, election.
(Resolution certifying results needed.)

ACTION: Res. 87-1269 adopted (Sutton/McGrath, unan., Muratore, Patterson, Whiteside absent) certifying results.

ORAL COMMUNICATIONS

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

None

MATTERS TOO LATE FOR THE AGENDA

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

None

ADJOURNMENT

The meeting adjourned at 4:06 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 22, 1987, AT 7:30 P.M.

Roll Call - Present: Councilmembers Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

Absent: None

Pledge of Allegiance to the Flag

A. Oath of office by newly elected Mayor and Councilmember.

The oath was administered to newly elected Councilmember Balvino Irizarry and Mayor Carol Whiteside.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 36, 37, 38, 41, 42

Dropped from agenda: 29, 35
Removed from consent: 24

ACTION: (Lang/Muratore, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 14
Councilmember McGrath to be excused due to a conflict of interest.

ACTION: (Patterson/Sutton, unan., McGrath 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Mensinger thanked Lynn Muratore for the Christmas corsages and boutonnieres.

MINUTES

CONSENT

2. Approval of the minutes of the December 8 special meeting, and the December 8 and 15, 1987, regular meetings of the City Council. (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.)

Leo Prescott, representing the King-Kennedy Board of Directors, read a letter listing items they wish to have purchased for the King-Kennedy Center.

Todd Browning spoke about a problem getting a permit for a dance in a building in McHenry Village.

UNFINISHED BUSINESS

4. Further consideration of the Emerald Avenue No. 2 Reorganization to the City of Modesto, consisting of the annexation of the territory to the City and the Modesto Municipal Sewer District No. 1, and the detachment from the Woodland Avenue Fire Protection District. (After close of hearing on December 8, 1987, this item was continued.)

ACTION: Res. 87-1270 adopted (Muratore/Lang, unan.) ordering the reorganization. (Clerk to handle)

5. Consider LAFCO request to review the Modesto Sphere of Influence. (The Modesto Sphere of Influence was adopted by LAFCO in 1984. In February, 1988, LAFCO will decide whether to review the Modesto Sphere of Influence. LAFCO requests a resolution from the City Council stating the reasons for review, stating this matter has been discussed, and designating a contact person. Memo with agenda. Resolution requesting further study needed.)

ACTION: Res. 87-1271 adopted (McGrath/Sutton, unan.) requesting LAFCO to review the Modesto Sphere of Influence, and designating the Director of Planning and Community Development as the Modesto contact person. (Planning & Community Development to handle)

CONSENT

6. Consider final adoption of:

   a. Ord. No. 2565-C.S. rezoning from R-1 and C-2 to P-D(439) for a video studio and employee parking area, property located on the north side of Yosemite Boulevard on the east side of Las Flores Avenue. (Gallo)

   b. Ord. No. 2566-C.S. amending the Modesto Municipal Code relating to permits for monitoring wells and emergency extraction wells.

   (Motion adopting needed.)

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

HEARINGS

7. Hearing to consider the Houser Lane No. 4 Reorganization to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Burbank-Paradise Fire Protection District.

ACTION: Res. 87-1272 adopted (Muratore/Sutton, unan.) ordering the reorganization. (Clerk to handle)

8. Hearing to consider the appeal of Modern Steel Structures to a decision of the Board of Zoning Adjustment regarding a C-3 Conditional Use Permit to allow an auto upholstery shop in addition to the existing used car lot and detail shop at 3766 McHenry Avenue.
   (A letter has been received from William Coppedge, President of Modern Steel Structures, withdrawing the appeal.)

   No action taken.

9. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Andy Stewart, to a Board of Zoning decision regarding a Conditional Use Permit for a parking area and storage building addition to a tire and automobile service center on the north side of West Roseburg Avenue west of McHenry Avenue.

ACTION: Res. 87-1273 (McGrath/Sutton, majority, Irizarry-no) granting the appeal to the Board of Zoning Adjustment decision.
(Planning & Community Development to handle)

10. Hearing to consider an amendment to Section 24-3-9 to rezone from R-1 to P-D(442)for a mini-storage facility, property located on the northwest corner of Claus Road and E. Orangeburg Avenue. (Masellis)

ACTION: By motion, (Irizarry/McGrath, unan.) Ordinance No. 2567-C.S. introduced rezoning the property.

Res. 87-1274 adopted (Irizarry/McGrath, unan.) approving the development plan.

