



MODESTO CITY COUNCIL

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MINUTES City of Modesto Special Economic Development Committee/ Special City Council Workshop Meeting

Sixth Floor, Room 6825
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, January 7, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Olsen, Hawn
Absent: Councilmember Geer

PUBLIC COMMENT PERIOD Three minute time limit per speaker

Emerson Drake inquired about the imbalance of the members from the community for the Comprehensive Fee Task Force; Councilmember Hawn responded that this will be discussed under the item for New Business.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

UNFINISHED BUSINESS

1. Consider the following actions related to the formation of the Comprehensive Fee Task Force: (i) recommend appointments or request that interviews be scheduled from the applications received for 3 Members at large from the community and 1 Local Commercial Real Estate Broker; and (ii) recommend the appointment of Bill Zoslocki from the Building Industry Association (BIA), Richard Tatoyan from the Construction Industry Liaison Committee (CILC) and Jan Marie Ennenga from the Manufacturer's Council. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, bsinclair@modestogov.com

ACTION: The Committee recommended moving forward with interviews for the Comprehensive Fee Task Force.

MATTERS TOO LATE FOR THE AGENDA

None.

January 7, 2010

ADJOURNMENT

This meeting adjourned at 5:55 p.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, January 11, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Olsen, Hawn, Geer
Also Present: Councilmember Muratore
Absent: None

**PUBLIC COMMENT PERIOD
Three minute time limit per speaker**

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 2

Consent

1. Consider recommending appointments to fill current vacancies on the City of Modesto Culture Commission. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Vicki Rice, 577-6484, vrice@modestogov.com

ACTION: Motion (Hawn/Geer;unan.) recommend appointing Dirk Hoek, Kate Trompetter and Selina Alford to the City of Modesto Culture Commission.

Consent

2. Consider receiving status report of development projects processed by the Community & Economic Development Department. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Hawn/Geer;unan.) accepting status report of development projects processed by the Community & Economic Development Department.

NEW BUSINESS

3. Consider recommending to the City Council approval of the proposed annexation application information and submittal requirements. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: **Motion (Hawn/Geer;unan.)** forwarding to Council for approval the proposed annexation application information and submittal requirements.

4. Consider recommending to the City Council approval of the rules and procedures for administering land subject to a Williamson Act contract and an interim application processing time-and-materials fee. (Funding Source: Not Applicable)

ACTION: **Motion (Hawn/Geer;unan.)** returning to the Economic Development Committee with information regarding contracting with Stanislaus County staff.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:55 p.m.

MODESTO CITY COUNCIL

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MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 12, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements - Item 2 removed from Agenda

Declaration of Conflicts of Interest - Mayor Ridenour Item 9

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

Acting Deputy City Manager and Fire Chief Jim Miguel gave an update on the January 1, 2010 fire and the condition of Firefighters Jim Adams and Jason Clevenger.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Steve Qualls, League of California Cities, in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010. (Funding Source: Not Applicable)
 - Resolution in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 recommended.

City Council; Jim Ridenour, 577-5597, jridenour@modestogov.com

ACTION: Resolution 2010-01 (Hawn/Olsen; 7/0) in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

Removed from Agenda

2. Presentation by the Health Services Agency regarding tobacco interventions for youths. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Removed from Agenda.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider approving Downtown Improvement District's recommendation and reappointing Frank Boots, Bart Barringer, Tom Slater and David Boring to the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
 - Resolution approving Downtown Improvement District's recommendation and reappointing Frank Boots, Bart Barringer, Tom Slater and David Boring to the Downtown Improvement District Advisory Board recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2010-02 (Olsen/Lopez; 7/0) approving Downtown Improvement District's recommendation and reappointing Frank Boots, Bart Barringer, Tom Slater and David Boring to the Downtown Improvement District Advisory Board.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 9

ACTION CONSENT ITEMS 4-8: (Lopez/Marsh;unan.)

ACTION Item 9: (Hawn/Lopez;unan.; Mayor Ridenour absent)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

4. Consider approving the minutes of the special City Council meeting of December 14, 2009. (Funding Source: Not Applicable)

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Marsh; 7/0) approving the minutes of the special City Council minutes of December 14, 2009.

Consent

5. Consider accepting a donation of \$4,599 from Taco Bell (OCAT Corporation) for the purchase of one digital mobile Child Identification System (fingerprinting and photo identification system), and a \$1,000 donation from Wal-Mart to be applied towards the purchase of a second digital mobile Child Identification System (through Crime Stoppers) and amending the 2009/2010 Operating Budget to estimate revenue and expenses in the amount of \$5,599. (Funding Source: (Funding Source: 0420 – Police Department Outside Agreements))
 - Resolution accepting a Taco Bell (OCAT) donation in the amount of \$4,599 for the purchase of one digital mobile Child Identification System (fingerprint and photo identification unit); and a \$1,000 donation from Wal-Mart (through Crime Stoppers) to be applied toward the purchase of a second ID System; and authorizing the City Manager, or his designee, to execute any necessary documents recommended.
 - Resolution amending the Fiscal Year 2009/2010 Operating Budget to establish a new multi-year operating account 0420-190-2050-5400 titled Child Identification System, and estimating revenue and expenses of \$5,599 recommended.

Police; Karen Rabb, 209-572-9523, rabbk@modestopd.com

ACTION: Resolution 2010-03 (Lopez/Marsh; 7/0) accepting a Taco Bell (OCAT) donation in the amount of \$4,599 for the purchase of one digital mobile Child Identification System (fingerprint and photo identification unit); and a \$1,000 donation from Wal-Mart (through Crime Stoppers) to be applied toward the purchase of a second ID System; and authorizing the City Manager, or his designee, to execute any necessary documents.

ACTION: Resolution 2010-04 (Lopez/Marsh; 7/0) amending the Fiscal Year 2009/2010 Operating Budget to

establish a new multi-year operating account 0420-190-2050-5400 titled Child Identification System, and estimating revenue and expenses of \$5,599.

Consent

6. Consider (i) approving the selection of Kimley-Horn & Associates, Inc. (KHA) to provide airport engineering services for a period not to exceed four years; and (ii) approving an Agreement with KHA to provide design and construction support services for the Rehabilitate Northwest Terminal Apron project for the Modesto City-County Airport, in the amount of \$94,566. (The total estimated cost for the design and construction support services portion of the project is \$104,066). (Funding Source: Federal Aviation Administration Grant & Passenger Facility Charges)
- Resolution approving the selection of Kimley-Horn & Associates, Inc. to provide airport engineering services for a period not to exceed four years recommended.
 - Resolution approving an agreement with Kimley-Horn & Associates, Inc. to provide design and construction support services for the Rehabilitate Northwest Terminal Apron project for the Modesto City-County Airport in an amount not to exceed \$94,566, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Utility Planning and Projects ; William Wong, 571-5801, wwong@modestogov.com*

ACTION: Resolution 2010-05 (Lopez/Marsh; 7/0) approving the selection of Kimley-Horn & Associates, Inc. to provide airport engineering services for a period not to exceed four years.

ACTION: Resolution 2010-06 (Lopez/Marsh; 7/0) approving an agreement with Kimley-Horn & Associates, Inc. to provide design and construction support services for the Rehabilitate Northwest Terminal Apron project for the Modesto City-County Airport in an amount not to exceed \$94,566, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Consent

7. Consider approving the plans and specifications for the project titled, "Reline Existing Waterline Under Union Pacific Railroad Tracks on "I" Street Between 8th and 9th Streets," accepting the bid, and approving a contract with Insituform Technologies, Inc. in the amount of \$120,110. (Total estimated cost of the project is \$184,182) (Funding Source: Water Fund-CIP)
- Resolution approving the plans and specifications for the Reline Existing Waterline Under Union Pacific Railroad Tracks on "I" Street Between 8th and 9th Streets project, accepting the bid and approving a contract with Insituform Technologies, Inc. in the amount of \$120,110 for the Reline Existing Waterline Under Union Pacific Railroad Tracks on "I" Street Between 8th and 9th Streets project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Utility Planning and Projects ; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: Resolution 2010-07 (Lopez/Marsh; 7/0) approving the plans and specifications for the Reline Existing Waterline Under Union Pacific Railroad Tracks on "I" Street Between 8th and 9th Streets project, accepting the bid and approving a contract with Insituform Technologies, Inc. in the amount of \$120,110 for the Reline Existing Waterline Under Union Pacific Railroad Tracks on "I" Street Between 8th and 9th Streets project, and authorizing the City Manager, or his designee, to execute the contract.

Consent

8. Consider (i) approving an Agreement with Erler & Kalinowski, Inc. for professional services to complete the Ceres/Modesto Regional Wastewater System Feasibility Study in an amount not to exceed \$100,000; and (ii) consider amending the Fiscal Year 2009-2010 Capital Improvement Program Budget to recognize revenue in the amount of \$50,000 from the City of Ceres to cover Ceres' cost share of the Ceres/Modesto Regional Wastewater System Feasibility Study. (Funding Source: Wastewater Fund)
- Resolution approving an Agreement with Erler & Kalinowski, Inc. for professional services to complete the Ceres/Modesto Regional Wastewater System Feasibility Study in an amount not to exceed \$100,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to recognize revenue in the amount of \$50,000 from the City of Ceres to cover Ceres' cost share of the Ceres/Modesto Regional Wastewater System Feasibility Study recommended.
- Utility Planning and Projects ; Nick Pinhey, 577-5205, npinhey@modestogov.com*

ACTION: Resolution 2010-08 (Lopez/Marsh; 7/0) approving an Agreement with Erler & Kalinowski, Inc. for professional services to complete the Ceres/Modesto Regional Wastewater System Feasibility Study in an amount not to exceed \$100,000, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-09 (Lopez/Marsh; 7/0) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to recognize revenue in the amount of \$50,000 from the City of Ceres to cover Ceres' cost share of the Ceres/Modesto Regional Wastewater System Feasibility Study.

Consent – *Mayor Ridenour Conflict of Interest*

9. Consider accepting the work by George Reed, Inc. for the “Floyd Avenue Improvements from Roselle Avenue to Fine Avenue Project” as complete. (Total project cost is \$2,880,391.39) (Funding Source: Village One Community Facilities District Tax)
- Resolution accepting the work by George Reed, Inc. for the Floyd Avenue Improvements from Roselle Avenue to Fine Avenue Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$2,149,421.57 recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-10 (Hawn/Lopez; 6/0; Mayor Ridenour, absent) accepting the work by George Reed, Inc. for the Floyd Avenue Improvements from Roselle Avenue to Fine Avenue Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$2,149,421.57.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced Council in the Park to be held on January 30, 2010 at Dryden Park beginning at 10:00 a.m. He also gave thanks to the important people in his life, and acknowledged his father.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff thanked the leadership in the Fire and Police Departments and acknowledged Gloriette Beck, the City's new Finance Director, and Dee Williams-Ridley, the City's new Human Resources Director.

WRITTEN COMMUNICATIONS

10. Consider letter dated December 16, 2009 from Antonia Howard regarding permit for business at 1024 J Street, #314, Modesto, California. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Ms. Howard was not present at Council meeting; no action was taken.

UNFINISHED BUSINESS

11. Consider approving the plans and specifications for the project titled, “Yosemite Boulevard (S.R. 132) Water Line Installation Las Flores Avenue to Phoenix Avenue,” accepting the bid, and approving a contract with Mountain Cascade, Inc. in the amount of \$1,428,888. (Total estimated cost of the project is \$1,889,665.60) (Funding Source: Water Fund-CIP)
- Resolution approving the plans and specifications for the Yosemite Boulevard (S.R. 132) Water Line Installation Las Flores Avenue to Phoenix Avenue project, accepting the bid and approving a contract with Mountain Cascade, Inc. in the amount of \$1,428,888 for the Yosemite Boulevard (S.R. 132) Water Line Installation Las Flores Avenue to Phoenix Avenue, and authorizing the City Manager, or his designee, to execute the contract recommended.
Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2010-11 (Marsh/Lopez; 7/0) approving the plans and specifications for the Yosemite Boulevard (S.R. 132) Water Line Installation Las Flores Avenue to Phoenix Avenue project, accepting the bid

and approving a contract with Mountain Cascade, Inc. in the amount of \$1,428,888 for the Yosemite Boulevard (S.R. 132) Water Line Installation Las Flores Avenue to Phoenix Avenue, and authorizing the City Manager, or his designee, to execute the contract.

NEW BUSINESS

12. Consider appointing a new Vice Mayor for calendar year 2010. (Funding Source: Not Applicable)
- Resolution designating Councilmember Lopez to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Resolution 2010-12 (Hawn/Marsh; 7/0) designating Councilmember Lopez to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

13. Consider supporting high speed and regional passenger rail in downtown Modesto and directing staff to make any necessary amendments to the Urban Area General Plan. (Funding Source: Not Applicable)
- Motion supporting high-speed and regional passenger rail in downtown Modesto, and directing staff to make any necessary amendments to the Urban Area General Plan recommended.
- Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

ACTION: Motion (Marsh/Lopez; 7/0) supporting high-speed and regional passenger rail in downtown Modesto, and directing staff to make any necessary amendments to the Urban Area General Plan.

14. Consider (i) approving an Acquisition & Shortfall Agreement with the Modesto Irrigation District for the construction of the realignment of Graphics Drive; and (ii) approving a Landscape Maintenance Assessment and Agreement for the maintenance of Graphics Drive. (Funding Source: Future Community Facilities District (CFD) and Sewer Fund)
- Resolution approving an Acquisition & Shortfall Agreement between the City of Modesto and the Modesto Irrigation District for the construction of the realignment of Graphics Drive, with a maximum reimbursement amount not to exceed \$2,173,426.19, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving a Landscape Maintenance Assessment and Agreement between the City of Modesto and the Modesto Irrigation District for landscaping maintenance of Graphics Drive, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

ACTION: Resolution 2010-13 (Hawn/Lopez; 7/0) approving an Acquisition & Shortfall Agreement between the City of Modesto and the Modesto Irrigation District for the construction of the realignment of Graphics Drive, with a maximum reimbursement amount not to exceed \$2,173,426.19, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-14 (Hawn/Lopez; 7/0) approving a Landscape Maintenance Assessment and Agreement between the City of Modesto and the Modesto Irrigation District for landscaping maintenance of Graphics Drive, and authorizing the City Manager, or his designee, to execute the Agreement.

15. Consider approving the Airport Layout Plan (ALP) and 5-Year Program Narrative Summary prepared by Coffman Associates, Inc. and authorizing the City Manager, or his designee, to submit these documents to the Federal Aviation Administration (FAA) for its approval. (Funding Source: Airport Fund / Federal Funds)
- Resolution approving the Airport Layout Plan (ALP) and 5-year Program Narrative Summary prepared for Modesto City-County Airport by Coffman Associates, Inc., and authorizing the City Manager, or his designee, to submit these documents to the Federal Aviation Administration for approval recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: Resolution 2010-15 (Hawn/Marsh; 7/0) approving the Airport Layout Plan (ALP) and 5-year

Program Narrative Summary prepared for Modesto City-County Airport by Coffman Associates, Inc., and authorizing the City Manager, or his designee, to submit these documents to the Federal Aviation Administration for approval.

16. Consider: (i) approving a Cost Sharing Agreement for associated task items of work to share certain costs between Del Puerto Water District and the City of Modesto for the development of a Regional Recycled Water Delivery System Feasibility Study; and (ii) approving the transfer of \$25,000 from Wastewater Fund Reserves into a Capital Improvement Project to pay the City's share of the proposed Study. (Funding Source: Wastewater Fund)
- Resolution approving a Cost Sharing Agreement between the Del Puerto Water District and the City of Modesto for associated task items of work to share certain costs for the development of a Regional Recycled Water Delivery System Feasibility Study; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fund the City's share of a Cost Sharing Agreement between the Del Puerto Water District and the City of Modesto for the development of a Regional Recycled Water Delivery System Feasibility Study by transferring \$25,000 from Wastewater Fund Reserves to Capital Improvement Account (6210-430-B119) recommended.
- Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com*

ACTION: Resolution 2010-16 (Marsh/Geer; 7/0) approving a Cost Sharing Agreement between the Del Puerto Water District and the City of Modesto for associated task items of work to share certain costs for the development of a Regional Recycled Water Delivery System Feasibility Study; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-17 (Marsh/Geer; 7/0) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fund the City's share of a Cost Sharing Agreement between the Del Puerto Water District and the City of Modesto for the development of a Regional Recycled Water Delivery System Feasibility Study by transferring \$25,000 from Wastewater Fund Reserves to Capital Improvement Account (6210-430-B119).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:50 p.m.

CLOSED SESSION

All Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Debra Coito in interest of her son Jeremy Wilson (deceased) v. City of Modesto, et al. Stanislaus County Superior Court No. 624500

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Sharon Walker v. City of Modesto Stanislaus County Superior Court No. 643795

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Tuesday, January 19, 2010 at 5:30 p.m.

and

Thursday, January 21, 2010 at 5:00 p.m.

Roll Call - Present: Councilmembers Olsen, Hawn, Geer
Absent: None

**PUBLIC COMMENT PERIOD
Three minute time limit per speaker**

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None.

UNFNISHED BUSINESS

1. Consider interviews with potential applicants for the Comprehensive Fee Task Force and recommend appointments to City Council. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: **Motion (Hawn/Geer;unan.)** recommending to Council the following appointments and amendments to the Comprehensive Fee Task Force; amending citizens at large appointments from three to four, plus an alternate at large appointment; staff appointments confirmed as active participants with non-voting status and removal of the Finance Committee appointment.

Commercial Broker: Duke Leffler
Citizens at Large: Rick Dahlseid, Sandra Lucas, Marshall Riddle, Deborah Riggs. In addition, David Wright, as Alternate.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:46 p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, January 25, 2010, at 5:30 p.m.

Roll Call Present: Committee Members Hawn, Marsh, Geer

Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 and 2

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Review recommended budget adjustments and refer to City Council for consideration and approval (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) approving the monthly budget adjustments and forwarding to Council for approval.

Consent

2. Consider staff report on the status of the parking lot automation project and the financial mechanism for its implementation. (Funding Source: Parking Fund)
Public Works; Dennis Turner, 341-2906, dturner@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting staff report on the status of the parking lot automation project and the financial mechanism for its implementation.

UNFINISHED BUSINESS

3. Consider accepting a status report on the research of current tax sharing agreements and consider options for future agreements and provide direction to staff. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Geer/Marsh;unan.) accepting the staff report, directing staff to negotiate a 50-50 split with Stanislaus County regarding the Shackelford Annexation tax sharing agreement, continuing pursuit of a global fiscal analysis

for Modesto, and directing the City Manager to prepare a letter to Stanislaus County amending the Master Tax Sharing Agreement.

NEW BUSINESS

4. Consider accepting a staff report on the status of forestry programs and future funding options. (Funding Source: General Fund)
Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Motion (Marsh/Geer;unan.)** accepting the staff report on the status of forestry programs and future funding options.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:30 p.m.

MINUTES

City of Modesto

Special Audit Committee Meeting/ Special City Council Workshop Meeting

Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, January 26, 2010 at 8:00 a.m.

Roll Call: Present - Committee Members Muratore, Olsen, Mayor Ridenour
Absent - None

PUBLIC COMMENT PERIOD **Three minute time limit per speaker**

None.

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Committee Member.

None.

NEW BUSINESS

1. Consider approving City Auditor Work Plan alternatives. (Funding Source: Not Applicable)
Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com

ACTION: **Motion (Olsen/Muratore;unan.)** approving the City Auditor Work Plan alternatives and forwarding to Council for approval.

2. Consider accepting the City's Comprehensive Annual Financial Report (CAFR) and Single Audit Report for Fiscal Year 2008-2009 and the City's audit report on Internal Controls and Required Communications from external auditors Brown and Armstrong. (Funding Source: Not Applicable)
Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com

ACTION: **Motion (Olsen/Muratore;unan.)** accepting the City's Comprehensive Annual Financial Report (CAFR) and Single Audit Report for Fiscal Year 2008-2009 and the City's audit report on Internal Controls and Required Communications from external auditors Brown and Armstrong. and forwarding to Council for approval.

3. Consider accepting the audited financial statements for the nine Community Facilities Districts and audit reports from the external auditors Brown and Armstrong. (Funding

Source: Not Applicable)

Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com

ACTION: Motion (Olsen/Muratore;unan.) accepting the audited financial statements for the nine Community Facilities Districts and audit reports from the external auditors Brown and Armstrong and forwarding to Council for approval.

4. Consider accepting audit reports for Joint Power Agencies for Fiscal Year ending June 30, 2009 and for prior years. (Funding Source: Not Applicable)

Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com

ACTION: Motion (Olsen/Muratore;unan.) accepting audit reports for Joint Power Agencies for Fiscal Year ending June 30, 2009 and for prior years and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:00 a.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 26, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Big Valley Grace

City Clerk's Announcements: Item 7 - removed from Consent; to be heard with Item 24
Item 9 - removed from Consent

Declaration of Conflicts of Interest – Lopez Item 21; Hawn Item 21 (miscellaneous streets)

Reports from Closed Session – City Attorney Wood reported on Closed Session matter

Mayor Ridenour announced a Matter too Late for Agenda:

ACTION: Motion (Geer/Hawn;unan.) approving Item No. 25 under "Matters too Late for the Agenda."

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider accepting an update on the City of Modesto's ongoing HUD-funded programs including acceptance of a grant award from the United States Department of Housing and Urban Development for \$25 million. (Funding Source: Not Applicable)
 - Motion accepting informational report on the City's HUD-funded programs recommended.
 - Motion amending the position allocation for the Parks, Recreation, & Neighborhoods Department to allocate five new limited-term positions in the Housing Division: one (1) Administrative Office Assistant II; one (1) Administrative Analyst I/II; one (1) Housing Financial Specialist; one (1) Administrative Services Technician I/II; and one (1) Community Development Program Specialist I/II recommended.
 - Resolution accepting a Neighborhood Stabilization Program 2 (NSP2) Grant award in the amount of \$25 million from the United States Department of Housing and Urban Development; and authorizing the City Manager, or his Designee, to execute all agreements related to acceptance of the grant award, NSP2 purchase/sale agreements, loan documents, and all related documents for NSP2 funded transactions, as approved by the sub-committee of the Citizens' Housing and Community Development Committee (CH&CDC), and based on previously approved criteria and guidelines for the Neighborhood Stabilization Program recommended.
 - Resolution amending the Fiscal Year 2009/2010 budget to create four multi-year organizations in a new fund, to estimate and appropriate \$25 million in funds from the American Recovery and Reinvestment Act of 2009 recommended.

Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Motion (Hawn/Marsh; 7/0) accepting informational report on the City's HUD-funded programs recommended.

ACTION: Motion (Hawn/Marsh; 7/0) amending the position allocation for the Parks, Recreation, & Neighborhoods Department to allocate five new limited-term positions in the Housing Division: one (1)

Administrative Office Assistant II; one (1) Administrative Analyst I/II; one (1) Housing Financial Specialist; one (1) Administrative Services Technician I/II; and one (1) Community Development Program Specialist I/II.

ACTION: Resolution 2010-18 (Hawn/Marsh; 7/0) accepting a Neighborhood Stabilization Program 2 (NSP2) Grant award in the amount of \$25 million from the United States Department of Housing and Urban Development; and authorizing the City Manager, or his Designee, to execute all agreements related to acceptance of the grant award, NSP2 purchase/sale agreements, loan documents, and all related documents for NSP2 funded transactions, as approved by the sub-committee of the Citizens' Housing and Community Development Committee (CH&CDC), and based on previously approved criteria and guidelines for the Neighborhood Stabilization Program.

ACTION: Resolution 2010-19 (Hawn/Marsh; 7/0) amending the Fiscal Year 2009/2010 budget to create four multi-year organizations in a new fund, to estimate and appropriate \$25 million in funds from the American Recovery and Reinvestment Act of 2009.

2. Presentation by the Parks, Recreation and Neighborhoods Department honoring the North Modesto Kiwanis Club and Sunnyside Farms as presenting sponsors of the 1st Annual Breakfast with Santa. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Presentation by Julie Hannon, Parks, Recreation & Neighborhoods Director, honoring the North Modesto Kiwanis Club and Sunnyside Farms as presenting sponsors of the 1st Annual Breakfast with Santa.

3. Presentation of a check to the City of Modesto Parks, Recreation and Neighborhoods Department from proceeds received through the Boyett Petroleum B-Green program. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Presentation of a check from Dale Boyett to the City of Modesto Parks, Recreation and Neighborhoods Department from proceeds received through the Boyett Petroleum B-Green program.

4. Presentation by the Parks, Recreation and Neighborhoods Department honoring Foster Farms Dairy as the 2009 Celebration of Lights Parade Presenting Sponsor. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Presentation by the Parks, Recreation and Neighborhoods Department honoring Foster Farms Dairy as the 2009 Celebration of Lights Parade Presenting Sponsor.

MISCELLANEOUS

Legislation
Appointments
Other

5. Consider appointing Susan Azevedo and Keith Boggs to the Public Events Advisory Committee. (Funding Source: Not Applicable)
 - Resolution appointing Susan Azevedo to the City of Modesto Public Events Advisory Committee recommended.
 - Resolution appointing Keith Boggs to the City of Modesto Public Events Advisory Committee recommended.*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

ACTION: Resolution 2010-20 (Lopez/Hawn; 7/0) appointing Susan Azevedo to the City of Modesto Public Events Advisory Committee.

ACTION: Resolution 2010-21 (Lopez/Hawn; 7/0) appointing Keith Boggs to the City of Modesto Public Events Advisory Committee.

PUBLIC COMMENT PERIOD

Carmen Sabatino spoke regarding Measure M, freedom of speech and attorney's fees spent pursuing a judgment by the City against him. Councilmember Hawn asked for a report from the City Attorney.

George Murphy spoke regarding the traffic problems of the Carlton Avenue residents and presented a Petition to the City Council. He was referred to Brent Sinclair, Director of Community & Economic Development.

Robert Stanford spoke regarding the \$25 million awarded by Housing and Urban Development and the need for assistance in the Airport neighborhood.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 18

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

6. Consider approving the minutes of the City Council meeting of January 12, 2010. (Funding Source: Not Applicable)
- Motion approving recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Marsh; 7/0) approving the minutes of the January 12, 2010 City Council meeting.

Removed from Consent

7. Consider approving Task Order No. 3 to the Master Professional Services Agreement between the City of Modesto and Goodwin Consulting Group for the annual administration of Community Facilities District No. 2009-1 (Kiernan Business Park East) and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: Community Facilities District No. 2009-1)
- Resolution approving Task Order No. 3 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. for the annual administration of Community Facilities District No. 2009-1 (Kiernan Business Park East), and authorizing the City Manager, or his designee, to execute Task Order No. 3 recommended.
- Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

ACTION: Resolution 2010-22 (Marsh/Olsen; 7/0) approving Task Order No. 3 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. for the annual administration of Community Facilities District No. 2009-1 (Kiernan Business Park East), and authorizing the City Manager, or his designee, to execute Task Order No. 3.

Consent

8. Consider approving the plans and specifications for the project titled "Roundabout Improvements at Two Locations – La Force Drive/Hillglen Avenue/Kodiak Drive and Hillglen Avenue/Wood Sorrel Drive;" accepting the bid; approving a construction contract for the project with George Reed, Inc., for \$199,697.70; and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: Congestion Mitigation and Air Quality (CMAQ))
- Resolution approving the plans and specifications for the project titled "Roundabout Improvements at Two Locations – La Force Drive/Hillglen Avenue/Kodiak Drive and Hillglen Avenue/Wood Sorrel Drive;" accepting the bid; approving a contract for the project with George Reed, Inc. for \$199,697.70; and authorizing the City Manager, or his designee, to execute the contract recommended.
- Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com*

ACTION: Resolution 2010-23 (Lopez/Marsh; 7/0) approving the plans and specifications for the project titled "Roundabout Improvements at Two Locations – La Force Drive/Hillglen Avenue/Kodiak Drive and Hillglen Avenue/Wood Sorrel Drive;" accepting the bid; approving a contract for the project with George Reed, Inc. for

\$199,697.70; and authorizing the City Manager, or his designee, to execute the contract.

Removed from Consent

9. Consider (i) approving the plans and specifications for the project titled "New Traffic Signal Installation - Standiford Avenue at Hahn Drive and Prescott Road at Cheyenne Way," accepting the bid, approving a construction contract with Wingard Engineering, Inc., for \$345,824, and authorizing the City Manager, or his designee, to execute the contract; and (ii) amending the Capital Improvement Program budget to appropriate new Congestion Mitigation and Air Quality (CMAQ) grant revenues of \$47,027, and to increase the expenditure appropriation of 1410-160-E332, "New Traffic Signals 2008," to \$497,027. (Funding Source: Congestion Mitigation and Air Quality (CMAQ) and Capital Facility Fees (CFF) providing the local match.)

- Resolution approving the plans and specifications for the project titled "New Traffic Signal Installation - Standiford Avenue at Hahn Drive and Prescott Road at Cheyenne Way," accepting the bid, approving a contract with Wingard Engineering, Inc. for \$345,824; and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Capital Improvement Program budget to appropriate new Congestion Mitigation and Air Quality grant revenues of \$47,027, and to increase the expenditure appropriation of 1410-160-E332, "New Traffic Signals 2008," to \$497,027 recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2010-24 (Hawn/Marsh; 5/2; Olsen, Muratore no) approving the plans and specifications for the project titled "New Traffic Signal Installation - Standiford Avenue at Hahn Drive and Prescott Road at Cheyenne Way," accepting the bid, approving a contract with Wingard Engineering, Inc. for \$345,824; and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2010-25 (Hawn/Marsh; 5/2; Olsen, Muratore no) amending the Capital Improvement Program budget to appropriate new Congestion Mitigation and Air Quality grant revenues of \$47,027, and to increase the expenditure appropriation of 1410-160-E332, "New Traffic Signals 2008," to \$497,027.

Consent

10. Consider accepting the Monthly Investment Report for October 2009. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for October 2009 recommended.
- Finance; Vanessa Ferrel, 571-5511, vferrel@modestogov.com*

ACTION: Motion (Lopez/Marsh; 7/0) accepting the Monthly Investment Report for October 2009.

Consent

11. Consider authorizing the award of bid and contract for the purchase of vinyl ester fiberglass grate panels and "I" beams for the Public Works Department, Waste Water Collections Division, to Delta Composites, LLC, Spring, TX, for an estimated total cost of \$47,897. (Funding Source: Wastewater Funds)
- Resolution authorizing the award of bid and contract for the purchase of vinyl ester grate panels and "I" beams for the Public Works Department, Waste Water Collections Division, to Delta Composites, LLC, Spring, TX, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$47,897 recommended.
- Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com*

ACTION: Resolution 2010-26 (Lopez/Marsh; 7/0) authorizing the award of bid and contract for the purchase of vinyl ester grate panels and "I" beams for the Public Works Department, Waste Water Collections Division, to Delta Composites, LLC, Spring, TX, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$47,897.

Consent

12. Consider authorizing the award of bid and contract for the purchase and rehabilitation of the Bio Filter coatings for the Public Works Department, Waste Water Collections Division, to Sancon Engineering, Inc., Huntington Beach, CA, for an estimated total cost of \$132,585. (Funding Source: Wastewater Funds)

- Resolution authorizing the award of bid and contract for the purchase and rehabilitation of the Bio Filter coatings for the Public Works Department, Waste Water Collections Division, to Sancon Engineering, Inc., Huntington Beach ,CA; and authorizing the City Manager, or his designee, to execute an agreement for an estimated total cost of \$132,585 recommended.

Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2010-27 (Lopez/Marsh; 7/0) authorizing the award of bid and contract for the purchase and rehabilitation of the Bio Filter coatings for the Public Works Department, Waste Water Collections Division, to Sancon Engineering, Inc., Huntington Beach ,CA; and authorizing the City Manager, or his designee, to execute an agreement for an estimated total cost of \$132,585.

Consent

13. Consider authorizing the award of bid and contract for the furnishing of tire recapping and related services for the Public Works Department, Fleet Services Division, to Brannon Tires, Stockton, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$53,680, and over five (5) years of \$268,400. (Funding Source: Fleet Management Fund and Bus Fixed Route Max Operations Fund)
- Resolution authorizing the award of bid and contract for the furnishing of tire recapping and related services for the Public Works Department, Fleet Services Division, to Brannon Tires, Stockton, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement, for an estimated annual cost of \$53,680 recommended.

Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2010-28 (Lopez/Marsh; 7/0) authorizing the award of bid and contract for the furnishing of tire recapping and related services for the Public Works Department, Fleet Services Division, to Brannon Tires, Stockton, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement, for an estimated annual cost of \$53,680.

Consent

14. Consider authorizing the award of bid and contract for the purchase of four (4) front loaders for the Parks, Recreation and Neighborhood Department, Green Waste Diversion Division, through the Public Works Department, Fleet Services Division to RGW Equipment Sales, Livermore, CA, for an estimated total cost of \$305,072. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of bid and contract for the purchase of four (4) front loaders for the Parks, Recreation and Neighborhoods Department, Green Waste Diversion Division, through the Public Works Department, Fleet Services Division, to RGW Equipment Sales, Livermore, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$305,072 recommended.

Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2010-29 (Lopez/Marsh; 7/0) authorizing the award of bid and contract for the purchase of four (4) front loaders for the Parks, Recreation and Neighborhoods Department, Green Waste Diversion Division, through the Public Works Department, Fleet Services Division, to RGW Equipment Sales, Livermore, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$305,072.

Consent

15. Consider authorizing modifications to the Neighborhood Stabilization Program (NSP) loan terms for the rehabilitation portion of the for-profit loans and authorizing the City Manager, or his designee, to fully execute all amended NSP loan agreements to recognize actual rehabilitation project expenditures. (Funding Source: CDBG Neighborhood Stabilization Program Funds)
- Resolution authorizing amendments to the Neighborhood Stabilization Program loan terms for for-profit loans to: (i) defer the rehabilitation portion of the for-profit loans for 15 years to coincide with the affordability period; (ii) at the sole discretion of the City, forgive the rehabilitation portion of the loan if the affordability covenant is fulfilled at the end of the 15-year term and the property is sold to a qualifying low-income household; (iii) increase in loan terms from 30 years to 40 years to allow

for a 35-year amortization; and authorize the City Manager, or his designee, to fully execute all Neighborhood Stabilization Program amended loan agreements to reconcile to actual project expenditures recommended.

Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com

ACTION: Resolution 2010-30 (Lopez/Marsh; 7/0) authorizing amendments to the Neighborhood Stabilization Program loan terms for for-profit loans to: (i) defer the rehabilitation portion of the for-profit loans for 15 years to coincide with the affordability period; (ii) at the sole discretion of the City, forgive the rehabilitation portion of the loan if the affordability covenant is fulfilled at the end of the 15-year term and the property is sold to a qualifying low-income household; (iii) increase in loan terms from 30 years to 40 years to allow for a 35-year amortization; and authorize the City Manager, or his designee, to fully execute all Neighborhood Stabilization Program amended loan agreements to reconcile to actual project expenditures.

Consent

16. Consider approving the Party Patrol Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) in the amount of \$27,000 and amending the Police Outside Agreements Multi-Year Budget to recognize the revenue to offset this expense. (Funding Source: 0420 Police Outside Agreements)
- Resolution approving an Agreement with Stanislaus County Behavioral Health and Recovery Services in the amount of \$27,000 to provide Party Patrol Police Officers to conduct juvenile alcohol education, prevention and intervention programs for the City of Modesto and Stanislaus County; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution amending the Fiscal Year 2009-2010 multi-year budget estimating revenue of \$27,000 from Stanislaus County to provide Party Patrol Police Officers to conduct juvenile alcohol education, prevention and intervention programs for the City of Modesto and Stanislaus County recommended.

Police; James Rokaitis, 572-9606, rokaitisj@modestopd.com

ACTION: Resolution 2010-31 (Lopez/Marsh; 7/0) approving an Agreement with Stanislaus County Behavioral Health and Recovery Services in the amount of \$27,000 to provide Party Patrol Police Officers to conduct juvenile alcohol education, prevention and intervention programs for the City of Modesto and Stanislaus County; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-32 (Lopez/Marsh; 7/0) amending the Fiscal Year 2009-2010 multi-year budget estimating revenue of \$27,000 from Stanislaus County to provide Party Patrol Police Officers to conduct juvenile alcohol education, prevention and intervention programs for the City of Modesto and Stanislaus County.

Consent

17. Consider accepting the work by Delta Oilfield Services, Inc. for the “3200 Nightingale Drive - Building Demolition Project” as complete and authorizing payment totaling \$15,750. (Total project cost is \$19,711.81) (Funding Source: Wastewater Fund)
- Resolution accepting the work by Delta Oilfield Services, Inc. for the 3200 Nightingale Drive - Building Demolition Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$15,750.00 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-33 (Lopez/Marsh; 7/0) accepting the work by Delta Oilfield Services, Inc. for the 3200 Nightingale Drive - Building Demolition Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$15,750.00.

Consent

18. Consider approving an Agreement with EcoLogic Engineering, Inc. (EcoLogic) for final design services for the Drinking Water Supply at the Jennings Wastewater Treatment Plant in the amount of \$99,000. (Total estimated cost for the design portion of the project is \$108,900) (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with EcoLogic for final design services for Drinking Water Supply at the Jennings Wastewater Treatment Plant project in an amount not to exceed \$90,000 for the identified scope of services, plus \$9,000 for additional services (if needed), for a maximum total amount of \$99,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2010-34 (Lopez/Marsh; 7/0) approving an Agreement with EcoLogic for final design services for Drinking Water Supply at the Jennings Wastewater Treatment Plant project in an amount not to exceed \$90,000 for the identified scope of services, plus \$9,000 for additional services (if needed), for a maximum total amount of \$99,000, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Mayor Ridenour acknowledged the Boy Scouts attending the Council meeting.

Councilmember Lopez announced Council in the Park on Saturday at Dryden Park from 10:00 am to 12:00 pm.

Councilmember Geer thanked Interim Police Chief Mike Harden, Sheriff Adam Christianson and the Ceres Police Department regarding the demonstration of tasers last weekend.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

19. Consider approving the plans and specifications for the “UV Disinfection Equipment System Procurement for Phase 2 BNR-Tertiary Wastewater Treatment Project,” accepting the bid, and approving a Supplier Agreement with Trojan Technologies in the amount of \$1,701,331. (Total estimated cost of this portion of the project is approximately \$1,796,398) (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the “UV Disinfection Equipment System Procurement for Phase 2 BNR-Tertiary Wastewater Treatment Project,” accepting the bid and approving a \$1,701,331 Supplier Agreement with Trojan Technologies for the “UV Disinfection Equipment System Procurement for Phase 2 BNR-Tertiary Wastewater Treatment Project,” and authorizing the City Manager, or his designee, to execute the Supplier Agreement recommended.
- Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the Supplier Agreement for the UV Disinfection Equipment System Procurement for Phase 2 BNR-Tertiary Wastewater Treatment Project, including associated vendor engineering design support, and engineering/design/administration support by City staff for the UV Disinfection Equipment System Procurement for Phase 2 BNR-Tertiary Wastewater Treatment Project recommended.

Utility Planning and Projects Department; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2010-35 (Hawn/Lopez; 7/0) approving the plans and specifications for the “UV Disinfection Equipment System Procurement for Phase 2 BNR-Tertiary Wastewater Treatment Project,” accepting the bid and approving a \$1,701,331 Supplier Agreement with Trojan Technologies for the “UV Disinfection Equipment System Procurement for Phase 2 BNR-Tertiary Wastewater Treatment Project,” and authorizing the City Manager, or his designee, to execute the Supplier Agreement.

ACTION: Resolution 2010-36 (Hawn/Lopez; 7/0) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the Supplier Agreement for the UV Disinfection Equipment System Procurement for Phase 2 BNR-Tertiary Wastewater Treatment Project, including associated vendor engineering design support, and engineering/design/administration support by City staff for the UV Disinfection Equipment System Procurement for Phase 2 BNR-Tertiary Wastewater Treatment Project.

20. Consider approving the plans and specifications for the “Membrane Equipment System Procurement For Phase 2 BNR/Tertiary Wastewater Treatment Project,” accepting the bid, and approving a Supplier Agreement with Siemens Water Technologies Corp. in the amount of \$10,452,745. (Total estimated cost of this portion of the project is approximately \$11,000,382) (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the “Membrane Equipment System Procurement For Phase 2 BNR/Tertiary Wastewater Treatment Project,” accepting the bid and approving a \$10,452,745 Supplier Agreement with Siemens Water Technologies Corp. for the “Membrane Equipment System Procurement For Phase 2 BNR/Tertiary Wastewater Treatment Project,” and authorizing the City Manager, or his designee, to execute the Supplier Agreement recommended.
 - Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the Supplier Agreement for the Membrane Equipment System Procurement for Phase 2 BNR/Tertiary Wastewater Treatment Project, including associated vendor engineering design support, and engineering/design/administration support by City staff for the Membrane Equipment System Procurement For Phase 2 BNR/Tertiary Wastewater Treatment Project recommended.
- Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com*

ACTION: Resolution 2010-37 (Hawn/Lopez; 7/0) approving the plans and specifications for the “Membrane Equipment System Procurement For Phase 2 BNR/Tertiary Wastewater Treatment Project,” accepting the bid and approving a \$10,452,745 Supplier Agreement with Siemens Water Technologies Corp. for the “Membrane Equipment System Procurement For Phase 2 BNR/Tertiary Wastewater Treatment Project,” and authorizing the City Manager, or his designee, to execute the Supplier Agreement.

ACTION: Resolution 2010-38 (Hawn/Lopez; 7/0) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the Supplier Agreement for the Membrane Equipment System Procurement for Phase 2 BNR/Tertiary Wastewater Treatment Project, including associated vendor engineering design support, and engineering/design/administration support by City staff for the Membrane Equipment System Procurement For Phase 2 BNR/Tertiary Wastewater Treatment Project.

Councilmember Lopez absent due to conflict of interest; Councilmember Hawn absent due to conflict of interest (miscellaneous streets)

21. Consider accepting the staff report updating the status of the American Recovery and Reinvestment Act of 2009 funded projects: (i) Street Overlay and ADA Curb Ramp Improvements and (ii) Cape and Slurry Seals on Various Streets. (Funding Source: American Recovery and Reinvestment Act (ARRA) of 2009)
- Motion accepting the staff report updating the status of the American Recovery and Reinvestment Act of 2009 funded projects: (i) Street Overlay and ADA Curb Ramp Improvements and (ii) Cape and Slurry Seals on Various Streets recommended.
 - Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the American Recovery and Reinvestment Act of 2009 funded Street Overlay and ADA Curb Ramp Improvements project recommended.
- Utility Planning and Projects; Vickey Dion, 571-5542, vdion@modestogov.com*

ACTION: Motion (Marsh/Hawn; 6/0; Lopez absent due to conflict of interest) accepting the staff report updating the status of the American Recovery and Reinvestment Act of 2009 funded projects: (i) Street Overlay and ADA Curb Ramp Improvements and (ii) Cape and Slurry Seals on Various Streets.

ACTION: Motion (Marsh/Olsen; 5/0; Hawn, Lopez absent due to conflict of interest) accepting the staff report updating the status of the American Recovery and Reinvestment Act of 2009 funded projects: (i) Street Overlay and ADA Curb Ramp Improvements and (ii) Cape and Slurry Seals on Various Streets.

Overlays Candidates

- Virginia Avenue (Needham Street to Roseburg Avenue)
- I Street (14th Street to Downey Avenue)

Curb Ramp Candidates

- Alice Street (Olive Avenue to Magnolia Avenue)
- H Street (10th Street to 11th Street)
- Stoddard Avenue (Orange Avenue to Magnolia Avenue)
- Wright Street (Olive Avenue to Magnolia Avenue)

Cape/Slurry Project

- Coldwell Avenue (College Avenue to Enslin Avenue)
- E. Roseburg Avenue (Virginia Avenue to McHenry Avenue)

ACTION: Resolution 2010-39 (Marsh/Hawn; 6/0; Lopez absent due to conflict of interest) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the American Recovery and Reinvestment Act of 2009 funded Street Overlay and ADA Curb Ramp Improvements project.

HEARINGS

Published in the Modesto Bee on January 6, 2010

22. Consider approving the application of John J. Johannson to amend the Development Agreement for Planned Development Zone, P-D(540) to extend the term of the Development Agreement to May 17, 2021. (Funding Source: Not Applicable)
- Motion introducing an Ordinance approving a First Amendment to a Development Agreement between the City of Modesto and Costa Limited Partners recommended.
 - Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): First Amendment to the Development Agreement between the City of Modesto and Costa Limited Partners, a California Limited Partnership, property located on the north side of Pelandale Avenue, east of Chapman Road. (John J. Johannson) recommended.
Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com

ACTION: Motion (Hawn/Lopez; 7/0) introducing Ordinance No. 3522-C.S. approving a First Amendment to a Development Agreement between the City of Modesto and Costa Limited Partners.

ACTION: Resolution 2010-40 (Hawn/Lopez; 7/0) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): First Amendment to the Development Agreement between the City of Modesto and Costa Limited Partners, a California Limited Partnership, property located on the north side of Pelandale Avenue, east of Chapman Road. (John J. Johannson).

Published in the Modesto Bee on January 6, 2010

23. Consider an application by Robert Braden Consulting on behalf of TLB Investments to rezone a 0.51 acre parcel located at 3401 Carver Road from Low Density, (R-1), to Medium Density, (R-2). (Funding Source: Not Applicable)
- Motion introducing an Ordinance Amending Section 7-3-9 of the Zoning Map of the City of Modesto to Rezone from Low-Density Residential Zone (R-1), to Medium Density Residential Zone (R-2), Property Located on the West side of Carver Road South of Standiford Avenue. (TLB Investments) recommended.
 - Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 7-3-9 of the Zoning Map to rezone from Low Density Residential Zone, (R-1), to Medium Density Residential Zone, (R-2), property located at 3401 Carver Road. (TLB Investments) recommended.
Community & Economic Development; Rita Doscher, 577-5267, rdoscher@modestogov.com

ACTION: Motion (Marsh/Muratore; 7/0) introducing Ordinance No. 3523-C.S. amending Section 7-3-9 of the Zoning Map of the City of Modesto to Rezone from Low-Density Residential Zone (R-1), to Medium Density Residential Zone (R-2), Property Located on the West side of Carver Road South of Standiford Avenue (TLB Investments).

ACTION: Resolution 2010-41 (Marsh/Muratore; 7/0) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 7-3-9 of the Zoning Map to rezone from Low Density Residential Zone, (R-1), to Medium Density Residential Zone, (R-2), property located at 3401 Carver Road. (TLB Investments).

Recess at 7:35 pm
Reconvene at 7:50 pm

Published in the Modesto Bee on January 6, 2010

24. Consider establishing City of Modesto Community Facilities District No 2009-1 (Kiernan Business Park East), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; (ii) a resolution determining it necessary to incur bonded indebtedness within the City of Modesto Community Facilities District No 2009-1 (Kiernan Business Park East); (iii) calling a special election for the City of Modesto Community Facilities District No 2009-1 (Kiernan Business Park East); (iv) declaring the results of the January 26, 2010, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No 2009-1 (Kiernan Business Park East); and (v) introducing an Ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No 2009-1 (Kiernan Business Park East). (Funding Source: Special taxes generated by CFD No 2009-1)
- Resolution establishing City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East), authorizing the levy of special taxes therein, and establishing an annual appropriations limit recommended.
 - Resolution calling a special election for the City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) recommended.
 - Resolution declaring the results of the January 26, 2010, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) recommended.
 - Resolution determining it necessary to incur bonded indebtedness within the City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) recommended.
 - Motion introducing an Ordinance authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) recommended.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2010-42 (Marsh/Geer; 7/0) establishing City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East), authorizing the levy of special taxes therein, and establishing an annual appropriations limit.

ACTION: Resolution 2010-43 (Marsh/Geer; 7/0) calling a special election for the City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East).

ACTION: Resolution 2010-44 (Marsh/Geer; 7/0) declaring the results of the January 26, 2010, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East).

ACTION: Resolution 2010-45 (Marsh/Geer; 7/0) determining it necessary to incur bonded indebtedness within the City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East).

ACTION: Motion (Marsh/Geer; 7/0) introducing Ordinance No. 3524-C.S. authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East).

MATTERS TOO LATE FOR THE AGENDA

25. Consider approving an application for \$3.17 million in Proposition 1B funds from the State of California for local streets and road projects, and amending the Fiscal Year 2009-10 Capital Improvement Program (CIP) to include the projects listed in Attachment I. (Funding Source: Proposition 1B Bond Revenue)
- Resolution approving an application for \$3,174,344 in Proposition 1B Phase II funds from the State of California for local street and road projects recommended.
 - Resolution amending Fiscal Year 2009-10 Capital Improvement Program Budget to include the projects listed in Attachment I recommended.

Public Works ; Dennis Turner, 341-2906, dturner@modestogov.com

ACTION: Resolution 2010-46 (Marsh/Hawn; 7/0) approving an application for \$3,174,344 in Proposition 1B funds from the State of California for local streets and road projects.

ACTION: Resolution 2010-47 (Marsh/Hawn; 7/0) amending Fiscal Year 2009-10 Capital Improvement Program (CIP) Account No. to include the projects listed in Attachment I.

ADJOURNMENT

This meeting adjourned at 10:25 p.m.

CLOSED SESSION

Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition of real property located at:
6520 Carver Road
Modesto, CA
APN: 004-075-047

Negotiating parties: Dean Phillips, Senior Civil Engineer

Under negotiation: Acquisition of property (1.46 acres) for a 250,000 gallon water storage tank to serve the Del Rio Neighborhood

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, February 1, 2010, at 5:30 p.m.