Res. 87-1275 adopted (Irizarry/McGrath, unan.) certifying review of the environmental assessment.

Clerk/Planning & Community Development to handle)

11. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from C-1 to P-D(443) for a beauty salon and parking area, property located on the east corner of 15th and G Streets. (Reno)

ACTION: By motion (Muratore/Sutton, unan.) hearing continued to January 5, 1988, at 4:00 p.m. (Clerk to handle)

BIDS

CONSENT

12. Consider approval of plans and specifications and call for bids for the removal of underground tanks at various locations.
(Suggested bid opening: January 26, 1988, at 11:00 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: $48,400 (contract $44,000; eng. & cont. $4,400). Funds are budgeted.)

ACTION: Res. 87-1276 adopted approving plans and specifications and calling for bids. (Engineering to handle)

CONSENT

13. Consider approving specifications and authorize call for bids to be opened January 19, 1988, at 3:00 p.m. for furnishing one four-wheel drive tractor and one four-wheel drive loader.
(Requested by the Utility Services Sewerage Division, the tractor will be used to maintain the Reclamation District river levee. The loader is requested by the Service Division to replace the old loader used at the Corporation Yard to load bulk drain rock, etc. Resolution approving plans and specifications and authorizing call for bids needed. Estimated cost: $126,491. Funds are budgeted.)

ACTION: Res. 87-1277 adopted approving specifications and authorizing call for bids. (Finance to handle)

CONSENT COUNCILMEMBER McGRATH EXCUSED DUE TO A CONFLICT OF INTEREST.

14. Consider award of contract for the improvements to Fire Station No. 5 heating and cooling system to Dwight Lang's Enterprises, Inc. (Bids were opened on November 24, 1987. The low bid of $20,776, submitted by Dwight Lang's Enterprises, Inc., is considered acceptable. It is, therefore recommended by the Engineering and Fire Departments that the contract be awarded to them. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 87-1278 adopted awarding contract. (Engineering to handle)

CONSENT

15. Consider declaring California Copy low bidder and authorizing the purchase of one copy machine for the total price of $9,218.82. (Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-1279 adopted authorizing purchase. (Finance to handle)

CONSENT

16. Consider declaring 3T Equipment Company overall low bidder and authorizing the purchase of closed circuit television equipment for the total price of $30,817.60. (Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-1280 adopted authorizing purchase. (Finance to handle)

CONSENT

17. Consider declaring Klockner-Moeller Corporation low bidder and authorize the purchase of one 600 volt motor control center for the total price of $16,218. (Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 87-1281 adopted authorizing purchase. (Finance to handle)

CONSENT

18. Consider award of contract for the downtown water line strengthening project. (Memo and bid tabulation with agenda. Resolution awarding contract to TDW Construction needed. Estimated cost: $182,316.25. Funds are budgeted.)

ACTION: Res. 87-1282 adopted awarding contract. (Engineering to handle)

CONSENT

19. Consider acceptance of Floyd Johnston Construction's contract for the construction of Improvement District No. 27. Original contract: $468,362.
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services 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: $516,335.10. Funds are budgeted.)

ACTION: Res. 87-1283 adopted accepting contract as complete.
(Clerk to handle)

CONSENT

20. Consider acceptance of Granite Construction's contract for the terminal apron reconstruction and T-hangar access road. Original contract: $221,692.
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services 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: $253,204.56. Funds are budgeted.)

ACTION: Res. 87-1284 adopted accepting contract as complete.
(Clerk to handle)

CONSENT

21. Consider acceptance of Western Stone Products' contract for the 9th Street Bridge resurfacing. (Original contract: $438,446.75)
(All work on this project has been completed to the satisfaction of the Engineering 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: $259,648.26. Funds are budgeted.)

ACTION: Res. 87-1285 adopted accepting contract as complete.
(Clerk to handle)

CONSENT

22. Consider acceptance of Bill Mineni Construction's contract for bridge repair on Claus Road at Dry Creek. (Original contract and final cost: $11,525)
(All work on this project has been completed to the satisfaction of the Engineering 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. 87-1286 adopted accepting contract as complete.
(Clerk to handle)

CONSENT

23. Consider waiving formal bid procedures and authorize purchasing levee leveling services in Storage Pond No. 2 at the secondary treatment facility from Vlach Land Leveling for $15,000.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 87-1287 adopted waiving formal bid procedures and authorizing purchase. (Utility Services to handle)

NEW BUSINESS

24. Consider declaring as surplus and authorize the sale of surplus, lost, stolen, unclaimed and/or seized property by public auction on January 9, 1988; and authorizing the City Manager to enter into an agreement with Roger Ernst and Associates for auctioneering services.
(Memo with agenda. Resolution declaring as surplus and authorizing sale of property, and resolution approving agreement with Roger Ernst.)