Roll Call Present: Committee Members Lopez, Marsh, Muratore
Also Present: Councilmember Geer
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

NEW BUSINESS

1. Consider recommending appointments to fill a current vacancy as an Alternate to the City of Modesto Entertainment Commission. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Muratore/Lopez;unan.) appointing Brad de la Cruz as an Alternate to the City of Modesto Entertainment Commission.

2. Consider accepting an informational report on the status of the COPS Hiring Recovery Program (CHRP) and the American Recovery and Reinvestment Act grant (ARRA) that provided funding for 13 police officer positions for three years. (Funding Source: Not Applicable)
Police; Michael G. Harden, Interim Chief of Police, 572-9501, hardeng@modestopd.com

ACTION: Motion (Lopez/Muratore;unan.) accepting the informational report on the status of the COPS Hiring Recovery Program (CHRP) and the American Recovery and Reinvestment Act grant (ARRA) that provided funding for 13 police officer positions for three years.

COMMITTEE MEMBERS COMMENTS & REPORTS

Chair Marsh asked the Committee for input on future Agenda items for the Safety & Communities Committee. After discussion, the following items will be brought back to the Safety & Communities Committee:

March:

- Graffiti Update
- Report on Downtown Improvement District activity
- Report from Neighborhood Preservation Unit regarding parking on lawns

April:

- Gang Update
- Police Department Technology Update
- CalGRIP Grant Update

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:20 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 02, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements - None

Declaration of Conflicts of Interest – None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Joe and Michele Williams proclaiming February Reconciliation Month and February 1, 2010 Reconciliation Day. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour made a Presentation of Proclamation to Joe and Michele Williams proclaiming February Reconciliation Month and February 1, 2010 Reconciliation Day.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider approving the appointment of Kate Trompetter to the Culture Commission as recommended by the Council's Economic Development Committee. (Funding Source: Not Applicable)
 - Resolution appointing Kate Trompetter to the City of Modesto Culture Commission recommended.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2010-048 (Marsh/Lopez; 7/0) appointing Kate Trompetter to the City of Modesto Culture Commission.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 9

ACTION CONSENT ITEMS 3-9: (Lopez/Geer; unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

3. Consider approving the minutes of the City Council meeting of January 26, 2010. (Funding Source: Not Applicable)
- Motion approving recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Geer; 7/0) approving the minutes of the January 26, 2010 City Council meeting.

Consent

4. Consider approving the final adoption of: Ordinance No. 3522-C.S. approving a First Amendment to a Development Agreement between the City of Modesto and Costa Limited Partners. (Funding Source: Not Applicable)
- Motion approving the final adoption of Ordinance No. 3522-C.S. approving a First Amendment to a Development Agreement between the City of Modesto and Costa Limited Partners recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Geer; 7/0) approving the final adoption of Ordinance No. 3522-C.S. approving a First Amendment to a Development Agreement between the City of Modesto and Costa Limited Partners.

Consent

5. Consider approving the final adoption of Ordinance No. 3523-C.S. amending Section 7-3-9 of the Zoning Map of the City of Modesto to Rezone from Low-Density Residential Zone (R-1), to Medium Density Residential Zone (R-2), Property Located on the West side of Carver Road South of Standiford Avenue (TLB Investments). (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3523-C.S. amending Section 7-3-9 of the Zoning Map of the City of Modesto to Rezone from Low-Density Residential Zone (R-1), to Medium Density Residential Zone (R-2), Property Located on the West side of Carver Road South of Standiford Avenue (TLB Investments) recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Geer; 7/0) approving final adoption of **Ordinance No. 3523-C.S.** amending Section 7-3-9 of the Zoning Map of the City of Modesto to Rezone from Low-Density Residential Zone (R-1), to Medium Density Residential Zone (R-2), Property Located on the West side of Carver Road South of Standiford Avenue (TLB Investments).

Consent

6. Consider approving final adoption of Ordinance No. 3524-C.S. authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East). (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3524-C.S. authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Geer; 7/0) approving final adoption of **Ordinance No. 3524-C.S.** authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East).

Consent

7. Consider authorizing the award of bid and contract for the furnishing of discing and flail mowing services for the Parks Recreation & Neighborhoods Department, Park Operations Division, to a.m. p.m. Farms, Crows Landing, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$46,076, and over five (5) years of

\$230,380. (Funding Source: Park Services Fund)

- Resolution authorizing the award of bid and contract for the furnishing of discing and flail mowing services for the Parks, Recreation & Neighborhoods Department, Park Operations Division, to a.m. Farms, Crows Landing, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement, for an estimated annual cost of \$46,076, and over five (5) years of \$230,380 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2010-49 (Lopez/Geer; 7/0) authorizing the award of bid and contract for the furnishing of discing and flail mowing services for the Parks, Recreation & Neighborhoods Department, Park Operations Division, to a.m. Farms, Crows Landing, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement, for an estimated annual cost of \$46,076, and over five (5) years of \$230,380.

Consent

8. Consider accepting the Governor's California Emergency Management Agency (Cal EMA) Anti-Drug Abuse Program Grant of \$469,176 for the Stanislaus Drug Enforcement Agency (SDEA) to combat major drug trafficking and manufacturing. (Funding Source: Grant Revenue)
 - Resolution approving a California Emergency Management Agency Anti-Drug Abuse Program Grant of \$469,176 for the Stanislaus Drug Enforcement Agency to combat major drug trafficking and manufacturing, and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
 - Resolution amending the Fiscal Year 2009/2010 Multi-Year Budget to appropriate revenues and expenditures of \$469,176 from the California Emergency Management Agency for the Stanislaus Drug Enforcement Agency to combat major drug trafficking and manufacturing recommended.

Police; Dave Sundy, Police Lieutenant, 558-6300, sundyd@modestopd.com

ACTION: Resolution 2010-50 (Lopez/Geer; 7/0) approving a California Emergency Management Agency Anti-Drug Abuse Program Grant of \$469,176 for the Stanislaus Drug Enforcement Agency to combat major drug trafficking and manufacturing, and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2010-51 (Lopez/Geer; 7/0) amending the Fiscal Year 2009/2010 Multi-Year Budget to appropriate revenues and expenditures of \$469,176 from the California Emergency Management Agency for the Stanislaus Drug Enforcement Agency to combat major drug trafficking and manufacturing.

Consent

9. Consider approving an agreement with URS Corporation dba URS Corporation Americas (URS) for design services for the Install New Well in Tivoli project in the amount of \$79,761. (Total estimated cost for the design portion of the project is \$87,011) (Funding Source: Water Fund-CIP)
 - Resolution approving an agreement with URS Corporation dba URS Corporation Americas (URS) for design services for the Install New Well in Tivoli project in an amount not to exceed \$72,510 for the identified scope of services, plus \$7,251 for additional services (if needed), for a maximum total amount of \$79,761, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects Department; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2010-52 (Lopez/Geer; 7/0) approving an agreement with URS Corporation dba URS Corporation Americas (URS) for design services for the Install New Well in Tivoli project in an amount not to exceed \$72,510 for the identified scope of services, plus \$7,251 for additional services (if needed), for a maximum total amount of \$79,761, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez reported on Council in the Park last Saturday at Dryden Golf Course. Julie Hannon, Parks, Recreation & Neighborhoods Director, gave an update on the golf program and announced a further update will be heard at the Finance Committee Meeting on February 22, 2010.

Councilmember Geer thanked Councilmember Lopez for the success of Council in the Park on Saturday at Dryden Park.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:42 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government

Code) Property: Acquisition of real property located at: 3936 Dale Road Modesto, CA Negotiating parties:

Associated Right of Way Services Under negotiation: Acquisition of property (3,681 sq. feet) for right turn lane improvements at the intersection of northbound Dale Road to eastbound Synder Avenue. (Price and terms of sale of property.) Property: Acquisition of real property located at: 1717 Sylvan Avenue Modesto, CA Negotiating

parties: Associated Right of Way Services Under negotiation: Acquisition of property (2,751 sq. feet) for right turn lane improvements at the intersection of westbound Sylvan Avenue to northbound Boyce Lane. (Price and terms of sale of property.) Property: Permit to enter and construct on property located at: 2101 Sylvan Avenue

Modesto, CA APN: 052-063-025 APN: 052-063-024 APN: 052-063-023 Negotiating parties: Associated Right of Way Services Under negotiation: Permit to enter and construct for right turn lane improvements at the intersection of southbound Oakdale Road to westbound Sylvan Avenue.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section

54956.9(a) of the Government Code) Name of case: McFadden Construction v. City of Modesto, San Joaquin County Superior Court, No. 39-2009-00209411-CU-BC-STK

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section

54956.9(a) of the Government Code) Name of case: Debra Coito in interest of her son Jeremy Wilson (deceased) v. City of Modesto, et al. Stanislaus County Superior Court No. 624500

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, February 8, 2010 at 5:30 p.m.

Roll Call - Present: Committee Members Olsen, Hawn, Geer
Absent: None

**PUBLIC COMMENT PERIOD
Three minute time limit per speaker**

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider approving the Protected-Permissive Traffic Signals Report for 2009. Protected-Permissive left-turn traffic signals display a green left-turn arrow first during the protected phase, followed by a circular green permissive phase. (Funding Source: Gas Tax)
Community & Economic Development; Jeffrey L. Barnes, 577-5468, jlbarnes@modestogov.com

ACTION: Motion (Hawn/Geer;unan.) approving the Protected-Permissive Traffic Signals Report for 2009.

Removed from Consent

2. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Hawn/Geer;unan.) accepting the status report of development projects processed by the Community & Economic Development Department.

NEW BUSINESS

3. Consider accepting staff's report regarding the proposed project description, and consider recommending that the City Council approve the project funding request, for General Plan Amendment No. GPA-09-002, which generally consists of changes to the General Plan land use diagram, related text and policies, and the Sphere of Influence boundary. (Funding Source: General Fund and Water Fund-CIP)
*Community & Economic Development and Utility Planning and Projects Department;
Brad Wall, 209-577-5267, bwall@modestogov.com*

ACTION: Motion (Hawn/Geer;unan.) as follows:

Kiernan Avenue Corridor – accepting staff report, including a sphere of influence change, with the exception of Business Park/Commercial/Residential designation to all Business Park designation; and return with Business Park/Commercial/Residential designation to make the definition of mixed use more urban.

Hetch-Hetchy and Roselle Claribel CPD's – accepting staff report, with the exception of Village Residential designation be changed to Business Park/Commercial/Residential designation, and forwarding to Council.

Roselle-Claribel CPD – accepting staff report and forwarding to Council.

Village One CPD - accepting staff report and forwarding to Council.

Highway 132 CPD - accepting staff report and forwarding to Council.

Paradise-Carpenter CPD - accepting staff report and forwarding to Council.

Beckwith-Dakota CPD – recommending staff not move forward; further study needed in the General Plan update.

4. Consider recommending to the City Council infrastructure policies for the development of Kiernan Business Park East (KBPE), including improvements for Dale Road. (Funding Source: Not Applicable)
*Community & Economic Development; Amy Gedney, 571-5501,
agedney@modestogov.com*

ACTION: Motion (Hawn/Geer;unan.) requesting staff to return to Committee with the following information:

1. Financing for the ultimate buildout between Pelandale and Kiernan with options;
2. CFD capacity; and
3. Any policies that need to be changed in the CFF to accommodate.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:07 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 09, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements - Item 4 - removed from Agenda
Item 11 - Removed from Consent
February 23, 2010 Council meeting cancelled

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the colors by the Stanislaus Military Academy Color Guards and presentation by Tom Changnon, Stanislaus County Superintendent of Schools, of the Stanislaus Military Academy. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation of the colors made by the Stanislaus Military Academy Color Guards and by Tom Changnon, Stanislaus County Superintendent of Schools, of the Stanislaus Military Academy.

2. Presentation of Proclamation to the Modesto Chamber of Commerce Leadership Modesto Class proclaiming the first Saturday in May "Bette Belle Smith Day of Service" in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour and the Modesto Chamber of Commerce Leadership Modesto Class presented a Proclamation to Mr. Jean Smith proclaiming the first Saturday in May "Bette Belle Smith Day of Service" in the City of Modesto.

3. Presentation by Vanessa Czopek, County Librarian, and Stella Beratlis, Friends of the Library President, regarding the County Library Annual Report for FY 2008-09. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation made by Vanessa Czopek, County Librarian, and Stella Beratlis, Friends of the Library President, regarding the County Library Annual Report for FY 2008-09.

4. Presentation by the Health Services Agency regarding tobacco interventions for youths. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Removed from the Agenda.

5. Presentation acknowledging Save Mart as an Amgen Stage 4 Finish Local Presenting Sponsor. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Presentation acknowledging Save Mart as an Amgen Stage 4 Finish Local Presenting Sponsor and presentation of a check in the amount of \$40,000 from Wendy Kennedy, Save Mart Vice President of Corporate Communication and Community Affairs.

MISCELLANEOUS

Legislation
Appointments
Other

6. Consider formal appointment of Administrative Hearing Officers for the 2010 calendar year. (Funding Source: Not Applicable)
- Motion formally appointing the following individuals as Administrative Hearing Officers for the City of Modesto for the 2010 calendar year:
Honorable Judge James Barakatt, Retired
Edith M. Awuah, Esq.
Robert Farrace, Esq.
Stephanie Kerr, Esq.
Carmen Morad*
Janelle Flint*
(*Currently serving as Administrative Hearing Officers) recommended.
City Attorney; Susana Alcala Wood, 577-5284, swood@modestogov.com

ACTION: Motion (Marsh/Lopez; 7/0) formally appointing the following individuals as Administrative Hearing Officers for the City of Modesto for the 2010 calendar year:
Honorable Judge James Barakatt, Retired
Edith M. Awuah, Esq.
Robert Farrace, Esq.
Stephanie Kerr, Esq.
Carmen Morad*
Janelle Flint*
(*Currently serving as Administrative Hearing Officers).

7. Consider approving the appointment of Brad de la Cruz as an Alternate member to the Entertainment Commission as recommended by the Council's Safety & Communities Committee. (Funding Source: Not Applicable)
- Resolution appointing Brad de la Cruz as an Alternate Member to the Entertainment Commission recommended.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2010-053 (Lopez/Marsh; 7/0) appointing Brad de la Cruz as an Alternate Member to the Entertainment Commission.

8. Consider accepting the resignation of Tom Hallinan from the City of Modesto Landmark Preservation Commission. (Funding Source: Not Applicable)
- Resolution accepting with regret the resignation of Tom Hallinan from the City of Modesto Landmark Preservation Commission recommended.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2010-054 (Marsh/Muratore; 7/0) accepting with regret the resignation of Tom Hallinan from the City of Modesto Landmark Preservation Commission.

PUBLIC COMMENT PERIOD

Dawn White spoke regarding the need for a traffic light on Standiford and Columbine Drive. Councilmember Olsen requested Brent Sinclair, Community & Economic Development Director, bring a report back to Council.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 9 through 17

ACTION CONSENT ITEMS: 9-11; 12-17 (Lopez/Marsh;unan.)

ACTION Item 11: (Marsh/Lopez;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

9. Consider approving the minutes of the City Council meeting of February 2, 2010. (Funding Source: Not Applicable)
- Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Marsh; 7/0) approving the minutes of the February 2, 2010 Council meeting.

Consent

10. Consider accepting the public improvements for the McHenry-Briggsmore Real Estate Invest Group commercial project located at the southwest corner of Briggsmore and McHenry Avenues, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$153,413.00. (Funding Source: CFF Streets Fund 1410)
- Resolution accepting the public improvements for the McHenry-Briggsmore Real Estate Invest Group commercial project located at the southwest corner of Briggsmore and McHenry Avenues, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$153,413.00 recommended.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2010-055 (Lopez/Marsh; 7/0) accepting the public improvements for the McHenry-Briggsmore Real Estate Invest Group commercial project located at the southwest corner of Briggsmore and McHenry Avenues, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$153,413.00.

Removed from Consent

11. Consider approving the Memorandum of Understanding by and between the City of Modesto and the County of Merced, City of Merced, Merced County Association of Governments, County of Stanislaus, City of Turlock, Stanislaus Council of Governments, San Joaquin Regional Rail Commission, County of San Joaquin, City of Stockton, City of Lodi, City of Manteca, San Joaquin Regional Transit District, San Joaquin Council of Governments, County of Sacramento, City of Sacramento, City of Elk Grove, City of Galt, Sacramento Regional Transit and Sacramento Area Council of Governments. (Funding Source: Not Applicable)
- Resolution approving a Memorandum of Understanding (MOU) by and between the City of Modesto, the County of Merced, City of Merced, Merced County Association of Governments, County of Stanislaus, City of Turlock, Stanislaus Council of Governments, San Joaquin Regional Rail Commission, San Joaquin County, City of Stockton, City of Lodi, City of Manteca, San Joaquin Regional Transit District, San Joaquin Council of Governments, County of Sacramento, City of Sacramento, City of Elk Grove, City of Galt, Sacramento Regional Transit and Sacramento Area Council of Governments for the High Speed Rail Merced to Sacramento Working Group

recommended.

Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: Resolution 2010-056 (Marsh/Lopez; 7/0) approving a Memorandum of Understanding (MOU) by and between the City of Modesto, the County of Merced, City of Merced, Merced County Association of Governments, County of Stanislaus, City of Turlock, Stanislaus Council of Governments, San Joaquin Regional Rail Commission, San Joaquin County, City of Stockton, City of Lodi, City of Manteca, San Joaquin Regional Transit District, San Joaquin Council of Governments, County of Sacramento, City of Sacramento, City of Elk Grove, City of Galt, Sacramento Regional Transit and Sacramento Area Council of Governments for the High Speed Rail Merced to Sacramento Working Group.

Consent

12. Consider accepting the Monthly Investment Report for November 2009. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for November 2009 recommended.
Finance; Vanessa Ferrel, 517-5511, vferrel@modestogov.com

ACTION: Motion (Lopez/Marsh; 7/0) accepting the Monthly Investment Report for November 2009.

Consent

13. Consider approving the Monthly Budget Adjustment Report for January 2010. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year 2009-2010 annual budget recommended.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2010-057 (Lopez/Marsh; 7/0) amending the Fiscal Year 2009-2010 annual budget.

Consent

14. Consider approving the application for Statewide Park Development Program Funds for the implementation of the Mancini Park renovation project. (Funding Source: Statewide Park Development Funds)
- Resolution authorizing the City Manager, or his designee, to submit an application for Statewide Park Development Program Grant Funds for the implementation of the Mancini Park renovation project recommended.
Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2010-58 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to submit an application for Statewide Park Development Program Grant Funds for the implementation of the Mancini Park renovation project

Consent

15. Consider approving the application for Statewide Park Development Program Funds for the implementation of the Thurman Soccer Field Improvement Project. (Funding Source: Statewide Park Development Funds)
- Resolution approving an application for Statewide Park Development Program funds for the Thurman Soccer Field Improvements Project; and authorizing the City Manager, or his designee, to execute the application and all related documents recommended.
Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2010-059 (Lopez/Marsh; 7/0) approving an application for Statewide Park Development Program funds for the Thurman Soccer Field Improvements Project; and authorizing the City Manager, or his designee, to execute the application and all related documents.

Consent

16. Consider accepting the work by Applegate Johnston, Inc. for the "T-Hanger L Construction at the Modesto City – County Airport Project" as complete. (Total project cost is \$782,887.80) (Funding Source: Special Aviation Fund)

- Resolution accepting the work by Applegate Johnston, Inc. for the T-Hanger L Construction at the Modesto City – County Airport Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$623,906.72. recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-060 (Lopez/Marsh; 7/0) accepting the work by Applegate Johnston, Inc. for the T-Hanger L Construction at the Modesto City – County Airport Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$623,906.72.

Consent

17. Consider approving an Agreement with O’Dell Engineering, Inc. (O’Dell) for Design Services for West and Central Basin Erosion Control, Village One #2 CFD No. 2004-1 in the amount of \$64,339. (Total estimated cost for the design portion of the project is \$70,773) (Funding Source: Village 1 #2-CFD)
 - Resolution approving an Agreement with O’Dell Engineering, Inc. for Design Services for West and Central Basin Erosion Control, Village One #2 CFD No. 2004-1 project in an amount not to exceed \$58,490 for the identified scope of services, plus \$5,849 for additional services (if needed), for a maximum total amount of \$64,339, and authorizing the District Administrator, or his designee, to execute the Agreement recommended.
Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2010-061 (Lopez/Marsh; 7/0) approving an Agreement with O’Dell Engineering, Inc. for Design Services for West and Central Basin Erosion Control, Village One #2 CFD No. 2004-1 project in an amount not to exceed \$58,490 for the identified scope of services, plus \$5,849 for additional services (if needed), for a maximum total amount of \$64,339, and authorizing the District Administrator, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:37 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA

Agency Negotiators: Greg Nyhoff, City Manager
Dania Torres Wong

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCMA

Agency Negotiators: Greg Nyhoff, City Manager
Dania Torres Wong

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA

Agency Negotiators: Greg Nyhoff, City Manager
Dania Torres Wong

Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPNSA

Agency Negotiators: Greg Nyhoff, City Manager
Dania Torres Wong

Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA

Agency Negotiators: Greg Nyhoff, City Manager
Dania Torres Wong

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCFFA

Agency Negotiators: Greg Nyhoff, City Manager
Dania Torres Wong

Employee Organization: Modesto City Firefighters Association

Removed from Agenda

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition of real property located at:
1706 Oregon Drive
Modesto, CA
APN: 035-045-037

Negotiating parties: Julie Hannon, Director of Parks, Recreation & Neighborhoods

Under negotiation: Price and terms of purchase.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Chambers, Basement Level
1010 10th Street
Modesto, California
Monday February 22, 2010, at 5:30 p.m.

Roll Call Present: Committee Members Hawn, Marsh, Geer

Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 3

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Removed from Consent

1. Consider recommending to Council the award of proposal and contract for citywide Banking Services to Bank of the West, Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of approximately \$70,000 and over five (5) years of \$350,000. (Funding Source: Revenue Clearing Fund)
Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Motion (Marsh/Geer; unan.) recommending approval of the contract for citywide Banking Services to Bank of the West, Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of approximately \$70,000 and over five (5) years of \$350,000 and forwarding to Council for approval.

Consent

2. Consider the Monthly Budget Adjustment Report for February 2010 and refer to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Marsh/Geer; unan.) approving the Monthly the Monthly Budget Adjustment Report for February 2010 and forwarding to Council for approval.

Consent

3. Consider an informational report regarding the Quarterly Water Meter/Automated Reading Program Update. (Funding Source: Water Fund)
Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: **Motion (Marsh/Geer; unan.)** approving an informational report regarding the Quarterly Water Meter/Automated Reading Program Update.

NEW BUSINESS

4. Consider recommending that the City Council support the proposed amendments to the contract between ValleyCrest Inc. and the City of Modesto for golf maintenance services, and consider recommending to the City Council that all three City golf courses remain open. (Funding Source: Golf Fund)
Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444, lforester@modestogov.com

ACTION: **Motion (Marsh/Geer; unan.)** approving amendments to the contract between ValleyCrest Inc. and the City of Modesto for golf maintenance services, recommending all three (3) City golf courses remain open and forwarding to Council for approval.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:58 p.m.

MINUTES

City of Modesto
SAFETY & COMMUNITIES COMMITTEE / WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday March 01, 2010, at 5:30 p.m.

Roll Call Present: Garrad Marsh, Chair, Joe Muratore, Vice Chair and Dave Lopez,
Member

Absent: None.

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

NEW BUSINESS

1. Consider acceptance of an informational report regarding Modesto's Crime Statistics for January through December 2009 as compared to January through December 2008.

Police; Michael Harris, 572-9550, harrism@modestopd.com

ACTION: Motion (Lopez/Muratore;unan.) accepting an informational report regarding Modesto's Crime Statistics for January through December 2009 as compared to January through December 2008.

2. Consider acceptance of an informational update on the Downtown Entertainment District.

Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com

ACTION: Motion (Lopez/Muratore;unan.) accepting an informational update on the Downtown Entertainment District.

3. Consider informational report regarding Modesto's Traffic Statistics for the month of December 2009 and for the year-end report.

Police; Scott Blom, 572-9678, bloms@modestopd.com

ACTION: Motion (Lopez/Muratore;unan.) accepting an informational report regarding Modesto's Traffic Statistics for the month of December 2009 and for the year-end report.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:55 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 02, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Janelle Beckman, Youth for Christ

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider approving the re-appointment of Ted Brandvold to the Board of Zoning Adjustment as the 2010 Planning Commission representative. (Funding Source: Not Applicable)
 - Resolution approving the re-appointment of Ted Brandvold as the 2010 Planning Commission representative to the Board of Zoning Adjustment recommended.
Community & Economic Development; Laura Akin, 577-5270, lakin@modestogov.com

ACTION: Resolution 2010-062 (Lopez/Olsen; 7/0) approving the re-appointment of Ted Brandvold as the 2010 Planning Commission representative to the Board of Zoning Adjustment.

2. Consider approving the re-appointment of Patricia Gillum to the Citizens Redevelopment Advisory Commission as the 2010 Planning Commission Representative. (Funding Source: Not Applicable)
 - Resolution re-appointing Patricia Gillum as the 2010 Planning Commission representative to the Citizens Redevelopment Advisory Commission recommended.
Community & Economic Development; Laura Akin, 577-5270, lakin@modestogov.com

ACTION: Resolution 2010-063 (Lopez/Olsen; 7/0) re-appointing Patricia Gillum as the 2010 Planning Commission representative to the Citizens Redevelopment Advisory Commission.

3. Consider approving the appointment of Chris Tyler to the CIP Taskforce, as the 2010 Planning Commission Representative. (Funding Source: Not Applicable)
 - Resolution appointing Chris Tyler as the 2010 Planning Commission representative to the CIP Taskforce recommended.
Community & Economic Development; Laura Akin, 577-5270, lakin@modestogov.com

ACTION: Resolution 2010-064 (Lopez/Olsen; 7/0) appointing Chris Tyler as the 2010 Planning Commission

representative to the CIP Taskforce.

4. Consider approving the appointment of Steve Carter to the Citizens Housing and Community Development Committee as the 2010 Planning Commission Representative. (Funding Source: Not Applicable)
 - Resolution appointing Steve Carter as the 2010 Planning Commission representative to the Citizens Housing and Community Development Committee recommended.
Community & Economic Development; Laura Akin, 577-5270, lakin@modestogov.com

ACTION: Resolution 2010-065 (Lopez/Olsen; 7/0) appointing Steve Carter as the 2010 Planning Commission representative to the Citizens Housing and Community Development Committee.

5. Consider appointing Bill Zoslocki, Richard Tatoyan, Duke Leffler, Jan Marie Ennenga, Rick Dahlseid, David Wright, City Manager or designee, Director of Community & Economic Development, Infrastructure Finance Program Administrator, Director of Utility Planning & Projects and Director of Finance to the Comprehensive Fee Task Force. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Bill Zoslocki, Richard Tatoyan, Duke Leffler, Jan Marie Ennenga, Rick Dahlseid, Sandra Lucas, Marshall Riddle, Deborah Riggs, David Wright (Alternate), City Manager or Designee, Director of Community and Economic Development, Infrastructure Finance Program Administrator, Director of Utility Planning and Projects and Director of Finance to the Comprehensive Fee Task Force recommended.
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Resolution 2010-066 (Lopez/Olsen; 7/0) approving the appointment of Bill Zoslocki, Richard Tatoyan, Duke Leffler, Jan Marie Ennenga, Rick Dahlseid, Sandra Lucas, Marshall Riddle, Deborah Riggs, David Wright (Alternate), City Manager or Designee, Director of Community and Economic Development, Infrastructure Finance Program Administrator, Director of Utility Planning and Projects and Director of Finance to the Comprehensive Fee Task Force.

PUBLIC COMMENT PERIOD

Carmen Sabatino spoke regarding spending of taxpayer money on legal fees on a lawsuit against him. City Attorney Wood responded to Mr. Sabatino.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 15

ACTION CONSENT ITEMS: 6-15 (Lopez/Hawn;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

6. Consider approving the minutes of the City Council meeting of February 9, 2010. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the minutes of the February 9, 2010 City Council meeting.

Consent

7. Consider accepting the Monthly Investment Report for December 2009. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for December 2009 recommended.
Finance; Vanessa Ferrel, 571-5511, vferrel@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) accepting the Monthly Investment Report for December 2009.

Consent

8. Consider extending the contract for the furnishing of uniform and laundry services for Citywide use with Prudential Overall Supply Co., Fresno, CA, for eighteen (18) months at the current contract terms, for an estimated annual cost of \$105,945. (Funding Source: Various)
- Resolution extending the contract for the furnishing of uniform and laundry services for Citywide use with Prudential Overall Supply Co., Fresno, CA, for eighteen (18) months at the current contract terms, for an estimated annual cost of \$105,945 recommended.
- Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com*

ACTION: Resolution 2010-067 (Lopez/Hawn; 7/0) extending the contract for the furnishing of uniform and laundry services for Citywide use with Prudential Overall Supply Co., Fresno, CA, for eighteen (18) months at the current contract terms, for an estimated annual cost of \$105,945.

Consent

9. Consider authorizing the award of bid and contract for the purchase of a Major Airport Rescue and Fire-Fighting Vehicle (ARFF) for the Modesto City-County Airport, through the Public Works Department, Transportation Services Division, to Oshkosh Corporation, Oshkosh, WI, for and estimated total cost of \$646,671. (Funding Source: Airport Fund - Special Aviation)
- Resolution authorizing the award of bid and contract for the purchase of a Major Airport Rescue and Fire-Fighting Vehicle for the Modesto City-County Airport, through the Public Works Department, Transportation Services Division, to Oshkosh Corporation, Oshkosh, WI, and authorizing the City Manager, or his designee, to execute an agreement for an estimated total cost of \$646,671 recommended.
- Finance; Meagan Torres, 571-5839, mtorres@modestogov.com*

ACTION: Resolution 2010-068 (Lopez/Hawn; 7/0) authorizing the award of bid and contract for the purchase of a Major Airport Rescue and Fire-Fighting Vehicle for the Modesto City-County Airport, through the Public Works Department, Transportation Services Division, to Oshkosh Corporation, Oshkosh, WI, and authorizing the City Manager, or his designee, to execute an agreement for an estimated total cost of \$646,671.

Consent

10. Consider authorizing award of proposal and contract for citywide Banking Services to Bank of the West, Sacramento, CA, and authorizing the City Manager, or his designee, to execute a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of approximately \$70,000 and over five (5) years of \$350,000. (Funding Source: (Funding Source: Revenue Clearing Fund))
- Resolution authorizing award of proposal and contract for citywide Banking Services to Bank of the West, Sacramento, CA, and authorizing the City Manager, or his designee, to execute a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of approximately \$70,000 and over five (5) years of \$350,000 recommended.
- Finance; Mark Averell, 577-5412, maverell@modestogov.com*

ACTION: Resolution 2010-69 (Lopez/Hawn; 7/0) authorizing award of proposal and contract for citywide Banking Services to Bank of the West, Sacramento, CA, and authorizing the City Manager, or his designee, to execute a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of approximately \$70,000 and over five (5) years of \$350,000.

Consent

11. Consider authorizing the award of bid and contract for the purchase of seven (7) Honda police motorcycles for the Modesto Police Department, through the Public Works Department, Fleet Services Division, to Honda Kawasaki of Modesto, Modesto, CA, for an estimated total cost of \$106,224. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of bid and contract for the purchase of seven (7) Honda police motorcycles for the Modesto Police Department through the Public Works Department, Fleet Services Division, to Honda Kawasaki of Modesto, Modesto, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$106,224 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2010-070 (Lopez/Hawn; 7/0) authorizing the award of bid and contract for the purchase of seven (7) Honda police motorcycles for the Modesto Police Department through the Public Works Department, Fleet Services Division, to Honda Kawasaki of Modesto, Modesto, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$106,224.

Consent

12. Consider authorizing the award of bid and contract for the purchase of seventeen (17) Crown Victoria Police Interceptor vehicles – 2010 model year, for the Modesto Police Department through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the County of Los Angeles, through Theodore Robins Ford, Costa Mesa, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$424,800. (Funding Source: Fleet Replacement Funds)

- Resolution authorizing the award of bid and contract for the purchase of seventeen (17) Crown Victoria Police Interceptor vehicles, for the Modesto Police Department, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the County of Los Angeles, through Theodore Robins Ford, Costa Mesa, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$424,800 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2010-071 (Lopez/Hawn; 7/0) authorizing the award of bid and contract for the purchase of seventeen (17) Crown Victoria Police Interceptor vehicles, for the Modesto Police Department, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the County of Los Angeles, through Theodore Robins Ford, Costa Mesa, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$424,800.

Consent

13. Consider approving the City’s co-sponsorship of “Earth Day in the Park Festival, 2010” at Graceada Park and allow the sale of merchandise in the Park during the event. (Funding Source: Solid Waste Management Enterprise Fund)

- Resolution affirming the City’s co-sponsorship of “Earth Day in the Park Festival, 2010” at Graceada Park, and allowing the sale of merchandise in the park during the event recommended.

Parks, Recreation & Neighborhoods; Bev McCullough, 577-5495, bdmccullough@modestogov.com

ACTION: Resolution 2010-72 (Lopez/Hawn; 7/0) affirming the City’s co-sponsorship of “Earth Day in the Park Festival, 2010” at Graceada Park, and allowing the sale of merchandise in the park during the event.

Consent

14. Consider approving the First Amendment to Agreement with SkyWest Airlines, Inc., (SkyWest) for continued use of airport facilities to operate passenger services at Modesto City-County Airport. (Funding Source: Airport Revenue Fund)

- Resolution approving a First Amendment to Agreement with SkyWest Airlines, Inc., a Utah Corporation, for continued use of airport facilities to operate passenger services at Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the First Amendment to Agreement recommended.

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2010-073 (Lopez/Hawn; 7/0) approving a First Amendment to Agreement with SkyWest Airlines, Inc., a Utah Corporation, for continued use of airport facilities to operate passenger services at Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the First Amendment to Agreement.

Consent

15. Consider approving the specifications for the project titled, “Communications Tower Equipment System Procurement for Jennings Road Wastewater Treatment Facilities,” accepting the bid and approving a supplier agreement with RADCO Construction in the amount of \$19,698.11. (Total estimated cost of

this portion of the project is \$23,467.92) (Funding Source: Wastewater Fund)

- Resolution approving the specifications for the project titled, "Communications Tower Equipment System Procurement for Jennings Road Wastewater Treatment Facilities," accepting the bid and approving a supplier agreement with RADCO Construction in the amount of \$19,698.11, and authorizing the City Manager, or his designee, to execute the supplier agreement recommended.
- Resolution adopting CEQA Addendum (#EA/PW 2008-22) to the City of Modesto Wastewater Master Plan Update Master Environmental Impact Report (SCH # 2006052076) for Radio-Frequency (RF) Data Communications Facilities between Primary and Secondary Treatment Plants recommended.

Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2010-074 (Lopez/Hawn; 7/0) approving the specifications for the project titled, "Communications Tower Equipment System Procurement for Jennings Road Wastewater Treatment Facilities," accepting the bid and approving a supplier agreement with RADCO Construction in the amount of \$19,698.11, and authorizing the City Manager, or his designee, to execute the supplier agreement.

ACTION: Resolution 2010-75 (Lopez/Hawn; 7/0) adopting CEQA Addendum (#EA/PW 2008-22) to the City of Modesto Wastewater Master Plan Update Master Environmental Impact Report (SCH # 2006052076) for Radio-Frequency (RF) Data Communications Facilities between Primary and Secondary Treatment Plants.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

16. Consider letter dated February 11, 2010 from Bruce Hammerstrom. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

Mr. Hammerstrom spoke regarding traffic tickets on vehicles in front of his home. The Mayor referred Mr. Hammerstrom to the City Attorney. Mr. Hammerstrom asked to return to next Council meeting with more information; the Mayor denied his request. Mr. Hammerstrom announced that he will file an Appeal.

UNFINISHED BUSINESS

17. Consider authorizing the award of proposal and contract for the purchase and installation of a parking access and revenue control system for the Public Works Department, Fleet Services Division, to Amano McGann, Inc., Sacramento, CA, for an estimated total cost of \$790,427.33. (Funding Source: Parking Fund)
- Resolution authorizing the award of proposal and contract for the purchase and installation of a parking access and revenue control system for the Public Works Department, Fleet Services Division, to Amano McGann, Inc., Sacramento, CA, and authorizing the City Manager, or his designee, to issue the agreement for an estimated total cost of \$790,427.33 recommended.
- Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com*

ACTION: Resolution 2010-076 (Hawn/Marsh; 7/0) authorizing the award of proposal and contract for the purchase and installation of a parking access and revenue control system for the Public Works Department, Fleet Services Division, to Amano McGann, Inc., Sacramento, CA, and authorizing the City Manager, or his designee, to issue the agreement for an estimated total cost of \$790,427.33.

18. Consider appropriating funds from the General Fund Reserves to demolish and surplus Old Fire Station 2 located at 629 2nd Street. (This General Fund Reserve expense will be offset by the revenues received

from the sale of this property.) (Funding Source: General Fund Reserves)

- Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch. No. 2007072023): Sale of Property of 629 2nd Street (City of Modesto) recommended.
- Resolution authorizing the removal of the landmark status for Modesto Fire Station 2, located at 629 2nd Street, Modesto, CA recommended.
- Resolution declaring Modesto Fire Station 2, located at 629 2nd Street, Modesto as surplus, and authorizing the demolition of the property recommended.
- Resolution authorizing the sale of the property located at 629 2nd Street, Modesto recommended.
- Resolution authorizing a budget amendment appropriating funds from the General Fund Reserve to the Fire Department Budget in the amount of \$20,000, which is to be repaid with the sale of the property located at 629 2nd Street, Modesto recommended.

Fire; Michael Kraus, 572-9590, mkraus@modestofire.com

ACTION: Resolution 2010-077 (Lopez/Hawn; 7/0) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch. No. 2007072023): Sale of Property of 629 2nd Street (City of Modesto).

ACTION: Resolution- authorizing the removal of the landmark status for Modesto Fire Station 2, located at 629 2nd Street, Modesto, CA. (**removed from Agenda**)

ACTION: Resolution 2010-078 (Lopez/Hawn; 7/0) declaring Modesto Fire Station 2, located at 629 2nd Street, Modesto as surplus, and authorizing the demolition of the property.

ACTION: Resolution 2010-079 (Lopez/Hawn; 7/0) authorizing the sale of the property located at 629 2nd Street, Modesto.

ACTION: Resolution 2010-080 (Lopez/Hawn; 7/0) authorizing a budget amendment appropriating funds from the General Fund Reserve to the Fire Department Budget in the amount of \$20,000, which is to be repaid with the sale of the property located at 629 2nd Street, Modesto.

NEW BUSINESS

19. Consider approving the proposed annexation application informational handouts and submittal requirements, in order to identify specific information and documentation necessary to process annexation applications. (Funding Source: Not Applicable)
- Resolution approving annexation application submittal requirements recommended.
- Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com*

ACTION: Resolution 2010-081 (Olsen/Lopez; 7/0) approving annexation application submittal requirements.

20. Consider authorizing the award of bid and contract for the furnishing of Rockwell rejuvenation services for the Public Works Department, Waste Water Collections Division, to Fox Loomis, Inc., Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$597,610, and over five (5) years of \$2,988,050. (Funding Source: Storm Water Collections)
- Resolution authorizing the award of bid and contract for the furnishing of Rockwell rejuvenation services for the Public Works Department, Waste Water Collections Division, to Fox Loomis, Inc., Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$597,610 recommended.
- Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com*

ACTION: Resolution 2010-082 (Hawn/Marsh; 7/0) authorizing the award of bid and contract for the furnishing of Rockwell rejuvenation services for the Public Works Department, Waste Water Collections Division, to Fox Loomis, Inc., Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$597,610.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:38 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Carmen Sabatino v. City of Modesto Stanislaus County Superior Court No. 620253

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Officers’ Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPNSA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCFFA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Firefighters Association

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, March 8, 2010 at 5:30 p.m.

Roll Call - Present: Committee Members Olsen, Hawn, Geer
Absent: None

**PUBLIC COMMENT PERIOD
Three minute time limit per speaker**

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: N/A)
*Community & Economic Development; H. Brent Sinclair, 577-5228,
hbsinclair@modestogov.com*

ACTION: **Motion (Hawn/Geer;unan.)** approving status report of development projects processed by the Community and Economic Development Department.

NEW BUSINESS

2. Consider applicants for the City of Modesto's Run-Off Election Ad Hoc Committee and recommend appointments to City Council. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: **Motion (Hawn/Geer;unan.)** recommending to Council the following appointments to the City of Modesto's Run-Off Election Ad Hoc Committee, plus two Alternates, and including an Outside Consultant as part of the process:

Paul Baxter, Joan Clendenin, Carmen Morad, Susan Novak, Hugh Rose III, Brian Rando, David B. Ryan

Alternates: Philip S. Anselmo, Jr., Diedre Bush West

3. Consider accepting staff's report regarding progress and status of the Housing Element update. (Funding Source: Not Applicable)
Community & Economic Development; Cindy van Empel, 209-577-5280, cvanempel@modestogov.com

ACTION: **Motion (Geer/Hawn;unan.)** accepting staff's report regarding progress and status of the Housing Element update.

4. Consider the status of the Downtown Core Form Based Code. (Funding Source: Not Applicable)
Community & Economic Development; Josh Bridegroom, 209-577-5267, jbridegroom@modestogov.com

ACTION: Informational report; no action taken.

5. Consider accepting staff's report and presentation regarding complete streets. (Funding Source: Not Applicable)
Community & Economic Development; Cindy van Empel, 209-577-5280, cvanempel@modestogov.com

ACTION: **Motion (Hawn/Olsen;unan.)** authorizing staff to return to the Economic Development Committee with information regarding the cost of implementation of policies (including staff costs and outside consultant costs) and preparation of a list of priorities.

6. Consider a status update on Village One and discuss the Facilities Priority List. (Funding Source: Not Applicable)
Community & Economic Development; Tina Rocha, IFP Administrator, 209-577-5321, trocha@modestogov.com

ACTION: **Motion (Hawn/Olsen;unan.)** accepting the status update on Village One.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:03 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 09, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Rick Fritzemeier, Youth for Christ

City Clerk's Announcements - None

Declaration of Conflicts of Interest – Lopez Item 9; Hawn Item 9 (miscellaneous streets)

Reports from Closed Session – City Attorney Wood reported on Closed Session Matters; Closed Session to reconvene after Council meeting

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider supporting the Google Inc., Google Fiber for Communities, Request for Information (RFI) dated February 10th, 2010, and directing staff to respond to the Google RFI. (Funding Source: Not Applicable)
 - Motion supporting the Google Inc., Google Fiber for Communities, Request for Information (RFI) dated February 10th, 2010, and directing staff to respond to the Google RFI recommended.
Information Technology; Gary Cook, 577-5229, gcook@modestogov.com

ACTION: Motion (Muratore/Olsen; 7/0) supporting the Google Inc., Google Fiber for Communities, Request for Information (RFI) dated February 10th, 2010, and directing staff to respond to the Google RFI.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 7

ACTION CONSENT ITEMS: 2-7 (Lopez/Hawn;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

2. Consider approving the minutes of the City Council meeting of March 2, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the March 2, 2010 City Council minutes.

Consent

3. Consider approving the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes. (Funding Source: Community Facilities District No. 2004-1 (Village One #2) special facilities tax revenues)
 - Resolution of the City Council of the City of Modesto acting as the governing body of all its Community Facilities Districts ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and ordering that the Stanislaus County Tax Collector be credited with those taxes recommended.

Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2010-083 (Lopez/Hawn; 7/0) of the City Council of the City of Modesto acting as the governing body of all its Community Facilities Districts ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and ordering that the Stanislaus County Tax Collector be credited with those taxes.

Consent

4. Consider summarily abandoning the 5 foot wide public utility easement and the 10 foot wide water easement located at 1700 McHenry Avenue. (Funding Source: Not Applicable)
 - Resolution summarily vacating a 5-foot wide public utility easement and a 10-foot wide water easement located at 1700 McHenry Avenue in the City of Modesto recommended.

Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2010-084 (Lopez/Hawn; 7/0) summarily vacating a 5-foot wide public utility easement and a 10-foot wide water easement located at 1700 McHenry Avenue in the City of Modesto.

Consent

5. Consider approving an amendment to agreement with Brown and Caldwell (B&C) for final design services for Primary Outfall Rehabilitation – Phase 2 project in the amount of \$138,449. (Total estimated cost for the final design services portion of the project is \$953,260) (Funding Source: Wastewater Fund)
 - Resolution approving an amendment to agreement with Brown and Caldwell (B&C) for final design services Primary Outfall Rehabilitation – Phase 2 project in an amount not to exceed \$93,056 for the identified scope of services not included in the original agreement, plus \$45,393 for additional services (if needed), for a maximum total amount of \$138,449, and authorizing the City Manager, or his designee, to execute the amendment to agreement recommended.

Utility Planning and Projects; Violet Jakab, 571-5869, vjakab@modestogov.com

ACTION: Resolution 2010-085 (Lopez/Hawn; 7/0) approving an amendment to agreement with Brown and Caldwell (B&C) for final design services Primary Outfall Rehabilitation – Phase 2 project in an amount not to exceed \$93,056 for the identified scope of services not included in the original agreement, plus \$45,393 for additional services (if needed), for a maximum total amount of \$138,449, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Consent

6. Consider approving an amendment to agreement with Associated Right of Way Services, Inc. (ARWS) for acquisition services for Primary Outfall Rehabilitation – Phase 2 project in the amount of \$67,276. (Total estimated cost for the acquisition services portion of the project is \$293,276) (Funding Source: Wastewater Fund)
 - Resolution approving an amendment to agreement with Associated Right of Way Services, Inc. (ARWS) for acquisition services Primary Outfall Rehabilitation – Phase 2 project in an amount not to exceed \$44,800 for the identified scope of services not included in the original agreement, plus \$22,476 for additional services (if needed), for a maximum total amount of \$67,276, and authorizing the City Manager, or his designee, to execute the amendment to agreement recommended.

Utility Planning and Projects Department; Violet Jakab, 571-5869, vjakab@modestogov.com

ACTION: Resolution 2010-086 (Lopez/Hawn; 7/0) approving an amendment to agreement with Associated Right of Way Services, Inc. (ARWS) for acquisition services Primary Outfall Rehabilitation – Phase 2 project in an amount not to exceed \$44,800 for the identified scope of services not included in the original agreement, plus \$22,476 for additional services (if needed), for a maximum total amount of \$67,276, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Consent

7. Consider adopting a Mitigated Negative Declaration (EA/UP&P 09-01) and a Mitigation Monitoring and Reporting Program dated February 2010 for the project titled, “Carpenter Road Bridge Seismic Retrofit”. (Funding Source: Not Applicable)
- Resolution adopting a Mitigated Negative Declaration (EA/UP&P 2009-01) and a Mitigation Monitoring and Reporting Program dated February 2010 for the project titled, “Carpenter Road Bridge Seismic Retrofit” recommended.
- Utility Planning and Projects; Vickey Dion, 571-5542, vdion@modestogov.com*

ACTION: Resolution 2010-087 (Lopez/Hawn; 7/0) adopting a Mitigated Negative Declaration (EA/UP&P 2009-01) and a Mitigation Monitoring and Reporting Program dated February 2010 for the project titled, “Carpenter Road Bridge Seismic Retrofit”.

COUNCIL COMMENTS & REPORTS

Councilmember Geer announced that Saturday, March 13, 2010 is CPR Saturday in Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

8. Consider letter dated February 19, 2010 from Barbara Keating-Edh, Chairman of Local Board #62 of the Selective Service System, for a proposed Ordinance regarding the selective service system. (Funding Source: Not Applicable)
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Geer/Olsen;unan) requesting staff to draft an Ordinance requiring every male who is at least 18 years old but not yet attained the age of 26 years, seeking employment with the City of Modesto submit documentation evidencing registration with the Federal Selective Service System.

UNFINISHED BUSINESS

Councilmember Lopez absent due to conflict of interest; Councilmember Hawn absent due to conflict of interest (miscellaneous streets)

9. Consider (i) accepting a report on street and road maintenance and the current status of projects for FY 2009-10 and 2010-11 and (ii) approving a modified project list and spending plan for Proposition 1B funds. (Funding Source: Surface Transportation Funds)
- Motion accepting the report on street and road maintenance and the current status of projects for fiscal years 2009-10 and 2010-11 recommended.
 - Resolution approving a modified Phase II project list and spending plan for Proposition 1B funds recommended.
- Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

ACTION: Motion (Hawn/Olsen; 6/0; Lopez absent due to conflict of interest) accepting the report on street and road maintenance and the current status of projects for fiscal years 2009-10 and 2010-11.

ACTION: Resolution 2010-088 (Hawn/Olsen; 6/0; Lopez absent due to conflict of interest) approving a modified Phase II project list and spending plan for Proposition 1B funds.

ACTION: Resolution 2010-089 (Marsh/Olsen; 5/0; Hawn,Lopez absent due to conflict of interest)

approving a modified Phase II project list and spending plan for Proposition 1B funds:

- Needham Avenue (College Avenue to L Street)
- W. Roseburg (McHenry to Virginia)
- Sycamore (Roseburg to Orangeburg)

NEW BUSINESS

10. Consider approving an Agreement with Dokken Engineering to prepare the Plans Specifications and Estimates (PS&E) for State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$3,011,832. Total estimated cost of the design portion of this project is \$3,313,015. (Funding Source: Federal Regional Surface Transportation Program (\$2,294,509) and Local Capital Facilities Fees (\$1,018,506))

- Resolution approving an Agreement with Dokken Engineering to prepare the Plans Specifications & Estimates for the State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$3,011,832; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the Agreement with Dokken Engineering for the Plans Specifications & Estimates and administrative support by City staff for State Route 99/Pelandale Avenue Interchange Reconstruction Project recommended.

Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2010-90 (Marsh/Hawn; 7/0) approving an Agreement with Dokken Engineering to prepare the Plans Specifications & Estimates for the State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$3,011,832; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-91 (Marsh/Hawn; 7/0) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the Agreement with Dokken Engineering for the Plans Specifications & Estimates and administrative support by City staff for State Route 99/Pelandale Avenue Interchange Reconstruction Project.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:58 p.m. and returned to Closed Session at 7:00 p.m.

CLOSED SESSION

Closed Session Matter Heard Prior to and after Council meeting

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Section 54957(b)(1) of the Government Code) Title: City Auditor

Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCEA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Employees Association

Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MCMA Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPOA Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPNSA Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Management
Association

Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCFFA Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday March 22, 2010, at 5:30 p.m.

Roll Call - Present: Brad Hawn, Chair, Garrad Marsh, Vice Chair and Dave Geer, Member

Absent: None.

PUBLIC COMMENTS

None.

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider authorizing staff to solicit Request for Qualifications (RFQ) and Request for Proposals (RFP) for the lease of the Jennings Ranch Property. (Funding Source: Wastewater Funds)
Public Works; Gary DeJesus, 577-6200, GDeJesus@modestogov.com

ACTION: Motion (Marsh/Geer; unan.) authorizing staff to solicit Request for Qualifications (RFQ) and Request for Proposals (RFP) for the lease of the Jennings Ranch Property.

Consent

2. Consider recommending to Council the annual review of wastewater rates and the adoption of a 4-year rate increase schedule beginning in FY2011. (Funding Source: Wastewater Enterprise Funds)
Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com

ACTION: Motion (Marsh/Geer; unan.) recommending Alternative 2 (which proposes an initial increase at \$0.72 per month for a single family residence, or 3%, with annual increases of 8%, 9%, 10% and 7% thereafter) be imposed and forwarding to Council for approval.

NEW BUSINESS

3. Consider accepting staff report and provide input regarding the AB 811 program and potential funding options. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Motion (Geer/Marsh; unan.)** accepting staff report and approval to move forward with the AB 811 program and potential funding options.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:50 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 23, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements - Item 8 - Removed from Consent
Item 26 and RDA Item B - will be heard together

Declaration of Conflicts of Interest – Hawn Item 25; Muratore Item 26 and RDA Item B

Reports from Closed Session – No Closed Session Matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Michael Gorrasi regarding the Modesto Nuts upcoming season and Opening Day on April 8, 2010. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation was made by Mike Gorrasi, Vice President of the Modesto Nuts regarding the Modesto Nuts upcoming season and Opening Day on April 8, 2010.

2. Presentation of Proclamation for Arbor Day on April 1, 2010. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation for Arbor Day to Julie Hannon, Director of Parks, Recreation & Neighborhoods, on April 1, 2010.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider accepting the resignation of Dennis Wister from the City of Modesto Landmark Preservation Commission . (Funding Source: Not Applicable)
 - Resolution accepting with regret the resignation of Dennis Wister from the City of Modesto Landmark Preservation Commission recommended.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2010-092 (Lopez/Hawn; 7/0) accepting with regret the resignation of Dennis Wister from the City of Modesto Landmark Preservation Commission.

4. Consider approving the reappointment of Barbara Parrill to the City of Modesto Landmark Preservation

Commission. (Funding Source: Not Applicable)

- Resolution approving the reappointment of Barbara Parrill to the City of Modesto Landmark Preservation Commission recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2010-093 (Lopez/Hawn; 7/0) approving the reappointment of Barbara Parrill to the City of Modesto Landmark Preservation Commission.

PUBLIC COMMENT PERIOD

Ray Pifferini spoke regarding the problem with mistletoe in the City of Modesto trees.

Patricia Clayton, Massage Therapist, spoke regarding her business license and that she cannot get a permit. Mayor Ridenour referred Ms. Clayton to Capt. Joel Broumas, Modesto Police Department.

Mayor Ridenour acknowledged Boy Scout Troop 49.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 25

ACTION CONSENT ITEMS: 5-7; 9-24 (Hawn/Marsh;unan.)

ACTION ITEM 8: (Olsen/Marsh; majority; Hawn no)

ACTION ITEM 25: (Marsh/Lopez;unan. Hawn absent due to conflict of interest)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

5. Consider approving the minutes of the City Council meeting of March 9, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Hawn/Marsh; 7/0) approving the minutes from the March 9, 2010 City Council meeting.

Consent

6. Consider approving the Protected-Permissive Traffic Signals Report for 2009. Protected-Permissive left-turn traffic signals display a green left-turn arrow first during the protected phase, followed by a circular green permissive phase. (Funding Source: Gas Tax)
 - Resolution approving the Protected-Permissive Traffic Signals Report for 2009 recommended.*Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com*

ACTION: Resolution 2010-094 (Hawn/Marsh; 7/0) approving the Protected-Permissive Traffic Signals Report for 2009.

Consent

7. Consider approving a prequalified consultant list for right of way (ROW) acquisition services for various Capital Improvement Program (CIP) projects. (Funding Source: Various CIP)
 - Resolution approving a prequalified consultant list for right-of-way acquisition services for various Capital Improvement Projects within the City of Modesto recommended.*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

ACTION: Resolution 2010-095 (Hawn/Marsh; 7/0) approving a prequalified consultant list for right-of-way acquisition services for various Capital Improvement Projects within the City of Modesto.

Removed from Consent

8. Consider approving the plans and specifications for the project titled “Construction of Right-Turn Lanes at Carpenter Road/Sisk Road and at Orangeburg Avenue/Briggsmore Avenue;” accepting the bid; approving a construction contract for the project with DSS Company dba Knife River Construction for \$599,059.05; and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: Congestion Mitigation and Air Quality (CMAQ))
- Resolution approving the plans and specifications for the project titled “Construction of Right Turn Lanes at Carpenter Road/Sisk Road and at Orangeburg Avenue/Briggsmore Avenue;” accepting the bid; approving a contract for the project with DSS Company dba Knife River Construction for \$599,059.05; and authorizing the City Manager, or his designee, to execute the contract recommended.
- Community & Economic Development; Jeffrey L. Barnes, 577-5468, jlbarnes@modestogov.com*

ACTION: Resolution 2010-096 (Olsen/Marsh; majority; Hawn no) approving the plans and specifications for the project titled “Construction of Right Turn Lanes at Carpenter Road/Sisk Road and at Orangeburg Avenue/Briggsmore Avenue;” accepting the bid; approving a contract for the project with **Ross F. Carroll for \$590,975.99**; and authorizing the City Manager, or his designee, to execute the contract.

Consent

9. Consider approving an Agreement to Enter and Construct Improvements with Chevron USA Inc., located at 2101 Sylvan Avenue (APN: 052-063-025), required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project. (Funding Source: Not Applicable)
- Resolution approving an Agreement to Enter and Construct Improvements with Chevron USA Inc., for property located at 2101 Sylvan Avenue (APN 052-063-025), for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections Project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents recommended.
- Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com*

ACTION: Resolution 2010-097 (Hawn/Marsh; 7/0) approving an Agreement to Enter and Construct Improvements with Chevron USA Inc., for property located at 2101 Sylvan Avenue (APN 052-063-025), for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections Project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents.

Consent

10. Consider approving a request from Stanislaus County to expand the geographical boundary of the Stanislaus County Enterprise Zone (“EZ”) by 101.65 acres and direct the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the written requests and required documentation to the California Department of Housing & Community Development (HCD) for Enterprise Zone expansion approval. (Funding Source: Not Applicable)
- Resolution approving the request by Stanislaus County to expand the geographic boundaries of the Enterprise Zone by 101.65 acres and direct the Stanislaus Economic Development and Workforce Alliance, as the Stanislaus Enterprise Zone Administrator, to submit a written request to expand the Stanislaus Enterprise Zone – Zone 40 boundaries to the California Department of Housing & Community Development recommended.
- Community & Economic Development; Margaret James, 571-5840, mbjames@modestogov.com*

ACTION: Resolution 2010-098 (Hawn/Marsh; 7/0) approving the request by Stanislaus County to expand the geographic boundaries of the Enterprise Zone by 101.65 acres and direct the Stanislaus Economic Development and Workforce Alliance, as the Stanislaus Enterprise Zone Administrator, to submit a written request to expand the Stanislaus Enterprise Zone – Zone 40 boundaries to the California Department of Housing & Community Development.

Consent

11. Consider approving a Purchase Agreement with Church of the Cross, Reformed Church in America, in the amount of \$23,600, for the acquisition of 3,681 sq. ft. and a permanent Public Utility Easement - 3,203 sq. ft., a portion of property located at 3936 Dale Road (APN: 076-034-001) for permanent right-

of-way and incidental rights required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project. (Funding Source: CIP - Four (4) Right Turn Lanes)

- Resolution approving a Purchase Agreement between the City of Modesto and Church of the Cross, Reformed Church in America, for a portion of the property located at 3936 Dale Road (APN 076-034-001) in the amount of \$23,600.00; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) – Right Turn Lanes (4) Intersections project recommended.
- Resolution authorizing the City Manager, or his designee, to execute a Certificate of Acceptance Form for the Grant Deed for the acquisition of a portion of the property located at 3936 Dale Road (APN 076-034-001), owned by Church of the Cross, Reformed Church in America, to be purchased by the City of Modesto for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project recommended.

Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2010-099 (Hawn/Marsh; 7/0) approving a Purchase Agreement between the City of Modesto and Church of the Cross, Reformed Church in America, for a portion of the property located at 3936 Dale Road (APN 076-034-001) in the amount of \$23,600.00; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) – Right Turn Lanes (4) Intersections project.

ACTION: Resolution 2020-100 (Hawn/Marsh; 7/0) authorizing the City Manager, or his designee, to execute a Certificate of Acceptance Form for the Grant Deed for the acquisition of a portion of the property located at 3936 Dale Road (APN 076-034-001), owned by Church of the Cross, Reformed Church in America, to be purchased by the City of Modesto for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project.

Consent

12. Consider approving an Agreement to Enter and Construct Improvements with Madruga Car Washes, LLC, located at 2101 Sylvan Avenue (APN: 052-063-023), required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project. (Funding Source: Not applicable)
- Resolution approving an Agreement to Enter and Construct Improvements with property owned by Madruga Car Washes, LLC, located at 2101 Sylvan Avenue (APN 052-063-023) for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) – Right Turn Lanes (4) Intersections project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents recommended.

Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2010-101 (Hawn/Marsh; 7/0) approving an Agreement to Enter and Construct Improvements with property owned by Madruga Car Washes, LLC, located at 2101 Sylvan Avenue (APN 052-063-023) for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) – Right Turn Lanes (4) Intersections project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents.

Consent

13. Consider approving an Agreement to Enter and Construct Improvements with King of the Central Valley II, located at 2101 Sylvan Avenue (APN: 052-063-024), required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project. (Funding Source: Not applicable)
- Resolution approving an Agreement to Enter and Construct Improvements with property owned by King of the Central Valley II, located at 2101 Sylvan Avenue (APN 052-063-024) for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents recommended.

Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2010-102 (Hawn/Marsh; 7/0) approving an Agreement to Enter and Construct

Improvements with property owned by King of the Central Valley II, located at 2101 Sylvan Avenue (APN 052-063-024) for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents.

Consent

14. Consider approving the Monthly Budget Adjustment Report for February 2010. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year 2009-2010 annual budget recommended.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2010-103 (Hawn/Marsh; 7/0) amending the Fiscal Year 2009-2010 annual budget.

Consent

15. Consider accepting the City's Comprehensive Annual Financial Report (CAFR) and Single Audit Report for Fiscal Year 2008-2009 and the City's audit report on Internal Controls and Required Communications from external auditors Brown and Armstrong. (Funding Source: Not Applicable)
- Motion accepting the City's Comprehensive Annual Financial Report (CAFR) and Single Audit Report for Fiscal Year 2008-2009 and the City's audit report on Internal Controls and Required Communications recommended.
Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com

ACTION: Motion (Hawn/Marsh; 7/0) accepting the City's Comprehensive Annual Financial Report (CAFR) and Single Audit Report for Fiscal Year 2008-2009 and the City's audit report on Internal Controls and Required Communications.

Consent

16. Consider accepting audit reports for Joint Power Agencies for Fiscal Year ending June 30, 2009 and for prior years. (Funding Source: Not Applicable)
- Motion accepting the audited financial statements for the Joint Power Agencies and audit reports recommended.
Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com

ACTION: Motion (Hawn/Marsh; 7/0) accepting the audited financial statements for the Joint Power Agencies and audit reports.

Consent

17. Consider accepting the audited financial statements for the nine Community Facilities Districts and audit reports from the external auditors Brown and Armstrong. (Funding Source: Not Applicable)
- Motion accepting the audited financial statements for the nine Community Facilities Districts and audit reports recommended.
Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com

ACTION: Motion (Hawn/Marsh; 7/0) accepting the audited financial statements for the nine Community Facilities Districts and audit reports.

Consent

18. Consider (i) declaring as surplus from March 1, 2010 through February 28, 2011, the following items: lost, stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles and equipment; and authorizing the Purchasing Division to sell same by sealed bid, consignment, public auction, online auction, online or as scrap, or donate to an eligible non-profit 501(c)(3) organization and (ii) authorizing the City Manager, or his designee, to enter into an eighteen (18) month, at will, trial agreement with PropertyRoom.com for online auctioning of lost, stolen, unclaimed and/or seized property from the Modesto Police Department. (Funding Source: Various Funds)
- Resolution declaring as surplus from March 1, 2010 through February 28, 2011, the following items: lost, stolen, unclaimed and/or seized property from the Police Department, excess property

accumulated by the City and surplus City vehicles and equipment; and authorizing the Purchasing Division to sell same by sealed bid, consignment, public auction, online auction, online or as scrap, or donate to eligible non-profit organizations recommended.

- Resolution authorizing the City Manager, or his designee, to enter into an eighteen (18) month, at will, trial agreement with PropertyRoom.com for online auctioning of lost, stolen, unclaimed and/or seized property from the Modesto Police Department recommended.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Resolution 2010-104 (Hawn/Marsh; 7/0) declaring as surplus from March 1, 2010 through February 28, 2011, the following items: lost, stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City and surplus City vehicles and equipment; and authorizing the Purchasing Division to sell same by sealed bid, consignment, public auction, online auction, online or as scrap, or donate to eligible non-profit organizations.

ACTION: Resolution 2010-105 (Hawn/Marsh; 7/0) authorizing the City Manager, or his designee, to enter into an eighteen (18) month, at will, trial agreement with PropertyRoom.com for online auctioning of lost, stolen, unclaimed and/or seized property from the Modesto Police Department.

Consent

19. Consider approving the application for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the implementation of the Street Tree Replacement Program. (Funding Source: Urban Greening Grant Funds)

- Resolution approving the City of Modesto's application for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the implementation of the Street Tree Replacement Program recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2010-106 (Hawn/Marsh; 7/0) approving the City of Modesto's application for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the implementation of the Street Tree Replacement Program.

Consent

20. Consider authorizing staff apply for CalRecycle grants over the next five years as grants are available. (Funding Source: CalRecycle Grants)

- Resolution approving grant applications to the California Department of Resources, Recycling, and Recovery (CalRecycle) for all used oil and hazardous waste recycling grants, accepting grant awards, and authorizing the City Manager, or his designee, to execute all grant documents and rescinding Resolution No. 2009-021 recommended.
- Resolution approving grant applications to the California Department of Resources, Recycling, and Recovery (CalRecycle) for all hazardous waste recycling grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant documents recommended.
- Resolution approving grant applications to the California Department of Resources, Recycling, and Recovery (CalRecycle) for all solid waste and recycling program grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant documents; and rescinding Resolution Nos. 2008-597 and 2008-598 recommended.

Parks, Recreation & Neighborhoods; Bev McCullough, 577-5495, bdmccullough@modestogov.com

ACTION: Resolution 2010-107 (Hawn/Marsh; 7/0) approving grant applications to the California Department of Resources, Recycling, and Recovery (CalRecycle) for all used oil and hazardous waste recycling grants, accepting grant awards, and authorizing the City Manager, or his designee, to execute all grant documents and rescinding Resolution No. 2009-021.

ACTION: Resolution 2010-108 (Hawn/Marsh; 7/0) approving grant applications to the California Department of Resources, Recycling, and Recovery (CalRecycle) for all hazardous waste recycling grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant

documents.

ACTION: Resolution 2010-109 (Hawn/Marsh; 7/0) approving grant applications to the California Department of Resources, Recycling, and Recovery (CalRecycle) for all solid waste and recycling program grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant documents; and rescinding Resolution Nos. 2008-597 and 2008-598.

Consent

21. Consider approving the quarterly fuel adjustment to the maximum rate schedule for City residential and commercial solid waste collection services, and rescinding Resolution No. 2009-563. (Funding Source: Not Applicable)
- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective April 1, 2010, including fuel cost; and rescinding Resolution No. 2009-563 recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

ACTION: Resolution 2010-110 (Hawn/Marsh; 7/0) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective April 1, 2010, including fuel cost; and rescinding Resolution No. 2009-563.

Consent

22. Consider accepting the Annual Report for the City's Wastewater Permitted Capacity Banking and Transfer Program as required by the Modesto Municipal Code. (Funding Source: Not Applicable)
- Motion accepting the Annual Report for the Wastewater Treatment Capacity Banking and Transfer Program recommended.
- Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

ACTION: Motion (Hawn/Marsh; 7/0) accepting the Annual Report for the Wastewater Treatment Capacity Banking and Transfer Program.

Consent

23. Consider accepting the work by Mid-Cal Pipelines & Utilities, Inc. for the "Downstream Improvements Yosemite Boulevard (SR132) Water Line Installation: Dry Creek to So. Santa Rosa Project" as complete. (Total project cost is \$237,728.68) (Funding Source: Water Fund)
- Resolution accepting the work by Mid-Cal Pipelines & Utilities, Inc. for the "Downstream Improvements Yosemite Boulevard (SR132) Water Line Installation: Dry Creek to So. Santa Rosa Project" as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$201,085.17 recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2010-111 (Hawn/Marsh; 7/0) accepting the work by Mid-Cal Pipelines & Utilities, Inc. for the "Downstream Improvements Yosemite Boulevard (SR132) Water Line Installation: Dry Creek to So. Santa Rosa Project" as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$201,085.17.

Consent

24. Consider approving an Amendment to Agreement with Nolte Associates, Inc. for construction management services in the not-to-exceed amount of \$129,641.89. (The total estimated project cost is \$8,571,543.) (Funding Source: Water Funds - CIP)
- Resolution approving an Amendment to the Agreement with Nolte Associates for Construction Management Services of the Tier 2, West Tank 12 and Pump Station in the not-to-exceed amount of \$129,641.89, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2010-112 (Hawn/Marsh; 7/0) approving an Amendment to the Agreement with Nolte

Associates for Construction Management Services of the Tier 2, West Tank 12 and Pump Station in the not-to-exceed amount of \$129,641.89, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement.

Consent – *Councilmember Hawn absent due to conflict of interest*

25. Consider approving the plans and specifications for the project titled, “Ninth Street and L Street Sanitary Sewer Rehabilitation,” accepting the bid, and approving a contract with Mid Cal Pipeline & Utilities, Inc. in the amount of \$42,240. (Total estimated cost of this portion of the project is \$82,322.81) (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the project titled, “Ninth Street and L Street Sanitary Sewer Rehabilitation,” accepting the bid, and approving a contract with Mid Cal Pipeline & Utilities, Inc. in the amount of \$42,240, and authorizing the City Manager, or his designee, to execute the contract recommended.

Utility Planning and Projects; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Resolution 2010-113 (Marsh/Lopez; 6/0; Hawn absent due to conflict of interest) approving the plans and specifications for the project titled, “Ninth Street and L Street Sanitary Sewer Rehabilitation,” accepting the bid, and approving a contract with Mid Cal Pipeline & Utilities, Inc. in the amount of \$42,240, and authorizing the City Manager, or his designee, to execute the contract.

COUNCIL COMMENTS & REPORTS

Councilmember Muratore spoke regarding trip to Googleplex in Mountain View, CA to support Googlefy Modesto.

Councilmember Olsen congratulated the First Annual Modesto Marathon held on Sunday, March 21, 2010.

Councilmember Lopez announced Taking it to the Streets this Saturday to cover graffiti, remove weeds, and shovel sand throughout the City of Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

Councilmember Muratore absent due to conflict of interest

26. Consider (i) authorizing the submittal of a tax credit application for the Archway Commons project which phases the 150 unit project with Phase I to include 102 units and Phase II, which will be submitted for tax credit consideration during the final funding cycle of 2010, to include 48 units; and (ii) asserting that all currently allocated funds from the City’s HOME funds and/or Redevelopment Agency (RDA) are fully committed to the first phase of 102 units. (Funding Source: HOME Funds)

- Resolution approving a two-phased approach to the project known as “Archway Commons” and reaffirming the City of Modesto’s commitment of financial assistance in HOME funds in an amount not to exceed \$1,000,000 for the proposed Phase I development of 102 units affordable housing complex recommended.
- Resolution approving a two-phased approach to the project known as “Archway Commons” and reaffirming the Redevelopment Agency’s commitment of \$6,749,000 in affordable housing set-aside funds to the first phase of the project with 102 units with further consideration of the second phase to occur after the award of state tax credits from the first funding cycle recommended.

Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com

ACTION: Resolution 2010-114 (Marsh/Olsen; 6/0; Muratore, absent due to conflict of interest) approving a two-phased approach to the project known as “Archway Commons” and reaffirming the City of Modesto’s commitment of financial assistance in HOME funds in an amount not to exceed \$1,000,000 for the proposed Phase I development of 102 units affordable housing complex.

ACTION: Resolution 2010-115 (Marsh/Olsen; 6/0; Muratore, absent due to conflict of interest) approving a

two-phased approach to the project known as “Archway Commons” and reaffirming the Redevelopment Agency’s commitment of \$6,749,000 in affordable housing set-aside funds to the first phase of the project with 102 units with further consideration of the second phase to occur after the award of state tax credits from the first funding cycle.

27. Consider (i) approving the plans and specifications for the Pump Station for Well 63 at Mildred Perkins Park project, accepting the bid, and approving a contract with Ross F. Carroll, Inc. in the amount of \$ 709,380 and (ii) adopting a Mitigated Negative Declaration (EA/PW 2006-25) and a Mitigation Monitoring and Reporting Program dated August 2006 for the project. (Total estimated cost of this portion of the project is \$974,344) (Funding Source: Water Fund-CIP)
- Resolution approving the plans and specifications for the Pump Station for Well 63 at Mildred Perkins Park project, accepting the bid, and approving a contract with Ross F. Carroll, Inc. in the amount of \$709,380 for the Pump Station for Well 63 at Mildred Perkins Park project, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution adopting a Mitigated Negative Declaration (EA/PW 2006-25) and a Mitigation Monitoring and Reporting Program dated August 2006 for the project titled, “Pump Station for Well 63 at Mildred Perkins Park” recommended.
- Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: Resolution 2010-116 (Hawn/Marsh; 7/0) approving the plans and specifications for the Pump Station for Well 63 at Mildred Perkins Park project, accepting the bid, and approving a contract with Ross F. Carroll, Inc. in the amount of \$709,380 for the Pump Station for Well 63 at Mildred Perkins Park project, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2010-117 (Hawn/Marsh; 7/0) adopting a Mitigated Negative Declaration (EA/PW 2006-25) and a Mitigation Monitoring and Reporting Program dated August 2006 for the project titled, “Pump Station for Well 63 at Mildred Perkins Park”.

HEARINGS

Published in the Modesto Bee on March 8, 2010

28. Hearing to consider approving the issuance of the Bonds by the CMFA for the benefit of Paleteria La Michoacana (the “Borrower”), to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following). Such resolution will further authorize the Mayor or designee thereof to execute the Joint Exercise of Powers Agreement with the CMFA. (Funding Source: Not Applicable)
- Resolution approving a Joint Exercise of Powers Agreement relating to the California Municipal Finance Authority and approving the issuance of revenue bonds by the Authority for the purpose of financing or refinancing the acquisition, construction and improvement of certain facilities for the benefit of Paleteria La Michoacana recommended.
- Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com*

ACTION: Resolution 2010-118 (Hawn/Marsh; 7/0) approving a Joint Exercise of Powers Agreement relating to the California Municipal Finance Authority and approving the issuance of revenue bonds by the Authority for the purpose of financing or refinancing the acquisition, construction and improvement of certain facilities for the benefit of Paleteria La Michoacana.

Published in the Modesto Bee on February 23, 2010 and Vida Del Valle on March 11, 2010

29. Hearing to consider approving amendments to the City’s Annual Action Plan (AAP) allocating additional funds to the Empire Street Capital Improvement Project and moving funds within the Property Acquisition and Rehabilitation Activity under the Neighborhood Stabilization Program 1 (NSP1) and amending the loan terms for the Homebuyers Assistance Activity under NSP1. (Funding Source: CDBG, Revolving Loan and NSP1 Funds)
- Resolution approving a second amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2009-2010 recommended.
 - Resolution amending the FY 2009-2010 annual operating and capital improvement budgets to reflect approved changes to the Department of Housing & Urban Development Annual Action Plan; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the

provisions of this resolution recommended.

- Resolution authorizing the Housing Rehabilitation Loan Committee to approve grants up to \$25,000 for property rehabilitation under the Neighborhood Stabilization Program 1 Property Acquisition and Rehabilitation Activity, and amending the loan terms to a fully payable loan not to exceed \$100,000 with a grant for rehabilitation up to \$25,000 recommended.

Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Resolution 2010-119 (Olsen/Hawn; 7/0) approving a second amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2009-2010.

ACTION: Resolution 2010-120 (Olsen/Hawn; 7/0) amending the FY 2009-2010 annual operating and capital improvement budgets to reflect approved changes to the Department of Housing & Urban Development Annual Action Plan; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

ACTION: Resolution 2010-121 (Olsen/Hawn; 7/0) authorizing the Housing Rehabilitation Loan Committee to approve grants up to \$25,000 for property rehabilitation under the Neighborhood Stabilization Program 1 Property Acquisition and Rehabilitation Activity, and amending the loan terms to a fully payable loan not to exceed \$100,000 with a grant for rehabilitation up to \$25,000.

NEW BUSINESS

30. Consider approving submittal of a grant application to the California Department of Transportation (Caltrans) of \$100,000 from the Community-Based Transportation Planning Grant fund and committing \$12,500 of Local Transportation Funds and staff time to perform a feasibility study for a passenger rail station in downtown Modesto that will accommodate high speed and regional rail. (Funding Source: Caltrans Community-Based Transportation Planning Grant and Local Match from Local Transportation Fund)

- Resolution approving submittal of a grant application to the California Department of Transportation (Caltrans) requesting \$100,000 in Community-Based Transportation Planning Grant funds recommended.

Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: Resolution 2010-122 (Marsh/Lopez; 7/0) approving submittal of a grant application to the California Department of Transportation (Caltrans) requesting \$100,000 in Community-Based Transportation Planning Grant funds.

31. Consider approving the plans and specifications for the project titled "Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue;" accepting the bid; approving a construction contract for the project with A. Teichert & Son, Inc. dba Teichert Construction for \$231,770.40; and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: Safe Routes to School (SR2S) Grant and Gas Tax)

- Resolution approving the plans and specifications for the project titled "Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue;" accepting the bid; approving a contract for the project with A. Teichert & Son, Inc. dba Teichert Construction for \$231,770.40; and authorizing the City Manager, or his designee, to execute the contract recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jlbarnes@modestogov.com

ACTION: Resolution 2010-123 (Olsen/Marsh; 7/0) approving the plans and specifications for the project titled "Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue;" accepting the bid; approving a contract for the project with A. Teichert & Son, Inc. dba Teichert Construction for \$231,770.40; and authorizing the City Manager, or his designee, to execute the contract.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:18 p.m.

MINUTES

City of Modesto
SAFETY & COMMUNITIES COMMITTEE / WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday April 5, 2010, at 5:30 p.m.

Roll Call Present: Garrad Marsh, Joe Muratore, and Dave Lopez
Absent: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider accepting an oral report on graffiti abatement program.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Staff will bring return to the Safety & Communities Committee with recommended changes to the process for graffiti abatement.

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 3

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

2. Consider recommending that the City Council support the term extension of Ed Bearden as the Poet Laureate for the City of Modesto through June 30, 2012.
Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060, wmathes@modestogov.com

ACTION: **Motion (Murature/Lopez;unan.)** recommending that the City Council support the term extension of Ed Bearden as the Poet Laureate for the City of Modesto through June 30, 2012.

Consent

3. Consider accepting a report on tree trimming activities around the Modesto City/County Airport as directed by CalTrans Aeronautics (CTA) and the Federal Aviation Administration (FAA).
Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: **Motion (Lopez/Murature;unan.)** accepting a report on tree trimming activities around the Modesto City/County Airport as directed by CalTrans Aeronautics (CTA) and the Federal Aviation Administration (FAA).

NEW BUSINESS

4. Consider accepting an informational report regarding Modesto's Gang Crime Statistics for January through December 2009 as compared to January through December 2008 and an update on the progress of Project SAFE.

Police; Michael Harris, 572-9550, harrism@modestopd.com

ACTION: Motion (Muratore/Lopez;unan.) accepting an informational report regarding Modesto's Gang Crime Statistics for January through December 2009 as compared to January through December 2008 and an update on the progress of Project SAFE. **(Staff will return with updates to the Safety & Communities Committee every three (3) months beginning July 2010.)**

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

1. Leisure Bucks being spent.
2. After School programs.
3. Tree-Trimming program.
4. Revenue from sales tax and parking downtown.
5. Graffiti update.

ADJOURNMENT

This meeting adjourned at 7:10 p.m.

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, April 12, 2010 at 5:30 p.m.

Roll Call - Present: Committee Members Olsen, Hawn, Geer
Absent: None
Also Present: Councilmember Muratore

**PUBLIC COMMENT PERIOD
Three minute time limit per speaker**

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 and 2

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)
*Community & Economic Development; H. Brent Sinclair, 577-5228,
hbsinclair@modestogov.com*

ACTION: **Motion (Hawn/Geer;unan.)** approving status report of development projects processed by the Community and Economic Development Department.

Consent

2. Consider an informational report: “Report on the Airline Passenger Terminal Complex Study”, as prepared by Coffman Associates, Inc. for Modesto City-County Airport. (Funding Source: Not Applicable)
Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: **Motion (Hawn/Geer;unan.)** approving an informational report: “Report on the Airline Passenger Terminal Complex Study”, as prepared by Coffman Associates, Inc. for Modesto City-County Airport..

UNFINISHED BUSINESS

3. Consider recommending to the City Council approval of the rules and procedures for administering land subject to a Williamson Act contract and interim application processing fees to be determined by the Director on a case-by-case basis. (Funding Source: Not Applicable)
Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com

ACTION: **Motion (Hawn/Geer;unan.)** approving the rules and procedures for administering land subject to a Williamson Act contract and interim application processing fees to be determined by the Director on a case-by-case basis, including full cost recovery as part of the application process, and forwarding to Council for approval.

NEW BUSINESS

4. Consider the Zoning Code update work program. (Funding Source: Not Applicable)
Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com

ACTION: **Motion (Geer/Hawn;unan.)** accepting the Zoning Code update work program.

5. Consider options for traffic control and traffic calming for Columbine Drive north of Standiford Avenue. (Funding Source: Surface Transportation Fund and Capital Facility Fees)
Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: **Motion (Hawn/Geer;unan.)** approving options for traffic control and traffic calming on Columbine Drive north of Standiford Avenue with allocated funding for speed humps along Columbine and a street light on Columbine Avenue between Amber and Grace and forwarding to Council for approval.

6. Consider recommending appointments to fill the current vacancy on the City of Modesto Tuolumne River Regional Park (TRRP) Citizen Advisory Committee (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Joanne Azevedo, 209 577-5346, jazevedo@modestogov.com

ACTION: **Motion (Olsen/Hawn;unan)** appointing William Miller to fill the vacancy on the City of Modesto Tuolumne River Regional Park (TRRP) Citizen Advisory Committee.

7. Consider a recommendation to the Council to increase AB 939 Green Waste Collection Fees charged to the City's licensed solid waste haulers as part of the annual review of maximum rates for solid waste collection services. (Funding Source: n/a)
Parks, Recreation & Neighborhoods; Jocelyn Reed, 209-577-5492, jreed@modestogov.com

ACTION: **Motion (Hawn/Geer; Olsen no)** approving to increase AB 939 Green Waste Collection Fees charged to the City's licensed solid waste haulers as part of the

annual review of maximum rates for solid waste collection services and forwarding to Council for approval.

8. Consider recommending City Council approve modifying Modesto Area Express (MAX) Route 28 to provide new bus service to Gregori High School and the Modesto Institute of Technology, and increase service to Salida and Kaiser Permanente's Modesto Medical Center at a cost of approximately \$156,000 annually, effective August 2010. (Funding Source: Congestion Mitigation and Air Quality Grant, Transportation Development Act funds)
Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: **Motion (Hawn/Geer;unan)** approving modification of the Modesto Area Express (MAX) Route 28 to provide new bus service to Gregori High School and the Modesto Institute of Technology, and increase service to Salida and Kaiser Permanente's Modesto Medical Center at a cost of approximately \$156,000 annually, effective August 2010, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 13, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Todd Johnson, Revival Center

City Clerk's Announcements - None

Declaration of Conflicts of Interest - Item 20 - Hawn & Muratore (miscellaneous streets)

Reports from Closed Session - City Attorney Wood reported on Closed Session Matters; Closed Session to reconvene after Council meeting

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Woman's Christian Temperance Union proclaiming April 18-24, 2010 Youth Temperance Education Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to the Woman's Christian Temperance Union proclaiming April 18-24, 2010 Youth Temperance Education Week.

2. Presentation of Proclamation to Charles Teval proclaiming April 11-17, 2010 as National Library Week in Stanislaus County. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to Charles Teval proclaiming April 11-17, 2010 as National Library Week in Stanislaus County.

3. Presentation by the City's Recycling Program Coordinator on the 21st Annual Earth Day in the Park Festival to be held on April 17, 2010 at Graceada Park with the theme "Random Acts of Green". (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Beverly McCullough, 577-5495, bdmccullough@modestogov.com

ACTION: Presentation made by the City's Recycling Program Coordinator, Bev McCullough, on the 21st Annual Earth Day in the Park Festival to be held on April 17, 2010 at Graceada Park with the theme "Random Acts of Green".

4. Presentation by Anita Hellam, Habitat for Humanity, regarding Hope Village and recognizing the City of Modesto for their role in making this project a success. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Presentation made by Anita Hellam, Habitat for Humanity, regarding Hope Village and recognizing

the City of Modesto for their role in making this project a success.

- 5. Presentation by Parks, Recreation & Neighborhoods regarding the successful "Taking it to the Streets" event held on Saturday, March 27, 2010 in Modesto. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5344, jhannon@modestogov.com

ACTION: Presentation made by Julie Hannon, Parks, Recreation & Neighborhoods Director, regarding the successful "Taking it to the Streets" event held on Saturday, March 27, 2010 in Modesto.

MISCELLANEOUS

- Legislation
- Appointments
- Other

- 6. Consider approving the appointment of the following individuals, plus two Alternates, to the City of Modesto Run-Off Election Ad Hoc Committee and including National Demographics Corporation as an Outside Consultant as part of the process (in an amount not to exceed \$20,000): Paul Baxter, Joan Clendenin, Carmen Morad, Susan Novak, Hugh Rose III, Brian Rando, David B. Ryan, and Alternates: Philip S. Anselmo, Jr. and Diedre Bush West. (Funding Source: Election Fund)
 - Resolution approving the appointment of Paul Baxter, Joan Clendenin, Carmen Morad, Susan Novak, Hugh Rose III, Brian Rando, David B. Ryan; Alternates: Philip S. Anselmo, Jr. and Diedre Bush West to the City of Modesto Run-Off Election Ad Hoc Committee recommended.
 - Resolution approving an Agreement for Consultant Services between the City of Modesto and National Demographics Corporation; and authorizing the City Manager, or his designee, to execute the Agreement recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Resolution 2010-124 (Hawn/Lopez; 7/0) approving the appointment of Paul Baxter, Joan Clendenin, Carmen Morad, Susan Novak, Hugh Rose III, Brian Rando, David B. Ryan; Alternates: Philip S. Anselmo, Jr. and Diedre Bush West to the City of Modesto Run-Off Election Ad Hoc Committee.

ACTION: Resolution 2010-125 (Hawn/Lopez; 7/0) approving an Agreement for Consultant Services between the City of Modesto and National Demographics Corporation; and authorizing the City Manager, or his designee, to execute the agreement.

PUBLIC COMMENT PERIOD

Robert Stanford, William Wolff, Karran Wolff, Dana Manuel, Fred Manuel, Julie Hazelbaker, Matthew Hazelbaker, Gary Moya, Don Hosley, Mark Pifer, Carmen Sabatino and Emerson Drake spoke in opposition to the methadone clinic located on Modesto Avenue, continued problems with traffic and garbage, and requesting that the methadone clinic be moved to another location. Mayor Ridenour referred this matter to Police Chief Mike Harden.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 7 through 18

ACTION CONSENT ITEMS 7-18: (Hawn/Lopez;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

- 7. Consider approving the Minutes of the City Council meeting of March 23, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Hawn/Lopez; 7/0) approving the March 23, 2010 City Council minutes recommended.

Consent

8. Consider directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance District No. 1)
- Resolution directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6 recommended. *Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

ACTION: Resolution 2010-126 (Hawn/Lopez; 7/0) directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

Consent

9. Consider directing staff to prepare and file an annual report for Landscape maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2. (Funding Source: Landscape Maintenance District No. 1)
- Resolution directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2 recommended. *Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

ACTION: Resolution 2010-127 (Hawn/Lopez; 7/0) directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2.

Consent

10. Consider accepting the Monthly Investment Report for January 2010. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for January 2010 recommended. *Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com*

ACTION: Motion (Hawn/Lopez; 7/0) accepting the Monthly Investment Report for January 2010.

Consent

11. Consider authorizing the award of bid and contract for the purchase of ten (10) sole brand Cleaire "Horizon" diesel particulate filter units for the Public Works Department, Fleet Services Division, to Cummins West, Inc., West Sacramento, CA, for an estimated total cost of \$141,675. (Funding Source: Fleet Fund)
- Resolution authorizing the award of bid and contract for the purchase and installation of ten (10) sole brand Cleaire "Horizon" diesel particulate filter units for the for the Public Works, Fleet Services Division, to Cummins West, Inc., West Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$141,675 recommended. *Finance; Meagan Torres, 571-5839, mtorres@modestogov.com*

ACTION: Resolution 2010-128 (Hawn/Lopez; 7/0) authorizing the award of bid and contract for the purchase and installation of ten (10) sole brand Cleaire "Horizon" diesel particulate filter units for the for the Public Works, Fleet Services Division, to Cummins West, Inc., West Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$141,675.

Consent

12. Consider accepting the Governor's California Emergency Management Agency (Cal EMA) California Gang Reduction, Intervention and Prevention (CalGRIP) Program Grant of \$191,317 for Project Wake Up. (Funding Source: Special Revenue - State Grant)
- Resolution accepting the California Gang Reduction, Intervention and Prevention Program Grant in the amount of \$191,317, from the California Emergency Management Agency, for Project Wake Up; and authorizing the City Manager, or his designee, to execute the necessary grant documents

recommended.

- Resolution amending the Fiscal Year 2009/2010 Operating and Multi-Year Budgets to reflect revenue and expenses in the amount of \$191,317, from the California Emergency Management Agency, for Project Wake Up recommended.

Police; Chris Fuzie, 342-6161, fuziechris@modestopd.com

ACTION: Resolution 2010-129 (Hawn/Lopez; 7/0) accepting the California Gang Reduction, Intervention and Prevention Program Grant in the amount of \$191,317, from the California Emergency Management Agency, for Project Wake Up; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2010-130 (Hawn/Lopez; 7/0) amending the Fiscal Year 2009/2010 Operating and Multi-Year Budgets to reflect revenue and expenses in the amount of \$191,317, from the California Emergency Management Agency, for Project Wake Up.

Consent

13. Consider authorizing the submittal of a grant application to the California Emergency Management Agency requesting \$439,032 in FY 2009-10 California Transit Security Grant Program Funds for transit security projects for the new Bus Maintenance Facility and in fixed route buses. (Funding Source: Proposition 1B Transit Funds)

- Resolution authorizing the submittal of a grant application to the California Emergency Management Agency requesting \$439,032 in FY 2009-10 California Transit Security Grant Program Funds for transit security projects for the new Bus Maintenance Facility, and in fixed route buses, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2010-131 (Hawn/Lopez; 7/0) authorizing the submittal of a grant application to the California Emergency Management Agency requesting \$439,032 in FY 2009-10 California Transit Security Grant Program Funds for transit security projects for the new Bus Maintenance Facility, and in fixed route buses, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

Consent

14. Consider approving an Agreement for On-call Funding Support Services for Utility Projects with RMC Water and Environment in the amount of \$100,000. (Funding Source: Various Water, Wastewater & Storm Drainage CIPs)

- Resolution approving an agreement with RMC Water and Environment for On-Call Funding Support Services for Utility Projects for various Utility Planning & Projects – Capital Improvement Program projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$100,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options recommended.

Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2010-132 (Hawn/Lopez; 7/0) approving an agreement with RMC Water and Environment for On-Call Funding Support Services for Utility Projects for various Utility Planning & Projects – Capital Improvement Program projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$100,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

Consent

15. Consider authorizing change orders in the amount of \$28,541.84 for the Merle Avenue Improvements at the Village One Central Basin project; and accepting the work by Teichert Construction for the project as complete. (Total project cost is \$370,172.91) (Funding Source: CFD No. 2004-1 (Village One #2 Bond proceeds))

- Resolution authorizing change orders for the project titled “Merle Avenue Improvements at the Village One Central Basin” in the amount of \$28,541.84 recommended.
- Resolution accepting the work by Teichert Construction for the project titled “Merle Avenue Improvements at the Village One Central Basin” as complete, authorizing the City Clerk to file a

Notice of Completion with the Stanislaus County Recorder, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$258,452.25 recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-133 (Hawn/Lopez; 7/0) authorizing change orders for the project titled “Merle Avenue Improvements at the Village One Central Basin” in the amount of \$28,541.84.

ACTION: Resolution 2010-134 (Hawn/Lopez; 7/0) accepting the work by Teichert Construction for the project titled “Merle Avenue Improvements at the Village One Central Basin” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$258,452.25.

Consent

16. Consider approving the plans and specifications for the project titled, “Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9,” accepting the bid, and approving a contract with TCB Industrial, Inc. in the amount of \$43,448. (Total estimated cost of the project is \$70,862.19) (Funding Source: Water Fund-CIP)
- Resolution approving the plans and specifications for the Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9 project, accepting the bid and approving a contract with TCB Industrial, Inc. in the amount of \$43,448 for the Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9 project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: Resolution 2020-135 (Hawn/Lopez; 7/0) approving the plans and specifications for the Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9 project, accepting the bid and approving a contract with TCB Industrial, Inc. in the amount of \$43,448 for the Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9 project, and authorizing the City Manager, or his designee, to execute the contract.

Consent

17. Consider approving the plans and specifications for the project titled, “E. Coolidge Waterline Replacement,” accepting the bid, and approving a contract with Clyde Wheeler Pipeline, Inc. in the amount of \$617,136.40. (Total estimated cost of the project is \$782,601.47) (Funding Source: Water Fund-CIP)
- Resolution approving the plans and specifications for the E. Coolidge Waterline Replacement project, accepting the bid and approving a contract with Clyde Wheeler Pipeline, Inc. in the amount of \$617,136.40 for the E. Coolidge Waterline Replacement project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: Resolution 2010-136 (Hawn/Lopez; 7/0) approving the plans and specifications for the E. Coolidge Waterline Replacement project, accepting the bid and approving a contract with Clyde Wheeler Pipeline, Inc. in the amount of \$617,136.40 for the E. Coolidge Waterline Replacement project, and authorizing the City Manager, or his designee, to execute the contract.

Consent

18. Consider approving a five-year extension of the October 2001 Memorandum of Understanding between the City of Modesto and the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA). (Funding Source: Water Fund-CIP)
- Resolution approving a five-year extension of the October 2001 Memorandum of Understanding between the City and the Stanislaus and Tuolumne Rivers Groundwater Basin Association for purposes of continued coordination related to groundwater management activities, and authorizing the City Manager, or his designee, to execute a Letter of Extension recommended.
- Utility Planning and Projects; Jack Bond, 577-5424, jbond@modestogov.com*

ACTION: Resolution 2010-137 (Hawn/Lopez; 7/0) approving a five-year extension of the October 2001 Memorandum of Understanding between the City and the Stanislaus and Tuolumne Rivers Groundwater Basin Association for purposes of continued coordination related to groundwater management activities, and authorizing the City Manager, or his designee, to execute a Letter of Extension.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

19. Consider approving the plans and specifications for the project titled, "Claus Road Pavement Rehabilitation," accepting the bid, and approving a contract with A. Teichert & Son, Inc. dba Teichert Construction in the amount of \$918,882.85. (Total estimated cost of the project is \$1,334,430) (Funding Source: Capital Grants Fund)

- Resolution approving the plans and specifications for the Claus Road Pavement Rehabilitation project, accepting the bid and approving a contract with A. Teichert & Son, Inc. dba Teichert Construction in the amount of \$918,882.85 for the Claus Road Pavement Rehabilitation project, and authorizing the City Manager, or his designee, to execute the contract recommended.

Utility Planning and Projects; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2010-138 (Lopez/Hawn; 7/0) approving the plans and specifications for the Claus Road Pavement Rehabilitation project, accepting the bid and approving a contract with A. Teichert & Son, Inc. dba Teichert Construction in the amount of \$918,882.85 for the Claus Road Pavement Rehabilitation project, and authorizing the City Manager, or his designee, to execute the contract.

Councilmembers Hawn and Muratore absent due to conflict of interest (miscellaneous streets)

20. Consider approving the plans and specifications for the project titled, "American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets," accepting the bid, and approving a contract with Valley Slurry Seal Company in the amount of \$2,220,701.08. (Total estimated cost of the project is \$2,874,372.91) (Funding Source: American Recovery and Reinvestment Act of 2009)

- Resolution approving the plans and specifications for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, accepting the bid, and approving a contract with Valley Slurry Seal Company in the amount of \$2,220,701.08 for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, and authorizing the City Manager, or his designee, to execute the contract recommended.

Utility Planning and Projects; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2010-139 (Marsh/Lopez; 7/0) approving the plans and specifications for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, accepting the bid, and approving a contract with Valley Slurry Seal Company in the amount of \$2,220,701.08 for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2010-140 (Olsen/Marsh 6/0; Hawn absent due to conflict of interest) approving the plans and specifications for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, accepting the bid, and approving a contract with Valley Slurry Seal Company in the amount of \$2,220,701.08 for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, and authorizing the City Manager, or his designee, to execute the contract.

- W. Roseburg (McHenry to Virginia)
- Coldwell (Enslin to College)
- W. Morris (McHenry to Virginia)

ACTION: Resolution 2010-141 (Marsh/Lopez 6/0; Muratore absent due to conflict of interest) approving the plans and specifications for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, accepting the bid, and approving a contract with Valley Slurry Seal Company in the amount of \$2,220,701.08 for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, and authorizing the City Manager, or his designee, to execute the contract.

- 14th Street (D to K Streets)

NEW BUSINESS

21. Consider approving the seven anchors identified by the Commonwealth Modesto Group and directing staff to work with Commonwealth and the Economic Development Partnership team to develop an overall strategy for use of the anchors. (Funding Source: Not Applicable)
- Resolution approving the seven Modesto brand anchors identified by the Commonwealth Modesto Group and directing staff to work with Commonwealth and the Economic Development Partnership team to develop an overall strategy for use of the anchors recommended.
Community & Economic Development; H. Brent Sinclair, 571-5566, hbrentsinclair@modestogov.com

ACTION: Resolution 2010-142 (Olsen/Marsh; 7/0) approving the seven Modesto brand anchors identified by the Commonwealth Modesto Group and directing staff to work with Commonwealth and the Economic Development Partnership team to develop an overall strategy for use of the anchors.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:18 p.m. and returned to Closed Session at 7:25 p.m.

CLOSED SESSION

Closed Session Matters Heard Prior to and after Council meeting
CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION Exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code. One potential case.

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCEA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MCMA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPOA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPNSA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPMA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCFFA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday March 22, 2010, at 5:30 p.m.

Roll Call - Present: Brad Hawn, Garrad Marsh, Dave Geer
Absent: None

PUBLIC COMMENT PERIOD

None.

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider Monthly Budget Adjustment Report for April 2010 and refer to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) approving Monthly Budget Adjustment Report for April 2010 and forwarding to Council.

Consent

2. Consider extending the contract for administrative services through ICMA-RC for a three year period provided that ICMA-RC enhances the current administrative allowance to the City of Modesto as follows: \$75,000 in years one and two, \$100,000 in year three. (Funding Source: Not Applicable)
Human Resources; Rosemary Harless, 209-577-5403, rharless@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) approving extending the contract for administrative services through ICMA-RC for a three year period provided that ICMA-RC enhances the current administrative allowance to the City of Modesto as follows: \$75,000 in years one and two, \$100,000 in year three.

NEW BUSINESS

3. Consider recommending to Council the adoption of an Administrative Recording Fee equal to the amount assessed by the Department of Motor Vehicles (DMV) in order to recover the cost of recording delinquent parking citations (currently \$3.00 per citation) in accordance with Section 4763 of the California Vehicle Code (CVC). (Funding Source: General Fund Expenditure)
Finance and Police; Cindy Ireta, 571-5155, cireta@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) approving adoption of an Administrative Recording Fee equal to the amount assessed by the Department of Motor Vehicles

(DMV) in order to recover the cost of recording delinquent parking citations (currently \$3.00 per citation) in accordance with Section 4763 of the California Vehicle Code (CVC) and forwarding to Council for approval.

4. Consider recommending to Council (i) the award of proposal and software contract for an Oracle Enterprise Resource Planning (ERP) System Solution software at a cost of \$893,110 and authorizing the amendment of the existing Oracle Licensing Agreement in the additional amount of \$196,485 for a one (1) year cost in FY2010/11 to include software licensing fees for the Oracle ERP system; and (ii) the award of proposal and contract for ERP System Implementation Services to Applications Software Technology (AST) Corporation, Naperville, IL, at a cost of \$4,646,040. (Funding Source: Various & Water Fund Loan)
Finance and Information Technology; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: **Motion (Marsh/Geer;unan.)** approving award of proposal and software contract for an Oracle Enterprise Resource Planning (ERP) System Solution software at a cost of \$893,110 and authorizing the amendment of the existing Oracle Licensing Agreement in the additional amount of \$196,485 for a one (1) year cost in FY2010/11 to include software licensing fees for the Oracle ERP system; and (ii) the award of proposal and contract for ERP System Implementation Services to Applications Software Technology (AST) Corporation, Naperville, IL, at a cost of \$4,646,040 and forwarding to Council for approval.

5. Consider recommending to Council staff recommendations relating to the reorganization of the Department of Finance (Department). The recommendations are to deactivate the Accountant I/II, Senior Accountant and Budget Analyst I/II job classifications, and to create the positions of Financial Analyst I/II, Financial Analyst III, Senior Financial Analyst, Customer Services Manager and Budget and Financial Analysis Manager. (Funding Source: Various Funds)
City Manager's Office and Personnel; Dee Williams-Ridley, 571-5126, dwilliams-ridley@modestogov.com

ACTION: **Motion (Marsh/Geer;unan.)** approving staff recommendations relating to the reorganization of the Department of Finance (Department). The recommendations are to deactivate the Accountant I/II, Senior Accountant and Budget Analyst I/II job classifications, and to create the positions of Financial Analyst I/II, Financial Analyst III, Senior Financial Analyst, Customer Services Manager and Budget and Financial Analysis Manager and forwarding to Council for approval.

6. Consider forwarding to Council a request to authorize the Purchasing Manager to conduct a sole source purchase of a Data Management backup solution with the data-management capabilities, data-archiving, data-preservation, and eDiscovery from Dell/Commvault for a cost of \$252,000.00. (Funding Source: IT Replacement Fund; 7130-070-0744-5452)
Information Technology; Gary Cook, 577-5229, gcook@modestogov.com

ACTION: **Motion (Geer/Marsh;unan.)** authorizing the Purchasing Manager to conduct a sole source purchase of a Data Management backup solution with the data-management capabilities, data-archiving, data-preservation, and eDiscovery from Dell/Commvault for a cost of \$252,000.00 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 27, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements - Item 10 continued to May 25, 2010.

Declaration of Conflicts of Interest – None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to AT&T proclaiming "No Texting While Driving." (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented proclamation to Kathy Hulsey, AT&T, proclaiming "No Texting While Driving."

2. Presentation by Mayor Ridenour of Business Recycling Awards to local businesses. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Bev McCullough, 577-5495, bdmccullough@modestogov.com

ACTION: Mayor Ridenour presented Business Recycling Awards to local businesses: Modesto Junk Company, Center for Human Services, Save Mart, Home Depot, WalMart, Costco, and Habitat for Humanity.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 12

ACTION CONSENT ITEMS: 3-9; 11-12 (Lopez/Hawn;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

3. Consider approving the Minutes of the City Council meeting of April 13, 2010. (Funding Source: Not Applicable)

- Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the April 13, 2010 City Council meeting minutes.

Consent

4. Consider approving a Purchase Agreement with Modesto High School District of Stanislaus County, in the amount of \$11,200, for the acquisition of 2,751 sq. ft., a portion of property located at 1717 Sylvan Avenue (APN: 052-013-022) for permanent right-of-way and incidental rights required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project. (Funding Source: CIP - Four (4) Right Turn Lanes)
 - Resolution approving a Purchase Agreement between the City of Modesto and Modesto High School District of Stanislaus County for the acquisition of a portion of the property located at 1717 Sylvan Avenue (APN 052-013-022), in the amount of \$11,200.00; and authorizing the City Manager, or his designee, to execute the agreement and all related documents required to close escrow for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project recommended.
 - Resolution authorizing the City Manager, or his designee, to execute a Certificate of Acceptance Form for the Grant Deed for the acquisition of a portion of property located at 1717 Sylvan Avenue (APN 052-013-022), owned by Modesto High School District of Stanislaus County, to be purchased by the City of Modesto for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project recommended.

Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2010-143 (Lopez/Hawn; 7/0) approving a Purchase Agreement between the City of Modesto and Modesto High School District of Stanislaus County for the acquisition of a portion of the property located at 1717 Sylvan Avenue (APN 052-013-022), in the amount of \$11,200.00; and authorizing the City Manager, or his designee, to execute the agreement and all related documents required to close escrow for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project.

ACTION: Resolution 2010-144 (Lopez/Hawn; 7/0) authorizing the City Manager, or his designee, to execute a Certificate of Acceptance Form for the Grant Deed for the acquisition of a portion of property located at 1717 Sylvan Avenue (APN 052-013-022), owned by Modesto High School District of Stanislaus County, to be purchased by the City of Modesto for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project.

Consent

5. Consider approving an Agreement Consenting to Common Use and License Agreement with Modesto Irrigation District, located at the southwest corner of Briggsmore Avenue and McHenry Avenue required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (167) – Construct Right Turn Lane Eastbound (EB) Briggsmore Avenue to Southbound (SB) McHenry Avenue project. (Funding Source: Not Applicable)
 - Resolution approving an Agreement Consenting to Common Use between the City of Modesto and Modesto Irrigation District for the construction and maintenance of approximately 12,006 sq.ft. of street improvements within Modesto Irrigation District property at the southwest corner of McHenry Avenue and Briggsmore Avenue; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving a License Agreement between the City of Modesto and Modesto Irrigation District for the installation and maintenance of approximately 4,367 sq. ft. of landscape improvements within Modesto Irrigation District property at the southwest corner of McHenry Avenue and Briggsmore Avenue; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2010-145 (Lopez/Hawn; 7/0) approving an Agreement Consenting to Common Use between the City of Modesto and Modesto Irrigation District for the construction and maintenance of approximately 12,006 sq.ft. of street improvements within Modesto Irrigation District property at the southwest corner of McHenry Avenue and Briggsmore Avenue; and authorizing the City Manager, or his designee, to

execute the Agreement.

ACTION: Resolution 2010-146 (Lopez/Hawn; 7/0) approving a License Agreement between the City of Modesto and Modesto Irrigation District for the installation and maintenance of approximately 4,367 sq. ft. of landscape improvements within Modesto Irrigation District property at the southwest corner of McHenry Avenue and Briggsmore Avenue; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. Consider approving an Agreement Consenting to Common Use with Modesto Irrigation District, located at the southeast corner of Briggsmore Avenue and McHenry Avenue required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (168) – Construct Right Turn Lane Northbound (NB) McHenry Avenue to Eastbound (EB) Briggsmore Avenue project. (Funding Source: Not Applicable)

- Resolution approving an Agreement Consenting to Common Use between the City of Modesto and Modesto Irrigation District for the construction and maintenance of approximately 6,744 sq.ft. of street improvements within Modesto Irrigation District property at the southeast corner of McHenry Avenue and Briggsmore Avenue, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2010-147 (Lopez/Hawn; 7/0) approving an Agreement Consenting to Common Use between the City of Modesto and Modesto Irrigation District for the construction and maintenance of approximately 6,744 sq.ft. of street improvements within Modesto Irrigation District property at the southeast corner of McHenry Avenue and Briggsmore Avenue, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider accepting the Monthly Investment Report for February 2010. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for February 2010 recommended.

Finance; Gloriette Beck, 571-5511, gbeck@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) accepting the Monthly Investment Report for February 2010.

Consent

8. Consider authorizing the award of bid and contract for the purchase of two (2) service trucks with air compressors for the Public Works Department, Water Division through the Fleet Services Division, to Hansel Ford, Santa Rosa, CA, for an estimated total cost of \$260,761. (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the award of bid and contract for the purchase of two (2) service trucks with air compressors for the Public Works Department, Water Division, through the Fleet Services Division, to Hansel Ford, Santa Rosa, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$260,761 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2010-148 (Lopez/Hawn; 7/0) authorizing the award of bid and contract for the purchase of two (2) service trucks with air compressors for the Public Works Department, Water Division, through the Fleet Services Division, to Hansel Ford, Santa Rosa, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$260,761.

Consent

9. Consider approving (i) an Amendment to Cost Sharing Agreement with Del Puerto Water District for expenses related to studying the feasibility of a Regional Recycled Water Delivery System in the amount of \$100,000; and (ii) the proposed funding request for the remaining cost of a Regional Recycled Water Delivery System Feasibility Study. (Funding Source: Wastewater Fund)

- Resolution approving an Amendment to Cost Sharing Agreement with Del Puerto Water District for expenses related to studying the feasibility of a Regional Recycled Water Delivery System in the amount of \$100,000, and authorizing the City Manager, or his designee, to execute the Amendment

to Agreement recommended.

- Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fund the remaining cost of a Regional Recycled Water Delivery System Feasibility Study recommended.

Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Resolution 2010-149 (Lopez/Hawn; 7/0) approving an Amendment to Cost Sharing Agreement with Del Puerto Water District for expenses related to studying the feasibility of a Regional Recycled Water Delivery System in the amount of \$100,000, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

ACTION: Resolution 2010-150 (Lopez/Hawn; 7/0) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fund the remaining cost of a Regional Recycled Water Delivery System Feasibility Study.

Continued to May 25, 2010 Council Meeting

10. Consider supporting the Safe, Clean, and Reliable Drinking Water Supply Act of 2010 on the November 2010 ballot. (Funding Source: Not Applicable)
 - Resolution supporting the Safe, Clean, and Reliable Drinking Water Supply Act of 2010 on the November 2010 ballot recommended.

Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Continued to May 25, 2010 Council Meeting.

Consent

11. Consider approving a no-cost Second Amendment to Agreement with RMC Water and Environment (RMC) to develop a Water Conservation Plan in order for the City to be eligible to receive State Revolving Funds (SRF) for certain types of projects. (The total estimated cost to complete this revised task is \$28,200; however, this cost is covered by existing funds already encumbered under the current agreement) (Funding Source: Water Fund-CIP)
 - Resolution approving a no-cost Second Amendment to Agreement for the 2005 Urban Water Management Plan with RMC Water and Environment to develop a Water Conservation Plan in an amount not to exceed \$28,200 for the revised Scope of Services, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement recommended.

Utility Planning and Projects; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2010-151 (Lopez/Hawn; 7/0) approving a no-cost Second Amendment to Agreement for the 2005 Urban Water Management Plan with RMC Water and Environment to develop a Water Conservation Plan in an amount not to exceed \$28,200 for the revised Scope of Services, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.

Consent

12. Consider approving an agreement with NorthStar Engineering Group, Inc. (NorthStar) for a Preliminary Design Report for Industrial Tank 13 and Pump Station in an amount not to exceed \$245,179.25. (Total estimated cost for preliminary design of the project is \$269,697.25) (Funding Source: Water Fund-CIP)
 - Resolution approving an agreement with NorthStar Engineering Group, Inc. (NorthStar) for a Preliminary Design Report for Industrial Tank 13 and Pump Station in an amount not to exceed \$222,890.25 for the identified scope of services, plus \$22,289.00 for additional services (if needed), for a maximum total amount of \$245,179.25, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2010-152 (Lopez/Hawn; 7/0) approving an agreement with NorthStar Engineering Group, Inc. (NorthStar) for a Preliminary Design Report for Industrial Tank 13 and Pump Station in an amount not to exceed \$222,890.25 for the identified scope of services, plus \$22,289.00 for additional services (if needed), for a maximum total amount of \$245,179.25, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

13. Consider approving the Citizens' Salary Setting Commission 2010 Recommendations for the Mayor and Councilmembers salaries to remain at the same level as recommended in 2008. (Funding Source: Not Applicable)
- Motion approving the Citizens' Salary Setting Commission 2010 Recommendations for the Mayor and Councilmembers salaries to remain at the same level as recommended in 2008 recommended. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Marsh/Lopez; 7/0) approving the Citizens' Salary Setting Commission 2010 Recommendations for the Mayor and Councilmembers salaries to remain at the same level as recommended in 2008.

14. Consider approving a Memorandum of Understanding (MOU) with the Cities of Modesto, Ceres, and Turlock, Stanislaus County, and the Del Puerto Water District for the North Valley Regional Recycled Water Project Collaborative Partnership. (Funding Source: Not Applicable)
- Resolution approving a Memorandum of Understanding (MOU) with the Cities of Modesto, Ceres, and Turlock, Stanislaus County, and the Del Puerto Water District for the North Valley Regional Recycled Water Project Collaborative Partnership, and authorizing the City Manager, or his designee, to execute the MOU recommended. *Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com*

ACTION: Resolution 2010-153 (Hawn/Lopez; 7/0) approving a Memorandum of Understanding (MOU) with the Cities of Modesto, Ceres, and Turlock, Stanislaus County, and the Del Puerto Water District for the North Valley Regional Recycled Water Project Collaborative Partnership, and authorizing the City Manager, or his designee, to execute the MOU.

Councilmember Hawn left meeting at 5:55 p.m.

HEARINGS

Published in the Modesto Bee on March 23, 2010. (The Annual Action Plan 2010-11 will be continued to May 11, 2010.)

15. Consider adopting the Five-Year Consolidated Plan (CP), Analysis of Impediments to Fair Housing Choice (AI), and Citizens' Participation Plan as required by the Federal Department of Housing and Urban Development Department (HUD) for receipt of HUD entitlement funding. (Funding Source: HUD Entitlement Funds)
- Resolution approving the Five-Year Consolidated Plan (2010-2015) for the use of Community Development Block Grant, HOME Investment Partnership Grant, and Emergency Shelter Grant Funds; the Analysis of Impediments to Fair Housing Choice and the Citizens' Participation Plan for the City of Modesto; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the U.S. Department of Housing and Urban Development recommended. *Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

ACTION: Resolution 2010-154 (Lopez/Muratore; 6/0; Hawn absent) approving the Five-Year Consolidated Plan (2010-2015) for the use of Community Development Block Grant, HOME Investment Partnership Grant, and Emergency Shelter Grant Funds; the Analysis of Impediments to Fair Housing Choice and the Citizens' Participation Plan for the City of Modesto; and authorizing the City Manager, or his designee, to sign the required

certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

NEW BUSINESS

- 16. Consider approving an Agreement to Construct Improvements and Grant a Revocable License to provide access to Claratina Avenue. (Funding Source: Not Applicable)
 - Resolution approving an Agreement between Shelter Cove Community Church and the City of Modesto to Construct Improvements and Grant Revocable License to provide access to Claratina Avenue, and authorizing the City Manager, or his designees, to execute the Agreement recommended.
 - Resolution finding that the proposed Agreement to Construct Improvements and Grant Revocable License to provide access to Claratina Avenue is within the scope of the Mitigated Negative Declaration for the previously approved General Plan Amendment, Specific Plan Amendment and Annexation for the former Claratina Golf Course and Driving Range Site (SCH No. 200212217) recommended.

Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com

ACTION: Resolution 2010-155 (Marsh/Lopez; 6/0; Hawn absent) approving an Agreement between Shelter Cove Community Church and the City of Modesto to Construct Improvements and Grant Revocable License to provide access to Claratina Avenue, and authorizing the City Manager, or his designees, to execute the Agreement.

ACTION: Resolution 2010-156 (Marsh/Lopez; 6/0; Hawn\ absent) finding that the proposed Agreement to Construct Improvements and Grant Revocable License to provide access to Claratina Avenue is within the scope of the Mitigated Negative Declaration for the previously approved General Plan Amendment, Specific Plan Amendment and Annexation for the former Claratina Golf Course and Driving Range Site (SCH No. 200212217).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:25 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Sections 54954.5 and 54957 of the Government Code)

Recruitment for City Auditor

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code)

Property:

Acquisition of right-of-way for the following properties:

14th and D Streets

South Morton Boulevard and 10th Street

South Morton Boulevard and 11th Street

Negotiating parties:

Brent Sinclair, Director of Community & Economic Development

Under negotiation: Price and terms of sale

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, May 3, 2010, at 5:30 p.m.

Roll Call Present: Garrad Marsh (arrived at 5:33 pm), Joe Muratore, and Dave Lopez
Absent: None
Also Present: Dave Geer

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider approving McClatchy Park update and approve a recommendation for a pilot program at McClatchy Park .

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Lopez/Muratore;unan.) approving the McClatchy Park update and approving the recommendation for a pilot program at McClatchy Park.

NEW BUSINESS

2. Consider accepting an informational updated report on the Friends of Modesto Police Youth Association's Bicycle Refurbishing/Donation Program.

Police; Jason Grogan, 572-9506, groganj@modestopd.com

ACTION: Motion (Lopez/Muratore;unan.) accepting an informational updated report on the Friends of Modesto Police Youth Association's Bicycle Refurbishing/Donation Program.

3. Consider introducing an Ordinance amending Chapter 2 of Title 5 of the Modesto Municipal Code relating to Massage Establishments.

Police; William Ryan, 342-9129, ryanw@modestopd.com

ACTION: Motion (Muratore/Lopez;unan.) accepting the report to consider introducing an Ordinance amending Chapter 2 of Title 5 of the Modesto Municipal Code relating to Massage Establishments and forwarding to Council for approval.

4. Consider accepting an informational report on current and future technology equipment utilized by

the Modesto Police Department.
Police; Joel Broumas, 572-9821, broumasj@modestopd.com

ACTION: **Motion (Lopez/Muratore;unan.)** accepting an informational report on current and future technology equipment utilized by the Modesto Police Department.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:22 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 04, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Vice Mayor Lopez, Marsh (arrived at 5:33 p.m.), Muratore,
Olsen
Absent: Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements – Item 16 continued to May 25, 2010
Items 17 & 18 continued to May 11, 2010

Declaration of Conflicts of Interest – None.

Reports from Closed Session – There were no Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Stanislaus County Asthma Coalition proclaiming May 2010 Asthma Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com

ACTION: Vice Mayor Lopez presented a Proclamation to the Stanislaus County Asthma Coalition proclaiming May 2010 Asthma Awareness Month.

2. Presentation of Proclamation to the Stanislaus County Commission on Aging proclaiming May 2010 Older Americans Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Vice Mayor Lopez presented a Proclamation to the Stanislaus County Commission on Aging proclaiming May 2010 Older Americans Month.

3. Presentation by Julie G. Hannon, Director Parks, Recreation & Neighborhoods, with update on the Amgen Tour Stage 4 Finish in Modesto on Wednesday May 19, 2010. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Julie G. Hannon, Director of Parks, Recreation & Neighborhoods gave an update on the Amgen Tour Stage 4 Finish in Modesto on Wednesday May 19, 2010. Jennifer Mullen, Modesto Convention & Visitors Bureau, thanked the sponsors and volunteers.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider approving the appointment of William Miller as a member to the Tuolumne River Regional Park Citizens Advisory Committee, representing the City of Modesto, as recommended by the Council's Economic Development Committee (Funding Source: Not Applicable)
 - Resolution appointing William Miller as a member to the Tuolumne River Regional Park Citizens Advisory Committee representing the City of Modesto recommended.
Parks, Recreation & Neighborhoods; Joanne Azevedo, 577-5346, jazevedo@modestogov.com

ACTION: Resolution 2010-157 (Hawn/Geer; 6/0; Mayor Ridenour absent) appointing William Miller as a member to the Tuolumne River Regional Park Citizens Advisory Committee representing the City of Modesto.

PUBLIC COMMENT PERIOD

ACTION: Ray Pifferini spoke regarding the trees in the City of Modesto and the problems with mistletoe.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 15

ACTION CONSENT ITEMS 5-15: (Hawn/Muratore; Mayor Ridenour absent)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

5. Consider approving the Minutes of the City Council meeting of April 27, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Hawn/Muratore; 6/0; Mayor Ridenour absent) approving the minutes from the April 27, 2010 Council meeting.

Consent

6. Consider approving the parcel map and accepting the public improvements for the Graphics Drive realignment project. (Funding Source: Not Applicable)
 - Resolution accepting the public improvements for the Graphics Drive Realignment Project located south of Graphics Drive and Woodland Avenue, authorizing the City Clerk to file a Notice of Completion, and release of securities upon expiration of statutory periods recommended.
 - Resolution approving the Parcel Map of the Graphics Drive Realignment Project in the City of Modesto, Authorizing the City Engineer, or his designee, to sign the Acceptance of Dedication, Authorizing the City Clerk to Certify the Parcel Map and Authorizing the City Clerk to sign the Abandonment Statement and record it with the Stanislaus County Recorder's Office recommended.
Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2010-158 (Hawn/Muratore; 6/0; Mayor Ridenour absent) accepting the public improvements for the Graphics Drive Realignment Project located south of Graphics Drive and Woodland Avenue, authorizing the City Clerk to file a Notice of Completion, and release of securities upon expiration of statutory periods.

ACTION: Resolution 2010-159 (Hawn/Muratore; 6/0; Mayor Ridenour absent) approving the Parcel Map of the Graphics Drive Realignment Project in the City of Modesto, Authorizing the City Engineer, or his designee, to sign the Acceptance of Dedication, Authorizing the City Clerk to Certify the Parcel Map and Authorizing the City Clerk to sign the Abandonment Statement and record it with the Stanislaus County Recorder's Office.

Consent

7. Consider approving the Monthly Budget Adjustment Report for April 2010. (Funding Source: Various Funds)
 - Resolution amending Fiscal Year 2008-2009 and Fiscal Year 2009-2010 annual budgets

recommended.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2010-160 (Hawn/Muratore; 6/0; Mayor Ridenour absent) amending Fiscal Year 2008-2009 and Fiscal Year 2009-2010 annual budgets.

Consent

8. Consider authorizing the award of contract for the purchase and installation of video surveillance systems for the Transportation Center and existing Bus Maintenance Yard, by accessing the terms of a competitively bid contract for the purchase and installation of the downtown video monitoring system for the Modesto Police Department, to CelPlan Technologies, Inc., Reston, VA, for an estimated total cost of \$253,671.71. (Funding Source: Cal EMA)
- Resolution authorizing the award of contract for the purchase and installation of video surveillance systems for the Transportation Center and existing Bus Maintenance Yard to CelPlan Technologies, Inc., Reston, VA; and authorizing the City Manager, or his designee, to issue the agreement for an estimated total cost of \$253,671.71 recommended.
 - Resolution amending the Fiscal Year 2009-2010 Operating Budget to recognize grant funds in the amount of \$253,671.71 from the California Emergency Management Agency and to increase the expense budget by the same amount to fully fund the purchase and installation of video surveillance systems for the Transportation Center and Bus Maintenance Yard recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2010-161 (Hawn/Muratore; 6/0; Mayor Ridenour absent) authorizing the award of contract for the purchase and installation of video surveillance systems for the Transportation Center and existing Bus Maintenance Yard to CelPlan Technologies, Inc., Reston, VA; and authorizing the City Manager, or his designee, to issue the agreement for an estimated total cost of \$253,671.71.

ACTION: Resolution 2010-162 (Hawn/Muratore; 6/0; Mayor Ridenour absent) amending the Fiscal Year 2009-2010 Operating Budget to recognize grant funds in the amount of \$253,671.71 from the California Emergency Management Agency and to increase the expense budget by the same amount to fully fund the purchase and installation of video surveillance systems for the Transportation Center and Bus Maintenance Yard.

Consent

9. Consider approving the sale of Sherwood Manor Apartments which will payoff of the HOME loan Agreement and require the execution of a new Regulatory Agreement with the new owner, Senior Housing Associates XIV. (Funding Source: HOME Funds)
- Resolution approving the sale of Sherwood Manor Apartments, the payoff of the HOME loan Agreement, the execution of a new Regulatory Agreement with the new owner, and authorizing the City Manager or his designee to execute all related documents including, but not limited to, the Regulatory Agreement and reconveyance recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2010-163 (Hawn/Muratore; 6/0; Mayor Ridenour absent) approving the sale of Sherwood Manor Apartments, the payoff of the HOME loan Agreement, the execution of a new Regulatory Agreement with the new owner, and authorizing the City Manager or his designee to execute all related documents including, but not limited to, the Regulatory Agreement and reconveyance.

Consent

10. Consider authorizing staff to solicit Request for Qualifications (RFQ) and Request for Proposals (RFP) for the lease of the Jennings Ranch Property. (Funding Source: Wastewater Funds)
- Resolution authorizing staff to solicit Request for Qualifications (RFQ) and Request for Proposals (RFP) for the lease of the Jennings Ranch Property recommended.

Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Resolution 2010-164 (Hawn/Muratore; 6/0; Mayor Ridenour absent) authorizing staff to solicit Request for Qualifications (RFQ) and Request for Proposals (RFP) for the lease of the Jennings Ranch Property.

Consent

11. Consider approving (i) an agreement with Carollo Engineers, P.C. for engineering support during construction for the “Digester Gas Treatment System” project in the amount of \$93,138 and (ii) the plans and specifications for the project, accepting the bid, and approving a contract with GSE Construction Company, Inc. in the amount of \$465,000. (Total estimated cost for construction and design support during construction of the project is \$669,752) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Carollo Engineers, P.C. for engineering support during construction for the Digester Gas Treatment System Project in an amount not to exceed \$84,671 for the identified scope of services, plus \$8,467 for additional services (if needed), for a maximum total amount of \$93,138, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving the plans and specifications for the Digester Gas Treatment System Project, accepting the bid and approving a contract with GSE Construction Company, Inc. in the amount of \$465,000 for the Digester Gas Treatment System project, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the construction contract and agreement for design support during construction for the Digester Gas Treatment System Project, including contingency, construction administration, and engineering/design/administration support by City staff recommended.

Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2010-165 (Hawn/Muratore; 6/0; Mayor Ridenour absent) approving an agreement with Carollo Engineers, P.C. for engineering support during construction for the Digester Gas Treatment System Project in an amount not to exceed \$84,671 for the identified scope of services, plus \$8,467 for additional services (if needed), for a maximum total amount of \$93,138, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-166 (Hawn/Muratore; 6/0; Mayor Ridenour absent) approving the plans and specifications for the Digester Gas Treatment System Project, accepting the bid and approving a contract with GSE Construction Company, Inc. in the amount of \$465,000 for the Digester Gas Treatment System project, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2010-167 (Hawn/Muratore; 6/0; Mayor Ridenour absent) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the construction contract and agreement for design support during construction for the Digester Gas Treatment System Project, including contingency, construction administration, and engineering/design/administration support by City staff.

Consent

12. Consider accepting the work by Angelo Utilities for the “Installation of Traffic Signals at 4 Locations: Claus/Sylvan, Floyd/Lincoln Oak, Tully/Stoddard & Sisk/Vintage Faire Driveway Project” as complete. (Total project cost is \$969,880.98) (Funding Source: CMAQ, CFF, Gas Tax)
- Resolution accepting the work by Angelo Utilities for the Installation of Traffic Signals at 4 Locations: Claus/Sylvan, Floyd/Lincoln Oak, Tully/Stoddard & Sisk/Vintage Faire Driveway Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$727,230.92 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-168 (Hawn/Muratore; 6/0; Mayor Ridenour absent) accepting the work by Angelo Utilities for the Installation of Traffic Signals at 4 Locations: Claus/Sylvan, Floyd/Lincoln Oak, Tully/Stoddard & Sisk/Vintage Faire Driveway Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$727,230.92.

Consent

13. Consider (i) accepting the Preliminary Design Report dated February 2010 for the Wellhead Treatment Well #3 - PCE project as complete, and (ii) approving an agreement with AECOM Technical Services, Inc. (AECOM) for final design services for the project, in an amount not to exceed \$116,140. (Total estimated cost for final design of the project is \$127,754) (Funding Source: Water Fund-CIP)
- Resolution accepting the Preliminary Design Report dated February 2010 for the Well #3 PCE Removal project as complete recommended.
 - Resolution approving an agreement with AECOM Technical Services, Inc. for final design services

for Wellhead Treatment Well #3 - PCE in an amount not to exceed \$105,582 for the identified scope of services, plus \$10,558 for additional services (if needed), for a maximum total amount of \$116,140, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

- Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH# 2007072023): City of Modesto Water Well #3 PCE Removal System Project recommended.

Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2010-169 (Hawn/Muratore; 6/0; Mayor Ridenour absent) accepting the Preliminary Design Report dated February 2010 for the Well #3 PCE Removal project as complete.

ACTION: Resolution 2010-170 (Hawn/Muratore; 6/0; Mayor Ridenour absent) approving an agreement with AECOM Technical Services, Inc. for final design services for Wellhead Treatment Well #3 - PCE in an amount not to exceed \$105,582 for the identified scope of services, plus \$10,558 for additional services (if needed), for a maximum total amount of \$116,140, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-171 (Hawn/Muratore; 6/0; Mayor Ridenour absent) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH# 2007072023): City of Modesto Water Well #3 PCE Removal System Project.

Consent

14. Consider authorizing additional change orders in the amount of \$31,650.70 for the 2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection Project; and accepting the work by George Reed, Inc. for the project as complete. (Total project cost is \$1,272,204.14.) (Funding Source: Capital Grants, Gas Tax, Wastewater Fund)

- Resolution authorizing change orders for the project titled “2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection” project in the amount of \$31,650.70 recommended.
- Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the construction contract and change order expenses administered and supported by City staff for the 2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection project recommended.
- Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the construction contract and change order expenses administered and supported by City staff for the H Street Sewer Capacity Rehab project recommended.
- Resolution accepting the work by George Reed, Inc., for the project titled “2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$938,295.52 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-172 (Hawn/Muratore; 6/0; Mayor Ridenour absent) authorizing change orders for the project titled “2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection” project in the amount of \$31,650.70.

ACTION: Resolution 2010-173 (Hawn/Muratore; 6/0; Mayor Ridenour absent) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the construction contract and change order expenses administered and supported by City staff for the 2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection project.

ACTION: Resolution 2010-174 (Hawn/Muratore; 6/0; Mayor Ridenour absent) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the construction contract and change order expenses administered and supported by City staff for the H Street Sewer Capacity Rehab project.

ACTION: Resolution 2010-175 (Hawn/Muratore; 6/0; Mayor Ridenour absent) accepting the work by George Reed, Inc., for the project titled “2007-2008 Pavement Rehabilitation Program, H Street Reconstruction

from 17th St. to Scenic Ave. and Burney St. Intersection” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$938,295.52.

Consent

15. Consider accepting the work by D.A. Woods Construction, Inc. for the “El Rio Sewer Replacement Project” as complete. (Total project cost is \$1,286,145.93) (Funding Source: Wastewater Fund)
- Resolution accepting the work by D.A. Woods Construction, Inc. for the El Rio Sewer Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods and authorizing payment of amounts totaling \$998,551.82 recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423 , kohlson@modestogov.com

ACTION: Resolution 2010-176 (Hawn/Muratore; 6/0; Mayor Ridenour absent) accepting the work by D.A. Woods Construction, Inc. for the El Rio Sewer Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods and authorizing payment of amounts totaling \$998,551.82.

COUNCIL COMMENTS & REPORTS

Councilmember Hawn gave a report on Bette Belle Smith Clean-Up Day on Saturday, May 1, 2010.
Councilmember Geer spoke regarding the Hispanic Youth Leadership Council participation at Gateway Park.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

Continued to May 25, 2010

16. Consider approving an Agreement with VSCE, Inc. for construction management services for the Modesto Bus Maintenance Facility Project in the not-to-exceed amount of \$1,205,923.25. (The total estimated project cost is \$17,590,938) (Funding Source: Transit Funds - CIP)
- Resolution approving an Agreement with VSCE, Inc. for Construction Management Services of the Modesto Bus Maintenance Facility Project in an amount not to exceed \$1,096,293.86 for the identified scope of services, plus \$109,629.39 for additional services (if needed), for a maximum total amount of \$1,205,923.25, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423 , kohlson@modestogov.com

ACTION: Item continued to May 25, 2010 Council meeting.

HEARINGS

Published in the Modesto Bee on April 14, 2010 (Continued to May 11, 2010)

17. Hearing to consider introducing an Ordinance amending the Zoning Code to implement the Neighborhood Compatibility Guidelines including revisions to residential second-story regulations, setbacks, height, lot width and other related provisions thereof relating to development plan review. (Funding Source: Not Applicable)
Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com

ACTION: Hearing continued to May 11, 2010 Council meeting.

Published in the Modesto Bee on April 14, 2010 (Continued to May 11, 2010)

18. Hearing to consider introducing an Ordinance amending Chapter 2 of Title 10 of the Modesto Municipal code relating to Zoning Regulations. (Funding Source: Not Applicable)
Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com

ACTION: Hearing continued to May 11, 2010 Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:50 p.m.

MINUTES

City of Modesto
**ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL
WORKSHOP**

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday May 10, 2010, at 5:30 p.m.

Roll Call Present: Kristin Olsen, Chair, Brad Hawn, Vice Chair and Dave Geer, Member

Absent : None

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 2

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider accepting a status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: **Motion (Hawn/Geer;unan.)** accepting a status report of development projects processed by the Community and Economic Development Department.

Consent

2. Consider extending the deferral of Capital Facilities Fees (CFF) for single-family residential permits until issuance of a Certificate of Occupancy for a period of two-years. (Funding Source: Capital Facilities Fees revenues)
Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com

ACTION: **Motion (Hawn/Geer;unan)** to approve with the following recommendation: extending the deferral of Capital Facilities Fees (CFF) for single-family residential permits until issuance of a Certificate of Occupancy for a period of one year.

NEW BUSINESS

3. Consider recommending appointments to fill the current vacancies on the City of Modesto Landmark Preservation Committee (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Joanne Azevedo, 577-5346, jazevedo@modestogov.com

ACTION: This item was continued to the June 14, 2010 EDC Meeting.

COMMITTEE MEMBERS COMMENTS & REPORTS

4. Consider discussion regarding a Downtown Business Stimulus Plan. (Funding Source: Not Applicable)
City Council; Kristin Olsen , 571-5597, kolsen@modestogov.com

ACTION: This item was for discussion only and the Committee directed staff to bring back a proposed Ordinance to the Economic Development Committee on June 14, 2010.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:10 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 11, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: Councilmember Hawn

Pledge of Allegiance to the Flag

Invocation: Rajan Zed, President of Universal Society of Hinduism

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming May 12, 2010 Fibromyalgia Awareness Day. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation proclaiming May 12, 2010 Fibromyalgia Awareness Day.

2. Presentation of Proclamation proclaiming the week of May 16 through May 22, 2010, as "National Public Works Week." (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation proclaiming the week of May 16 through May 22, 2010 as "National Public Works Week.

3. Presentation of Proclamation to Bob Taylor, Advisory Board Chair proclaiming May 10-16, 2010 National Salvation Army Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to Bob Taylor, Advisory Board Chair, proclaiming May 10-16, 2010 National Salvation Army Week.

PUBLIC COMMENT PERIOD

Doug Estes spoke regarding purchase of equipment/vehicles, no mention of age of vehicle in staff report, and saving money. Steve Fischio, Public Works Department, spoke in general regarding the process of purchasing equipment.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 9

ACTION CONSENT ITEMS 4-9: (Lopez/Geer; Hawn absent; unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

4. Consider approving the Minutes of the City Council meeting of May 4, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Geer; 6/0; Hawn absent) approving the minutes from the May 4, 2010 Council meeting..

Consent

5. Consider authorizing the award of bid and contract for the purchase of a utility truck with a crane for the Public Works Department, Wastewater Quality Control Services Division through the Fleet Services Division, to Wondries Ford, Alhambra, CA, for an estimated total cost of \$68,114. (Funding Source: Fleet Replacement Fund)
 - Resolution authorizing the award of bid and contract for the purchase of a utility truck with a crane for the Public Works Department, Wastewater Quality Control Services Division, through the Fleet Services Division, to Wondries Ford, Alhambra, CA; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$68,114 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2010-177 (Lopez/Geer; 6/0; Hawn absent) authorizing the award of bid and contract for the purchase of a utility truck with a crane for the Public Works Department, Wastewater Quality Control Services Division, through the Fleet Services Division, to Wondries Ford, Alhambra, CA; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$68,114.

Consent

6. Consider authorizing the award of bid and contract for the purchase of a crane truck for the Public Works Department, Wastewater Quality Control Services Division through the Fleet Services Division, to Altec Industries, Dixon, CA, for an estimated total cost of \$185,686. (Funding Source: Fleet Replacement Fund)
 - Resolution authorizing the award of bid and contract for the purchase of a crane truck for the Public Works Department, Wastewater Quality Control Services Division, through the Fleet Services Division, to Altec Industries, Dixon, CA; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$185,686 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2010-178 (Lopez/Geer; 6/0; Hawn absent) authorizing the award of bid and contract for the purchase of a crane truck for the Public Works Department, Wastewater Quality Control Services Division, through the Fleet Services Division, to Altec Industries, Dixon, CA; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$185,686.

Consent

7. Consider accepting the Governor's California Emergency Management Agency (Cal EMA) Anti-Drug Abuse (ADA) Enforcement Team Recovery Act Program Grant, in the amount of \$313,492, to combat major drug trafficking. (Funding Source: State Grants)
 - Resolution accepting the Anti-Drug Abuse Enforcement Team Recovery Act Program Grant, in the amount of \$313,492, from the California Emergency Management Agency, to combat major drug trafficking; and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
 - Resolution amending the Fiscal Year 2009/2010 Operating and Multi-Year Budgets to reflect revenue and expenses in the amount of \$313,492, from the California Emergency Management Agency, to combat major drug trafficking recommended.

Police; Dave Sundy, 558-6300, sundydave@modestopd.com

ACTION: Resolution 2010-179 (Lopez/Geer; 6/0; Hawn absent) accepting the Anti-Drug Abuse Enforcement Team Recovery Act Program Grant, in the amount of \$313,492, from the California Emergency Management Agency, to combat major drug trafficking; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2010-180 (Lopez/Geer; 6/0; Hawn absent) amending the Fiscal Year 2009/2010 Operating and Multi-Year Budgets to reflect revenue and expenses in the amount of \$313,492, from the California Emergency Management Agency, to combat major drug trafficking.

Consent

8. Consider accepting the work by Modesto Executive Electric, Inc., for the "Park Lighting Upgrade at 6 Sites Project" as complete. (Total project cost is \$297,447.42) (Funding Source: Parks-Capital Facilities Fees)
- Resolution accepting the work by Modesto Executive Electric, Inc., for the "Park Lighting Upgrade at 6 Sites Project" as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$254,679.76 recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423 , kohlson@modestogov.com

ACTION: Resolution 2010-181 (Lopez/Geer; 6/0; Hawn absent) accepting the work by Modesto Executive Electric, Inc., for the "Park Lighting Upgrade at 6 Sites Project" as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$254,679.76.

Consent

9. Consider (i) approving a Purchase Agreement with Nellie M. Sanders, in the amount of \$27,541; (ii) approving a Purchase Agreement with Billy J. Osborn and Judy A. Osborn, in the amount of \$24,546; (iii) approving a Purchase Agreement with Darrell W. Wright and Carol Wright, in the amount of \$3,355; and (iv) approving a Purchase Agreement with Central California Development, LLC, in the amount of \$13,682, to acquire real property for the Roselle Avenue Widening Between Floyd & Sylvan Project. (Total estimated cost for this portion of the project work is \$71,367.70) (Funding Source: Village One #2, CFD #2004-1)
- Resolution approving a Purchase Agreement with Nellie M. Sanders, for a 0.03-acre (1,322 sq. ft.) parcel in fee, and a 0.03-acre (1,350 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3324 Roselle Avenue (APN 085-001-021), in the amount of \$27,541, for the Roselle Avenue Widening Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 3324 Roselle Avenue, owned by Nellie M. Sanders, (APN 085-001-021 to be purchased by the City of Modesto for the Roselle Avenue Widening Project recommended.
 - Resolution approving a Purchase Agreement with Billy J. Osborn and Judy A. Osborn, for a 0.03-acre (1,322 sq. ft.) parcel in fee, and a 0.03-acre (1,102 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3342 Roselle Avenue (APN 085-001-037), in the amount of \$24,546, for the Roselle Avenue Widening Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 3342 Roselle Avenue, owned by Billy J. Osborn and Judy A. Osborn, (APN 085-001-037) to be purchased by the City of Modesto for the Roselle Avenue Widening Project recommended.
 - Resolution approving a Purchase Agreement with Darrell W. Wright and Carol Wright, for a 0.01-acre (322 sq. ft.) parcel in fee, and a 0.02-acre (795 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 2906 Roselle Avenue (APN 085-050-002), in the amount of \$3,355, for the Roselle Avenue Widening Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.

- Resolution authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 2906 Roselle Avenue, owned by Darrell W. Wright and Carol Wright, (APN 085-050-002) to be purchased by the City of Modesto for the Roselle Avenue Widening Project recommended.
- Resolution approving a Purchase Agreement with Central California Development, LLC, for a 0.05-acre (2,144 sq. ft.) parcel in fee, and a 0.04-acre (1,787 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3220 Roselle Avenue (APN 085-001-047) in the amount of \$13,682, for the Roselle Avenue Widening Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 3220 Roselle Avenue, owned by Central California Development, LLC, (APN 085-001-047) to be purchased by the City of Modesto for the Roselle Avenue Widening Project recommended.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2010-182 (Lopez/Geer; 6/0; Hawn absent) approving a Purchase Agreement with Nellie M. Sanders, for a 0.03-acre (1,322 sq. ft.) parcel in fee, and a 0.03-acre (1,350 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3324 Roselle Avenue (APN 085-001-021), in the amount of \$27,541, for the Roselle Avenue Widening Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2010-183 (Lopez/Geer; 6/0; Hawn absent) authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 3324 Roselle Avenue, owned by Nellie M. Sanders, (APN 085-001-021) to be purchased by the City of Modesto for the Roselle Avenue Widening Project.

ACTION: Resolution 2010-184 (Lopez/Geer; 6/0; Hawn absent) approving a Purchase Agreement with Billy J. Osborn and Judy A. Osborn, for a 0.03-acre (1,322 sq. ft.) parcel in fee, and a 0.03-acre (1,102 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3342 Roselle Avenue (APN 085-001-037), in the amount of \$24,546, for the Roselle Avenue Widening Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2010-185 (Lopez/Geer; 6/0; Hawn absent) authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 3342 Roselle Avenue, owned by Billy J. Osborn and Judy A. Osborn, (APN 085-001-037) to be purchased by the City of Modesto for the Roselle Avenue Widening Project.

ACTION: Resolution 2010-186 (Lopez/Geer; 6/0; Hawn absent) approving a Purchase Agreement with Darrell W. Wright and Carol Wright, for a 0.01-acre (322 sq. ft.) parcel in fee, and a 0.02-acre (795 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 2906 Roselle Avenue (APN 085-050-002), in the amount of \$3,355, for the Roselle Avenue Widening Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2010-187 (Lopez/Geer; 6/0; Hawn absent) authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 2906 Roselle Avenue, owned by Darrell W. Wright and Carol Wright, (APN 085-050-002) to be purchased by the City of Modesto for the Roselle Avenue Widening Project.

ACTION: Resolution 2010-188 (Lopez/Geer; 6/0; Hawn absent) approving a Purchase Agreement with Central California Development, LLC, for a 0.05-acre (2,144 sq. ft.) parcel in fee, and a 0.04-acre (1,787 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3220 Roselle Avenue (APN 085-001-047) in the amount of \$13,682, for the Roselle Avenue Widening Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2010-189 (Lopez/Geer; 6/0; Hawn absent) authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction

Easement for the acquisition of a portion of a parcel of land located at 3220 Roselle Avenue, owned by Central California Development, LLC, (APN 085-001-047) to be purchased by the City of Modesto for the Roselle Avenue Widening Project.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding the Fourth of July Parade, the longest running parade in California, and the need for funds to continue tradition in Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on April 30, 2010

10. Hearing to consider introducing an Ordinance amending Section 4-12.405 of Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Defacement of Property - Punishment Provisions. (Funding Source: Not Applicable)

- Motion introducing an Ordinance Amending Section 4-12.405 of Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Defacement of Property – Punishment Provisions recommended.

City Attorney; James Wilson, 577-5284, jwilson@modestogov.com

ACTION: Motion (Olsen/Marsh; 6/0; Hawn absent) introducing Ordinance No. 3525-C.S. amending Section 4-12.405 of Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Defacement of Property – Punishment Provisions.

Published in the Modesto Bee on April 14, 2010 (Continued from May 4, 2010)

11. Hearing to consider introducing an Ordinance amending the Zoning Code to implement the Neighborhood Compatibility Guidelines including revisions to residential second-story regulations, setbacks, height, lot width and other related provisions thereof relating to development plan review. (Funding Source: Not Applicable)

- Motion introducing an ordinance amending Sections 10-2.215, 10-2.216, 10-2.221, 10-2.222, 10-2.234, 10-2.509, 10-2.510, 10-2.511, 10-2.512, 10-2.513, 10-2.514, 10-2.515, 10-2.516, 10-2.602, 10-2.606, 10-2.608, 10-2.609, 10-2.610, 10-2.702, 10-2.706, 10-2.708, 10-2.709, 10-2.2704, 10-2.2706, 10-2.3002, 10-2.3003, 10-2.3004 and 10-2.3005 of Chapter 2 of Title 10 of the Modesto Municipal Code; adding Sections 10-2.229.1, 10-2.230.1, 10-2.508, 10-2.613, 10-2.713 and 10-2.3007 thereto; and repealing Sections 10-2.603 and 10-2.703 thereof relating to Zoning Regulations recommended.
- Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023) (City of Modesto) recommended.

Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com

ACTION: Motion (Muratore/Lopez; 6/0; Hawn absent) introducing Ordinance No. 3526-C.S. amending Sections 10-2.215, 10-2.216, 10-2.221, 10-2.222, 10-2.234, 10-2.509, 10-2.510, 10-2.511, 10-2.512, 10-2.513, 10-2.514, 10-2.515, 10-2.516, 10-2.602, 10-2.606, 10-2.608, 10-2.609, 10-2.610, 10-2.702, 10-2.706, 10-2.708, 10-2.709, 10-2.2704, 10-2.2706, 10-2.3002, 10-2.3003, 10-2.3004 and 10-2.3005 of Chapter 2 of Title 10 of the Modesto Municipal Code; adding Sections 10-2.229.1, 10-2.230.1, 10-2.508, 10-2.613, 10-2.713 and 10-2.3007 thereto; and repealing Sections 10-2.603 and 10-2.703 thereof relating to Zoning Regulations.

ACTION: Resolution 2010-190 (Muratore/Lopez; 6/0; Hawn absent) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023) (City of Modesto).

Published in the Modesto Bee on April 14, 2010 (Continued from May 4, 2010)

12. Hearing to consider introducing an Ordinance amending Chapter 2 of Title 10 of the Modesto Municipal code relating to Zoning Regulations. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Sections 10-2.502, 10-2.902, 10-2.1002, 10-2.1703, 10-2.2002, 10-2.2110 and 10-2.2202 of Chapter 2 of Title 10 of the Modesto Municipal Code; Adding Sections 10-2.216.2, 10-2.218.1, 10-2.236.1, 10-2.2202.1 and 10-2.2202.2 Thereto; and Repealing Sections 10-2.225, 10-2.503, 10-2.1102.1, 10-2.1706, 10-2.2009 and 10-2.2318 thereof relating to Zoning Regulations recommended.
 - Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Omnibus Zoning Code Text Amendment recommended.
- Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com*

ACTION: Motion (Lopez/Marsh; 6/0; Hawn absent) introducing Ordinance No. 3527-C.S. amending Sections 10-2.502, 10-2.902, 10-2.1002, 10-2.1703, 10-2.2002, 10-2.2110 and 10-2.2202 of Chapter 2 of Title 10 of the Modesto Municipal Code; Adding Sections 10-2.216.2, 10-2.218.1, 10-2.236.1, 10-2.2202.1 and 10-2.2202.2 Thereto; and Repealing Sections 10-2.225, 10-2.503, 10-2.1102.1, 10-2.1706, 10-2.2009 and 10-2.2318 thereof relating to Zoning Regulations.

ACTION: Resolution 2010-191 (Lopez/Marsh; 6/0; Hawn absent) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Omnibus Zoning Code Text Amendment.