ACTION: Res. 87-1288 adopted (McGrath/Irizarry, unan.) declaring property as surplus and authorizing sale.
Res. 87-1289 adopted (McGrath/Irizarry, unan.) approving agreement with Roger Ernst. (Finance to handle)

CONSENT

25. Consider authorizing Director of Utility Services to sign Application for Permit to Discharge Waste Water and payment of application fees.
(The National Pollutant Discharge Elimination System (NPDES) permit is renewed every five years by completion of an application and payment of applicable fees. The NPDES permit regulates all discharges from City treatment facilities. Memo with agenda. Resolution authorizing Director of Utility Services to sign application and pay fees needed. Estimated cost: $20,000. Funds are budgeted.)

ACTION: Res. 87-1290 adopted authorizing Director of Utility Services to sign application and approving payment of fees. (Utility Services to handle)

CONSENT

26. Consider approving lease agreement between the City of Modesto and the Federal Aviation Administration to locate a temporary tower on airport property during construction on the existing tower.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 87-1291 adopted approving lease agreement.
(Utility Services to handle)

CONSENT

27. Presentation of the monthly Treasurer's Report for October, 1987. (Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

28. Consider acceptance of improvements in Copper Creek Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Bright Development. (Copper Creek Subdivision is located east of Claus Road, north of Dry Creek. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 87- 1292 adopted accepting improvements. (Clerk to handle)

CONSENT

29. Consider approving an agreement with Uncle Charlie's Home for funding the purchase and establishment of a home for delinquent children under the Community Development Block Grant Program for 1987-88. (Memo with agenda. Estimated cost: $50,000. Funds are budgeted.)

DROPPED FROM AGENDA.

CONSENT

30. Consider increasing rental rates for City facilities. (Staff has reviewed current rental rates of City facilities. The recommended rental rate increases have been reviewed and approved by the Service Fee Task Force. Memo with agenda. Resolution approving rate increases needed.)

ACTION: Res. 87-1293 adopted establishing rental fees and priorities for use of the L. J. Maddux Youth Center building.

Res. 87-1294 adopted establishing 3-year rental rate program fees for use of the Boy Scout Clubhouse.

Res. 87-1295 adopted establishing 3-year rental rate program fees for use of Beard Brook Shelter.

Res. 87-1296 adopted establishing rules and regulations for the use of John Thurman Field; establishing conditions for the issuance of permits for the use of same.

Res. 87-1297 adopted establishing rental fees for use of rooms and facilities in the Modesto Community Service Center.

Res. 87-1298 adopted establishing rental fees to be charged for use of Mancini Bowl in Graceada Park.

Res. 87-1299 adopted establishing rental fees for use of multipurpose facilities at Sommerset, Roosevelt, LaLoma and Mark Twain Schools.

Res. 87-1300 establishing rental fees for use of rooms and facilities in the Senior Citizens Center.

Res. 87-1301 establishing rental fees for use of the McHenry Mansion. (Parks & Recreation to handle)

CONSENT

31. Consider approving agreement with Leonard W. and Barbara Miller and Jean Tarabek for the purchase of 2,245± of their property at 1437 Scenic Drive for the Scenic-Sunnyside to Rose project.
(The property owners have agreed to settle for the appraised value of $10,950. This is the second of eight properties needed for this project. Resolution approving agreement needed. Estimated cost: $11,950 (purchase $10,950; est. escrow $1,000). Funds are budgeted.)

ACTION: Res. 87-1302 adopted approving agreement. (Attorney to handle)

CONSENT

32. Consider approving agreement with Federal Express Corporation for a drop box at the airport.
(This is a one-year renewal of an existing lease. Federal Express pays the City $330 per year for the right to locate a drop box at the passenger terminal. The box is about the size of a mailbox. Resolution approving agreement needed.)