Published in the Modesto Bee on March 28, 2010 (continued from April 27, 2010)

13. Hearing to consider approving the City of Modesto's Draft Annual Action Plan (AAP) for Fiscal Year 2010-11, which includes funding awards for Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) public service fund allocations and authorize submission of an application to the U.S. Department of Housing and Urban Development (HUD) for use of the funds identified in the Plan. (Funding Source: CDBG, HOME and ESG)
- Resolution approving the City of Modesto Fiscal Year 2010-2011 U.S. Department of Housing and Urban Development Annual Action Plan for the use of the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Shelter Grant (ESG) funds; authorizing submission of an application to the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2010-2011 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the United States Department of Housing and Urban Development recommended.
 - Resolution approving the allocation of funding in the amounts of \$383,000 in Community Development Block Grant (CDBG) Public Services, approximately \$98,000 in new entitlement funds and \$3,760 in carryover funds totaling \$101,760 for Emergency Shelter Grant (ESG), and up to \$40,000 in CDBG Administration funds for FY 2010-11; and authorizing the City Manager, or his designee, to execute the Agreements recommended.
- Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

ACTION: Resolution 2010-192 (Lopez/Olsen; 6/0; Hawn absent) approving the City of Modesto Fiscal Year 2010-2011 U.S. Department of Housing and Urban Development Annual Action Plan for the use of the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Shelter Grant (ESG) funds; authorizing submission of an application to the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2010-2011 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the United States Department of Housing and Urban Development.

ACTION: Resolution 2010-193 (Lopez/Olsen; 6/0; Hawn absent) approving the allocation of funding in the amounts of \$373,000 in Community Development Block Grant public services, approximately \$98,000 in new entitlement funds and \$3,760 in carryover funds totaling \$101,760 for Emergency Shelter Grant, and up to \$40,000 in Community Development Block Grant Administration Funds for Fair Housing Services in Fiscal Year 2010-11; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-194 (Lopez/Olsen; 5/0; Hawn, Marsh absent) approving the allocation of \$10,000 in Community Development Block Grant Public Services Funding in Fiscal Year 2010-11 to Court-Appointed Special Advocates of Stanislaus County and authorizing the City Manager, or his designee, to execute the

Agreements.

Recess at 7:40 p.m.

Reconvened at 7:50 p.m.

Published in the Modesto Bee on April 30, 2010 and Vida En El Valle on May 6, 2010

14. Hearing to consider approving modifications to Modesto Area Express (MAX) Route 28 to provide new bus service to Gregori High School and the Modesto Institute of Technology, and increase service to Salida and Kaiser Permanente's Modesto Medical Center at a cost of approximately \$156,000 annually, effective August 2010. (Funding Source: Congestion Mitigation and Air Quality Grant, Transportation Development Act funds)

- Resolution approving modifications to Modesto Area Express (MAX) Route 28 to provide new bus service to Gregori High School and the Modesto Institute of Technology, and increase service to Salida and Kaiser Permanente's Modesto Medical Center at a cost of approximately \$156,000 annually, effective August 2010 recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2010-195 (Lopez/Geer; 6/0; Hawn absent) approving modifications to Modesto Area Express (MAX) Route 28 to provide new bus service to Gregori High School and the Modesto Institute of Technology, and increase service to Salida and Kaiser Permanente's Modesto Medical Center at a cost of approximately \$156,000 annually, effective August 2010.

NEW BUSINESS

15. Consider approving the rules and procedures for administering land subject to a Williamson Act contract and interim application processing fees to be determined by the Director on a case-by-case basis. (Funding Source: Not Applicable)

- Resolution adopting rules and procedures for administering land subject to a Williamson Act contract recommended.

Community & Economic Development; Cindy van Empel, 209-577-5267, cvanempel@modestogov.com

ACTION: Resolution 2010-196 (Muratore/Lopez; 6/0; Hawn absent) adopting rules and procedures for administering land subject to a Williamson Act contract.

16. Consider approving the payment of Capital Facilities Fees based on the 2003 program and payment of Sewer Bond Redemption Charges in lieu of the Wastewater Capacity Charges for the remaining eleven lots in the Andrea Estates subdivision until August 22, 2010, and refunding the difference between the 2003 and 2006 CFF, and between the Sewer Bond Redemption and Wastewater Capacity Charges, for the four lots where the current fees have been paid. (Funding Source: Capital Facilities Fees Revenue & Wastewater Connection Accounts)

- Resolution approving the payment of Capital Facilities Fees based on the 2003 Capital Facilities Fees rates and the payment of Sewer Bond Redemption Charges in lieu of Wastewater Capacity Charges for building permits issued by August 22, 2010, for new single-family homes on the eleven remaining undeveloped lots of Andrea Estates subdivision, and authorizing a refund of \$15,228 from the Capital Facilities Fees Revenue Account and \$17,624 from the Wastewater Connection Account recommended.

Community & Economic Development; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

ACTION: Resolution 2010-197 (Marsh/Lopez; 6/0; Hawn, absent) approving the payment of Capital Facilities Fees based on the 2003 Capital Facilities Fees rates and the payment of Sewer Bond Redemption Charges in lieu of Wastewater Capacity Charges for building permits issued by August 22, 2010, for new single-family homes on the eleven remaining undeveloped lots of Andrea Estates subdivision, and authorizing a refund of \$15,228 from the Capital Facilities Fees Revenue Account and \$17,624 from the Wastewater Connection Account

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:10 p.m.

CLOSED SESSION

All Closed Session Matters heard prior to meeting

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code)

Property: Discussion regarding acquisition of the following properties:
Del Rio Tank Site (response to previous offer and direction regarding counter offer)
Hickman Tank Site (authorization to make offer)

Negotiating parties: Rich Ulm, Deputy Director of Utilities Planning & Projects
Dean Phillips, Senior Civil Engineer
Jon Yuriar, Property Agent

Under negotiation: Price and terms of sale

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCEA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MPOA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MPNSA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MPMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCFFA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Firefighters Association

MINUTES

City of Modesto
**Special Finance Committee Meetings/
Special City Council Workshop Meetings**
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

BUDGET WORKSHOPS

Roll Call: Present - Brad Hawn, Garrad Marsh
Also Present – Joe Muratore (left meeting at 11:45 am); Mayor Ridenour
Absent – Dave Geer

MONDAY – MAY 17, 2010 @ 9:00 AM

PUBLIC COMMENT PERIOD Three minute time limit per speaker

None.

NEW BUSINESS

- Mayor Opening Comments

ACTION: Mayor Ridenour thanked the Finance Committee, staff, and labor unions. Mayor Ridenour gave opening comments and overview of budget reductions. He discussed the State of California Budget Situation and meeting with the Governor's Office next week - the State will not take VLF and HUTA money from Cities. Mayor will hold on to the City reserve.

- City Manager Financial Status of City and Workshop Overview

ACTION: City Manager Greg Nyhoff gave introductions and opening statements; workshop overview. City Manager thanked staff, Mayor, Finance Committee and labor unions. He discussed the National Economy and Declining Major Revenue Sources: City of Modesto – Historical General Fund Sales Tax Revenue (2006 thru Present); General Fund Revenue. The City Manager discussed how budget was developed; anticipated expenses for future years. City of Modesto – General Fund Proforma as of May 11, 2010. \$105 million reductions broken down. Key Service Legal Impacts: Police Department impacts, Parks, Recreation & Neighborhoods impacts; Fire Department impacts; Community & Economic Development (Planning) impacts (last year and current).

- General Fund Review/Department Presentations

- Parks, Recreation & Neighborhoods

ACTION: Julie Hannon, Director of Parks, Recreation & Neighborhoods, gave an overview of the FY 2010-11 General Fund Budget by Program; General Fund Budget by Category, FY 2009-10 Department FTE (Full Time Employees) by Program Area;

Position Allocation History; Department Reduction Strategy; Overall Impacts; Impact of FY 2010-11 Reductions on Parks, Recreation & Neighborhoods; What PRN Can Continue Doing. Ms. Hannon responded to questions from Committee Members regarding reductions.

➤ Police

ACTION: Chief Mike Harden, Modesto Police Department, gave opening statement. Gangs, Drugs, and Traffic are the three major concerns of citizens. Chief Harden gave report on Comparison of Expenditures; Current Funding Sources – 251 sworn positions and 95 non-sworn positions; Staffing Trends; FY 2010-11 would be 234 sworn positions and 78 non-sworn positions; FY 2010-11 Position Reductions; Impacts of Proposed Budget; What MPD Can Accomplish with Proposed Funding. Chief Harden responded to questions from Committee Members regarding reductions.

➤ Fire

ACTION: Chief Jim Miguel, Modesto Fire Department, gave the Budget and Employee History from 2007 to Present; What Can Fire Department Accomplish With the Proposed Budget?; What is the Impact of the Proposed Reductions? - (Eliminate Battalion Chief and Engine 21; Overtime Reductions); New Revenues (Hazardous Materials Incident Response and New Fees for State Mandated Fire Prevention Inspections). Chief Miguel responded to questions from Committee Members regarding reductions.

Councilmember Muratore left meeting at 11:45 a.m.

➤ Community & Economic Development

ACTION: Brent Sinclair, Director of Community & Economic Development, gave background of Department from 2009-2011 and additions: Traffic Engineering & Operations, Streets Engineering, Land Development Engineering, and Infrastructure Finance Program; staff reductions of 42% in Planning, Building and Business Development. He also reported on the Department's Funding Sources, Significant Impacts to Service Levels; Restructuring Opportunities (Shared Resources, One-Stop Shop, Establish Base-Level Service); 4 Centers of Activity (Development Service Center, Economic Development Center, Transportation System Center and Planning Center); and Trends and Opportunities. Mr. Sinclair responded to questions from Committee Members regarding reductions.

Recess at 12:15 p.m.

Reconvened at 1:05 p.m.

➤ Human Resources

ACTION: Dee Williams-Ridley, Director of Human Resources, gave background of services provided: Human Resources Staff Trends; Total Expenses (other than insurance) – General Fund, Insurance Administration, and Employee Benefits Administration; Total Revenue (other than insurance) – General Fund, Insurance Administration and Employee Benefits Administration; Impacts; and Services that Human Resources Can Accomplish.

➤ Finance

ACTION: Gloriette Beck, Director of Finance, gave background of department: Comparison of Expenditures (2008 to present); Reduction Impacts; General Fund Reduction Detail totaling \$162,927.

ACTION: City Manager Greg Nyhoff gave closing comments regarding the General Fund and stated that negotiations are still ongoing with the labor unions.

- Information & Technology Fund

ACTION: Gary Cook, Director of Information & Technology, gave background for the FY 2010-11 Budget, which totals \$5,503,826; Operational Composition of Information Technology Budget for FY 2009-10 and FY 2010-11; and Information Technology Summary (ERP Top Priority, extending replacement on all hardware and systems, consolidation of applicable systems, and postponing all routine upgrades/systems).

- Utility Funds Review

- Sewer

ACTION: Dennis Turner, Interim Director of Public Works, gave background on Utility Enterprise Funds. Wastewater Fund – Programs; Revenue Sources; Revenue vs. Expenses (FY 2009-11); Key Program Spending; FY 2010-11 Goals; Fund Challenges; and Reduction Options.

- Water

ACTION: Dennis Turner, Interim Director of Public Works, gave background on Water Funds – Programs; Revenue Sources; Revenue vs. Expenses (FY 2009-11); Key Program Spending; FY 2010-11 Goals; Fund Challenges, Water Rate Review; and Reduction Options.

- Storm Drain

ACTION: Dennis Turner, Interim Director of Public Works, gave background on the Storm Drain Fund – Programs; Revenue Sources; Revenue vs. Expenses (FY 2009-11); Fund Challenges; Key Program Spending; FY 2010-11 Goals; and Reduction Options.

Recess at 2:05 p.m.

Reconvened at 2:20 p.m.

- Transportation Related Funds Review

- Gas Tax

- Local Transportation Fund (LTF)

- Other – Congestion Mitigation Air Quality (CMAQ), Transit, etc.

ACTION: Dennis Turner, Interim Director of Public Works, gave report on Surface Transportation Fund – Programs, Revenue Sources, Revenue vs. Expenses (FY 2009-11); Proposition 1B-Streets; Proposition 42 Funding; State-Imposed Funding Challenges; FY 2010-11 Strategy; Goals; Unmet Needs; and Items for Council Consideration.

ACTION: Julie Hannon, Director of Parks, Recreation & Neighborhoods, spoke regarding the Weed Abatement Program and if Council would like to continue funding for the program in the amount of \$248,190. Staff to return with more information.

ACTION: Dennis Turner, Interim Director of Public Works, gave report on the Airport Fund – Programs; Revenue Sources; Revenue vs. Expenses (FY 2009-11); 2010-11 Goals; Fund Challenges; and Reduction Options.

ACTION: Dennis Turner, Interim Director of Public Works, gave report on the Transit Fund – Programs; Revenue Sources; State Transit Assistance Update (STA Funds); Revenue vs. Expenses (FY 2009-11); Key Transit Program Expenses; FY 2010-11 Goals; Funding Challenges; and Reduction Options.

ACTION: Dennis Turner, Interim Director of Public Works, gave report on Fleet Fund – Programs; Revenue Sources; Revenue vs. Expenses (FY 2009-11); 2010-11 Goals; Fund Challenges; and Reduction Options.

ACTION: Dennis Turner, Interim Director of Public Works, gave report on Parking Fund – Programs; Revenue Sources; Revenue vs. Expenses (FY 2009-11); FY 2010-11 Goals; Fund Challenges; and Reduction Options.

ACTION: City Manager Nyhoff recommended returning in late May or early June to the Finance Committee with (i) additional reductions and (ii) Policy Changes.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:15 p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday May 24, 2010, at 5:30 p.m.

Roll Call Present: Brad Hawn, Chair, Garrad Marsh, Vice Chair and Dave Geer, Member

Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 5

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider amending Resolution 2003-309, updating the land values included in the CFF 2003 Program and to include additional funding or forty feet of right-of-way for expressways and forwarding to the City Council. (Funding Source: Capital Facilities Fees Revenues)
Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) amending Resolution 2003-309, updating the land values included in the CFF 2003 Program and to include additional funding or forty feet of right-of-way for expressways and forwarding to the City Council

Consent

2. Consider amending the Operating Budget for Fiscal Year 2009-10 for various funds to repay the Tenth Street Joint Power Agency for funds owed due to an accounting structure change correction. (Funding Source: Various Funds)
Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) amending the Operating Budget for Fiscal Year 2009-10 for various funds to repay the Tenth Street Joint Power Agency for funds owed due to an accounting structure change correction.

Consent

3. Consider accepting the Monthly Budget Adjustment report for May 2010 and refer to Council for consideration and approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting the Monthly Budget Adjustment report for May 2010 and refer to Council for consideration and approval.

Consent

4. Consider extending the contract for broker of record services through Gallagher Benefit Services for an additional 20 month period commencing on November 1, 2010, contingent upon Gallagher Benefit Services reducing their monthly consulting fee from \$4083.33 to \$3583.33 per month beginning July 1, 2010. (Funding Source: Not Applicable)
Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) extending the contract for broker of record services through Gallagher Benefit Services for an additional 20 month period commencing on November 1, 2010, contingent upon Gallagher Benefit Services reducing their monthly consulting fee from \$4083.33 to \$3583.33 per month beginning July 1, 2010.

Consent

5. Consider accepting an informational report regarding the Quarterly Water Meter/Automated Reading Program Update. (Funding Source: Not Applicable)
Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting an informational report regarding the Quarterly Water Meter/Automated Reading Program Update.

NEW BUSINESS

6. Consider recommending to the Redevelopment Agency Board adoption of the proposed annual Redevelopment Agency Operating and Capital Improvement (CIP) Budget for the fiscal year ending June 30, 2011. (Funding Source: Redevelopment Agency)
Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) recommending to the Redevelopment Agency Board adoption of the proposed annual Redevelopment Agency Operating and Capital Improvement (CIP) Budget for the fiscal year ending June 30, 2011.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:15 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 25, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements – Item 3 was removed from Consent.

- June 8, 2010 Council meeting is cancelled. Special Council meeting will be held June 9, 2010

Declaration of Conflicts of Interest - Councilmember Muratore has a conflict with Item No. 8.

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider approving the Airport Advisory Committee 2009 Annual Report. (Funding Source: Not Applicable)
 - Motion approving the Airport Advisory Committee 2009 Annual Report recommended.
Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Jerome Thiele, Airport Manager for the City County Airport and Reverend Joe Trevena, Chairman of the Airport Committee presented the Airport Advisory Committee 2009 Annual Report.

PUBLIC COMMENT PERIOD

Mr. Ron Jeske spoke regarding the Amgen Tour and wanted to thank and recognize Julie Hannon, Director of Parks and Neighborhood and her staff for organizing the successful event.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 14

ACTION CONSENT ITEMS: 2, 4-7, 9-14: (Lopez/Hawn; 7/0.)

ACTION CONSENT ITEM: 3 (Marsh/Hawn; 7/0)

ACTION CONSEN ITEM 8: (Hawn/Lopez; 6/0; Muratore absent due to conflict)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

2. Consider approving the Minutes of the City Council meeting of May 11, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the May 11, 2010 City Council minutes.

Removed from Consent

Consent

3. Consider approving final adoption of Ordinance No. 3525-C.S. amending Section 4-12.405 of Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Defacement of Property – Punishment Provisions. (Funding Source: Not Applicable)
 - Motion approving final adoption of: Ordinance No. 3525-C.S. amending Section 4-12.405 of Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Defacement of Property – Punishment Provisions recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Marsh/Hawn; 7/0) approving final adoption of: Ordinance No. 3525-C.S. amending Section 4-12.405 of Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Defacement of Property – Punishment Provisions.

Consent

4. Consider approving final adoption of Ordinance No. 3526-C.S. amending Sections 10-2.215, 10-2.216, 10-2.221, 10-2.222, 10-2.234, 10-2.509, 10-2.510, 10-2.511, 10-2.512, 10-2.513, 10-2.514, 10-2.515, 10-2.516, 10-2.602, 10-2.606, 10-2.608, 10-2.609, 10-2.610, 10-2.702, 10-2.706, 10-2.708, 10-2.709, 10-2.2704, 10-2.2706, 10-2.3002, 10-2.3003, 10-2.3004 and 10-2.3005 of Chapter 2 of Title 10 of the Modesto Municipal Code; adding Sections 10-2.229.1, 10-2.230.1, 10-2.508, 10-2.613, 10-2.713 and 10-2.3007 thereto; and repealing Sections 10-2.603 and 10-2.703 thereof relating to Zoning Regulations. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3526-C.S. amending Sections 10-2.215, 10-2.216, 10-2.221, 10-2.222, 10-2.234, 10-2.509, 10-2.510, 10-2.511, 10-2.512, 10-2.513, 10-2.514, 10-2.515, 10-2.516, 10-2.602, 10-2.606, 10-2.608, 10-2.609, 10-2.610, 10-2.702, 10-2.706, 10-2.708, 10-2.709, 10-2.2704, 10-2.2706, 10-2.3002, 10-2.3003, 10-2.3004 and 10-2.3005 of Chapter 2 of Title 10 of the Modesto Municipal Code; adding Sections 10-2.229.1, 10-2.230.1, 10-2.508, 10-2.613, 10-2.713 and 10-2.3007 thereto; and repealing Sections 10-2.603 and 10-2.703 thereof relating to Zoning Regulations recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of Ordinance No. 3526-C.S. amending Sections 10-2.215, 10-2.216, 10-2.221, 10-2.222, 10-2.234, 10-2.509, 10-2.510, 10-2.511, 10-2.512, 10-2.513, 10-2.514, 10-2.515, 10-2.516, 10-2.602, 10-2.606, 10-2.608, 10-2.609, 10-2.610, 10-2.702, 10-2.706, 10-2.708, 10-2.709, 10-2.2704, 10-2.2706, 10-2.3002, 10-2.3003, 10-2.3004 and 10-2.3005 of Chapter 2 of Title 10 of the Modesto Municipal Code; adding Sections 10-2.229.1, 10-2.230.1, 10-2.508, 10-2.613, 10-2.713 and 10-2.3007 thereto; and repealing Sections 10-2.603 and 10-2.703 thereof relating to Zoning Regulations.

Consent

5. Consider approving final adoption of Ordinance No. 3527-C.S. amending Sections 10-2.502, 10-2.902, 10-2.1002, 10-2.1703, 10-2.2002, 10-2.2110 and 10-2.2202 of Chapter 2 of Title 10 of the Modesto Municipal Code; Adding Sections 10-2.216.2, 10-2.218.1, 10-2.236.1, 10-2.2202.1 and 10-2.2202.2 Thereto; and Repealing Sections 10-2.225, 10-2.503, 10-2.1102.1, 10-2.1706, 10-2.2009 and 10-2.2318 thereof relating to Zoning Regulations. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3527-C.S. amending Sections 10-2.502, 10-

2,902, 10-2.1002, 10-2.1703, 10-2.2002, 10-2.2110 and 10-2.2202 of Chapter 2 of Title 10 of the Modesto Municipal Code; Adding Sections 10-2.216.2, 10-2.218.1, 10-2.236.1, 10-2.2202.1 and 10-2.2202.2 Thereto; and Repealing Sections 10-2.225, 10-2.503, 10-2.1102.1, 10-2.1706, 10-2.2009 and 10-2.2318 thereof relating to Zoning Regulations recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of Ordinance No. 3527-C.S. amending Sections 10-2.502, 10-2,902, 10-2.1002, 10-2.1703, 10-2.2002, 10-2.2110 and 10-2.2202 of Chapter 2 of Title 10 of the Modesto Municipal Code; Adding Sections 10-2.216.2, 10-2.218.1, 10-2.236.1, 10-2.2202.1 and 10-2.2202.2 Thereto; and Repealing Sections 10-2.225, 10-2.503, 10-2.1102.1, 10-2.1706, 10-2.2009 and 10-2.2318 thereof relating to Zoning Regulations.

Consent

6. Consider (i) authorizing submission of the City's Local Transportation Fund (LTF) Non-Transit Supplemental Claim for Fiscal Year 2008/2009, in the amount of \$317,451, to the Stanislaus Council of Governments (StanCOG); and (ii) amending the Fiscal Year 2009/2010 Capital Improvement Program (CIP) budget to recognize new Local Transportation Fund (LTF) revenue in the amount of \$317,451. (Funding Source: Local Transportation Funds)

- Resolution authorizing submission of the City's Local Transportation Fund (LTF) Non-Transit Supplemental Claim for Fiscal Year 2008/2009, in the amount of \$317,451, to the Stanislaus Council of Governments (StanCOG) recommended.
- Resolution amending the Fiscal Year 2009/2010 Capital Improvement Program (CIP) budget to reduce expenditure appropriations for E691 Traffic Operations Building-Tenant Improvements in the amount of \$99,066, and to recognize new Local Transportation Fund (LTF) revenue in the amount of \$317,451 with \$308,657 going to the "Traffic Operations Building-Tenant Improvements," (E691) project and \$8,794 going to the "Virginia Corridor" (P365) project recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2010-198 (Lopez/Hawn; 7/0) authorizing submission of the City's Local Transportation Fund (LTF) Non-Transit Supplemental Claim for Fiscal Year 2008/2009, in the amount of \$317,451, to the Stanislaus Council of Governments (StanCOG).

ACTION: Resolution 2010-199 (Lopez/Hawn; 7/0) amending the Fiscal Year 2009/2010 Capital Improvement Program (CIP) budget to reduce expenditure appropriations for E691 Traffic Operations Building-Tenant Improvements in the amount of \$99,066, and to recognize new Local Transportation Fund (LTF) revenue in the amount of \$317,451 with \$308,657 going to the "Traffic Operations Building-Tenant Improvements," (E691) project and \$8,794 going to the "Virginia Corridor" (P365) project.

Consent

7. Consider approving recommendations for traffic control and traffic calming for Columbine Drive, north of Standiford Avenue. (Funding Source: General Fund)

- Motion approving staff recommendations for traffic control and traffic calming for Columbine Drive, north of Standiford Avenue recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving staff recommendations for traffic control and traffic calming for Columbine Drive, north of Standiford Avenue.

Consent – Councilmember Muratore Conflict of Interest

8. Consider approving the program guidelines including loan terms for the Neighborhood Stabilization Program 2 (NSP2) and authorizing the City Manager or his designee to sign the Memorandums of Understanding (MOU), loan documents, and any other related documents necessary to implement the program. (Funding Source: American Recovery and Reinvestment Act)

- Resolution approving the program guidelines and loan terms for the Neighborhood Stabilization Program 2 (NSP2); and authorizing the City Manager, or his designee, to sign the Memorandums of Understanding, loan documents, and any other related documents necessary to implement the

program recommended.
Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Resolution 2010-200 (Hawn/Lopez; 6/0; Muratore absent due to conflict) approving the program guidelines and loan terms for the Neighborhood Stabilization Program 2 (NSP2); and authorizing the City Manager, or his designee, to sign the Memorandums of Understanding, loan documents, and any other related documents necessary to implement the program.

Consent

9. Consider approving project scope of work and budget for Community Development Block Grant – Recovery-funded Public Services project designed to bring about economic development and community capacity-building in the Airport Neighborhood and authorizing the City Manager or his designee to execute an agreement with Orville Wright Elementary School Healthy Start Site / Family Resource Center (Modesto City Schools) to carry out the project. (Funding Source: Community Development Block Grant – Recovery (CDBG-R) Funds)
- Resolution approving the scope of work and budget for Community Development Block Grant – Recovery (CDBG-R)-funded Public Services project designed to bring about economic development and community capacity-building in the Airport Neighborhood; and authorizing the City Manager, or his designee, to execute an agreement with Orville Wright Elementary School Healthy Start Site/Family Resource Center to carry out the project recommended.
Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Resolution 2010-201 (Lopez/Hawn; 7/0) approving the scope of work and budget for Community Development Block Grant – Recovery (CDBG-R)-funded Public Services project designed to bring about economic development and community capacity-building in the Airport Neighborhood; and authorizing the City Manager, or his designee, to execute an agreement with Orville Wright Elementary School Healthy Start Site/Family Resource Center to carry out the project.

Consent

10. Consider approving the term extension of Ed Bearden as the Poet Laureate for the City of Modesto through June 30, 2012. (Funding Source: Not Applicable)
- Resolution approving extending the term of Ed Bearden as the Poet Laureate of the City of Modesto through June 30, 2012 recommended.
Parks, Recreation & Neighborhoods; Lisa Forester, 577-6480, lforester@modestogov.com

ACTION: Resolution 2010-202 (Lopez/Hawn; 7/0) approving extending the term of Ed Bearden as the Poet Laureate of the City of Modesto through June 30, 2012.

Consent

11. Consider authorizing acceptance of a \$15,000 Marijuana Eradication Grant for the Stanislaus Drug Enforcement Agency (SDEA) from the United States Department of Justice Drug Enforcement Administration and amending the SDEA Fiscal Year 2010/11 operating budget to include this new revenue. (Funding Source: Federal Grants/SDEA)
- Resolution accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$15,000 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents recommended.
 - Resolution amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2010/11 Operating Budget estimating revenue in the amount of \$15,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant recommended.
Police; Dave Sundy, 558-6300, sundydave@modestopd.com

ACTION: Resolution 2010-203 (Lopez/Hawn; 7/0) accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$15,000 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents.

ACTION: Resolution 2010-204 (Lopez/Hawn; 7/0) amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2010/11 Operating Budget estimating revenue in the amount of \$15,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant.

Consent

12. Consider approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application for funding in the amount of \$235,816 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program. (Funding Source: Special Revenue Grant)
- Resolution approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$235,816; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement recommended.
- Police; Michael G. Harden, 572-9501, hardeng@modestopd.com*

ACTION: Resolution 2010-205 (Lopez/Hawn; 7/0) approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$235,816; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement .

Consent

13. Consider approving an increase of the Director of Utility Planning and Projects' Authority to issue change orders on the Advance Traffic Management System (ATMS) Expansion Pelandale Avenue project from 10 percent (\$25,510) to 14.9 percent (\$38,000) of the original contract price with Sierra National Construction, Inc. (Total estimated construction cost is \$293,085.43) (Funding Source: CMAQ Grants and Gas Tax)
- Resolution increasing the Director of Utility Planning and Projects' Authority to issue change orders on the "Advance Traffic Management System (ATMS) Expansion Pelandale Avenue" project by \$12,470.43 from 10% (\$25,510.00) to 14.9% (\$38,000.00) of the original contract price with Sierra National Construction, Inc. to fund the change order work recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423 , kohlson@modestogov.com*

ACTION: Resolution 2010-206 (Lopez/Hawn; 7/0) increasing the Director of Utility Planning and Projects' Authority to issue change orders on the "Advance Traffic Management System (ATMS) Expansion Pelandale Avenue" project by \$12,470.43 from 10% (\$25,510.00) to 14.9% (\$38,000.00) of the original contract price with Sierra National Construction, Inc. to fund the change order work.

Consent

14. Consider (i) approving an agreement with Miller-Pezzoni & Associates, Inc. for On-call Electrical Engineering Services in an amount not to exceed \$70,000 per year, (ii) approving an agreement with Nexus Engineering for On-call Mechanical Engineering Services in an amount not to exceed \$45,000 per year, and (iii) approving an agreement with Kleinfelder West, Inc. for On-call Geotechnical Engineering Services in an amount not to exceed \$45,000 per year. (Funding Source: Various CIP Projects)
- Resolution approving an agreement with Miller-Pezzoni & Associates, Inc. (Miller-Pezzoni) for On-call Electrical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$70,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options recommended.
 - Resolution approving an agreement with Nexus Engineering (Nexus) for On-call Mechanical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options recommended.
 - Resolution approving an agreement with to Kleinfelder West, Inc. (Kleinfelder) for On-call Geotechnical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year,

and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options recommended.

Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2010-207 (Lopez/Hawn; 7/0) approving an agreement with Miller-Pezzoni & Associates, Inc. (Miller-Pezzoni) for On-call Electrical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$70,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options recommended.

ACTION: Resolution 2010-208 (Lopez/Hawn; 7/0) Resolution approving an agreement with Nexus Engineering (Nexus) for On-call Mechanical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

ACTION: Resolution 2010-209 (Lopez/Hawn; 7/0) approving an agreement with to Kleinfelder West, Inc. (Kleinfelder) for On-call Geotechnical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

COUNCIL COMMENTS & REPORTS

Councilmember Marsh commented on expense claims recently published in the Modesto Bee and requested that new polices and control be enacted by the Council.

Councilmember Lopez announced that Takin' It To The Streets will be held on June 5, 2010. Volunteers will be meeting along Centennial Junction, Citizens of Modesto will be pulling weeds and painting over graffiti. Local business organizations are also volunteering their time. Councilmember Lopez worked with local business to provide incentives for volunteering.

Councilmember Hawn reported on the North Valley Regional Recycle Project and shared that he and Nick Pinhey, Director of Utility & Projects, William Harrison General Manger of Del Puerto Water District and Dan Madden, Turlock Municipal Services Director traveled to Washington D.C. and met with eleven different legislative organizations and this project has garnered attention in Washington. A feasibility study is being done and will be coming back to council to expand the on the study.

Councilmember Lopez thanked Councilmember Hawn for traveling to Washington D.C. and meeting with the legislators.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

15. Consider approving an Agreement with VSCE, Inc. for construction management services for the Modesto Bus Maintenance Facility Project in the not-to-exceed amount of \$1,205,923.25. (The total estimated project cost is \$17,602,548) (Funding Source: Transit Funds - CIP)
 - Resolution approving an Agreement with VSCE, Inc. for Construction Management Services of the Modesto Bus Maintenance Facility Project in an amount not to exceed \$1,096,293.86 for the identified scope of services, plus \$109,629.39 for additional services (if needed), for a maximum total amount of \$1,205,923.25, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423 , kohlson@modestogov.com

ACTION: Resolution 2010-210 (Hawn/Lopez; 7/0) approving an Agreement with VSCE, Inc. for Construction Management Services of the Modesto Bus Maintenance Facility Project in an amount not to exceed \$1,096,293.86 for the identified scope of services, plus \$109,629.39 for additional services (if needed), for a maximum total amount of \$1,205,923.25, and authorizing the City Manager, or his designee, to execute the Agreement.

HEARINGS

Published in the Modesto Bee on May 5, 2010

16. Hearing to consider the application of L Street Architects Limited to rezone property located on the east side of McHenry Avenue, south of Morris Avenue from General Commercial (C-2) and High-Density Residential (R-3) to Planned Development Zone, P-D(591) to allow a car wash. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 28-3-9 of the Zoning Map to rezone from General Commercial, C-2 and High-Density Residential (R-3), to Planned Development Zone, P-D (591), property located on the east side of McHenry Avenue, south of Morris Avenue. (L Street Architects Limited) recommended.
 - Resolution approving a Development Plan for Planned Development Zone, P-D(591) (L Street Architects Limited) recommended.
 - Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 28-3-9 of the Zoning Map to rezone from General Commercial Zone, C-2 and High Density Residential Zone, R-3, to Planned Development Zone, P-D(591), property located on the east side of McHenry, south of Morris Avenue (L Street Architects Limited) recommended.
- Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com*

ACTION: Motion (Lopez/Olsen; 7/0) introducing an Ordinance 3528-C.S. amending Section 28-3-9 of the Zoning Map to rezone from General Commercial, C-2 and High-Density Residential (R-3), to Planned Development Zone, P-D (591), property located on the east side of McHenry Avenue, south of Morris Avenue. (L Street Architects Limited).

ACTION: Resolution 2010-211 (Lopez/Olsen; 7/0) approving a Development Plan for Planned Development Zone, P-D(591) (L Street Architects Limited).

ACTION: Resolution 2010-212 (Lopez/Olsen; 7/0) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 28-3-9 of the Zoning Map to rezone from General Commercial Zone, C-2 and High Density Residential Zone, R-3, to Planned Development Zone, P-D(591), property located on the east side of McHenry, south of Morris Avenue (L Street Architects Limited).

Published in the Modesto Bee on May 7, 2010 through May 20, 2010

17. Hearing to consider the application of the City of Modesto to vacate and abandon a portion of Jefferson Street South of 8th Street and the abandonment of two alleyways west of Jefferson Street. (Funding Source: Not Applicable)
- Resolution vacating a portion of Jefferson Street south of 8th Street, a portion of Madison Street south of MID Lateral No. 4, and an alley located west of Jefferson Street recommended.
 - Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Vacating a portion of Jefferson Street south of 8th Street, a portion of Madison Street South of MID Lateral No. 4 and an alley west of Jefferson Street recommended.
- Community & Economic Development; Laura Akin, 577-5267, lakin@modestogov.com*

ACTION: Resolution 2010-213 (Hawn/Olsen; 7/0) vacating a portion of Jefferson Street south of 8th Street, a portion of Madison Street south of MID Lateral No. 4, and an alley located west of Jefferson Street.

ACTION: Resolution 2010-214 (Hawn/Olsen; 7/0) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No.

2007072023): Vacating a portion of Jefferson Street south of 8th Street, a portion of Madison Street South of MID Lateral No. 4 and an alley west of Jefferson Street.

Published in the Modesto Bee on May 8, 2010

18. Hearing to consider approval adopting an administrative recording fee equal to the amount assessed by the Department of Motor Vehicles in order to recover the cost of placing a lien on the registration of a vehicle with delinquent parking violations. (currently \$3.00 per citation) in accordance with Section 4763 of the California Vehicle Code. (Funding Source: General Fund Revenue)

- Resolution approving an Administrative Recording Fee as a method of cost recovery of the fee charged by the Department of Motor Vehicles to place a lien on the registration of a vehicle with delinquent parking violations recommended.

Finance; Cindy Ireta, 571-5155, cireta@modestogov.com

ACTION: Resolution 2010-215 (Lopez/Geer; 7/0) approving an Administrative Recording Fee as a method of cost recovery of the fee charged by the Department of Motor Vehicles to place a lien on the registration of a vehicle with delinquent parking violations.

Published in the Modesto Bee on May 10, 2010

19. Hearing to consider: (i) approving the issuance of Bonds by the California Municipal Finance Authority for the benefit of Foster Farms Dairy to provide for the financing of the project, for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act of 1982, the Internal Revenue Code and California Government Code Section 6500, et seq.; and (ii) approving the designation of the City of Modesto as a Recovery Zone for the purpose of the American Recovery and Reinvestment Act Sections 1400U-1, 1400U-2 and 1400U-3 of the Internal Revenue Code of 1986. (Funding Source: Not Applicable)

- Resolution approving the issuance of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$5,200,000, for the purpose of financing the acquisition of certain recovery zone facilities for the benefit of Foster Farms Dairy recommended.
- Resolution approving the designation of the City of Modesto as a Recovery Zone for the purpose of the American Recovery and Reinvestment Act recommended.

Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com

ACTION: Resolution 2010-216 (Marsh/Olsen; 7/0) approving the issuance of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$5,200,000, for the purpose of financing the acquisition of certain recovery zone facilities for the benefit of Foster Farms Dairy.

ACTION: Resolution 2010-217 (Marsh/Olsen; 7/0) approving the designation of the City of Modesto as a Recovery Zone for the purpose of the American Recovery and Reinvestment Act.

NEW BUSINESS

20. Consider authorizing: (i) the award of proposal and software contract for an Oracle Enterprise Resource Planning (ERP) System Solution and Oracle financing at an approximate amount of \$893,110, and authorizing the amendment of the existing Oracle Licensing Agreement in the additional amount of \$196,485 per year; (ii) the award of proposal and contract for ERP System Implementation Services to Applications Software Technology (AST) Corporation, Naperville, IL, at a cost of approximately \$4,646,040, authorizing an interfund loan for implementation; (iii) the use of approximately \$1,650,000 from the Information Technology Fund for ERP project expenses; and (iv) amending the Fiscal Years 2009-2010 and 2010-2011 Operating and Capital Improvement Program budgets in order to fund the interfund loan from the Employee Benefits Fund to the Information Technology Fund, the transfer from various funds to the Information Technology Fund for ERP system implementation services by Applications Software Technology (AST) Corporation, Oracle Software Financing and First Year Maintenance cost and additional ERP project expenses. (Funding Source: Various Funds and Information Technology Fund)

- Resolution approving the award of proposal and software contract for an Oracle Enterprise Resource Planning (ERP) System Solution and Oracle financing to Oracle America, Inc., in the approximate

amount of \$893,110; authorizing the amendment of the existing Oracle Licensing Agreement in the additional approximate amount of \$196,485 per year; and authorizing the City Manager, or his designee, to execute the contract recommended.

- Resolution authorizing the award of proposal and contract for ERP System Implementation Services to Applications Software Technology (AST) Corporation, Naperville, IL, in the approximate amount of \$4,646,040; authorizing an interfund loan; and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution authorizing the use of approximately \$1,650,000 from the Information Technology Fund for additional ERP project expenses recommended.
- Resolution amending the Fiscal Years 2009-2010 and 2010-2011 Operating and Capital Improvement Program budgets in order to fund the interfund loan from the Employee Benefits Fund to the Information Technology Fund, the transfer from various funds to the Information Technology Fund for ERP system implementation services by Applications Software Technology (AST) Corporation, Oracle Software Financing and First Year Maintenance cost and additional ERP project expenses recommended.

Information Technology and Finance; Beverley Romeo, 571-5508, baromeo@modestogov.com

ACTION: Resolution 2010-218 (Hawn/Lopez;6/0 Olsen no) approving the award of proposal and software contract for an Oracle Enterprise Resource Planning (ERP) System Solution and Oracle financing to Oracle America, Inc., in the approximate amount of \$893,110; authorizing the amendment of the existing Oracle Licensing Agreement in the additional approximate amount of \$196,485 per year; and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2010-219 (Hawn/Lopez;6/0 Olsen no) authorizing the award of proposal and contract for ERP System Implementation Services to Applications Software Technology (AST) Corporation, Naperville, IL, in the approximate amount of \$4,646,040; authorizing an interfund loan; and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2010-220 (Hawn/Lopez;6/0 Olsen no) authorizing the use of approximately \$1,650,000 from the Information Technology Fund for additional ERP project expenses.

ACTION: Resolution 2010-221 (Hawn/Lopez;6/0 Olsen no) amending the Fiscal Years 2009-2010 and 2010-2011 Operating and Capital Improvement Program budgets in order to fund the interfund loan from the Employee Benefits Fund to the Information Technology Fund, the transfer from various funds to the Information Technology Fund for ERP system implementation services by Applications Software Technology (AST) Corporation, Oracle Software Financing and First Year Maintenance cost and additional ERP project expenses.

21. Consider adopting a schedule of a five-year series of wastewater rate increases beginning in FY2011. (Funding Source: Wastewater Enterprise Funds)
- Resolution rescinding all previous sewer fees resolutions and establishing fees for the provision of sewer service for fiscal years 2011 through 2015 recommended.
- Utility Planning and Projects; Richard Ulm, 577-5215, rulm@modestogov.com*

ACTION: Resolution 2010-222 (Hawn/Marsh; 6/0 Olsen no) rescinding all previous sewer fees resolutions and establishing fees for the provision of sewer service for fiscal years 2011 through 2015.

MATTERS TOO LATE FOR THE AGENDA

ADJOURNMENT

ACTION: This meeting was adjourned at 7:09 p.m.

CLOSED SESSION

ACTION: Closed session matters heard prior to meeting.

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MCEA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MCMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPOA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPNSA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MCFFA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Firefighters Association

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 01, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements – Item 8 removed from Consent; next Council meeting Wednesday, June 9, 2010.

Declaration of Conflicts of Interest - None

Reports from Closed Session – City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation in honor of the 50th Anniversary of the Association of Fundraising Professionals and the work of the local Yosemite Chapter. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented the Proclamation in honor of the 50th Anniversary of the Association of Fundraising Professionals and the work of the local Yosemite Chapter.

2. Proclamation in honor of the 40th Annual Juneteenth Celebration for the City of Modesto (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented the Proclamation in honor of the 40th Annual Juneteenth Celebration for the City of Modesto.

3. Modesto City Council Commemorating the Bicentennial of the Birth of Abraham Lincoln. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented the Proclamation commemorating the Bicentennial of the Birth of Abraham Lincoln.

PUBLIC COMMENT PERIOD

Jennifer Mullen, Modesto Visitors and Convention Bureau, spoke regarding Graffiti Summer this June in Modesto.

John Ervin spoke regarding the 40th Anniversary of Juneteenth and being charged to close off streets for festival; Mayor Ridenour referred Mr. Ervin to the City Manager.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 10

ACTION CONSENT ITEMS 4-7; 9-10: (Hawn/Lopez;unan.)

ACTION ITEM 8: (Hawn/Marsh;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

4. Consider approving the Minutes of the City Council meeting of May 25, 2010. (Funding Source: Not Applicable)
- Motion approving the minutes from the May 25, 2010 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Hawn/Lopez; 7/0) approving the minutes from the May 25, 2010 Council meeting.

Consent

5. Consider approving the Monthly Budget Adjustment Report for May 2010. (Funding Source: Various Funds)
- Resolution amending Fiscal Year 2009-2010 annual budget recommended.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2010-223 (Hawn/Lopez; 7/0) amending Fiscal Year 2009-2010 annual budget.

Consent

6. Consider accepting the Monthly Investment Report for March 2010. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for March 2010 recommended.
Finance; Belinda Duerksen, 577-5376, Bduerksen@modestogov.com

ACTION: Motion (Hawn/Lopez; 7/0) accepting the Monthly Investment Report for March 2010.

Consent

7. Consider authorizing the Purchasing Manager to conduct a sole source purchase of a Data Management backup solution with data-management capabilities, data-archiving, data-preservation, disaster recovery, and eDiscovery from Dell/Commvault for a cost of \$252,000.00 (Funding Source: Information Technology Account 7130-070-0744-5452)
- Resolution authorizing the Purchasing Manager to conduct a sole source purchase of a Data Management backup solution with data-management capabilities, data-archiving, data-preservation, disaster recovery, and eDiscovery from Dell/Commvault for a cost of \$252,000.00 recommended.
Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com

ACTION: Resolution 2010-224 (Hawn/Lopez; 7/0) authorizing the Purchasing Manager to conduct a sole source purchase of a Data Management backup solution with data-management capabilities, data-archiving, data-preservation, disaster recovery, and eDiscovery from Dell/Commvault for a cost of \$252,000.00.

Removed from Consent

8. Consider submitting a grant application to the Federal Transit Administration (FTA) for \$4.5 million for the new Bus Maintenance Facility under the FTA's State of Good Repair Bus and Bus Facilities Program. (Funding Source: Not Applicable)
- Resolution approving the submittal of a grant application to the Federal Transit Administration (FTA) for \$4.5 million for the new Bus Maintenance Facility under the FTA's State of Good Repair Bus and Bus Facilities Program; and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents recommended.
Public Works ; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2010-225 (Hawn/Marsh; 7/0) approving the submittal of a grant application to the Federal Transit Administration (FTA) for \$4.5 million for the new Bus Maintenance Facility under the FTA's State of Good Repair Bus and Bus Facilities Program; and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

Consent

9. Consider authorizing the submittal of a revised Transportation Development Act (TDA) Transit Claim to the Stanislaus Council of Governments (StanCOG) for Fiscal Year 2009-2010 that reduces the City's original request for funds by \$738,077. The revised TDA Fiscal Year 2009-2010 Transit Claim amount will be \$6,571,678. (Funding Source: TDA Revenue)
- Resolution authorizing the submittal of a revised Transportation Development Act (TDA) Transit Claim to the Stanislaus Council of Governments (StanCOG) for Fiscal Year 2009-2010 in the amount of \$6,571,678 recommended.
- Public Works ; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

ACTION: Resolution 2010-226 (Hawn/Lopez; 7/0) authorizing the submittal of a revised Transportation Development Act (TDA) Transit Claim to the Stanislaus Council of Governments (StanCOG) for Fiscal Year 2009-2010 in the amount of \$6,571,678.

Consent

10. Consider approving an agreement with Mozaffari Engineering for On-call Structural Engineering Services in an amount not to exceed \$45,000 per year. (Funding Source: Various CIP Projects)
- Resolution approving an agreement with Mozaffari Engineering (Mozaffari) for On-call Structural Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options recommended.
- Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: Resolution 2010-227 (Hawn/Lopez; 7/0) approving an agreement with Mozaffari Engineering (Mozaffari) for On-call Structural Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced "Taking it to the Streets" on Saturday, June 5, 2010 from 9:00 am to 1:00 pm.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on May 22, 2010

11. Hearing to consider extending the deferral of Capital Facilities Fees (CFF) for single-family residential permits until issuance of a Certificate of Occupancy for a period of one year, and authorizing the City Manager, or his designee, to enter into Deferred Payment Agreements and Notice of Liens with applicants. (Funding Source: Capital Facilities Fees revenues)
- Resolution approving the extension of the deferral of Capital Facilities Fees (CFF) for single-family residential permits until issuance of a Certificate of Occupancy for an additional period of one year; and authorizing the City Manager, or his designee, to enter into Deferred Payment Agreements and Notice of Liens with applicants recommended.
- Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com*

ACTION: Resolution 2010-228 (Lopez/Marsh; 7/0) approving the extension of the deferral of Capital Facilities Fees (CFF) for single-family residential permits until issuance of a Certificate of Occupancy for an

additional period of one year; and authorizing the City Manager, or his designee, to enter into Deferred Payment Agreements and Notice of Liens with applicants.

Published in the Modesto Bee on May 20, 2010

12. Hearing to consider introducing an Ordinance amending Chapter 2 of Title 5 of the Modesto Municipal Code relating to Massage Establishments. (Funding Source: General Fund)
- Motion introducing an Ordinance amending Chapter 2 of Title 5 of the Modesto Municipal Code relating to Massage Establishments recommended.
- Police; William Ryan, 342-9129, ryanw@modestopd.com*

ACTION: Motion (Lopez/Marsh; 7/0) introducing **Ordinance No. 3529-C.S.** amending Chapter 2 of Title 5 of the Modesto Municipal Code relating to Massage Establishments.

Published in the Modesto Bee on May 21, 2010

13. Hearing to consider approving the reallocation of \$133,782.83 in prior-year State Supplemental Law Enforcement Services Funds (SLESF) reimbursed to the city following termination of procurement contract. (Funding Source: SLESF Entitlement Funds)
- Resolution approving the expenditure of the City of Modesto's reimbursement allocation in the amount of \$133,782.83 from prior State Supplemental Law Enforcement Services Funds (SLESF) for Data Conversion for the new CAD/RMS project, a maintenance service contract for the downtown cameras, forensic computer equipment for Hi-Tech crimes, canine equipment, and training equipment; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
- Police; Michael D. Harris, 572-9550, harrism@modestopd.com*

ACTION: Resolution 2010-229 (Hawn/Lopez; 7/0) approving the expenditure of the City of Modesto's reimbursement allocation in the amount of \$133,782.83 from prior State Supplemental Law Enforcement Services Funds (SLESF) for Data Conversion for the new CAD/RMS project, a maintenance service contract for the downtown cameras, forensic computer equipment for Hi-Tech crimes, canine equipment, and training equipment; and authorizing the City Manager, or his designee, to execute the necessary program documents.

NEW BUSINESS

14. Consider supporting the Safe, Clean, and Reliable Drinking Water Supply Act of 2010 on the November 2010 ballot. (Funding Source: Not Applicable)
- Resolution supporting the Safe, Clean, and Reliable Drinking Water Supply Act of 2010 on the November 2010 Ballot recommended.
- Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com*

ACTION: Resolution 2010-230 (Lopez/Muratore; 7/0) supporting the Safe, Clean, and Reliable Drinking Water Supply Act of 2010 on the November 2010 Ballot.

15. Consider amending current Finance Department staffing as follows: (i) abolish the Accountant I/II, Senior Accountant and Budget Analyst I/II job classifications, and (ii) create the positions of Financial Analyst I/II, Financial Analyst III, Senior Financial Analyst, Customer Services Manager and Budget and Financial Analysis Manager. (Funding Source: Various Funds)
- Resolution amending the Position Classification Plan for the City of Modesto to establish the Classifications of Budget and Financial Analysis Manager, Customer Services Manager, Financial Analyst I, Financial Analyst II, Financial Analyst III, and Senior Financial Analyst, and Delete Accountant I, Accountant II, Budget Analyst I, Budget Analyst II, Budget Manager, Rate & Fee Analyst, Senior Accountant, and Supervising Accountant recommended.
 - Resolution Amending Exhibit "A" of Resolution No. 2008-688 to Revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to Delete Budget Manager recommended.
 - Resolution Amending Exhibit "A" of Resolution No. 2008-683, to Revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to Add Financial Analyst I, Financial Analyst II, Financial Analyst III, Senior Financial Analyst, Budget and Financial Analysis Manager, and Customer Services Manager and Delete Rate & Fee Analyst, Accountant II, Budget

Analyst I, Senior Accountant, Budget Analyst II, and Supervising Accountant recommended.

- Resolution Amending Exhibit “A” of Resolution No. 2008-682 to Revise the Class Range Table for General Non-Sworn Classes to Delete Accountant I recommended.

Finance and Human Resources; Jill Peltier, 577-5209, jpeltier@modestogov.com

ACTION: Resolution 2010-231 (Hawn/Lopez; 7/0) amending the Position Classification Plan for the City of Modesto to establish the Classifications of Budget and Financial Analysis Manager, Customer Services Manager, Financial Analyst I, Financial Analyst II, Financial Analyst III, and Senior Financial Analyst, and Delete Accountant I, Accountant II, Budget Analyst I, Budget Analyst II, Budget Manager, Rate & Fee Analyst, Senior Accountant, and Supervising Accountant.

ACTION: Resolution 2010-232 (Hawn/Lopez; 7/0) amending Exhibit “A” of Resolution No. 2008-688 to Revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to delete Budget Manager.

ACTION: Resolution 2010-233 (Hawn/Lopez; 7/0) amending Exhibit “A” of Resolution No. 2008-683, to Revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to Add Financial Analyst I, Financial Analyst II, Financial Analyst III, Senior Financial Analyst, Budget and Financial Analysis Manager, and Customer Services Manager and Delete Rate & Fee Analyst, Accountant II, Budget Analyst I, Senior Accountant, Budget Analyst II, and Supervising Accountant.

ACTION: Resolution 2010-234 (Hawn/Lopez; 7/0) amending Exhibit “A” of Resolution No. 2008-682 to Revise the Class Range Table for General Non-Sworn Classes to Delete Accountant I.

16. Consider approving the McClatchy Park update and approving a recommendation for a pilot program at McClatchy Park. (Funding Source: Not Applicable)

- Motion accepting a staff report and recommendations for a pilot program that may include the McHenry Mansion Foundation taking “control” of McClatchy Park, and making the park, in effect, private property and available for use only through a reservation process recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Hawn/Lopez; 4/3; Geer, Marsh, Olsen, no) accepting a staff report and recommendations for a pilot program that may include the McHenry Mansion Foundation taking “control” of McClatchy Park, and making the park, in effect, private property and available for use only through a reservation process. **(Staff to return to Safety & Communities Committee with monthly updates.)**

17. Consider approving request from SunBlest Valley Market for a street closure to conduct a Farmers’ Market on 10th Street between H and I Streets, in the City of Modesto, subject to certain conditions. (Funding Source: Not Applicable)

- Resolution approving the street closure and Certified Farmers Market to conduct a Farmers’ Market on 10th Street between H and I Streets, in the City of Modesto, subject to certain conditions recommended.

Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2010-235 (Hawn/Marsh; 7/0) approving the street closure and Certified Farmers Market to conduct a Farmers’ Market on 10th Street between H and I Streets, in the City of Modesto, subject to certain conditions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:06 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MCEA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MCMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPOA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPNSA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCFFA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
UNREPRESENTED Agency Negotiators: Greg Nyhoff, City Manager Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto

Special Finance Committee Meetings/ Special City Council Workshop Meetings

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

BUDGET WORKSHOP (continued) WEDNESDAY, JUNE 2, 2010 @ 1:00 PM

Roll Call: Present: Brad Hawn, Garrad Marsh, Dave Geer
Absent: None
Also Present: Mayor Ridenour

PUBLIC COMMENT PERIOD Three minute time limit per speaker

None.

UNFINISHED BUSINESS

- Mayor's Remarks

ACTION: Mayor Ridenour gave opening statement.

- City Manager Remarks

ACTION: City Manager Greg Nyhoff gave information for continuation of meeting and referenced the handout "Action Items Requested at the Monday – May 17 Meeting."

- Continuation of budget discussion from May 17, 2010

- Action Items (including PR&N presentation)

ACTION: Acting Budget Director Cynthia Gale gave brief update on questions from the May 17, 2010 meeting.

ACTION: Parks, Recreation & Neighborhoods Director Hannon gave update on AB939 and Weed Abatement program costs. General discussion regarding sponsorships and volunteers.

- Operating Addendums

ACTION: Acting Budget Director Cynthia Gale provided information on the City of Modesto Fiscal Year 2010-11 Proposed Operating Budget Addendum.

- Policy Changes

- City Financial Policies

ACTION: Acting Budget Director Cynthia Gale gave report on the City of Modesto Financial Policies.

➤ General Fund Reserve Policy

ACTION: Motion (Marsh/Geer;unan.) approving \$7 million reserve without change in policy for Fiscal Year 2010-2011.

➤ Worker's Compensation Holiday

ACTION: Motion (Marsh/Geer;unan.) approving a holiday on Worker's Compensation for Fiscal Year 2009-10 and Fiscal Year 2010-11.

➤ Employee Benefit Fund Holiday

ACTION: Motion (Marsh/Geer;unan.) approving a holiday in General Fund of Employee Benefit Fund for employee leave cash-outs made in FY 2010-11.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 1:50 p.m.

MINUTES

City of Modesto
SAFETY & COMMUNITIES COMMITTEE / WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, June 7, 2010, at 5:30 p.m.

Roll Call Present: Garrad Marsh, Joe Muratore, and Dave Lopez
Absent: None

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider approving an Ordinance amending Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed.
Community & Economic Development; Jeffrey L. Barnes, 577.5468, jlbarnes@modestogov.com

ACTION: Motion (Lopez/Murature;unan.) recommending to the City Council an Ordinance amending Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed.

Removed from Agenda

2. Consider recommending that the City Council support the City’s Landmark Preservation Commission’s recommendation to approve a Mills Act contract for Landmark Site No. 53 located at 1418-1430 I Street.
Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060, wmathes@modestogov.com

ACTION: Removed from Agenda.

Consent

3. Consider recommending to the City Council an agreement for the purchase of retired City of Modesto Police canines by their handlers, Officers Fainter and Kleiber.
Police; Ron Cloward, Police Lieutenant, 572-9664, clowardr@modestopd.com

ACTION: Motion (Lopez/Muratore;unan.) recommending to the City Council an agreement for the purchase of retired City of Modesto Police canines by their handlers, Officers Fainter and Kleiber.

MATTERS TOO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

1. Tree trimming program by citizens (policy and changes to recommend to Council) – Parks, Recreation & Neighborhoods (August, 2010 meeting)
2. Downtown Entertainment District funding (August 2010 meeting)

ADJOURNMENT

This meeting adjourned at 5:55 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday June 09, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wayne Bridegroom, Central Baptist Church

City Clerk's Announcements - Item 14 to be heard before Item 12

Declaration of Conflicts of Interest – Marsh Item 12

Reports from Closed Session - City Attorney Wood reported on Closed Session matters.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 11

ACTION CONSENT ITEMS 1-11: (Hawn/Lopez;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

1. Consider approving the Minutes of the City Council meeting of June 1, 2010. (Funding Source: Not Applicable)
 - Motion approving the Minutes of the City Council meeting of June 1, 2010 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Hawn/Lopez; 7/0) approving the Minutes of the City Council meeting of June 1, 2010.

Consent

2. Consider approving the final adoption of Ordinance No. 3528-C.S. amending Section 28-3-9 of the Zoning Map to rezone from General Commercial, C-2 and High-Density Residential (R-3), to Planned Development Zone, P-D (591), property located on the east side of McHenry Avenue, south of Morris Avenue. (L Street Architects Limited) . (Funding Source: Not Applicable)
 - Motion approving the final adoption of Ordinance No. 3528-C.S. amending Section 28-3-9 of the Zoning Map to rezone from General Commercial, C-2 and High-Density Residential (R-3), to Planned Development Zone, P-D (591), property located on the east side of McHenry Avenue, south of Morris Avenue. (L Street Architects Limited) recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Hawn/Lopez; 7/0) approving the final adoption of **Ordinance No. 3528-C.S.** amending Section 28-3-9 of the Zoning Map to rezone from General Commercial, C-2 and High-Density Residential (R-3), to Planned Development Zone, P-D (591), property located on the east side of McHenry Avenue, south of Morris Avenue. (L Street Architects Limited).

Consent

3. Consider approving the final adoption of Ordinance 3529-C.S. amending Chapter 2 of Title 5 of the Modesto Municipal Code relating to Massage Establishments. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance 3529-C.S. amending Chapter 2 of Title 5 of the Modesto Municipal Code relating to Massage Establishments recommended
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Hawn/Lopez; 7/0) approving final adoption of **Ordinance No. 3529-C.S.** amending Chapter 2 of Title 5 of the Modesto Municipal Code relating to Massage Establishments.

Consent

4. Consider approving the City Engineer's annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2 and setting a public hearing on July 13, 2010, to consider the levy and collection of assessments to this District. (Funding Source: Landscape Maintenance District No. 2)
 - Motion approving the City Engineer's annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2 recommended.
 - Resolution of Intention to levy and collect assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2; and setting a public hearing on the proposed assessments to be held on August 4, 2010 recommended.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Motion (Hawn/Lopez; 7/0) approving the City Engineer's annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2.

ACTION: Resolution 2010-236 (Hawn/Lopez; 7/0) of Intention to levy and collect assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2; and setting a public hearing on the proposed assessments to be held on August 4, 2010.

Consent

5. Consider approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 - 6 and setting a Public Hearing on August 4, 2010, to consider the Levy and Collection of Assessments within Landscape Maintenance Assessment District No. 1. (Funding Source: Landscape Maintenance Assessment District No. 1)
 - Motion approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6 recommended.
 - Resolution of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6, and setting a public hearing on August 4, 2010, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1 recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Hawn/Lopez; 7/0) approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

ACTION: Resolution 2010-237 (Hawn/Lopez; 7/0) of Intention to Levy and Collect Assessments for

Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6, and setting a public hearing on August 4, 2010, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1.

Consent

6. Consider accepting the Monthly Investment Report for April, 2010. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for April, 2010 recommended.
Finance; Belinda Duerksen, 577-5376, bduerksen@modestgov.com

ACTION: Motion (Hawn/Lopez; 7/0) accepting the Monthly Investment Report for April, 2010.

Consent

7. Consider (i) authorizing the sole source procurement for the purchase and installation of Motorola P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment for the Modesto Police Department and Stanislaus Regional Communication Center, to Motorola Communications, Burlingame, CA, and Delta Wireless, Turlock, CA for an estimated total cost of \$984,018; and (ii) amending the Multi-Year 2009/10 Operating Budget, estimating revenues of \$350,738 from the Stanislaus County 2008 COPS (Community Oriented Policing Services) Grant being used to fund this purchase. (Funding Source: Special Revenue - COPS Grant)
- Resolution authorizing the sole source procurement for the purchase and installation of Motorola P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment for the Modesto Police Department and Stanislaus Regional Communication Center, to Motorola Communications, Burlingame, CA and Delta Wireless, Turlock, CA; and authorizing the Purchasing Manager, or his designee, to issue purchase orders for an estimated total cost of \$984,018 recommended.
 - Resolution amending the Multi-Year 2009/10 Operating Budget estimating revenue of \$350,738 from Stanislaus County from the 2008 COPS grant to cover the remaining expenses for this purchase recommended.
Police; Lucian Thomas, 522-3901, thomasl@modestopd.com

ACTION: Resolution 2010-238 (Hawn/Lopez; 7/0) authorizing the sole source procurement for the purchase and installation of Motorola P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment for the Modesto Police Department and Stanislaus Regional Communication Center, to Motorola Communications, Burlingame, CA and Delta Wireless, Turlock, CA; and authorizing the Purchasing Manager, or his designee, to issue purchase orders for an estimated total cost of \$984,018.

ACTION: Resolution 2010-239 (Hawn/Lopez; 7/0) amending the Multi-Year 2009/10 Operating Budget estimating revenue of \$350,738 from Stanislaus County from the 2008 COPS grant to cover the remaining expenses for this purchase.

Consent

8. Consider approving an agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$14,490 to provide training for 70 students in four-hour Force Options Simulator Courses and for another 70 students in four-hour Mobile Force Options Simulator training courses. (Funding Source: POST Reimbursement/General Fund)
- Resolution approving an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$14,490 to provide training for 70 students in four-hour Force Options Simulator courses and 70 students in four-hour Mobile Force Options Simulator Training Courses; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Police; Jolene Gonzales, 342-6147, gonzalesj@modestopd.com

ACTION: Resolution 2010-240 (Hawn/Lopez; 7/0) approving an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$14,490 to provide training for 70 students in four-hour Force Options Simulator courses and 70 students in four-hour Mobile Force Options Simulator Training Courses; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider authorizing the submission of the Transportation Development Act (TDA)/Local

Transportation Fund (LTF) Transit Claim for Fiscal Year 2010-2011 to the Stanislaus Council of Governments (StanCOG) in the amount of \$6,333,261. (Funding Source: TDA Revenue)

- Resolution authorizing the submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2010-2011 to the Stanislaus Council of Governments (StanCOG) in the amount of \$6,333,261. recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2010-241 (Hawn/Lopez; 7/0) authorizing the submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2010-2011 to the Stanislaus Council of Governments (StanCOG) in the amount of \$6,333,261.

Consent

10. Consider approving a License Agreement between the City of Modesto and Modesto Irrigation District (MID) for the Tank 5 Blendline project and the City's Water Distribution System. (Funding Source: Not Applicable)

- Resolution approving a License Agreement between the City of Modesto and Modesto Irrigation District (MID) for the purpose of obtaining permission to make improvements within MID Lateral 3 for the Tank 5 Blendline project and the City's Water Distribution System to use certain real property located within MID right-of-way, as described in Exhibits A, B, and C of the License Agreement, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Resolution 2010-242 (Hawn/Lopez; 7/0) approving a License Agreement between the City of Modesto and Modesto Irrigation District (MID) for the purpose of obtaining permission to make improvements within MID Lateral 3 for the Tank 5 Blendline project and the City's Water Distribution System to use certain real property located within MID right-of-way, as described in Exhibits A, B, and C of the License Agreement, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving the plans and specifications for the project titled, "Airport Irrigation Well", accepting the bid, and approving a contract with Amerine Systems, Inc. in the amount of \$119,990. (Total estimated cost of the project is \$165,347) (Funding Source: Special Aviation)

- Resolution approving the plans and specifications for the Airport Irrigation Well project, accepting the bid and approving a contract with Amerine Systems, Inc. in the amount of \$119,990 for the Airport Irrigation Well project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the construction contract for the Airport Irrigation Well project, including contingency, construction administration, and engineering/design/administration support by City staff recommended.

Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2010-243 (Hawn/Lopez; 7/0) approving the plans and specifications for the Airport Irrigation Well project, accepting the bid and approving a contract with Amerine Systems, Inc. in the amount of \$119,990 for the Airport Irrigation Well project, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2010-244 (Hawn/Lopez; 7/0) amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the construction contract for the Airport Irrigation Well project, including contingency, construction administration, and engineering/design/administration support by City staff.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez reported on the success of "Taking it to the Streets" in Modesto on Saturday, June 5, 2010.

Councilmember Geer thanked Jennifer Mullen, Modesto Convention & Visitors Bureau, on Graffiti Weekend; parade will be on Friday night on McHenry Avenue.

Councilmember Marsh requested a change in Council policy regarding moving forward with annexations when citizens have voted against annexations.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on May 20, 2010 – Councilmember Marsh absent due to conflict of interest

12. Hearing to consider approving (i) an application to the Local Agency Formation Commission (LAFCO) to annex 30.11 acres located within the Kiernan Business Park Specific Plan area, properties located at 2706, 2742, and 2866 Kiernan Avenue, and adjacent right-of-way on Kiernan Avenue/CA-219, 42.61 acres total, to the City of Modesto and Modesto Municipal Sewer District No. 1.; and (ii) a revenue sharing agreement between the City of Modesto and the Salida Fire Protection District for the joint provision of fire and life safety services to the annexation area in lieu of detachment from the Salida Fire Protection District (Owner-Applicant initiated, uninhabited). (Funding Source: Not Applicable)
- Resolution approving the filing of an application to the Stanislaus Local Agency Formation Commission to annex approximately 42.61 acres of property located at 2706, 2742, and 2866 Kiernan Avenue, and adjacent right-of-way on Kiernan Avenue/CA-219, to the City of Modesto and Modesto Municipal Sewer District #1 (Owner-Applicant Initiated – Uninhabited) (Benchmark Engineering) recommended.
 - Resolution Finding that the Following Project is within the Scope of the Kiernan Business Park Specific Plan Amendment #4 Program EIR (SCH No. 2007062071): Kiernan Business Park East Annexation recommended.
 - Resolution approving an Agreement between the City of Modesto and the Salida Fire Protection District for the Allocation of District Revenue Resulting from the Annexation of property within the Kiernan Business Park to the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Community & Economic Development; Katharine Martin, 577-5267, kamartin@modestogov.com

ACTION: Resolution 2010-245 (Hawn/Lopez; 6/0; Marsh, absent) approving the filing of an application to the Stanislaus Local Agency Formation Commission to annex approximately 42.61 acres of property located at 2706, 2742, and 2866 Kiernan Avenue, and adjacent right-of-way on Kiernan Avenue/CA-219, to the City of Modesto and Modesto Municipal Sewer District #1 (Owner-Applicant Initiated – Uninhabited) (Benchmark Engineering).

ACTION: Resolution 2010-246 (Hawn/Lopez; 6/0; Marsh, absent) finding that the Following Project is within the Scope of the Kiernan Business Park Specific Plan Amendment #4 Program EIR (SCH No. 2007062071): Kiernan Business Park East Annexation.

ACTION: Resolution 2010-247 (Hawn/Lopez; 6/0; Marsh, absent) approving an Agreement between the City of Modesto and the Salida Fire Protection District for the Allocation of District Revenue Resulting from the Annexation of property within the Kiernan Business Park to the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement.

Recess at 6:18 pm

Reconvened at 6:25 pm

Published in the Modesto Bee on May 29, 2010

13. Hearing to consider the Proposed Fiscal Year 2010-11 Operating Budget and Capital Improvement Program for the City of Modesto. (Funding Source: Various Funds)
- Motion acknowledging receipt of the Proposed Fiscal Year 2010-11 Operating Budget and Capital Improvement Program for the City of Modesto recommended.
- Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com*

ACTION: Motion (Marsh/Geer; 7/0) acknowledging receipt of the Proposed Fiscal Year 2010-11 Operating Budget and Capital Improvement Program for the City of Modesto.

NEW BUSINESS

14. Consider approving an Agreement between the City of Modesto, The Modesto Convention and Visitors Bureau and BDM Properties regarding the installation and operation of an informational electronic message board to be located on the building at 1623 J Street. (Funding Source: Not Applicable)
- Resolution approving an Agreement between the City of Modesto, Modesto Convention and Visitors Bureau and BDM Properties for a 65-square foot electronic message board sign to be located on the building at 1623 J Street; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Community & Economic Development; Rita Doscher, 577-5267, rdoscher@modestogov.com*

ACTION: Resolution 2010-248 (Marsh/Lopez; 7/0) approving an Agreement between the City of Modesto, Modesto Convention and Visitors Bureau and BDM Properties for a 65-square foot electronic message board sign to be located on the building at 1623 J Street; and authorizing the City Manager, or his designee, to execute the Agreement.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Demoura v. Stanislaus Drug Enforcement Agency, et al. U. S. District Court for the Eastern District of California – Fresno No. 1:09-CV-01344-OWW-GSA

PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Sections 54954.5 and 54957 of the Government Code)
Recruitment for City Auditor

CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION Exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code. One potential case.

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCEA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MCMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Confidential & Management
Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPOA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPNSA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Non Sworn
Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Management
Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCFFA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Firefighters
Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
UNREPRESENTED Agency Negotiators: Greg Nyhoff, City Manager Employee Organization: Unrepresented
Management and Confidential Employees

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, June 14, 2010 at 5:30 p.m.

Roll Call Present: Brad Hawn and Dave Geer
Also Present: Joe Muratore
Absent: Kristin Olsen

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider accepting a status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Muratore/Geer;unan.) accepting a status report of development projects processed by the Community and Economic Development Department.

NEW BUSINESS

2. Consider modifying the angled parking design with landscaped bulb out requirements at New Bethany Missionary Baptist Church (NBMBC) and the Maddux Youth Center in the City of Modesto, and rescinding Resolution 2006-562. (Funding Source: Gas Tax)
Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Motion (Geer/Muratore;unan.) accepting the modification of angled parking design with landscaped bulb out requirements at New Bethany Missionary Baptist Church (NBMBC) and the Maddux Youth Center in the City of Modesto, and rescinding Resolution 2006-562.

3. Consider recommending to the City Council updating the land values included in Resolution 2006-055 and restating all other provisions in Resolution 2006-055 and Resolution 2003-309. (Funding Source: Capital Facilities Fees)
Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: Motion (Geer/Muratore;unan.) recommending to Council updating the land values included in Resolution 2006-055 and restating all other provisions in Resolution 2006-055 and Resolution 2003-309, and forwarding to Council for approval.

Removed from Agenda

4. Consider receiving and reviewing the staff report regarding the selection process for new traffic signal locations. (Funding Source: Surface Transportation Fund and Capital Facility Fees)
Community & Economic Development; Jeffrey L. Barnes, 577.5468, jbarnes@modestogov.com

ACTION: Removed from Agenda.

5. Consider a recommendation to the Council to approve adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2010. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Motion (Geer/Muratore;unan.) recommending to Council approval of adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2010.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:15 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 22, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest – Item 19 – Mayor Ridenour, Hawn, Lopez, Marsh, Muratore (conflict regarding various CIP Projects); Item 23 – Muratore

Reports from Closed Session - City Attorney Wood reported on closed session matters.

Mayor Ridenour reported on a Matter too Late for Agenda regarding Modesto Irrigation District Revenue Bonds related to the Domestic Water Treatment and Delivery System.

ACTION: Motion (Hawn/Marsh; unan.) approving Item No. 25 under "Matters too Late for the Agenda."

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation to the City Council regarding the 2010 Amgen Tour of California Stage 4 Finish and thank you to sponsors. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Presentation was made by Julie Hannon, Director of Parks, Recreation & Neighborhoods regarding the 2010 Amgen Tour of California Stage 4 Finish and thank you to sponsors and volunteers.

2. Presentation from the Modesto Fire Department Updating the City Council on the Progress of Regionalized Fire Services. (Funding Source: Not Applicable)
Fire; James Miguel, 572-9594, jmiguel@modestogov.com

ACTION: Motion (Marsh/Geer; unan.) approving Mayor Ridenour and Councilmember Lopez as Committee members to Regionalized Fire Services.

PUBLIC COMMENT PERIOD

Ray Pefferini spoke regarding the problem with mistletoe in City trees.

Emerson Drake spoke regarding the Kiernan Corridor and the Run-Off Election Ad Hoc Committee.

Jeremiah Williams spoke regarding the Celebration of Fathers on June 11, 2010, congratulations to Kristin Olsen and Fire Chief Jim Miguel.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 17

ACTION CONSENT ITEMS: 3-17 (Hawn/Marsh; unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

3. Consider approving the Minutes of the Special City Council meeting of June 9, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Hawn/Marsh; 7/0) approving the Minutes of the Special City Council meeting of June 9, 2010

Consent

4. Consider approving a recommendation from Modesto Sister Cities International (MSCI) to enter into a Sister City agreement with Mengzi, China (Funding Source: Not Applicable)
 - Resolution authorizing the Mayor of the City of Modesto or his designee to sign an agreement with the City of Mengzi, China to establish a sister city relationship recommended.

City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Resolution 2010-249 (Hawn/Marsh; 7/0) authorizing the Mayor of the City of Modesto or his designee to sign an agreement with the City of Mengzi, China to establish a sister city relationship.

Consent

5. Consider amending Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed. (Funding Source: Gas Tax)
 - Motion introducing an Ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code (Radar) relating to speed limits to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed recommended.

Community & Economic Development; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Motion (Hawn/Marsh; 7/0) introducing an **Ordinance No. 3530-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code (Radar) relating to speed limits to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed.

Consent

6. Consider amending the Operating Budget for Fiscal Year 2009-10 for various funds to repay the Tenth Street Joint Power Agency \$172,248 owed due to an accounting structure change correction. (Funding Source: Various Funds)
 - Resolution amending the Annual Operating Budget for Fiscal Year 2009-2010 for various funds to repay the Tenth Street Joint Powers Agency \$ 172,248 owed due to an accounting structure change recommended.

Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com

ACTION: Resolution 2010-250 (Hawn/Marsh; 7/0) amending the Annual Operating Budget for Fiscal Year 2009-2010 for various funds to repay the Tenth Street Joint Powers Agency \$ 172,248 owed due to an accounting structure change.

Consent

7. Consider adopting the 2010-2011 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation (Funding Source: Not Applicable)

- Resolution approving the calculation for the appropriation limit for the Fiscal Year 2010-2011 annual budget recommended.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2010-251 (Hawn/Marsh; 7/0) approving the calculation for the appropriation limit for the Fiscal Year 2010-2011 annual budget.

Consent

8. Consider authorizing the award of bid and contract for the furnishing of water storage tank inspection services and repairs for the Public Works Department, Water Division, to Paso Robles Tank, Inc., Paso Robles, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$32,130, and over five (5) years of \$160,650. (Funding Source: Water Fund)

- Resolution authorizing the award of bid and contract for the furnishing of water storage tank inspection services and repairs for the Public Works Department, Water Division, to Paso Robles Tank, Inc., Paso Robles, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2010-252 (Hawn/Marsh; 7/0) authorizing the award of bid and contract for the furnishing of water storage tank inspection services and repairs for the Public Works Department, Water Division, to Paso Robles Tank, Inc., Paso Robles, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider amending the agreement for administrative services through the International City Management Association Retirement Corporation (ICMA-RC) by extending the term for a three-year period wherein ICMA-RC enhances the current administrative allowance to the City of Modesto as follows: \$75,000 in years one and two, \$100,000 in year three. (Funding Source: Not Applicable)

- Resolution approving an amendment to the agreement with the International City Management Association Retirement Corporation (ICMA-RC) for administrative services and investments of City employees' 401(A) and 457 deferred compensation plans; and authorizing the City Manager, or his designee, to execute the Amendment recommended.

Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com

ACTION: Resolution 2010-253 (Hawn/Marsh; 7/0) approving an amendment to the agreement with the International City Management Association Retirement Corporation (ICMA-RC) for administrative services and investments of City employees' 401(A) and 457 deferred compensation plans; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

10. Consider extending the agreement for broker of record services through Gallagher Benefit Services for an additional 24-month period commencing on July 1, 2010, wherein Gallagher Benefit Services will reduce its monthly consulting fee from \$4083.33 to \$3583.33 per month beginning July 1, 2010. (Funding Source: Employee Benefits Administration Fund)

- Resolution approving a new Agreement for broker of record services through Gallagher Benefit Services for an additional 24-month period, commencing on July 1, 2010; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com

ACTION: Resolution 2010-254 (Hawn/Marsh; 7/0) approving a new Agreement for broker of record services through Gallagher Benefit Services for an additional 24-month period, commencing on July 1, 2010; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider authorizing the City to extend the Retirement Incentive Program, Voluntary Separation Program and Severance Package upon retirement, separation or layoff for eligible employees and authorizing the City Manager to sign implementation documents. (Funding Source: Employee Benefit Fund for General Fund retirement incentive and termination leave payouts; General Fund and Other Fund Savings)
- Resolution authorizing the City to extend the Retirement Incentive, Voluntary Separation Program and Severance Package to eligible employees; and authorizing the City Manager, or his designee, to sign implementation documents recommended.
- Human Resources; Dee Williams-Ridley, 577-5400, dwilliams-ridley@modestogov.com*

ACTION: Resolution 2010-255 (Hawn/Marsh; 7/0) authorizing the City to extend the Retirement Incentive, Voluntary Separation Program and Severance Package to eligible employees; and authorizing the City Manager, or his designee, to sign implementation documents.

Consent

12. Consider authorizing and approving an application for the Nature Education Facility Program grant under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the implementation of the McClure Country House and Nature Education Center Project. (Funding Source: Nature Education Facility Program Grant Funds)
- Resolution authorizing staff to submit an application for the Nature Education Facility Program grant under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the implementation of the McClure Country House and Nature Education Center Project recommended.
- Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com*

ACTION: Resolution 2010-256 (Hawn/Marsh; 7/0) authorizing staff to submit an application for the Nature Education Facility Program grant under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the implementation of the McClure Country House and Nature Education Center Project.

Consent

13. Consider approving the Housing Authority of the County of Stanislaus as the selected developer for the 412/416 Downey Avenue properties in response to the Request for Proposal (RFP) posted on February 9, 2010. (Funding Source: Redevelopment Agency Housing Set-Aside and HOME funds)
- Resolution approving the Housing Authority of the County of Stanislaus as the selected developer for the 412/416 Downey Avenue properties; and authorizing staff to draft an Agreement to Negotiate Exclusively with the selected developer recommended.
- Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

ACTION: Resolution 2010-257 (Hawn/Marsh; 7/0) approving the Housing Authority of the County of Stanislaus as the selected developer for the 412/416 Downey Avenue properties; and authorizing staff to draft an Agreement to Negotiate Exclusively with the selected developer.

Consent

14. Consider approving a one-year Agreement for Testing Services with Krazaan & Associates Inc., to perform Construction Materials Testing Services for various Public Works construction projects for FY 2010/2011, with two (2) one-year extension options, at the sole discretion of City, in an amount not-to-exceed \$64,650 in the first year, \$68,340 in the second year and \$68,880 in the third year. (Funding Source: Project-Specific CIP accounts)
- Resolution approving a one-year Agreement for Testing Services with Krazaan & Associates Inc., to perform Construction Materials Testing Services for various Public Works projects to be constructed during the 2010/2011 fiscal year, with two (2) one-year extension options, at the sole discretion of City, in an amount not-to-exceed \$64,650 in the first year, \$68,340 in the second year and \$68,880 in the third year; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423 , kohlson@modestogov.com*

ACTION: Resolution 2010-258 (Hawn/Marsh; 7/0) approving a one-year Agreement for Testing Services with

Krazan & Associates Inc., to perform Construction Materials Testing Services for various Public Works projects to be constructed during the 2010/2011 fiscal year, with two (2) one-year extension options, at the sole discretion of City, in an amount not-to-exceed \$64,650 in the first year, \$68,340 in the second year and \$68,880 in the third year; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approving the plans and specifications for the project titled, "E. Orangeburg Avenue Water Main Replacement," accepting the bid, and approving a contract with Rolfe Construction in the amount of \$455,935. (Total estimated cost for Phase 2 of the project is \$640,246.45) (Funding Source: Water Fund-CIP)
- Resolution approving the plans and specifications for the E. Orangeburg Avenue Water Main Replacement project, accepting the bid and approving a contract with Rolfe Construction in the amount of \$455,935 for the E. Orangeburg Avenue Water Main Replacement project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: Resolution 2010-259 (Hawn/Marsh; 7/0) approving the plans and specifications for the E. Orangeburg Avenue Water Main Replacement project, accepting the bid and approving a contract with Rolfe Construction in the amount of \$455,935 for the E. Orangeburg Avenue Water Main Replacement project, and authorizing the City Manager, or his designee, to execute the contract.

Consent

16. Consider accepting a staff report updating the status of the Modesto Regional Water Treatment Plant Phase Two Expansion – Tier One Downstream Improvement projects. (Funding Source: Not Applicable)
- Motion updating the Status of the Modesto Regional Water Treatment Plant Phase Two Expansion – Tier One Downstream Improvement projects recommended.
- Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: Motion (Hawn/Marsh; 7/0) updating the Status of the Modesto Regional Water Treatment Plant Phase Two Expansion – Tier One Downstream Improvement projects.

Consent

17. Consider approving the prequalified consultant list for as-needed Engineering Design Services for Sewer & Water Pumping Stations for various Capital Improvement Program (CIP) projects for a period of three years. (Funding Source: Various Capital Improvement Projects)
- Resolution approving the prequalified consultant list, consisting of Brown & Caldwell, HDR, MWH, Nolte & Associates, and West Yost Associates, for As-needed Engineering Design Services for Sewer & Water Pumping Stations for various Capital Improvement Program (CIP) projects for a period of three years recommended.
- Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com*

ACTION: Resolution 2010-260 (Hawn/Marsh; 7/0) approving the prequalified consultant list, consisting of Brown & Caldwell, HDR, MWH, Nolte & Associates, and West Yost Associates, for As-needed Engineering Design Services for Sewer & Water Pumping Stations for various Capital Improvement Program (CIP) projects for a period of three years.

COUNCIL COMMENTS & REPORTS

Councilmember Geer announced the Love Modesto event on June 26, 2010 and request for volunteers.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

18. Consider approving (i) A Letter of Understanding (LOU) for a restructured and extended Memorandum

of Understanding (MOU) between the City of Modesto and Modesto Police Officers' Association (MPOA) for a term ending July 15, 2013 and authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements; (ii) A ratified tentative agreement including language changes for a successor MOU between the City of Modesto and Modesto Confidential and Management Association (MCMA) for a term of June 22, 2010 to June 18, 2012 and authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement; (iii) A LOU for a restructured and extended MOU between the City of Modesto and the Modesto City Fire Fighters' Association (MCFFA) for a term ending June 30, 2013 and authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements; (iv) The implementation of budget reduction strategies for Unrepresented City employees including Executives and Charter Officers and authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements; and (v) Authorize Tenth Street Place building closure pursuant to MOU/LOU contract language with employee associations relating to mandatory unpaid work furloughs. (Funding Source: General Fund and Other Funds)

- Resolution approving a Letter of Understanding for a restructured and extended Memorandum of Understanding between the City of Modesto and Modesto Police Officers' Association (MPOA) for a term ending July 15, 2013 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement and direct staff to return to Council with final MOU recommended.
- Resolution approving language changes for a successor Memorandum of Understanding between the City of Modesto and Modesto Confidential and Management Association (MCMA) for a term of June 22, 2010 to June 18, 2012 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement and direct staff to return to Council with final MOU recommended.
- Resolution approving a Letter of Understanding for a restructured and extended Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters' Association (MCFFA) for a term ending June 30, 2013 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement and direct staff to return to Council with final MOU recommended.
- Resolution authorizing the implementation of budget reduction strategies for Unrepresented City employees including Executives and Charter Officers and authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements recommended.
- Resolution authorizing Tenth Street Place building closure pursuant to MOU/LOU contract language with employee associations relating to mandatory unpaid work furloughs recommended.

Human Resources; Dee Williams-Ridley, 571-5126, dwilliams-ridley@modestogov.com

ACTION: Resolution 2010-261 (Hawn/Marsh; 7/0) approving a Letter of Understanding for a restructured and extended Memorandum of Understanding between the City of Modesto and Modesto Police Officers' Association (MPOA) for a term ending July 15, 2013 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement and direct staff to return to Council with final MOU.

ACTION: Resolution 2010-262 (Hawn/Marsh; 7/0) approving language changes for a successor Memorandum of Understanding between the City of Modesto and Modesto Confidential and Management Association (MCMA) for a term of June 22, 2010 to June 18, 2012 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement and direct staff to return to Council with final MOU.

ACTION: Resolution 2010-263 (Hawn/Marsh; 7/0) approving a Letter of Understanding for a restructured and extended Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters' Association (MCFFA) for a term ending June 30, 2013 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement and direct staff to return to Council with final MOU.

ACTION: Resolution 2010-264 (Hawn/Marsh; 7/0) authorizing the implementation of budget reduction strategies for Unrepresented City employees including Executives and Charter Officers and authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements.

ACTION: Resolution 2010-265 (Hawn/Marsh; 7/0) authorizing Tenth Street Place building closure pursuant to MOU/LOU contract language with employee associations relating to mandatory unpaid work furloughs .

Mayor Ridenour, Councilmembers Hawn, Lopez, Marsh, Muratore absent due to conflict of interest regarding various CIP projects

19. Consider introducing an Ordinance adopting the proposed Fiscal Year 2010-2011 Operating Budget and Capital Improvement Program for the City of Modesto and approving related Resolutions. (Funding Source: Various Funds)
- Motion introducing an Ordinance approving the Fiscal Year 2010-2011 Proposed Operating Budget and Capital Improvement Program for the City of Modesto recommended.
 - Resolution approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2010-2011 Budget development process recommended.
 - Resolution amending the Fiscal Year 2009-10 Operating Budgets for the Worker's Compensation holiday associated with the adopted policy item approved as a part of the adoption of the Fiscal Year 2010-11 Proposed Operating Budget recommended.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Hawn/Muratore; 7/0) introducing **Ordinance No. 3531-C.S.** approving the Fiscal Year 2010-2011 Proposed Operating Budget and Capital Improvement Program for the City of Modesto.

ACTION: Motion (Olsen/Geer; 5/0 Hawn, Muratore absent due to conflict) approving the Proposed Fiscal Year 2010-11 Operating Budget and Capital Improvement Program for the City of Modesto.

- Q237 -Counter Reconstruction
- P597 - Parking Garage Projects
- N686 - 9th Street Storm Drainage
- E017-Retime Downtown Traffic Signals 2010
- E736-Pedestrian & Bicyclist Safety Enhancement
- H013 -ARRA Cape/Slurry Seal On Various Streets
- H151 - Fed Pavement Rehab H, I & 9th Streets
- H404 -Fed Pavement Rehab 9th Sec

ACTION: Motion (Marsh/Muratore; 6/0 Hawn absent due to conflict) approving the Proposed Fiscal Year 2010-11 Operating Budget and Capital Improvement Program for the City of Modesto.

- E015 – Upgrade Traffic Signals 2010
- E664 – Upgrd T/S 12/J&LaLoma/Bur Seco
- E947 – High Voltage Street Light Circuit Repair
- B815 9th Street Rehabilitation
- W428 – Strengthen and Replace Water System (Primary)

ACTION: Motion (Muratore/Marsh; 6/0 Mayor Ridenour absent due to conflict) approving the Proposed Fiscal Year 2010-11 Operating Budget and Capital Improvement Program for the City of Modesto.

- X512 - Floyd Ave Between Roselle & Fine

ACTION: Motion (Olsen/Marsh; 4/0 Hawn, Lopez, Muratore absent due to conflict) approving the Proposed Fiscal Year 2010-11 Operating Budget and Capital Improvement Program for the City of Modesto.

- E004 – Prop 1B Phase 1 Secondary

ACTION: Motion (Marsh/Muratore; 5/0 Hawn, Lopez absent due to conflict) approving the Proposed Fiscal Year 2010-11 Operating Budget and Capital Improvement Program for the City of Modesto.

- H014 – ARRA Street Overlay and ADA Curb Ramp Improvements

ACTION: Motion (Olsen/Muratore; 6/0 Marsh absent due to conflict) approving the Proposed Fiscal Year 2010-11 Operating Budget and Capital Improvement Program for the City of Modesto.

- B060 - Manholes-Adjusted To Grade

ACTION: Resolution 2010-266 (Hawn/Muratore; 7/0) approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2010-2011 Budget development process.

ACTION: Resolution 2010-267 (Hawn/Muratore; 7/0) amending the Fiscal Year 2009-10 Operating Budgets for the Worker's Compensation holiday associated with the adopted policy item approved as a part of the adoption of the Fiscal Year 2010-11 Proposed Operating Budget.

20. Consider authorizing the award of bid and approving a contract for the provision of third party claims administration services with York Insurance Services Group, Inc. beginning in Fiscal year 2010 -2011. (Funding Source: Workers' Compensation Administration)

- Resolution authorizing the award of bid and contract for the provision of third party administration of workers' compensation claims services to York Insurance Services Group, Inc.; and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Fiscal Year 2010-2011 Risk Administration and Workers' Compensation Budgets to fully fund the first year cost of Workers' Compensation Third Party Administration Services recommended.

Human Resources; Dee Williams-Ridley , 571-5809 , dwilliams-ridley@modestogov.com

ACTION: Resolution 2010-268 (Marsh/Muratore; 7/0) authorizing the award of bid and contract for the provision of third party administration of workers' compensation claims services to York Insurance Services Group, Inc.; and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2010-269 (Marsh/Muratore; 7/0) amending the Fiscal Year 2010-2011 Risk Administration and Workers' Compensation Budgets to fully fund the first year cost of Workers' Compensation Third Party Administration Services.

21. Consider approving future funding from the Redevelopment Agency Housing Set-Aside (RDA) and City HOME funds for the project located at 17th & G Streets also known as "Tower Park" in the amount of \$2.7 million dollars. (Funding Source: Redevelopment Agency Housing Set-Aside and HOME funds)

- Resolution approving a commitment of Redevelopment Agency Housing Set-Aside (RDA) and City HOME funds for the project located at 17th & G Streets, also known as "Tower Park", in the amount of \$2.7 million recommended.
- Resolution authorizing staff to draft a Pre-Construction Loan Agreement and a Disposition and Development Agreement which will be brought back to the Council for final approval recommended.

Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com

ACTION: Resolution 2010-270 (Geer/Marsh; 7/0) approving a commitment of Redevelopment Agency Housing Set-Aside (RDA) and City HOME funds for the project located at 17th & G Streets, also known as "Tower Park", in the amount of \$2.7 million.

ACTION: Resolution 2010-271 (Geer/Marsh; 7/0) authorizing staff to draft a Pre-Construction Loan Agreement and a Disposition and Development Agreement which will be brought back to the Council for final approval.

*Recess at 7:30 pm
Reconvened at 7:44 pm*

HEARINGS

Published in the Modesto Bee on June 2, 2010

22. Hearing to consider amending and restating Resolution No. 2006-055 and updating the 2006 Capital Facilities Fees Program to decrease land values for property acquisition. (Funding Source: Capital Facilities Fees revenues)

- Resolution amending and restating Resolution No. 2006-055, and updating the 2006 Capital Facilities Fees Program to decrease land values for property acquisition recommended.

Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: Resolution 2010-272 (Marsh/Lopez; 7/0) amending and restating Resolution No. 2006-055, and updating the 2006 Capital Facilities Fees Program to decrease land values for property acquisition (**with annual**

review of land values for next 3 years).

Published in the Modesto Bee on June 7, 2010 and Vida on June 10, 2010 – Councilmember Muratore absent due to conflict of interest

23. Hearing to consider amending the City's Annual Action Plan (AAP) for Fiscal Year 2009-10 moving NSPI grant funds from Homebuyers Assistance to Property Acquisition and Rehabilitation. (Funding Source: Neighborhood Stabilization Program 1 Funds)
- Resolution approving a third amendment to the U. S. Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2009-2010 recommended.
 - Resolution amending the Fiscal Year 2009-2010 Annual Operating Budget to reflect approved changes to the U.S. Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2009-2010 recommended.

Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Resolution 2010-273 (Hawn/Olsen; 6/0; Muratore absent) approving a third amendment to the U. S. Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2009-2010.

ACTION: Resolution 2010-274 (Hawn/Olsen; 6/0; Muratore, absent) amending the Fiscal Year 2009-2010 Annual Operating Budget to reflect approved changes to the U.S. Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2009-2010.

NEW BUSINESS

24. Consider (i) approving the appointments of Councilmember Brad Hawn and Councilmember Garrad Marsh to the Regional Surface Water Supply Project (RSWSP) Steering Committee; (ii) approving a Cost Sharing Agreement between the Cities of Ceres, Hughson, Modesto, and Turlock for development of an Integrated Regional Water Management Plan (IRWMP); and (iii) approving an Agreement with RMC Water and Environment (RMC) for consultant services to prepare an IRWMP for an amount not to exceed \$237,138. (Funding Source: Water Fund-CIP)
- Resolution approving the appointment of Councilmember Brad Hawn and Councilmember Garrad Marsh to serve on the Regional Surface Water Supply Project Steering Committee recommended.
 - Resolution approving a Cost Sharing Agreement between the Cities of Ceres, Hughson, Modesto, and Turlock for development of an Integrated Regional Water Management Plan, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an agreement with RMC Water and Environment for consultant services to prepare an Integrated Regional Water Management Plan in an amount not to exceed \$215,580 for the identified scope of services, plus \$21,558 for additional services (if needed) for a maximum total amount of \$237,138, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com

ACTION: Resolution 2010-275 (Hawn/Geer; 7/0) approving the appointment of Councilmember Brad Hawn and Councilmember Garrad Marsh to serve on the Regional Surface Water Supply Project Steering Committee.

ACTION: Resolution 2010-276 (Hawn/Geer; 7/0) approving a Cost Sharing Agreement between the Cities of Ceres, Hughson, Modesto, and Turlock for development of an Integrated Regional Water Management Plan, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-277 (Hawn/Geer; 7/0) approving an agreement with RMC Water and Environment for consultant services to prepare an Integrated Regional Water Management Plan in an amount not to exceed \$215,580 for the identified scope of services, plus \$21,558 for additional services (if needed) for a maximum total amount of \$237,138, and authorizing the City Manager, or his designee, to execute the Agreement.

MATTERS TOO LATE FOR THE AGENDA

25. Consider authorizing the City of Modesto to post collateral for Modesto Irrigation District Revenue Bonds related to the Domestic Water Treatment and Delivery System.
- Resolution authorizing the City of Modesto Water Fund to post collateral up to \$18 million with a third-party trustee under terms of swap agreement with JP Morgan for the Modesto Irrigation

District Revenue Bonds related to the Domestic Water Treatment and Delivery System recommended.

Finance, DeAnna Herrera, 577-5387, dherrera@modestogov.com

ACTION: Resolution 2010-278 - (Hawn/Geer;7/0) Resolution authorizing the City of Modesto Water Fund to post collateral up to \$18 million with a third-party trustee under terms of swap agreement with JP Morgan for the Modesto Irrigation District Revenue Bonds related to the Domestic Water Treatment and Delivery System.

ADJOURNMENT

This meeting was adjourned at 8:45 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -

MCEA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –

MPNSA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –

MPMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -

MCFFA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Firefighters Association

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday June 28, 2010, at 5:30 p.m.

Roll Call - Present: Brad Hawn, Garrad Marsh (arrived @ 5:40 pm), Dave Geer
Absent: None

PRESENTATIONS

1. Presentation by Peter Miller, Public Financial Management (City Financial Advisor) regarding Swap Agreements and City’s 2007 Water Fund Debt Issue. (Funding Source: Not Applicable)
Finance; Gloriette Beck, 577-5371, gbeck@modestogov.com

ACTION: No reportable action.

PUBLIC COMMENTS

Three minute time limit per speaker

Only interested persons in the audience may present these matters. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

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

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 4

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

2. Consider recommending to Council the acceptance of the revised Debt Management Policy. (Funding Source: Not Applicable)
Finance; Deanna Herrera, 577-5387, dherrera@modestogov.com

ACTION: **Motion (Geer/Hawn; Marsh absent)** accepting the revised Debt Management Policy and forwarding to Council for approval.

Consent

3. Consider recommending to Council the acceptance of the revised Investment Policy. (Funding Source: Not Applicable)

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Geer/Hawn; Marsh absent) accepting the revised Investment Policy and forwarding to Council for approval.

Consent

4. Consider the Monthly Budget Adjustment report for June 2010, and refer to City Council for consideration and approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Geer/Hawn; Marsh absent) accepting the Monthly Budget Adjustment report for June 2010 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 06, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Bob Irwin, Mill Creek Church

City Clerk's Announcements - Item 13 continued to July 13, 2010 at request of representative for Parklawn Neighbors

Declaration of Conflicts of Interest – Muratore - Item 19 and RDA Item B

Reports from Closed Session - City Attorney Wood reported on Closed Session Matters

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 15

ACTION CONSENT ITEMS 1-15: (Lopez/Hawn;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

1. Consider approving the Minutes of the City Council meeting of June 22, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the minutes from the June 22, 2010 council meeting.

Consent

2. Consider approving final adoption of **Ordinance No. 3530-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code Relating to Speed Limits. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3530-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code (Radar) relating to speed limits to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the final adoption of **Ordinance No. 3530-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code (Radar) relating to speed limits to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed.

Consent

3. Consider approving final adoption of **Ordinance No. 3531-C.S.** approving the Fiscal Year 2010-2011 Proposed Operating Budget and Capital Improvement Program for the City of Modesto. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3531-C.S.** approving the Fiscal Year 2010-2011 Proposed Operating Budget and Capital Improvement Program for the City of Modesto recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the final adoption of **Ordinance No. 3531-C.S.** approving the Fiscal Year 2010-2011 Proposed Operating Budget and Capital Improvement Program for the City of Modesto.

Consent

4. Consider amending the Deferred Payment Agreement and Notice of Lien for the payment of Capital Facilities Fees (CFF) for 3948 Sylvan Avenue. (Funding Source: CFF Revenue Funds)
 - Resolution amending the Deferred Payment Agreement and Notice of Lien between the City of Modesto and Peter and Charlene Reece, Joseph and Sheryl Pimentel, and Stephen and Kathleen Hughes for the payment of Capital Facilities Fees in the amount of \$44,252.46, plus interest, in no more than five annual installments; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: Resolution 2010-279 (Lopez/Hawn; 7/0) amending the Deferred Payment Agreement and Notice of Lien between the City of Modesto and Peter and Charlene Reece, Joseph and Sheryl Pimentel, and Stephen and Kathleen Hughes for the payment of Capital Facilities Fees in the amount of \$44,252.46, plus interest, in no more than five annual installments; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

5. Consider approving the Monthly Budget Adjustment report for June 2010. (Funding Source: Various Funds)
 - Resolution amending Fiscal Year 2009-2010 annual budget recommended.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2010-280 (Lopez/Hawn; 7/0) amending Fiscal Year 2009-2010 annual budget.

Consent

6. Consider (i) approving a contract with the Stanislaus Regional Fire Authority for \$40,000 to restore the Fire Department EMS Coordinator position to three-quarter time; (ii) amending the 2010/11 General Fund Fire Department Operating Budget estimating revenue of \$40,000 from the Stanislaus County Regional Fire Authority Emergency Medical Services Coordinator contract; and (iii) amending the Fire Department position allocation to include one three-quarter-time benefitted Emergency Medical Services Coordinator position. (Funding Source: Not Applicable)
 - Resolution approving an Agreement with the Stanislaus County Fire Authority in the amount of \$40,000 to restore the Fire Department EMS Coordinator position to three-quarter time; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution amending the Fiscal Year 2010/11 General Fund Fire Department Operating Budget estimating revenue of \$40,000 from the Stanislaus County Fire Authority Emergency Medical Services Coordinator contract recommended.
 - Resolution amending the Fire Department position allocation to include one three-quarter-time benefitted Emergency Medical Services Coordinator position recommended.
Fire; Michael Kraus, 572-9590, mkraus@modestogov.com

ACTION: Resolution 2010-281 (Lopez/Hawn; 7/0) approving an Agreement with the Stanislaus County Fire

Authority in the amount of \$40,000 to restore the Fire Department EMS Coordinator position to three-quarter time; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-282 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010/11 General Fund Fire Department Operating Budget estimating revenue of \$40,000 from the Stanislaus County Fire Authority Emergency Medical Services Coordinator contract .

ACTION: Resolution 2010-283 (Lopez/Hawn; 7/0) amending the Fire Department position allocation to include one three-quarter-time benefited Emergency Medical Services Coordinator position.

Consent

7. Consider directing the City Manager to implement layoffs by issuing layoff notices to City employees in areas designated by the adopted Fiscal Year (FY) 2010-11 budget where concessions savings may not be realized. (Funding Source: General Fund and Other Funds Savings)
- Motion directing the City Manager to implement layoffs by issuing layoff notices to City employees as determined by the FY 2010-11 adopted operating budget including the level of savings realized by the City through concessions from its labor associations recommended.
- Human Resources; Dee Williams-Ridley , 571-5126, dwilliams-ridley@modestogov.com*

ACTION: Motion (Lopez/Hawn; 7/0) directing the City Manager to implement layoffs by issuing layoff notices to City employees as determined by the FY 2010-11 adopted operating budget including the level of savings realized by the City through concessions from its labor associations.

Consent

8. Consider approving the FY 2010-2011 budget for the Stanislaus Resource Recovery (Waste-to-Energy) Facility (Funding Source: Not Applicable)
- Resolution approving the Fiscal Year 2010-2011 Waste-to-Energy project budget and rescinding Resolution No 2009-198 recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

ACTION: Resolution 2010-284 (Lopez/Hawn; 7/0) approving the Fiscal Year 2010-2011 Waste-to-Energy project budget and rescinding Resolution No 2009-198.

Consent

9. Consider exercising first renewal option and entering into a five-year agreement between the Modesto Convention & Visitors Bureau (CVB) and the City of Modesto to provide convention and visitor bureau services. (Funding Source: General Fund)
- Resolution approving a five-year extension to the current Agreement between the City of Modesto and the Modesto Convention & Visitors Bureau to provide convention and visitor bureau services recommended.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

ACTION: Resolution 2010-285 (Lopez/Hawn; 7/0) approving a five-year extension to the current Agreement between the City of Modesto and the Modesto Convention & Visitors Bureau to provide convention and visitor bureau services.

Consent

10. Consider approving (i) an agreement for the purchase of retired City of Modesto Police canine, Barz, by his handler, Officer Fainter; and (ii) an agreement for the purchase of retired City of Modesto Police canine, Vanco, by his handler, Officer Kleiber. (Funding Source: General Fund Revenue)
- Resolution approving an Agreement between the City of Modesto and Officer Fainter for the purchase of retired City of Modesto Police canine, Barz, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an Agreement between the City of Modesto and Officer Kleiber for the purchase of retired City of Modesto Police canine, Vanco, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Police; Ron Cloward, 572-9664, clowardr@modestopd.com*

ACTION: Resolution 2010-286 (Lopez/Hawn; 7/0) approving an Agreement between the City of Modesto and Officer Fainter for the purchase of retired City of Modesto Police canine, Barz, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-287 (Lopez/Hawn; 7/0) approving an Agreement between the City of Modesto and Officer Kleiber for the purchase of retired City of Modesto Police canine, Vanco, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider accepting the work by Sierra National Construction, Inc., for the “Advance Traffic Management System (ATMS) Expansion Pelandale Avenue Project” as complete. (Total project cost is \$376,215.60) (Funding Source: CMAQ Grants and Gas Tax)
- Resolution accepting the work by Sierra National Construction, Inc., for the “Advance Traffic Management System (ATMS) Expansion Pelandale Project” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$293,085.43 recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423 , kohlson@modestogov.com*

ACTION: Resolution 2010-288 (Lopez/Hawn; 7/0) accepting the work by Sierra National Construction, Inc., for the “Advance Traffic Management System (ATMS) Expansion Pelandale Project” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$293,085.43.

Consent

12. Consider (i) accepting the Preliminary Design Report dated April 2010 for Area 2 Storm Drain Cross Connections Removal project as complete, and (ii) approving an agreement with RRM Design Group for final design services for Area 2 Storm Drain Cross Connections Removal Project-Phase 1, in an amount not to exceed \$245,021. (Total estimated cost for final design of Phase 1 of the project is \$269,523) (Funding Source: Wastewater Fund)
- Resolution accepting the Preliminary Design Report dated April 2010 for Area 2 Storm Drain Cross Connections Removal project as complete recommended.
 - Resolution approving an agreement with RRM Design Group for final design services for Area 2 Storm Drain Cross Connections Removal Project-Phase 1 in an amount not to exceed \$222,747 for the identified scope of services, plus \$22,274 for additional services (if needed), for a maximum total amount of \$245,021; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com*

ACTION: Resolution 2010-289 (Lopez/Hawn; 7/0) accepting the Preliminary Design Report dated April 2010 for Area 2 Storm Drain Cross Connections Removal project as complete.

ACTION: Resolution 2010-290 (Lopez/Hawn; 7/0) approving an agreement with RRM Design Group for final design services for Area 2 Storm Drain Cross Connections Removal Project-Phase 1 in an amount not to exceed \$222,747 for the identified scope of services, plus \$22,274 for additional services (if needed), for a maximum total amount of \$245,021; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider accepting the work by Insituform Technologies, Inc. for the “Reline Existing Waterline Under Union Pacific Railroad Tracks on “I” Street Between 8th and 9th Streets Project” as complete. (Total project cost is \$167,186.52) (Funding Source: Water Fund-CIP)
- Resolution accepting the work by Insituform Technologies, Inc. for the Reline Existing Waterline Under Union Pacific Railroad Tracks on “I” Street Between 8th and 9th Streets Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$120,110 recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2010-291 (Lopez/Hawn; 7/0) accepting the work by Insituform Technologies, Inc. for

the Reline Existing Waterline Under Union Pacific Railroad Tracks on "I" Street Between 8th and 9th Streets Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$120,110.

Consent

14. Consider approving a Purchase Agreement with Wenfu Shieh and Irene Shieh, as Co-Trustees of the Shieh Family Trust, dated March 11, 1998, in the amount of \$19,961 to acquire real property for the Roselle Avenue Widening Between Floyd & Sylvan project. (Total estimated cost for this portion of the project is \$20,506) (Funding Source: Village One #2, CFD #2004-1)
- Resolution approving a Purchase Agreement with Wenfu Shieh and Irene Shieh, as Co-Trustees of the Shieh Family Trust, dated March 11, 1998, for a 0.03-acre (1,219 sq. ft.) parcel in fee, and a 0.03-acre (1,459 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3448 Roselle Avenue (APN 085-001-040), in the amount of \$19,961 for the Roselle Avenue Widening project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 3448 Roselle Avenue (APN 085-001-040), owned by Wenfu Shieh and Irene Shieh, as Co-Trustees of the Shieh Family Trust, dated March 11, 1998, to be purchased by the City of Modesto for the Roselle Avenue Widening project recommended.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2010-292 (Lopez/Hawn; 7/0) approving a Purchase Agreement with Wenfu Shieh and Irene Shieh, as Co-Trustees of the Shieh Family Trust, dated March 11, 1998, for a 0.03-acre (1,219 sq. ft.) parcel in fee, and a 0.03-acre (1,459 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3448 Roselle Avenue (APN 085-001-040), in the amount of \$19,961 for the Roselle Avenue Widening project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2010-293 (Lopez/Hawn; 7/0) authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 3448 Roselle Avenue (APN 085-001-040), owned by Wenfu Shieh and Irene Shieh, as Co-Trustees of the Shieh Family Trust, dated March 11, 1998, to be purchased by the City of Modesto for the Roselle Avenue Widening project.

Consent

15. Consider approving an increase of the Director of Utility Planning and Projects' Authority to issue change orders on the Emerald Trunk Line Rehabilitation project from 8 percent (\$455,520) to 10 percent (\$569,400) of the original contract price with K.J. Woods Construction, Inc. (The total estimated construction cost is \$7,851,733.52) (Funding Source: Wastewater Fund)
- Resolution increasing the Director of Utility Planning and Projects' Authority to issue change orders on the "Emerald Trunk Line Rehabilitation" project by \$113,880 from 8% (\$455,520) to 10% (\$569,400) of the original contract price with K.J. Woods Construction, Inc. to fund the change order work recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-294 (Lopez/Hawn; 7/0) increasing the Director of Utility Planning and Projects' Authority to issue change orders on the "Emerald Trunk Line Rehabilitation" project by \$113,880 from 8% (\$455,520) to 10% (\$569,400) of the original contract price with K.J. Woods Construction, Inc. to fund the change order work.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

16. Consider a letter from Parklawn United Neighbors requesting the City of Modesto provide direction to staff to add a Measure M Vote to November 2, 2010 ballot. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: This item has been continued to the July 13, 2010 Council meeting.

UNFINISHED BUSINESS

17. Consider accepting the report on the Assignment Agreement and collateral posting for Modesto Irrigation District Revenue Bonds related to the Domestic Water Treatment and Delivery System. (Funding Source: Wastewater Enterprise Fund)
- Resolution approving and confirming the Assignment Agreement between JPMorgan Chase Bank, Bear Stearns Capital Markets Inc. and the Modesto Irrigation District Financing Authority increasing the Pledgor's Threshold for the 2007 Swap Agreement from \$5 million to \$20 million recommended.
Finance; Gloriette Beck, 577-5371, gbeck@modestogov.com

ACTION: Resolution 2010-295 (Hawn/Lopez; 7/0) approving and confirming the Assignment Agreement between JPMorgan Chase Bank, Bear Stearns Capital Markets Inc. and the Modesto Irrigation District Financing Authority increasing the Pledgor's Threshold for the 2007 Swap Agreement from \$5 million to \$20 million.

18. Consider approving (i) a ratified tentative agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Employees Association (MCEA) for a term of June 22, 2010 to June 18, 2012, and authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements; and (ii) a ratified tentative agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Police Non Sworn Association (MPNSA) for a term of June 22, 2010 to September 10, 2012, and authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements. (Funding Source: General Fund and Other Funds)
- Resolution approving language changes for a successor Memorandum of Understanding between the City of Modesto and Modesto City Employees Association (MCEA) for a term of June 22, 2010 to June 18, 2012 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement recommended.
 - Resolution approving language changes for a successor Memorandum of Understanding between the City of Modesto and Modesto Police Non Sworn Association (MPNSA) for a term of June 22, 2010 to September 10, 2012 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement recommended.

Human Resources; Dee Williams-Ridley, 571-5126, dwilliams-ridley@modestogov.com

ACTION: Resolution 2010-296 (Lopez/Hawn; 7/0) approving language changes for a successor Memorandum of Understanding between the City of Modesto and Modesto City Employees Association (MCEA) for a term of June 22, 2010 to June 18, 2012 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2010-297 (Lopez/Hawn; 7/0) approving language changes for a successor Memorandum of Understanding between the City of Modesto and Modesto Police Non Sworn Association (MPNSA) for a term of June 22, 2010 to September 10, 2012 and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement.

Councilmember Muratore absent due to conflict of interest

19. Consider approving a revised project scope for the project known as "Archway Commons" and reaffirming that all currently allocated funds from the City's HOME funds and/or Redevelopment

Agency (RDA) are fully committed to the 120-unit project. (Funding Source: HOME and Redevelopment Agency Housing Set-Aside)

- Resolution approving a revised project scope for the project known as “Archway Commons” and reaffirming the City of Modesto’s commitment of financial assistance in HOME funds in an amount not to exceed \$1.0 million for the development of a 118-unit affordable housing development recommended.
- Resolution approving a revised project scope for the project known as “Archway Commons” and reaffirming the Redevelopment Agency’s commitment of \$6.7 million in affordable housing set-aside funds for the 118-unit affordable housing project recommended.

Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Resolution 2010-298 (Hawn/Marsh; 6/0; Muratore absent due to conflict of interest) approving a revised project scope for the project known as “Archway Commons” and reaffirming the City of Modesto’s commitment of financial assistance in HOME funds in an amount not to exceed \$1.0 million for the development of a 118-unit affordable housing development.

ACTION: Resolution 2010-299 (Hawn/Marsh; 6/0; Muratore absent due to conflict of interest) approving a revised project scope for the project known as “Archway Commons” and reaffirming the Redevelopment Agency’s commitment of \$6.7 million in affordable housing set-aside funds for the 118-unit affordable housing project.

HEARINGS

Published in the Modesto Bee on June 26, 2010

20. Hearing to consider accepting the recommendations of the City of Modesto Run-Off Election Committee as follows: (i) Elections continue to be held in November of odd-numbered years; elimination of run-off elections for Council Districts and hold the run-off election for Mayor, if necessary, in February of even-numbered years; and (ii) amend Article III, Section 300 so that the Charter language “votes cast” is amended to read “votes cast for said office.” (Funding Source: Elections Fund)
- Motion approving the recommendation of the City of Modesto Run-Off Election Committee amending Article III, Section 300: Elections to be held in odd-numbered years; elimination of run-off elections for Council Districts and run-off election for Mayor, if necessary, in February of even-numbered years recommended.
 - Motion approving the recommendation of the City of Modesto Run-Off Election Committee amending Article III, Section 300 so that the Charter language "votes cast" is amended to read "votes cast for said office" recommended.
 - Resolution calling for a Special Municipal Election and directing the City Clerk to submit to the voters a measure seeking a vote on the question of whether the City of Modesto should eliminate run-off elections for Council District and require a run-off election for Mayor, if necessary, in February of even-numbered years; consolidating the special election with the statewide election to be held November 2, 2010; approving the form of ballot question, setting forth procedures for ballot argument, and directing the City Clerk to submit the measure to the City Attorney for an Impartial Analysis recommended.
 - Resolution calling a Special Municipal Election and directing the City clerk to Submit to the voters a measure seeking a vote on the question of whether the vote required for a run-off election shall be if any candidate for a particular position does not receive a majority of the votes cast for that position in a regular municipal election for that position, consolidating the special election with the statewide election to be held November 2, 2010; approving the form of the ballot question; setting forth procedures for ballot argument; and directing the City Clerk to submit the measure to the City Attorney for an Impartial Analysis recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Olsen/Muratore; 4/3; Hawn, Lopez, Marsh, no) approving the recommendation of the City of Modesto Run-Off Election Committee amending Article III, Section 300: Elections to be held in odd-numbered years; elimination of run-off elections for Council Districts and run-off election for Mayor, if necessary, in February of even-numbered years.

ACTION: Motion (Olsen/Muratore; 4/3; Hawn, Lopez, Marsh, no) approving the recommendation of the City of Modesto Run-Off Election Committee amending Article III, Section 300 so that the Charter language

"votes cast" is amended to read "**valid** votes cast for said office."

ACTION: Resolution 2010-300 (Olsen/Muratore; 4/3; Hawn, Lopez, Marsh, no) calling for a Special Municipal Election and directing the City Clerk to submit to the voters a measure seeking a vote on the question of whether the City of Modesto should eliminate run-off elections for Council District and require a run-off election for Mayor, if necessary, in February of even-numbered years; consolidating the special election with the statewide election to be held November 2, 2010; approving the form of ballot question, setting forth procedures for ballot argument, and directing the City Clerk to submit the measure to the City Attorney for an Impartial Analysis

ACTION: Resolution 2010-301 (Olsen/Muratore; 4/3; Hawn, Lopez, Marsh, no) calling a Special Municipal Election and directing the City Clerk to submit to the voters a measure seeking a vote on the question of whether the vote required for a run-off election shall be if any candidate for a particular position does not receive a majority of the votes cast for that position in a regular municipal election for that position, consolidating the special election with the statewide election to be held November 2, 2010; approving the form of the ballot question; setting forth procedures for ballot argument; and directing the City Clerk to submit the measure to the City Attorney for an Impartial Analysis.

Published in the Modesto Bee on June 16, 2010

21. Hearing to consider approving (i) rezoning the Jennings Wastewater Treatment Plan to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on the south side of Keyes Road, west of Vivian Road; (ii) an application to the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and annex 4,690 acres of property located approximately seven miles southwest of the Modesto city limits on the south side of Keyes Road, West of Vivian Road; (iii) An Agreement between the City of Modesto and the Mt. View Fire Protection District for the provision of services following the annexation of the Jennings Wastewater Treatment Plant; (iv) an Agreement between the City of Modesto and the Westport Fire Protection District for the provision of services following the annexation of the Jennings Wastewater Treatment Plant; and (v) a Memorandum of Understanding with the County of Stanislaus regarding the dedication of right-of-way along West Main Street, the future maintenance of Jennings Road and cooperation on future transportation studies for the South County Corridor. (Funding Source: Sewer Fund)
- Motion introducing an Ordinance Amending Sections 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend rezoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited) recommended.
 - Resolution approving the filing of an application with the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and Annex 4,690 acres of property located approximately seven miles southwest of the Modesto City limits on the south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited) recommended.
 - Resolution approving an Agreement between the City of Modesto and the Mt. View Fire Protection District for the provision of fire and life safety services following the annexation of the Jennings Wastewater Treatment Plant Located at 7007 Jennings Road to the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an Agreement between the City of Modesto and the Westport Fire Protection District for the provision of fire and life safety services following the annexation of the Jennings Wastewater Treatment Plant Located at 7007 Jennings Road to the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving a Memorandum of Understanding between the City of Modesto and County of Stanislaus regarding the dedication of right-of-way along West Main Street, the future maintenance of Jennings Road and cooperation on future transportation studies for the South County Corridor; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding recommended.
 - Resolution finding that the following project is within the scope of the project covered by the Wastewater Master Plan Update Master Environmental Impact Report (Sch No. 2006052076): Filing of an application with the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and Annex 4,690 Acres, and amending Sections 33-4-8, 32-4-8, 5-5-

8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend pre zoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (City of Modesto) recommended.

Community & Economic Development and Public Works; David Wage, 577-5267, dwage@modestogov.com

ACTION: Motion (Olsen/Hawn; 7/0; unan.) continuing hearing to August 4, 2010 Council meeting with more information to be provided by staff.

Published in the Modesto Bee on June 19, 2010

22. Hearing to consider an appeal by Lehmer Singh, on behalf of M&B Petroleum, regarding the payment of Capital Facilities Fees (CFF) on Building Permit No. BLD 2009-71699 located at 2301 Crows Landing Road. (Funding Source: CFF Revenue Funds)

- Resolution denying the appeal by Lehmer Singh, on behalf of M&B Petroleum, for Capital Facilities Fees paid in protest on Building Permit No. BLD2009-71699, located at 2301 Crows Landing Road, Modesto recommended.

Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: Resolution 2010-302 (Hawn/Marsh; 7/0) denying in part the appeal by Lehmer Singh, on behalf of M&B Petroleum for a zero reduction in CFF fees; and granting in part the appeal by reducing applicable CFF fees by approximately 6% pursuant to Resolution No. 2010-272 and allowing participation in the CFF deferral fee program.

Recess at 7:22 pm

Reconvened at 7:35 pm

Published in the Modesto Bee on June 26, 2010

23. Hearing to consider approving the annual adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2010, and rescinding Resolution No. 2010-110. (Funding Source: Not Applicable)

- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2010; and rescinding Resolution No. 2010-110 recommended.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2010-303 (Hawn/Lopez; 6/1; Olsen, no) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2010; and rescinding Resolution No. 2010-110.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:00 p.m.

CLOSED SESSION

Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Acquisition of right-of-way for the following property:
3200 Roselle Avenue, Modesto
APN 085-001-048
Negotiating parties: Jon Yuriar, City Property Agent; Steve Long, Overland Pacific & Cutler
Under negotiation: Price and terms of sale

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Patrick A. Tittle v. City of Modesto, et al.; Stanislaus County Superior Court No. 642387

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 13, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Muratore, Olsen, Mayor Ridenour
Absent: Marsh

Pledge of Allegiance to the Flag

Invocation: Jeremiah Williams, Revival Center

City Clerk's Announcements - Item 5 - continued to August 4, 2010 Public Hearing
Items 12 and 14 - Removed from Consent
Item 13- Removed from Agenda

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation, proclaiming August 3, 2010 as "National Night Out." (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to Police Chief Harden proclaiming August 3, 2010 as "National Night Out."

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider accepting the resignation of Brad de la Cruz and Les Knoll as Alternates from the City of Modesto Entertainment Commission (Funding Source: Not Applicable)
 - Resolution accepting with regret the resignation of Brad de la Cruz from the City of Modesto Entertainment Commission recommended.
 - Resolution accepting with regret the resignation of Les Knoll from the City of Modesto Entertainment Commission recommended.*Parks, Recreation & Neighborhoods; Joanne Azevedo, 577-5346, jazevedo@modestogov.com*

ACTION: Resolution 2010-304 (Hawn/Olsen; Marsh absent 6/0) accepting with regret the resignation of Brad de la Cruz from the City of Modesto Entertainment Commission.

ACTION: Resolution 2010-305 (Hawn/Olsen; Marsh absent 6/0) accepting with regret the resignation of Les Knoll from the City of Modesto Entertainment Commission.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 16

ACTION CONSENT ITEMS: Items 3-4; 6-11; 15-16: (Lopez/Hawn; unan. Marsh absent)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

3. Consider approving the Minutes of the City Council meeting of July 6, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 6/0; Marsh absent) approving the minutes from the July 6, 2010 Council meeting.

Consent

4. Consider appointing a voting delegate for the 2010 League of California Cities Annual Conference to be held in San Diego, CA, September 15-17, 2010. (Funding Source: Not Applicable)
 - Motion appointing Mayor Jim Ridenour as a voting delegate and Councilmember Brad Hawn as the Alternate for the 2010 League of California Cities Annual Conference to be held in San Diego, CA, September 15-17, 2010 recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 6/0; Marsh absent) appointing Mayor Jim Ridenour as a voting delegate and Councilmember Brad Hawn as the Alternate for the 2010 League of California Cities Annual Conference to be held in San Diego, CA, September 15-17, 2010.

Continued to Public Hearing on August 4, 2010

5. Consider approving the levy and collection of the proposed assessment for the City Engineer's annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows and Yosemite Meadows Subdivision Units 1 & 2. (Funding: Landscape Maintenance District No. 2) (Funding Source: Landscape Maintenance District No. 2)
 - This item has been continued to a Public Hearing on August 4, 2010.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: This item has been continued to a Public Hearing on August 4, 2010.

Consent

6. Consider approving the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and ordering that the Stanislaus County Tax Collector be credited with those taxes. (Funding Source: CFD No. 2004-1 (Village One #2))
 - Resolution approving the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and order that the Stanislaus County Tax Collector be credited with those taxes recommended.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2010-306 (Lopez/Hawn; 6/0; Marsh absent) approving the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and order that the Stanislaus County Tax Collector be credited with those taxes.

Consent

7. Consider amending the Fiscal Year 2009-10 operating budget to increase expenditures in Fund 0480 by \$7,515 (Landscape Maintenance Assessment District No. 1) and to appropriate funds from reserves to offset the increase in operating expenses. (Funding Source: LMAD No. 1 Fund)
- Resolution amending the Fiscal Year 2009-10 operating budget to increase expenditures in Fund 0480 by \$7,515 (Landscape Maintenance Assessment District No. 1), and to appropriate funds from reserves to offset the increase in operating expenses recommended.
- Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

ACTION: Resolution 2010-307 (Lopez/Hawn; 6/0; Marsh absent) amending the Fiscal Year 2009-10 operating budget to increase expenditures in Fund 0480 by \$7,515 (Landscape Maintenance Assessment District No. 1), and to appropriate funds from reserves to offset the increase in operating expenses.

Consent

8. Consider eliminating the landscaped bulb-out requirements at New Bethany Missionary Baptist Church (NBMBC) and the Maddux Youth Center, in the City of Modesto, adopting a resolution retaining the previously authorized on-street angle parking locations approved July 24, 2007 by the City Council in resolution No.2007-452, and rescinding Resolution No. 2007-452. (Funding Source: Gas Tax)
- Resolution modifying the angled parking design with landscaped bulb-out requirements at New Bethany Missionary Baptist Church and the Maddux Youth Center, and rescinding Resolution No. 2007-452 recommended.
- Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com*

ACTION: Resolution 2010-308 (Lopez/Hawn; 6/0; Marsh absent) modifying the angled parking design with landscaped bulb-out requirements at New Bethany Missionary Baptist Church and the Maddux Youth Center, and rescinding Resolution No. 2007-452.

Consent

9. Consider authorizing the award of bid and contract for the purchase and installation of granular activated carbon for the Public Works Department, Water Division, to Calgon Carbon, Pittsburgh, PA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$215,429, and over five (5) years of \$1,077,145. (Funding Source: Water Fund)
- Resolution authorizing the award of bid and contract for the purchase and installation of granular activated carbon for the Public Works Department, Water Division, to Calgon Carbon, Pittsburgh, PA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$215,429 recommended.
- Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com*

ACTION: Resolution 2010-309 (Lopez/Hawn; 6/0; Marsh absent) authorizing the award of bid and contract for the purchase and installation of granular activated carbon for the Public Works Department, Water Division, to Calgon Carbon, Pittsburgh, PA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$215,429.

Consent

10. Consider accepting the Monthly Investment Report for May, 2010. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for May, 2010 recommended.
- Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com*

ACTION: Motion (Lopez/Hawn; 6/0; Marsh absent) accepting the Monthly Investment Report for May, 2010.

Consent

11. Consider contracting with Valley Oak Property Management of Modesto, California to provide property

management services to certain City-owned rental facilities with compensation at seven percent (7%) of gross rents, and authorizing the City Manager to execute the negotiated service agreement with Valley Oak. (Funding Source: Building Services Enterprise Fund)

- Resolution approving an Agreement between the City of Modesto and Valley Oak Property Management, Modesto, California, for property management services, for a two-year Agreement, with three one-year extension options, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Parks, Recreation & Neighborhoods; Debbie Fortino, 342-4579, dfortino@modestogov.com

ACTION: Resolution 2010-310 (Lopez/Hawn; 6/0; Marsh absent) approving an Agreement between the City of Modesto and Valley Oak Property Management, Modesto, California, for property management services, for a two-year Agreement, with three one-year extension options, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement.

Removed from Consent

12. Consider approving On-Call Engineering Services at the Water Quality Control Division with a total expenditure amount not to exceed \$132,000 per year by (i) approving an agreement with Brown & Caldwell for On-Call Engineering Services for the WQC Division, (ii) approving an agreement with Carollo Engineering for On-Call Engineering Services for the WQC Division, (iii) approving an agreement with Eco:Logic for On-Call Engineering Services for the WQC Division, (iv) approving an agreement with Nolte Associates Inc for On-Call Engineering Services for the WQC Division, and (v) approving an agreement with West Yost Associates for On-Call Engineering Services for the WQC Division. (Funding Source: Wastewater Funds)
- Resolution approving an agreement with Brown & Caldwell for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an agreement with Carollo Engineers for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an agreement with Eco:Logic for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an agreement with Nolte Associates, Inc for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an agreement with West Yost Associates for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution amending Fiscal Year 2010-11 multiyear operating budget for 6210-480-5277-0235 to increase funding from \$110,000 to \$132,000 and reducing the budgets in 6210-480-5212-0235 by \$44,000, 6210-480-5213-0235 by \$22,000, 6210-480-5214-0235 by \$22,000 and 6210-480-5217-0235 by \$44,000 for a total of \$132,000 recommended.

Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Motion (Olsen/Murature; 6/0; Marsh absent) returning to Council on August 4, 2010 with local vendor information.

Removed from Agenda

13. Consider establishing an Annual Anticipated Disadvantaged Business Enterprise Participation Level of 9.54% for Federal Fiscal Year 2010/2011 for Federally-Funded Street, Airport, Transit, and Parks projects. (Funding Source: Not Applicable)
- Resolution establishing an Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (AADPL) of 9.54% for the Federal Fiscal Year 2010/2011, and authorizing the City Manager, or his designee, to execute the Annual Submittal Form recommended.

ACTION: Removed from Agenda.

Removed from Consent

14. Consider approving an agreement with Brown and Caldwell for a Preliminary Design Report for New Anaerobic Digester project, in an amount not to exceed \$579,455. (Total estimated cost for preliminary design of the project is \$666,373) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Brown and Caldwell for a Preliminary Design Report for the New Anaerobic Digester project for an amount not to exceed \$526,777 for the identified scope of services, plus \$52,678 for additional services (if needed), for a maximum total amount of \$579,455, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Motion (Olsen/Murature; 6/0; Marsh absent) returning to Council on August 4, 2010 with local vendor information.

Consent

15. Consider approving an increase of the Director of Utility Planning and Projects' Authority to issue change orders on the State Route 219 from West of Dale Road to Morrow Road project from 8% (\$267,931.07) to 16.5% (\$552,607.83) of the original contract price with George Reed, Inc. (Total estimated construction costs pertaining to the George Reed contract are \$5,159,143.03) (Funding Source: State Transportation Improvement Program, Kaiser)
- Resolution increasing the Director of Utility Planning and Projects' Authority to issue change orders on the State Route 219 from West of Dale Road to Morrow Road project by \$284,676.76 from 8% (\$267,931.07) to 16.5% (\$552,607.83) of the original contract price with George Reed, Inc. to fund the change order work recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-311 (Lopez/Hawn; 6/0; Marsh absent) increasing the Director of Utility Planning and Projects' Authority to issue change orders on the State Route 219 from West of Dale Road to Morrow Road project by \$284,676.76 from 8% (\$267,931.07) to 16.5% (\$552,607.83) of the original contract price with George Reed, Inc. to fund the change order work.

Consent

16. Consider (i) accepting the Preliminary Design Report dated June 2010 for Emerald Trunk Sewer Relief project as complete, and (ii) approving an agreement with NorthStar Engineering Group, Inc. for final design services for Emerald Trunk Sewer Relief, in an amount not to exceed \$499,499. (Total estimated cost for final design of the project is \$555,819) (Funding Source: Wastewater Fund)
- Resolution accepting the Preliminary Design Report dated June 2010 for the Emerald Trunk Sewer Relief Project as complete recommended.
 - Resolution approving an agreement with NorthStar Engineering Group, Inc., for final design services for Emerald Trunk Sewer Relief Project in an amount not to exceed \$454,090 for the identified scope of services, plus \$45,409 for additional services (if needed), for a maximum total amount of \$499,499, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2010-312 (Lopez/Hawn; 6/0; Marsh absent) accepting the Preliminary Design Report dated June 2010 for the Emerald Trunk Sewer Relief Project as complete.

ACTION: Resolution 2010-313 (Lopez/Hawn; 6/0; Marsh absent) approving an agreement with NorthStar Engineering Group, Inc., for final design services for Emerald Trunk Sewer Relief Project in an amount not to exceed \$454,090 for the identified scope of services, plus \$45,409 for additional services (if needed), for a maximum total amount of \$499,499, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced Council in the Park on Saturday, July 24, 2010 from 8:00 am-10:00 am at the Farmer's Market at 16th Street.

Councilmember Olsen announced her last meeting will be November 3, 2010.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

17. Consider a letter from Parklawn United Neighbors requesting the City of Modesto provide direction to staff to add a Measure M Vote to November 2, 2010 ballot. (Funding Source: Not Applicable (Continued from the July 6, 2010 Council meeting at the request of Parklawn Representative))
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Hawn/Geer; 6/0; Marsh absent) requesting staff place a "Measure M" vote for the Parklawn Neighborhood on the November 2, 2010 ballot with the condition that the cost of election to be shared by Stanislaus County, City of Modesto, and residents of the Parklawn Neighborhood.

NEW BUSINESS

18. Consider approving the initial steps towards regionalization of building permit inspection and plan check services in cooperation with Stanislaus County. (Funding Source: General Fund)
- Resolution approving the initial steps towards regionalization of building permit inspection and plan check services in cooperation with Stanislaus County recommended.
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Resolution 2010-314 (Hawn/Lopez; 6/0; Marsh absent) approving the initial steps towards regionalization of building permit inspection and plan check services in cooperation with Stanislaus County.

19. Consider accepting the transfer of wastewater capacity from Modesto Tallow Company to the City of Modesto in the amount of 5.45 million gallons of flow, 225,317 pounds of Biological Oxygen Demand, and 73,228 pounds of Total Suspended Solids, valued at \$812,779 in lieu of a monetary payment. (Funding Source: Wastewater Funds)
- Resolution accepting the transfer of wastewater capacity from Modesto Tallow Company to the City of Modesto in the amount of 5.45 million gallons of flow, 225,317 pounds of Biological Oxygen Demand (BOD), and 73,228 pounds of Total Suspended Solids (TSS) valued at \$812,779 in lieu of a monetary payment recommended.
Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Resolution 2010-315 (Olsen/Hawn; 6/0; Marsh absent) accepting the transfer of wastewater capacity from Modesto Tallow Company to the City of Modesto in the amount of 5.45 million gallons of flow, 225,317 pounds of Biological Oxygen Demand and 73,228 pounds of Total Suspended Solids valued at \$812,779 in lieu of a monetary payment.

HEARINGS

Published in the Modesto Bee on July 3, 2010

20. Hearing to consider (i) amending Title 10 of the Modesto Municipal Code to create a new Downtown Core (DC) Zone and consider rezoning the properties located within the downtown core area from C-2, C-M, M-1 and P-D Zones (165, 190, 322, 372, 389, 578, 582 & 590) to the newly created DC Zone, and (ii) approving a design and specifications for Downtown Core Sidewalk Signs. (Funding Source: Not

Applicable)

- Motion introducing an Ordinance adding Article 8 to Chapter 2 of Title 10 of the Municipal Code relating to Downtown Core (DC) Zone recommended.
- Motion introducing an Ordinance amending Sections 28-3-9, 29-3-9 and 32-3-9 of the Zoning Map to rezone from General Commercial (C-2), Commercial-Industrial (C-M), Light Industrial (M-1) and Planned Development (P-D) Zones (165, 190, 322, 372, 389, 578, 582 & 590) to the newly created Downtown Core (DC) Zone (City Initiated) recommended.
- Resolution approving the design and specifications for Downtown Core Sidewalk Signs (City Initiated) recommended.
- Resolution finding that the Downtown Core Zone project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023) recommended.

Community & Economic Development; Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: Motion (Olsen/Muratore; 6/0; Marsh absent) introducing Ordinance No. 3532-C.S. adding Article 8 to Chapter 2 of Title 10 of the Municipal Code relating to Downtown Core (DC) Zone **(with the exception that the 5 foot setback issue will be discussed as part of the public realm Streetscape discussion that will commence tomorrow).**

ACTION: Motion (Olsen/Muratore; 6/0; Marsh absent) introducing Ordinance No. 3533-C.S. amending Sections 28-3-9, 29-3-9 and 32-3-9 of the Zoning Map to rezone from General Commercial (C-2), Commercial-Industrial (C-M), Light Industrial (M-1) and Planned Development (P-D) Zones (165, 190, 322, 372, 389, 578, 582 & 590) to the newly created Downtown Core (DC) Zone (City Initiated).

ACTION: Resolution 2010-316 (Olsen/Muratore; 6/0; Marsh absent) approving the design and specifications for Downtown Core Sidewalk Signs (City Initiated).

ACTION: Resolution 2010-317 (Olsen/Muratore; 6/0; Marsh absent) finding that the Downtown Core Zone project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:15 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCMA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Officers’ Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPNSA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCFFA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case(s): Wayne Schmierer v. City of Modesto, et al. California Workers Compensation Appeals Board; Nos. 07-5225 & 08-5421CT

MINUTES

City of Modesto
SAFETY & COMMUNITIES COMMITTEE / WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, August 2, 2010, at 5:30 p.m.

Roll Call Present: Garrad Marsh, Joe Muratore, and Dave Lopez
Absent: None
Also Present: Brad Hawn

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4,6

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Removed from Consent

1. Consider recommending appointments to fill two (2) current vacancies for alternates on the City of Modesto Entertainment Committee
Parks, Recreation & Neighborhoods; Joanne Azevedo, 577-5346, jazevedo@modestogov.com

ACTION: This matter was continued to the next Safety & Communities Committee meeting on September 6, 2010.

Removed from Consent

2. Consider receiving an informational status report of Fiscal Year 2009-2010 After School and Leisure Buck programs from the Recreation Program Manager for Parks, Recreation and Neighborhoods Department, City of Modesto.
Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com

ACTION: Motion (Lopez/Muratore;unan.) accepting an informational status report of Fiscal Year 2009-2010 After School and Leisure Buck programs from the Recreation Program Manager for Parks, Recreation and Neighborhoods Department, City of Modesto.

Removed from Consent

3. Consider receiving an informational report on the status of the Entertainment Commission.

ACTION: Motion (Muratore/Lopez;unan.) receiving an informational report on the status of the Entertainment Commission.

Consent

4. Consider accepting the 2009 Annual Modesto Police Department's Internal Affairs/Complaints Report.

Police; Rick Armendariz, 572-0612, armendarizr@modestopd.com

ACTION: Motion (Lopez/Muratore;unan.) accepting the 2009 Annual Modesto Police Department's Internal Affairs/Complaints Report.

Removed from Consent

5. Consider accepting an informational update on Modesto Entertainment District.

Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com

ACTION: Motion (Lopez/Muratore;unan.) accepting an informational update on Modesto Entertainment District. (Modesto Police Chief Mike Harden will return to Safety & Communities Committee with the status of the City of San Jose model.)

Consent

6. Consider accepting an informational report regarding Modesto's Gang Crime Statistics for January through May 2010 as compared to January through May 2009 and an update on the progress of Project SAFE.

Police; Michael D. Harris, 572-9550, hrrism@modestopd.com

ACTION: Motion (Lopez/Muratore;unan.) accepting an informational report regarding Modesto's Gang Crime Statistics for January through May 2010 as compared to January through May 2009 and an update on the progress of Project SAFE.

UNFINISHED BUSINESS

7. Consider approving McClatchy Square update.

Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5351, jhannon@modestogov.com

ACTION: Motion (Lopez/Muratore;unan.) accepting the McClatchy Square update.

8. Consider approving an update on the Forestry Program and options for citizen involvement in the Forestry program.

Parks, Recreation & Neighborhoods; Debbie Fortino, 342-4579, dfortino@modestogov.com

ACTION: Motion (Muratore/Lopez;unan.) accepting an update on the Forestry Program and options for citizen involvement in the Forestry program. (Staff will return to the Safety & Communities Committee in 2 months with an update.)

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:15 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday August 04, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wayne Bridegroom, Central Baptist Church

City Clerk's Announcements - Item 7 Removed from Consent

Declaration of Conflicts of Interest - Hawn - Items 12 and 18 (various streets)
Lopez - Item 18 (various streets)
Muratore - Item 12

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

PUBLIC COMMENT PERIOD

Robert Stanford spoke regarding the importance of public safety.

Emerson Drake spoke regarding his request for Council e-mails.

Darron Lewis spoke regarding automated downtown garage parking, Council Agenda terminology, and Councilmember availability to citizens.

Richard Reed spoke regarding utility billing and disconnect notices. Mayor Ridenour referred him to the Finance Director.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 17

ACTION CONSENT ITEMS 1-6; 8-17: (Lopez/Muratore;unan.)

ACTION Item 7: (Hawn/Marsh;majority; Geer, Muratore, Olsen no)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

1. Consider approving the Minutes of the City Council meeting of July 13, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving the minutes from the July 13, 2010 Council meeting.

Consent

2. Consider approving final adoption of Ordinance No. 3532-C.S. adding Article 8 to Chapter 2 of Title 10 of the Municipal Code relating to Downtown Core (DC) Zone. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3532-C.S. adding Article 8 to Chapter 2 of Title 10 of the Municipal Code relating to Downtown Core (DC) Zone recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving final adoption of **Ordinance No. 3532-C.S.** adding Article 8 to Chapter 2 of Title 10 of the Municipal Code relating to Downtown Core (DC) Zone.

Consent

3. Consider approving final adoption of Ordinance No. 3533-C.S. amending Sections 28-3-9, 29-3-9 and 32-3-9 of the Zoning Map to rezone from General Commercial (C-2), Commercial-Industrial (C-M), Light Industrial (M-1) and Planned Development (P-D) Zones (165, 190, 322, 372, 389, 578, 582 & 590) to the newly created Downtown Core (DC) Zone (City Initiated) (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3533-C.S amending Sections 28-3-9, 29-3-9 and 32-3-9 of the Zoning Map to rezone from General Commercial (C-2), Commercial-Industrial (C-M), Light Industrial (M-1) and Planned Development (P-D) Zones (165, 190, 322, 372, 389, 578, 582 & 590) to the newly created Downtown Core (DC) Zone (City Initiated) recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving final adoption of **Ordinance No. 3533-C.S** amending Sections 28-3-9, 29-3-9 and 32-3-9 of the Zoning Map to rezone from General Commercial (C-2), Commercial-Industrial (C-M), Light Industrial (M-1) and Planned Development (P-D) Zones (165, 190, 322, 372, 389, 578, 582 & 590) to the newly created Downtown Core (DC) Zone (City Initiated).

Consent

4. Consider approving the appointment of members to the Capital Improvement Program Task Force (CIP Task Force). (Funding Source: Not Applicable)
 - Resolution approving the Capital Improvement Program Task Force for the period July 1, 2010 through June 30, 2011 recommended.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2010-318 (Lopez/Muratore; 7/0) approving the Capital Improvement Program Task Force for the period July 1, 2010 through June 30, 2011.

Consent

5. Consider authorizing the award of bid and contract for the furnishing of waste hauling services for non-hazardous brine for the Public Works Department, Water Division, to Advanced Chemical Transport, Inc., Merced, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of \$143,220, and over five (5) years of \$716,100. (Funding Source: Water Fund)
 - Resolution authorizing the award of bid for the furnishing of waste haul services for non-hazardous brine for the Public Works Department, Water Division, to Advanced Chemical Transport, Inc., Merced, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement, for an estimated annual cost of \$143,220 and over five (5) years of \$716,100 recommended.
Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2010-319 (Lopez/Muratore; 7/0) authorizing the award of bid for the furnishing of waste haul services for non-hazardous brine for the Public Works Department, Water Division, to Advanced Chemical Transport, Inc., Merced, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement, for an estimated annual cost of \$143,220 and over five (5) years of \$716,100.

Consent

6. Consider authorizing the award of proposal and contract for the furnishing of elevator maintenance and repair services for the Parks, Recreation and Neighborhoods Department, Building Services Division, to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$39,600 and over five (5) years of \$198,000. (Funding Source: Various Funds)
- Resolution authorizing the award of proposal and contract for the furnishing of elevator maintenance and repair services for the Parks, Recreation and Neighborhoods Department, Building Services Division, to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$39,600 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2010-320 (Lopez/Muratore; 7/0) authorizing the award of proposal and contract for the furnishing of elevator maintenance and repair services for the Parks, Recreation and Neighborhoods Department, Building Services Division, to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue an agreement for an estimated annual cost of \$39,600.

Removed from Consent

7. Consider supporting the State Parks and Wildlife Conservation Trust Fund Act of 2010 on the November 2010 statewide ballot. (Funding Source: Not Applicable)
- Resolution supporting the State Parks and Wildlife Conservation Trust Fund Act of 2010 on the November 2010 statewide ballot recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2010-321 (Hawn/Marsh; 4/3; Geer, Muratore, Olsen no) supporting the State Parks and Wildlife Conservation Trust Fund Act of 2010 on the November 2010 statewide ballot.

Consent

8. Consider authorizing staff to apply for funding through the CalRecycle Used Oil Payment Program as available. (Funding Source: CalRecycle Payment Program)
- Resolution approving applications to the California Department of Resources, Recycling, and Recovery (CalRecycle) for all Used Oil Payment Programs, accepting payment, amending the annual budget; and authorizing the City Manager, or his designee, to execute all related documents, and rescinding Resolution No. 2010-107 recommended.

Parks, Recreation & Neighborhoods; Michele Beck, 577-5493, mbeck@modestogov.com

ACTION: Resolution 2010-322 (Lopez/Muratore; 7/0) approving applications to the California Department of Resources, Recycling, and Recovery (CalRecycle) for all Used Oil Payment Programs, accepting payment, amending the annual budget; and authorizing the City Manager, or his designee, to execute all related documents, and rescinding Resolution No. 2010-107.

Consent

9. Consider amending Sections 5-5.105, 5-5.110 and 5-5.111 of Chapter 5 of Title 5 of the Modesto Municipal Code and Section 4-5.02 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to Solid Waste Collection; and approving the revision of the Notice of Violation and Administrative Citation forms for Solid Waste. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Sections 5-5.105, 5-5.110 and 5-5.111 of Chapter 5 of Title 5 of the Modesto Municipal Code and Section 4-5.02 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to Solid Waste Collection recommended.
 - Motion approving revised Notice of Violation and Administrative Citation forms for solid waste enforcement recommended.

Parks, Recreation & Neighborhoods; Michele Beck, 577-5493, mbeck@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) introducing **Ordinance No. 3534-C.S.** amending Sections 5-5.105,

5-5.110 and 5-5.111 of Chapter 5 of Title 5 of the Modesto Municipal Code and Section 4-5.02 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to Solid Waste Collection.

ACTION: Motion (Lopez/Muratore; 7/0) approving revised Notice of Violation and Administrative Citation forms for solid waste enforcement.

Consent

10. Consider approving a Memorandum of Understanding with Stanislaus County Office of Education for one full-time Modesto Police Officer/School Resource Officer at Petersen Alternative Center for Education campus. (Funding Source: General Fund)
- Resolution approving a Memorandum of Understanding with Stanislaus County Office of Education in the amount of \$112,000 for the services of one Modesto Police Officer/School Resource Officer at Petersen Alternative Center for Education campus; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding recommended.
Police; Jason Grogan, 572-9627, groganj@modestopd.com

ACTION: Resolution 2010-323 (Lopez/Muratore; 7/0) approving a Memorandum of Understanding with Stanislaus County Office of Education in the amount of \$112,000 for the services of one Modesto Police Officer/School Resource Officer at Petersen Alternative Center for Education campus; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

Consent

11. Consider approving On-Call Engineering Services at the Water Quality Control Division with a total expenditure amount not to exceed \$132,000 per year by (i) approving an agreement with Brown & Caldwell for On-Call Engineering Services for the WQC Division, (ii) approving an agreement with Carollo Engineering for On-Call Engineering Services for the WQC Division, (iii) approving an agreement with Eco:Logic for On-Call Engineering Services for the WQC Division, (iv) approving an agreement with Nolte Associates Inc for On-Call Engineering Services for the WQC Division, and (v) approving an agreement with West Yost Associates for On-Call Engineering Services for the WQC Division. (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Brown & Caldwell for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an agreement with Carollo Engineers for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an agreement with Eco:Logic for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an agreement with Nolte Associates, Inc for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an agreement with West Yost Associates for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution amending Fiscal Year 2010-11 multiyear operating budget for 6210-480-5277-0235 to increase funding from \$110,000 to \$132,000 and reducing the budgets in 6210-480-5212-0235 by \$44,000, 6210-480-5213-0235 by \$22,000, 6210-480-5214-0235 by \$22,000 and 6210-480-5217-0235 by \$44,000 for a total of \$132,000 recommended.
Public Works ; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Resolution 2010-324 (Lopez/Muratore; 7/0) approving an agreement with Brown & Caldwell for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and

authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-325 (Lopez/Muratore; 7/0) approving an agreement with Carollo Engineers for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-326 (Lopez/Muratore; 7/0) approving an agreement with Eco:Logic for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-327 (Lopez/Muratore; 7/0) approving an agreement with Nolte Associates, Inc for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-328 (Lopez/Muratore; 7/0) approving an agreement with West Yost Associates for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed \$132,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-329 (Lopez/Muratore; 7/0) amending Fiscal Year 2010-11 multiyear operating budget for 6210-480-5277-0235 to increase funding from \$110,000 to \$132,000 and reducing the budgets in 6210-480-5212-0235 by \$44,000, 6210-480-5213-0235 by \$22,000, 6210-480-5214-0235 by \$22,000 and 6210-480-5217-0235 by \$44,000 for a total of \$132,000.

Consent – *Councilmember Hawn and Muratore Absent Due to Conflict of Interest*

12. Consider approving a one-time flat rate parking fee of \$10 for the 9th and 10th Street Parking Garages for X-Fest on August 7, 2010. (Funding Source: Parking Reserves)
- Resolution approving a one-time flat rate parking fee of \$10 for the 9th and 10th Street Parking Garages for X-Fest, on August 7, 2010 recommended.
Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Resolution 2010-330 (Lopez/Marsh; 5/0; Hawn, Muratore absent due to conflict of interest) approving a one-time flat rate parking fee of \$10 for the 9th and 10th Street Parking Garages for X-Fest, on August 7, 2010.

Consent

13. Consider approving an agreement with Brown and Caldwell for a Preliminary Design Report for New Anaerobic Digester project, in an amount not to exceed \$579,455. (Total estimated cost for preliminary design of the project is \$666,373) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Brown and Caldwell for a Preliminary Design Report for the New Anaerobic Digester project for an amount not to exceed \$526,777 for the identified scope of services, plus \$52,678 for additional services (if needed), for a maximum total amount of \$579,455, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2010-331 (Lopez/Muratore; 7/0) approving an agreement with Brown and Caldwell for a Preliminary Design Report for the New Anaerobic Digester project for an amount not to exceed \$526,777 for the identified scope of services, plus \$52,678 for additional services (if needed), for a maximum total amount of \$579,455, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving an agreement with Nor-Cal Pipeline Services (Nor-Cal) for CCTV Inspection Services for the Cannery Segregation Line, in an amount not to exceed \$42,690.50. (Total estimated cost for preliminary design of the project is \$46,959.50) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Nor-Cal Pipeline Services for CCTV Inspection Services

for the Cannery Segregation Line for an amount not to exceed \$38,809.50 for the identified scope of services, plus \$3,881.00 for additional services (if needed), for a maximum total amount of \$42,690.50, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Will Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2010-332 (Lopez/Muratore; 7/0) approving an agreement with Nor-Cal Pipeline Services for CCTV Inspection Services for the Cannery Segregation Line for an amount not to exceed \$38,809.50 for the identified scope of services, plus \$3,881.00 for additional services (if needed), for a maximum total amount of \$42,690.50, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider accepting the work by Huff Construction Company, Inc. for the City of Modesto Water Quality Control Lab Remodel Project as complete. (Total project cost is \$802,403.43) (Funding Source: Wastewater Fund)

- Resolution accepting the work by Huff Construction Company, Inc. for the City of Modesto Water Quality Control Lab Remodel Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods and authorizing payment of amounts totaling \$705,823.51 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-333 (Lopez/Muratore; 7/0) accepting the work by Huff Construction Company, Inc. for the City of Modesto Water Quality Control Lab Remodel Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods and authorizing payment of amounts totaling \$705,823.51.

Consent

16. Consider accepting the work by Preston Pipelines, Inc. for the “Ellison Drive Sanitary Pipeline Replacement Project” as complete. (Total project cost is \$730,347.27) (Funding Source: Wastewater Fund)

- Resolution accepting the work by Preston Pipelines, Inc. for the Ellison Drive Sanitary Pipeline Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods and authorizing payment of amounts totaling \$575,694.87 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-334 (Lopez/Muratore; 7/0) accepting the work by Preston Pipelines, Inc. for the Ellison Drive Sanitary Pipeline Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods and authorizing payment of amounts totaling \$575,694.87.

Consent

17. Consider accepting the work by Mozingo Construction, Inc. for the “Downstream Water System Improvements Tier 1 – Priority 1 & 2 Turnouts” as complete. (Total project cost is \$3,142,359.21) (Funding Source: Water Fund)

- Resolution accepting the work by Mozingo Construction, Inc. for the “Downstream Water System Improvements – Priority 1 & 2 Turnouts” Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$2,816,078.99 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-335 (Lopez/Muratore; 7/0) accepting the work by Mozingo Construction, Inc. for the “Downstream Water System Improvements – Priority 1 & 2 Turnouts” Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$2,816,078.99.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding Council in the Park on July 24, 2010 at the original Farmer's Market in Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

Councilmembers Hawn and Lopez Absent Due to Conflict of Interest

18. Consider approving the plans and specifications for the project titled, "ARRA Overlay and ADA Curb Ramp Improvement Project," accepting the bid, and approving a contract with DSS Company dba Knife River Construction in the amount of \$2,609,276.96. (Total estimated cost of the project is \$3,671,451.96) (Funding Source: ARRA)

- Resolution approving the plans and specifications for the ARRA Overlay and ADA Curb Ramp Improvement Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction in the amount of \$2,609,276.96 for the ARRA Overlay and ADA Curb Ramp Improvement Project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Fiscal Year 2010-2011 Capital Improvement Program budget in order to fully fund the construction contract for the ARRA Overlay and ADA Curb Ramp Improvement project, including contingency, and construction administration recommended.

Community & Economic Development; Vickey Dion, 571-5542, vdion@modstogov.com

ACTION: Resolution 2010-336 (Olsen/Marsh; 5/0; Hawn,Lopez absent due to conflict of interest)

approving the plans and specifications for the ARRA Overlay and ADA Curb Ramp Improvement Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction in the amount of \$2,609,276.96 for the ARRA Overlay and ADA Curb Ramp Improvement Project, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2010-337 (Olsen/Marsh; 5/0; Hawn,Lopez absent due to conflict of interest) amending the Fiscal Year 2010-2011 Capital Improvement Program budget in order to fully fund the construction contract for the ARRA Overlay and ADA Curb Ramp Improvement project, including contingency, and construction administration.

HEARINGS

Published in the Modesto Bee on July 17, 2010

19. Hearing to consider the annual levy of assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance Assessment District No. 1)

- Resolution confirming the diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 recommended.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2010-338 (Hawn/Muratore; 7/0) confirming the diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

Published in the Modesto Bee on July 17, 2010; continued from July 13, 2010 Council Meeting

20. Hearing to consider the annual levy of assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2. (Funding Source: Landscape Maintenance Assessment District No. 2)

- Resolution confirming the diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2

recommended.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2010-339 (Marsh/Geer; 7/0) confirming the diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

Published in the Modesto Bee on July 24, 2010

21. Hearing to consider: (i) finding that the proposed Measure M vote for the Parklawn Neighborhood is within the scope of the 2008 Urban Area General Plan Master EIR; (ii) directing the City Clerk to submit to the voters at the next regular general election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as the "Parklawn Neighborhood;" (iii) directing the City Clerk to transmit a copy of the advisory measure to the City Attorney for the purpose of preparing an impartial analysis of said measure; and (iv) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure. (Funding Source: Elections Fund; Stanislaus County; and Parklawn Residents)
- Resolution finding that the annexation of the Parklawn Neighborhood to Sewer District #1 and extension of sewer service to the area is within the scope of the project covered by the UAGP Master Environmental Impact Report (SCH No. 2007072023) recommended.
 - Resolution directing the City Clerk to submit to the voters at the next regular municipal election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as the "Parklawn Neighborhood" which is described as the area bounded by Hatch Road on the north, Pearson Avenue/Union Pacific Railroad on the west, Nelson Way and a line extending from the centerline of Nelson Way westerly to the Union Pacific Railroad on the south, and Morgan Road/Union Pacific Railroad on the east recommended.
 - Resolution directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to a certain unincorporated area commonly referred to as the "Parklawn Neighborhood" to the City Attorney for the purpose of preparing an impartial analysis of said measure recommended.
 - Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to the Parklawn Neighborhood area recommended.

Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com

ACTION: Resolution 2010-340 (Marsh/Lopez; 7/0) finding that the annexation of the Parklawn Neighborhood to Sewer District #1 and extension of sewer service to the area is within the scope of the project covered by the UAGP Master Environmental Impact Report (SCH No. 2007072023).

ACTION: Resolution 2010-341 (Marsh/Lopez; 7/0) directing the City Clerk to submit to the voters at the next regular municipal election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as the "Parklawn Neighborhood" which is described as the area bounded by Hatch Road on the north, Pearson Avenue/Union Pacific Railroad on the west, Nelson Way and a line extending from the centerline of Nelson Way westerly to the Union Pacific Railroad on the south, and Morgan Road/Union Pacific Railroad on the east.

ACTION: Resolution 2010-342 (Marsh/Lopez; 7/0) directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to a certain unincorporated area commonly referred to as the "Parklawn Neighborhood" to the City Attorney for the purpose of preparing an impartial analysis of said measure.

ACTION: Resolution 2010-343 (Marsh/Lopez; 7/0) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to the Parklawn Neighborhood area.

ACTION: Motion (Marsh/Lopez; 7/0) directing that the cost of the "Parklawn Neighborhood" advisory measure for the November 2, 2010 election be divided between Stanislaus County (50%), City of Modesto (1/3) and the remainder to be paid by the Parklawn Neighborhood Residents.

Published in the Modesto Bee on June 16, 2010; continued from July 6, 2010 Council meeting

22. Hearing to consider approving (i) rezoning the Jennings Wastewater Treatment Plan to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on the south side of Keyes Road, west of Vivian Road; (ii) an application to the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and annex 4,690 acres of property located approximately seven miles southwest of the Modesto city limits on the south side of Keyes Road, West of Vivian Road; (iii) An Agreement between the City of Modesto and the Mt. View Fire Protection District for the provision of services following the annexation of the Jennings Wastewater Treatment Plant; (iv) an Agreement between the City of Modesto and the Westport Fire Protection District for the provision of services following the annexation of the Jennings Wastewater Treatment Plant; and (v) a Memorandum of Understanding with the County of Stanislaus regarding the dedication of right-of-way along West Main Street, the future maintenance of Jennings Road and cooperation on future transportation studies for the South County Corridor. (Funding Source: Sewer Fund)
- Motion introducing an Ordinance Amending Sections 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend rezoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited) recommended.
 - Resolution approving the filing of an application with the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and Annex 4,690 acres of property located approximately seven miles southwest of the Modesto City limits on the south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited) recommended.
 - Resolution approving an Agreement between the City of Modesto and the Mt. View Fire Protection District for the provision of fire and life safety services following the annexation of the Jennings Wastewater Treatment Plant Located at 7007 Jennings Road to the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an Agreement between the City of Modesto and the Westport Fire Protection District for the provision of fire and life safety services following the annexation of the Jennings Wastewater Treatment Plant Located at 7007 Jennings Road to the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving a Memorandum of Understanding between the City of Modesto and County of Stanislaus regarding the dedication of right-of-way along West Main Street, the future maintenance of Jennings Road and cooperation on future transportation studies for the South County Corridor; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding recommended.
 - Resolution finding that the following project is within the scope of the project covered by the Wastewater Master Plan Update Master Environmental Impact Report (Sch No. 2006052076): Filing of an application with the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and Annex 4,690 Acres, and amending Sections 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend rezoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (City of Modesto) recommended.

*Community & Economic Development and Public Works; David Wage, 577-5267,
dwage@modestogov.com*

ACTION: Motion (Hawn/Olsen; 7/0) introducing an **Ordinance No. 3535-C.S.** amending Sections 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend rezoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited).

ACTION: Resolution 2010-344 (Hawn/Olsen; 7/0) approving the filing of an application with the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and Annex 4,690 acres of

property located approximately seven miles southwest of the Modesto City limits on the south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited).

ACTION: Resolution 2010-345 (Hawn/Olsen; 7/0) approving an Agreement between the City of Modesto and the Mt. View Fire Protection District for the provision of fire and life safety services following the annexation of the Jennings Wastewater Treatment Plant Located at 7007 Jennings Road to the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-346 (Hawn/Olsen; 7/0) approving an Agreement between the City of Modesto and the Westport Fire Protection District for the provision of fire and life safety services following the annexation of the Jennings Wastewater Treatment Plant Located at 7007 Jennings Road to the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-347 (Hawn/Olsen; 7/0) approving a Memorandum of Understanding between the City of Modesto and County of Stanislaus regarding the dedication of right-of-way along West Main Street, the future maintenance of Jennings Road and cooperation on future transportation studies for the South County Corridor; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

ACTION: Resolution 2010-348 (Hawn/Olsen; 7/0) finding that the following project is within the scope of the project covered by the Wastewater Master Plan Update Master Environmental Impact Report (Sch No. 2006052076): Filing of an application with the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and Annex 4,690 Acres, and amending Sections 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend prezoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (City of Modesto).

Published in the Modesto Bee on July 25, 2010

23. Hearing to consider amending Section 8-3.206 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code (MMC) relating to Central Purchasing – Preference to Local Merchants, or provide staff with policy direction on the local vendor preference. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Sections 8-3.203 and 8-3.206 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to Central Purchasing – Preference to Local Merchants recommended.

Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Motion (Marsh/Lopez; 7/0) introducing **Ordinance No. 3536-C.S.** amending Sections 8-3.203 and 8-3.206 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to Central Purchasing – Preference to Local Merchants. (**Ordinance No. 3536-C.S. Section 8-3.206(a) amended to ...within five (5) business days.**)

NEW BUSINESS

24. Consider approving the guidelines for a Community Development Revolving Loan Program and authorize the first community development loan in the amount of \$150,000 to American Metal Fabricators. (Funding Source: Community Development Block Grant)
- Resolution approving the Community Development Revolving Loan Program strategies, including authorizing the Community Development Revolving Loan Committee to review and approve loans of up to \$100,000 and authorize the City Manager to execute the necessary documents related thereto, and direct staff to return to Council in six months with a status report on this program recommended.
 - Resolution approving a loan agreement between the City of Modesto and Mike Pyle, doing business as American Metal Fabricators, under the Community Development Revolving Loan Program in the amount of \$150,000; and authorizing the City Manager to execute the loan agreement and associated documents recommended.
 - Motion appointing a Council representative to the Community Development Revolving Loan Committee recommended.

Parks, Recreation & Neighborhoods and Community & Economic Development; Scott Humphries, 571-

5506, *shumphries@modestogov.com*

ACTION: Resolution 2010-349 (Muratore/Geer; 7/0) approving the Community Development Revolving Loan Program strategies, including authorizing the Community Development Revolving Loan Committee to review and approve loans of up to \$100,000 and authorize the City Manager to execute the necessary documents related thereto, and direct staff to return to Council in six months with a status report on this program. **(Staff directed to return to Council annually with update.)**

ACTION: Resolution 2010-350 (Muratore/Geer; 7/0) approving a loan agreement between the City of Modesto and Mike Pyle, doing business as American Metal Fabricators, under the Community Development Revolving Loan Program in the amount of \$150,000; and authorizing the City Manager to execute the loan agreement and associated documents.

ACTION: Motion (Muratore/Geer; 7/0) appointing a Council representative (**Councilmember Garrad Marsh**) to the Community Development Revolving Loan Committee.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: California Trenchless, Inc. v. City of Modesto, Arbitration No.: 74110Y0106808 BRBA

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Roxana O'Brien v. City of Modesto, et al.; Stanislaus County Superior Court No. 620918

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, August 9, 2010 at 5:30 p.m.

Roll Call Present: Councilmembers Kristin Olsen, Brad Hawn and Dave Geer
Also Present: Councilmember Joe Muratore

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 3

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Removed from Consent

Consent

1. Consider approving the selection process for new traffic signal locations. (Funding Source: Surface Transportation Fund and Capital Facility Fees)
Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Motion (Hawn/Geer;unan.) approving the selection process for new traffic signal locations..

Removed from Consent

2. Consider accepting the staff report updating the status of State Route 132 West Freeway / Expressway Project. (Funding Source: Not Applicable)
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Motion (Geer/Hawn;unan.) accepting the staff report updating the status of State Route 132 West Freeway / Expressway Project.

Consent

3. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Geer/Hawn;unan.) accepting status report of development projects processed by the Community and Economic Development Department.

NEW BUSINESS

4. Consider accepting staff's report regarding infrastructure and utility systems needs related to future development along the Kiernan Avenue corridor. (Funding Source: General Fund and Water Fund-CIP) *Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com*

ACTION: Motion (Hawn/Geer;unan.) accepting staff's report regarding infrastructure and utility systems needs related to future development along the Kiernan Avenue corridor and return to Economic Development Committee with Phase 1 concept in two months (if possible) including: (i) cost refinement; (ii) refining timeline; (iii) milestones; (iv) environmental documentation necessary (planning and design work timeline); (v) funding choices; (vi) status of wastewater program; and (vii) water and sewer rate impacts.

5. Consider approving an interim suspension of Capital Facilities Fees on all commercial development and the development of comprehensive economic development incentive policies through the Comprehensive Fees Task Force. (Funding Source: CFF Accounts for Police, Fire, General Government, Administration, Streets, and Transit.) *Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com*

ACTION: Motion (Hawn/Geer;unan.) forwarding to Council for review of a 50% reduction for fees in the redevelopment area.

6. Consider recommending appointments to fill one (1) current vacancy on the City of Modesto Tuolumne River Regional Park (TRRP) Citizen Advisory Committee (Funding Source: Not Applicable) *Parks, Recreation & Neighborhoods; Joanne Azevedo, 209 577-5346, jazevedo@modestogov.com*

ACTION: Motion (Hawn/Geer;unan.) appointing Karlha Arias to fill one (1) current vacancy on the City of Modesto Tuolumne River Regional Park (TRRP) Citizen Advisory Committee.

7. Consider recommending appointments to fill the current vacancies on the City of Modesto Landmark Preservation Committee. (Funding Source: Not Applicable) *Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

ACTION: Motion (Hawn/Geer;unan.) appointing Julius Manrique and Barrett Lipomi to fill the current vacancies on the City of Modesto Landmark Preservation Committee.

8. Consider recommending that Council approve a request that the Stanislaus Council of Governments (StanCOG) adopt a ratio of fare revenue to operating cost (fare recovery ratio) of 15% for Modesto Area Express (MAX) and Modesto Area Dial-a-Ride (DAR) as a combined system. (Funding Source: Not Applicable) *Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

ACTION: Motion (Geer/Hawn;unan.) forwarding a request to StanCOG to reduce the minimum fare ratio requirement to 15%.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday August 10, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements – Item 3 Removed from Consent

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation to Johansen Swimming Pool aquatics staff for their excellent response to a near drowning incident on June 25, 2010. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5344, jhannon@modestogov.com

ACTION: Presentation was made to Johansen Swimming Pool Aquatics Staff for their excellent response to a near drowning incident on June 25, 2010.

PUBLIC COMMENT PERIOD

Robert Stanford spoke regarding Council e-mails and the Citizen's Salary Setting Commission meetings. He apologized to Mayor Ridenour.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 17

ACTION CONSENT ITEMS 2, 4-17: (Lopez/Hawn;unan.)

ACTION ITEM 3: (Hawn/Marsh; unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

2. Consider approving the Minutes of the City Council meeting of August 4, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the minutes from the August 4, 2010 City Council meeting.

Removed from Consent

3. Consider approving job sharing agreements between the City of Modesto and the Cities of Hughson and Oakdale, and amending the FY2010-2011 budget to increase revenues and expenses by \$84,330 and amending the Community & Economic Development Department position allocation to restore one Associate Planner position and one .50 Senior Planner position. (Funding Source: General Fund)
 - Resolution approving a job sharing agreement with the City of Hughson for senior planner services on a part-time basis through Fiscal Year 2010-11; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving a job sharing agreement with the City of Oakdale for associate planner services on a part-time basis through Fiscal Year 2010-11; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution amending the Fiscal Year 2010-11 operating budget to increase revenues and expenses in Fund 0100 by \$84,330 (Job sharing Agreements with the City of Oakdale and the City of Hughson) recommended.
 - Resolution amending the Community & Economic Development Department Fiscal Year 2010-11 Position Allocation to include the restoration of one Associate Planner and one-half Senior Planner position recommended.

Community & Economic Development; Patrick Kelly, 577-5268 , pkelly@modestogov.com

ACTION: Resolution 2010-351 (Hawn/Marsh; 7/0) approving a job sharing agreement with the City of Hughson for senior planner services on a part-time basis through Fiscal Year 2010-11; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-352 (Hawn/Marsh; 7/0) approving a job sharing agreement with the City of Oakdale for associate planner services on a part-time basis through Fiscal Year 2010-11; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-353 (Hawn/Marsh; 7/0) amending the Fiscal Year 2010-11 operating budget to increase revenues and expenses in Fund 0100 by \$84,330 (Job sharing Agreements with the City of Oakdale and the City of Hughson).

ACTION: Resolution 2010-354 (Hawn/Marsh; 7/0) amending the Community & Economic Development Department Fiscal Year 2010-11 Position Allocation to include the restoration of one Associate Planner and one-half Senior Planner position.

Consent

4. Consider directing staff to apply for State of California Department of Transportation (DOT) Grant Section 130 funds in the amount of \$444,063, to install a railroad pre-traffic signal at 7th Street and B Street for the Union Pacific Railroad. (Funding Source: Not Applicable)
 - Resolution directing staff to apply for State of California Department of Transportation Grant Section 130 funds in the amount of \$444,063, to install a railroad pre-traffic signal at 7th and B Streets for the Union Pacific Railroad recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2010-355 (Lopez/Hawn; 7/0) directing staff to apply for State of California Department of Transportation Grant Section 130 funds in the amount of \$444,063, to install a railroad pre-traffic signal at 7th and B Streets for the Union Pacific Railroad.

Consent

5. Consider authorizing the award of bid for the purchase of an initial thirty (30) mobile data computers, with an additional sixty-one (61) units to be purchased at a later date, for the City of Modesto Police Department, by accessing the terms of a competitively bid contract from the City of Elk Grove, to Feeney Wireless, Rocklin, CA, for an initial estimated cost of \$166,482, and estimated total cost of \$504,996. (Funding Source: Fleet Fund)
 - Resolution authorizing the award of bid for the purchase of thirty (30) mobile data computers, with an additional sixty-one (61) units to be purchased at a later date, for the City of Modesto Police Department, by accessing the terms of a competitively bid contract from the City of Elk Grove, to Feeney Wireless, Rocklin, CA, and authorizing the Purchasing Manager, or his designee, to issue a

purchase agreement for an initial estimated cost of \$166,482, and estimated total cost of \$504,996 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2010-356 (Lopez/Hawn; 7/0) authorizing the award of bid for the purchase of thirty (30) mobile data computers, with an additional sixty-one (61) units to be purchased at a later date, for the City of Modesto Police Department, by accessing the terms of a competitively bid contract from the City of Elk Grove, to Feeney Wireless, Rocklin, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an initial estimated cost of \$166,482, and estimated total cost of \$504,996.

Consent

6. Consider authorizing the award of bid for the furnishing of electric motor rewinding/rebuilding services for the Public Works Department, to Andrews Electric Motors, Modesto, CA, as “primary” contractor, Koffler Electrical, San Leandro, CA, as “secondary” contractor and Industrial Electrical, Modesto, CA as the “third” contractor, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost not to exceed \$150,000 and over five (5) years of \$750,000. (Funding Source: Various)

- Resolution authorizing the award of bid for the furnishing of electric motor rewinding/rebuilding services for the Public Works Department, to Andrews Electric Motors, Modesto, CA, as “primary” contractor, Koffler Electrical, San Leandro, CA, as “secondary” contractor and Industrial Electrical, Modesto, CA as the “third” contractor, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement, for an estimated annual cost of \$150,000 and over five (5) years of \$750,000 recommended.

Finance; Meagan M. Torres, 571-5849, mtorres@modestogov.com

ACTION: Resolution 2010-357 (Lopez/Hawn; 7/0) authorizing the award of bid for the furnishing of electric motor rewinding/rebuilding services for the Public Works Department, to Andrews Electric Motors, Modesto, CA, as “primary” contractor, Koffler Electrical, San Leandro, CA, as “secondary” contractor and Industrial Electrical, Modesto, CA as the “third” contractor, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement, for an estimated annual cost of \$150,000 and over five (5) years of \$750,000.

Consent

7. Consider authorizing the award of bid for the furnishing of curb, gutter and sidewalk replacement services for the Public Works Department, Streets Division, to K&D Enterprises, Inc., Ceres, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$100,000 to \$200,000 (dependant upon available funding), and over five (5) years of \$500,000 to \$1,000,000. (Funding Source: Various)

- Resolution authorizing the award of bid for the furnishing of curb, gutter and sidewalk replacement services for the Public Works Department, Streets Division, to K&D Enterprises Inc., Ceres, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$100,000 to \$200,000, dependant upon available funding recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2010-358 (Lopez/Hawn; 7/0) authorizing the award of bid for the furnishing of curb, gutter and sidewalk replacement services for the Public Works Department, Streets Division, to K&D Enterprises Inc., Ceres, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$100,000 to \$200,000, dependant upon available funding.

Consent

8. Consider approving an Agreement for consultant services with Overland Pacific & Cutler, Inc., a California Corporation, in the amount of \$68,000, for right of way acquisition services for the Empire Street Improvement Project located between Hillside Drive and Monterey Avenue. (Funding Source: CDBG)

- Resolution approving an agreement with Overland Pacific & Cutler, Inc. for right of way acquisition

services for the Empire Avenue Improvement Project, in the amount of \$68,000; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

- Resolution amending the Fiscal Year 2010-2011 Capital Improvement Program Budget to fully fund an Agreement with Overland Pacific & Cutler, Inc. for right-of-way acquisition services for the Empire Avenue Improvement Project recommended.
Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com

ACTION: Resolution 2010-359 (Lopez/Hawn; 7/0) approving an agreement with Overland Pacific & Cutler, Inc. for right of way acquisition services for the Empire Avenue Improvement Project, in the amount of \$68,000; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-360 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-2011 Capital Improvement Program Budget to fully fund an Agreement with Overland Pacific & Cutler, Inc. for right-of-way acquisition services for the Empire Avenue Improvement Project.

Consent

9. Consider authorizing a resolution approving a Request for Proposal (RFP) applications for the City of Modesto to apply to become a "Host City" for the sixth annual Amgen Tour of California, and authorizing the City Manager, or his designee, to sign the application and related documents. (Funding Source: Non Applicable)
 - Resolution authorizing staff to submit an application to become a Host City for the Sixth Annual Amgen Tour of California; and authorizing the City Manager, or his designee, to sign the application and related documents recommended.
Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Resolution 2010-361 (Lopez/Hawn; 7/0) authorizing staff to submit an application to become a Host City for the Sixth Annual Amgen Tour of California; and authorizing the City Manager, or his designee, to sign the application and related documents.

Consent

10. Consider allocating three Maintenance Worker II positions to form a stump grinding crew within the Parks, Recreation and Neighborhoods Department, Community Forestry Division, and increasing the annual transfer from the Green Waste Diversion Fund to provide sufficient funding for green waste diversion activities performed by Community Forestry. (Funding Source: AB 939 Green Waste Diversion Fund)
 - Resolution amending the Fiscal Year 2010-11 operating budget authorizing the allocation of and funding for three Maintenance Worker II positions within the Parks, Recreation and Neighborhoods Department, Community Forestry Division recommended.
 - Resolution amending the Fiscal Year 2010-11 operating budget authorizing the annual transfer of \$550,167 from the AB 939 Green Waste Diversion Fund to the Parks, Recreation and Neighborhoods Department, Community Forestry Division, to support the Community Forestry Diversion Services recommended.
Parks, Recreation & Neighborhoods; Debbie Fortino, 342-4579, dfortino@modestogov.com

ACTION: Resolution 2010-362 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-11 operating budget authorizing the allocation of and funding for three Maintenance Worker II positions within the Parks, Recreation and Neighborhoods Department, Community Forestry Division.

ACTION: Resolution 2010-363 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-11 operating budget authorizing the annual transfer of \$550,167 from the AB 939 Green Waste Diversion Fund to the Parks, Recreation and Neighborhoods Department, Community Forestry Division, to support the Community Forestry Diversion Services.

Consent

11. Consider approving the allocation of HOME Community Housing Development Organization (CHDO) operating funds in the amount of \$90,000 to STANCO and \$41,533 to Habitat for Humanity, Stanislaus. (Funding Source: HOME Funds)
 - Resolution approving the allocation of HOME Community Housing Development Organization

operating funds in the amount of \$90,000 to STANCO and \$41,533 to Habitat for Humanity, Stanislaus, and authorizing the City Manager or his designee to execute all related documents recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, averell@modestogov.com

ACTION: Resolution 2010-364 (Lopez/Hawn; 7/0) approving the allocation of HOME Community Housing Development Organization operating funds in the amount of \$90,000 to STANCO and \$41,533 to Habitat for Humanity, Stanislaus, and authorizing the City Manager or his designee to execute all related documents.

Consent

12. Consider (i) accepting the Selective Traffic Enforcement Program (STEP) Grant in the amount of \$300,000 from the Office of Traffic Safety (OTS), and (ii) amending the FY2010/11 Operating and Multi-Year Grant Budget, estimating revenue of \$300,000 for the Selective Traffic Enforcement Program (STEP) Grant. (Funding Source: Special Revenue - State Grant)
- Resolution accepting the Selective Traffic Enforcement Program Grant in the amount of \$300,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and motorcycle collisions/violations; and authorizing the City Manager, or his authorized designee, to execute the necessary award documents recommended.
 - Resolution amending the Fiscal Year 2010-2011 Operating and Multi-Year Grant Budget to reflect revenue and expenses in the amount of \$300,000 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Motorcycle Collisions/Violations recommended.

Police; Scott Blom, 572-9678, bloms@modestopd.com

ACTION: Resolution 2010-365 (Lopez/Hawn; 7/0) accepting the Selective Traffic Enforcement Program Grant in the amount of \$300,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and motorcycle collisions/violations; and authorizing the City Manager, or his authorized designee, to execute the necessary award documents.

ACTION: Resolution 2010-366 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-2011 Operating and Multi-Year Grant Budget to reflect revenue and expenses in the amount of \$300,000 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Motorcycle Collisions/Violations.

Consent

13. Consider approving an Agreement with Modesto City Schools (MCS) to provide the services of four School Police Officers to provide direct law enforcement services to 7-12 campuses. (Funding Source: General Fund)
- Resolution approving an Agreement between the City of Modesto and Modesto City Schools in an amount not to exceed \$448,000, for the services of four Modesto Police Officers/School Resource Officers to provide direct law enforcement services at 12 school sites; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Police; Jolene Gonzales, 342-6147, gonzalesj@modestopd.com

ACTION: Resolution 2010-367 (Lopez/Hawn; 7/0) approving an Agreement between the City of Modesto and Modesto City Schools in an amount not to exceed \$448,000, for the services of four Modesto Police Officers/School Resource Officers to provide direct law enforcement services at 12 school sites; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider authorizing the transfer of \$40,000 from Airport Reserves to FY 2010/11 Airport Operating Budget to fund the sole source purchase of an Aircraft Boarding Ramp from Keith Consolidate Industries, Inc. (KCI) of White City, Oregon (Funding Source: Airport Revenue Fund)
- Resolution amending the Fiscal Year 2010-2011 Airport Operating budget to fully fund the sole source purchase of an Aircraft Boarding Ramp from Keith Consolidated Industries, Inc. of White City, Oregon recommended.

Public Works; Jerome Thiele, 577-5319, Jthiele@modestogov.com

ACTION: Resolution 2010-368 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-2011 Airport Operating

budget to fully fund the sole source purchase of an Aircraft Boarding Ramp from Keith Consolidated Industries, Inc. of White City, Oregon.

Consent

15. Consider approving a second amendment to agreement with Consolidated CM Inc. for additional construction management services not included in the original agreement for Phase 1A Tertiary Wastewater Treatment Project, in an amount not to exceed \$27,500. Total estimated cost for outside construction management for the project is \$1,326,905. (Funding Source: Wastewater Fund)
- Resolution approving a second amendment to agreement with Consolidated CM Inc. for additional construction management services not included in the original agreement for Phase 1A Tertiary Wastewater Treatment project for an amount not to exceed \$27,500, and authorizing the City Manager, or his designee, to execute the second amendment to agreement recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2010-369 (Lopez/Hawn; 7/0) approving a second amendment to agreement with Consolidated CM Inc. for additional construction management services not included in the original agreement for Phase 1A Tertiary Wastewater Treatment project for an amount not to exceed \$27,500, and authorizing the City Manager, or his designee, to execute the second amendment to agreement.

Consent

16. Consider approving a Second Amendment to Agreement with West Yost Associates, Inc. (WYA), in an amount not to exceed \$18,500, for additional services related to completing the Water System Engineer's Report. (Total estimated cost for outside consulting services of the Water System Engineer's Report is \$522,128) (Funding Source: Water Fund-CIP)
- Resolution approving a Second Amendment to Agreement with West Yost Associates, Inc. for additional services related to the Water System Engineer's Report, in an amount not to exceed \$18,500, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement recommended.
- Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com*

ACTION: Resolution 2010-370 (Lopez/Hawn; 7/0) approving a Second Amendment to Agreement with West Yost Associates, Inc. for additional services related to the Water System Engineer's Report, in an amount not to exceed \$18,500, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.

Consent

17. Consider accepting the work by Fermin Sierra Construction, Inc. for the 2009 Sanitary Sewer Collection System Replacement project as complete. (Total construction cost is \$542,247.58) (Funding Source: Wastewater Fund)
- Resolution accepting the work by Fermin Sierra Construction, Inc. for the 2009 Sanitary Sewer Collection System Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods and authorizing payment of amounts totaling \$490,105 recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2010-371 (Lopez/Hawn; 7/0) accepting the work by Fermin Sierra Construction, Inc. for the 2009 Sanitary Sewer Collection System Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods and authorizing payment of amounts totaling \$490,105.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

City Manager introduced Interim Fire Chief Mike Krauss to given an update regarding the house fire on January

1, 2010. Chief Krauss gave update on the investigation and announced a press conference on Tuesday, August 17, 2010.

HEARINGS

Published in the Modesto Bee on July 30, 2010

18. Consider submitting a grant application to the Federal Transit Administration (FTA) for \$1,017,981 in Regional Surface Transportation Program (RSTP) funds for the new Bus Maintenance Facility. (Funding Source: Not Applicable)
- Resolution approving the submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,017,981 in Regional Surface Transportation Program funds for the New Bus Maintenance Facility project, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2010-372 (Lopez/Hawn; 7/0) approving the submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,017,981 in Regional Surface Transportation Program funds for the New Bus Maintenance Facility project, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

NEW BUSINESS

19. Consider (i) reviewing, commenting and selecting a process for proceeding with filling the anticipated Council vacancy due to the impending resignation of Councilmember Olsen upon her election to the California Assembly; and (ii) appointing a council subcommittee to conduct the application and interview process should the Council choose this option. (Funding Source: Not Applicable)
- Motion filling the anticipated Council vacancy due to the impending resignation of Councilmember Olsen upon her election to the California Assembly recommended.
 - Resolution appointing a council subcommittee to conduct the application and interview process for recommendation of top candidates to the Council for final interview and appointment, should the Council choose this option recommended.

City Council; Jim Ridenour, 577-5200, jridenour@modestogov.com

ACTION: Motion (Hawn/Muratore; 7/0) filling the anticipated Council vacancy due to the impending resignation of Councilmember Olsen upon her election to the California Assembly.

ACTION: Resolution 2010-373 (Hawn/Muratore; 7/0) appointing a council subcommittee to conduct the application and interview process for recommendation of top candidates to the Council for final interview and appointment, should the Council choose this option.

20. Consider approving participation with other San Joaquin Valley cities (“partner cities”) in a Compact, known as Smart Valley Places, for submittal of a grant application to the U.S. Department of Housing and Urban Development (HUD) in the amount of \$5,000,000 from the Sustainable Communities Planning Grant Program, and committing staff time equivalent of approximately \$60,000 to devote to grant-eligible work. (Funding Source: HUD Sustainable Communities Planning Grant Program; General Fund match of approximately \$60,000 staff time equivalent)
- Resolution approving participation in a Compact, known as Smart Valley Places, for submittal of a grant application to the U.S. Department of Housing & Urban Development, in the amount of \$5,000,000 from the Sustainable Communities Planning Grant Program, and committing staff time the equivalent of approximately \$60,000 to devote to grant eligible work recommended.

Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com

ACTION: Resolution 2010-374 (Marsh/Geer; 7/0) approving participation in a Compact, known as Smart Valley Places, for submittal of a grant application to the U.S. Department of Housing & Urban Development, in the amount of \$5,000,000 from the Sustainable Communities Planning Grant Program, and committing staff time the equivalent of approximately \$60,000 to devote to grant eligible work.

21. Consider supporting the City's joint application with the other cities and Stanislaus County for Proposition 84 grants. (Funding Source: California Strategic Growth Council Sustainable Communities Planning Grant & Incentives Program; local match in staff time equivalent)
- Resolution authorizing the City's joint applications with other cities in Stanislaus County, the County of Stanislaus, and the Stanislaus Council of Governments for Proposition 84 grant funding recommended.

Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com

ACTION: Resolution 2010-375 (Hawn/Lopez; 7/0) authorizing the City's joint applications with other cities in Stanislaus County, the County of Stanislaus, and the Stanislaus Council of Governments for Proposition 84 grant funding.

22. Consider approving an increase of the Director of Utility Planning and Projects' Authority to issue change orders on the Street Improvements on the West Side of Conant Avenue project from 10 percent (\$23,177.04) to 43 percent (\$100,661.04) of the original contract price with A. Teichert & Son, Inc, dba Teichert Construction. (The total estimated construction cost is \$367,197) (Funding Source: Safe Route to School (SR2S) Grant and Gas Tax)
- Resolution increasing the Director of Utility Planning and Projects' Authority to issue change orders on the "Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue" project by \$77,484 from 10% (\$23,177.04) to 43% (\$100,661.04) of the original contract price with A. Teichert & Son, Inc., dba Teichert Construction, to fund the change order work recommended.

Utility Planning and Projects; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2010-376 (Hawn/Marsh; 7/0) increasing the Director of Utility Planning and Projects' Authority to issue change orders on the "Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue" project by \$77,484 from 10% (\$23,177.04) to 43% (\$100,661.04) of the original contract price with A. Teichert & Son, Inc., dba Teichert Construction, to fund the change order work.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:02 p.m.

CLOSED SESSION

Closed Session Matters Heard Prior to Meeting.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Alexandra Shanahan v. City of Modesto et al. and related cross-complaint; Stanislaus County Superior Court Case No. 638324

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Wednesday, August 11, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh, Dave Geer
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 2

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider monthly budget adjustments for the month of July 2010 and forwarding to City Council for consideration and approval. (Funding Source: Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen

ACTION: Motion (Geer/Marsh;unan.) approving the monthly budget adjustments for the month of July 2010 and forwarding to City Council for approval.

Consent

2. Consider an informational report "Quarterly Water Meter/Automated Reading Program Update."
(Funding Source: Not Applicable)
Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: Motion (Geer/Marsh;unan.) accepting an informational report "Quarterly Water Meter/Automated Reading Program Update."

UNFINISHED BUSINESS

3. Consider supporting staff's recommendations regarding membership fees for the Maddux Youth Center.
(Funding Source: General Fund Revenue)
Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Geer/Hawn; Marsh no) supporting staff's recommendations regarding membership fees for the Maddux Youth Center.

4. Consider recommending to the City Council restore the Adult Softball Program and offset the restoration with other programming changes. (Funding Source: General Fund/Fees)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) approving restoration of the Adult Softball Program and offset the restoration with other programming changes and forwarding to Council for approval.

5. Consider recommending to Council adoption of the updated Water System Engineer's Report and certify the accompanying Environmental Impact Report. (Funding Source: Water Fund)
Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com

ACTION: Motion (Geer/Marsh;unan.) accepting the updated Water System Engineer's Report and certify the accompanying Environmental Impact Report and forwarding to Council for approval.

NEW BUSINESS

6. Consider recommending that the City Council support a policy authorizing City staff to assist potential Neighborhood Associations, with up to \$5,000 in financial assistance per Association for miscellaneous support on an as-requested basis. (Funding Source: General Fund)
Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) supporting a policy authorizing City staff to assist potential Neighborhood Associations, with up to \$5,000 in financial assistance per Association for miscellaneous support on an as-requested basis and forwarding to Council for approval.

7. Consider recommending that the City Council support a partnership between The First Tee and the City of Modesto to manage the clubhouse at the 9-hole Municipal Golf Course and return to City Council with the necessary contract amendments to the existing FM Golf contract, as well as a partnership agreement between the City of Modesto and The First Tee of Modesto. (Funding Source: Golf Fund)
Parks, Recreation & Neighborhoods; Lisa Forester, 577-6480, lforester@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) supporting a partnership between The First Tee and the City of Modesto to manage the clubhouse at the 9-hole Municipal Golf Course and return to City Council with the necessary contract amendments to the existing FM Golf contract, as well as a partnership agreement between the City of Modesto and The First Tee of Modesto, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:35 p.m.

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**

Sixth Floor, Room 6105
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday, August 25, 2010, at 4:00 p.m.

Roll Call Present: Committee Members Marsh, Lopez, and Muratore
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

NEW BUSINESS

1. Consider recommending appointments to fill a current vacancy as an Alternate to the City of Modesto Entertainment Commission. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Lopez/Muratore;unan.) appointing Ron Lighten, Sr. as a Member and Pamela O'Brien and Gary Nelson as Alternate Members to the City of Modesto Entertainment Commission.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 07, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements - Items 8, 11, 12, 13, 15, 18, 19 and 20 - Removed from Consent
Item 22 - continued to September 28, 2010 Council meeting

Declaration of Conflicts of Interest – None

Reports from Closed Session - City Attorney Wood reported on Closed Session Matters.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Finance Department awarding the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2009 to the City of Modesto. (Funding Source: Not Applicable)
Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Presentation by the Finance Department awarding the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2009 to the City of Modesto.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider appointing Ron Lighten, Sr. as a Member and Pamela O'Brien as Alternate Member of the Entertainment Commission as recommended by the Council's Safety & Communities Committee. (Funding Source: Not Applicable)
 - Resolution appointing Ron Lighten, Sr. as a Member and Pamela O'Brien as Alternate Member of the Entertainment Commission recommended.*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

ACTION: Resolution 2010-377 (Lopez/Muratore; 7/0) appointing Ron Lighten, Sr. as a Member and Pamela O'Brien as Alternate Member of the Entertainment Commission.

3. Consider approving the appointments of Julius Manrique and Barrett Lipomi as members to the Landmark Preservation Committee as recommended by the Council's Economic Development Committee. (Funding Source: Not Applicable)
 - Resolution appointing Julius Manrique as a member to the City of Modesto Landmark Preservation

Committee recommended.

- Resolution appointing Barrett Lipomi as a member to the City of Modesto Landmark Preservation Committee recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2010-378 (Lopez/Muratore; 7/0) appointing Julius Manrique as a member to the City of Modesto Landmark Preservation Committee.

ACTION: Resolution 2010-379 (Lopez/Muratore; 7/0) appointing Barrett Lipomi as a member to the City of Modesto Landmark Preservation Committee.

4. Consider approving the appointments of Karlha Arias as a member to the Tuolumne River Regional Park Citizens Advisory Committee, representing the City of Modesto, as recommended by the Council’s Economic Development Committee. (Funding Source: Not Applicable)

- Resolution appointing Karlha Arias as a member to the Tuolumne River Regional Park Citizens Advisory Committee representing the City of Modesto recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2010-380 (Lopez/Muratore; 7/0) appointing Karlha Arias as a member to the Tuolumne River Regional Park Citizens Advisory Committee representing the City of Modesto.

PUBLIC COMMENT PERIOD

Robert Stanford spoke regarding the homeless in Modesto and addressing problems in Modesto

Susan Beasley and Ernie Foote spoke regarding the International Festival on Saturday, October 2, 2010 at 11:00 a.m. located at I Street and Gallo Center.

Ray Pefferini spoke regarding the trees in Modesto.

Fire Chief Michael Krauss announced the September 11, 2010 observance this weekend at all City of Modesto fire stations.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 21

ACTION CONSENT ITEMS: 5-7, 9-10, 14,16-17, 21: (Lopez/Muratore;unan.)

- ACTION ITEM 8: (Hawn/Muratore; unan.)**
- ACTION ITEM 11: (Hawn/Muratore; unan.)**
- ACTION ITEM 12: (Marsh/Muratore; unan.)**
- ACTION ITEM 13: (Marsh/Olsen; unan.)**
- ACTION ITEM 15: (Hawn/Lopez; unan., Muratore absent)**
- ACTION ITEM 18: (Marsh/Hawn; unan.)**
- ACTION ITEM 19: (Hawn/Muratore; unan.)**
- ACTION ITEM 20: (Hawn/Lopez; unan.)**

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

5. Consider approving the Minutes of the City Council meeting of August 10, 2010. (Funding Source: Not Applicable)
 - Motion approving the minutes from the August 4, 2010 City Council meeting recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Muratore; 7/0) approving the minutes from the August 4, 2010 City Council meeting.

Consent

6. Consider approving final adoption of Ordinance No. 3534-C.S. amending Sections 5-5.105, 5-5.110 and 5-5.111 of Chapter 5 of Title 5 of the Modesto Municipal Code and Section 4-5.02 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to Solid Waste Collection. (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3534-C.S. amending Sections 5-5.105, 5-5.110 and 5-5.111 of Chapter 5 of Title 5 of the Modesto Municipal Code and Section 4-5.02 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to Solid Waste Collection recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Muratore; 7/0) approving final adoption of **Ordinance No. 3534-C.S.** amending Sections 5-5.105, 5-5.110 and 5-5.111 of Chapter 5 of Title 5 of the Modesto Municipal Code and Section 4-5.02 of Chapter 5 of Title 4 of the Modesto Municipal Code relating to Solid Waste Collection.

Consent

7. Consider approving final adoption of Ordinance No. 3535-C.S. amending Sections 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend rezoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited). (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3535-C.S. amending Sections 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend rezoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited) recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Muratore; 7/0) approving final adoption of **Ordinance No. 3535-C.S.** amending Sections 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend rezoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited).

Removed from Consent

8. Consider approving final adoption of Ordinance No. 3536-C.S amending Sections 8-3.203 and 8-3.206 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code Relating to Central Purchasing – Support Of Local Vendors. (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3536-C.S amending Sections 8-3.203 and 8-3.206 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code Relating to Central Purchasing – Support Of Local Vendors recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Hawn/Muratore; 7/0) approving final adoption of **Ordinance No. 3536-C.S.** amending Sections 8-3.203 and 8-3.206 of Article 2 of Chapter 3 of Title 8 of the Modesto Municipal Code Relating to Central Purchasing – Support Of Local Vendors.

Consent

9. Consider approving an agreement with Aaron Read & Associates for lobbying efforts at the State level through June 30, 2011 in an amount not to exceed \$20,000 and authorizing the City Manager to execute the agreement. (Funding Source: General Fund)
- Resolution approving a standard agreement for consultant services with Aaron Read & Associates for State lobbying services for an amount not to exceed \$20,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- City Manager; Dee Williams-Ridley, 577-5404, dwilliamsridley@modestogov.com*

ACTION: Resolution 2010-381 (Lopez/Muratore; 7/0) approving a standard agreement for consultant services with Aaron Read & Associates for State lobbying services for an amount not to exceed \$20,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider approving the Monthly Budget Adjustment Report for July 2010. (Funding Source: Various Funds)
- Resolution amending Fiscal Year's 2009 - 2010 and 2010 - 2011 Annual Operating Budgets recommended.
- Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

ACTION: Resolution 2010-382 (Lopez/Muratore; 7/0) amending Fiscal Year's 2009 - 2010 and 2010 - 2011 Annual Operating Budgets.

Removed from Consent

11. Consider approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group). (Funding Source: Various Funds)
- Resolution approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract recommended.
- Finance; Mark L. Averell, 577-5412, maverell@modestogov.com*

ACTION: Resolution 2010-383 (Hawn/Muratore; 7/0) approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract.

Removed from Consent

12. Consider approving an amended Letter of Agreement between the City of Modesto and Modesto Police Officers Association to reduce the negotiated FY 2010-11 mandatory furlough from 96 hours to 72 hours, and authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements. (Funding Source: General Fund and Other Funds)
- Resolution approving an amended Letter of Agreement between the City of Modesto and Modesto Police Officers Association (MPOA) to reduce the negotiated FY 2010-11 mandatory furlough from 96 hours to 72 hours, and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement recommended.
 - Resolution to amend the FY 2010-11 General Fund Operating Budget resulting from an amended Letter of Agreement between the City of Modesto and Modesto Police Officers Association (MPOA) recommended.
- Human Resources; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com*

ACTION: Resolution 2010-384 (Marsh/Muratore; 7/0) approving an amended Letter of Agreement between the City of Modesto and Modesto Police Officers Association (MPOA) to reduce the negotiated FY 2010-11 mandatory furlough from 96 hours to 72 hours, and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2010-385 (Marsh/Muratore; 7/0) to amend the FY 2010-11 General Fund Operating Budget resulting from an amended Letter of Agreement between the City of Modesto and Modesto Police Officers Association (MPOA).

Removed from Consent

13. Consider authorizing the City to apply as a “Host City” for the Neighborhoods