ACTION: Res. 87-1303 adopted approving agreement. (Attorney to handle)

CONSENT

33. Consider amending the Position Classification Plan and the salary resolution by creating the new classification of Golf Course Supervisor at management salary range 426.5 ($2,314 - $2,813/mo.)
(Memo with agenda. There would be a reallocation of one position of Parks Maintenance Supervisor II into this classification with no change in the present salary range Resolution amending Position Classification Plan needed, and resolution amending alphabetical listing of classification in the salary resolution needed.)

ACTION: Res. 87-1304 adopted amending Position Classification Plan.
Res. 87-1305 adopted amending alphabetical listing of classifications. (Manager to handle)

CONSENT

34. Consider approval of the final map of New England Square subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdividers: Coldwell Banker-Vinson Chase, Inc.)
(The subdivision agreement has been signed and all fees paid. New England Square is located at the northwest corner of Merle Avenue and Roselle Avenue. It contains 6.884 acres. Resolution approving final map needed.)

ACTION: Res. 87-1306 adopted approving final map. (Clerk to handle)

CONSENT

35. Consider acceptance of improvements in Piedmont Glen subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Continental Paragon) (Piedmont Glen subdivision is located at the northwest corner of Kansas Avenue and Rosemore Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

DROPPED FROM AGENDA.

CONSENT

36. Consider abandonment of the excess right of way for Cox Avenue in Block 5140 of the City of Modesto.
(Memo with agenda. Resolution vacating and abandoning the excess right of way needed.)

ACTION: Res. 87-1307 adopted abandoning excess right of way.
(Engineering to handle)

CONSENT

37. Consider approval of request of Mr. Tam Luu, partner in T & T ARCO Automotive, to install one groundwater monitoring well at 402 Downey Avenue.
(Memo with agenda. Resolution granting request needed, and resolution approving letter agreement needed.)

ACTION: Res. 87-1308 adopted granting request.
Res. 87-1309 adopted approving letter agreement.
(Utility Services to handle)

CONSENT

38. Consider setting a hearing to amend Zoning Code Text pertaining to duplexes, triplexes and fourplexes in regard to providing privacy adjacent to R-1 and consolidating driveways to collector and major streets.
(On November 30, 1987, the Planning Commission adopted Resolution 87-199 recommending to the City Council the above-mentioned Zoning Code Text amendment. Resolution setting hearing January 26, 1988, at 7:30 p.m. needed.)

ACTION: Res. 87-1310 adopted setting hearing. (Clerk to handle)

39. Consider proposed sales tax ballot measure.

ACTION: By motion (Muratore/Lang, unan.) the 1/2¢ sales tax increase concept was approved, to be submitted to the voters as soon as possible, with the 1/2¢ to sunset in 15 years, and the City representatives having the authority to negotiate the sharing formula. (Manager to handle)

39A. Consider approval of the final map of Quail Meadows Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
Subdivider: Franco Construction, Inc.
(The subdivision agreement has been signed and all fees paid. Quail Meadows is located west of Orchard Park Way, south of Floyd Avenue and east of Oakdale Road. It contains 6.8794 acres. Resolution approving final map needed.)

ACTION: Res. 87-1311 adopted (Lang/McGrath, unan.) approving final map.
(Clerk to handle)

WRITTEN COMMUNICATIONS

40. Letter from Carmen Sabatino regarding cable television remote control.

No action taken.

CONSENT
41. Letter of resignation from the Economic Loan Pool Subcommittee from Stan W. Nelsen
(Resolution accepting resignation with regret needed.)

ACTION: Res. 87-1312 adopted accepting resignation with regret.
(Clerk to handle)

MISCELLANEOUS

CONSENT
42. Legislation:
Staff recommends supporting; seek amendments - SB 802 (Watson) - Criminal Records - Racial and Religious Crimes.
(Memo and attachment with agenda. Motion accepting recommendation needed.)

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

43. Appointments

a. Economic Development Loan Pool Subcommittee.

ACTION: Res. 87-1313 (McGrath/Sutton, unan.) appointing Dan Freeman to Seat #3 of the Economic Development Loan Pool Subcommittee.

b. Golf Advisory Committee

ACTION: Res. 87-1314 adopted (McGrath/Lang, unan.) appointing Betty Edlund to the Golf Advisory Committee.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

44. (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

45. Closed session to consider pending litigation pursuant to Government Code Section 54956.9(a) regarding City of Modesto v. Joseph N. Sciabica, et al and Section 54956.8.

ADJOURNMENT

Meeting adjourned to closed session at 9:40 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk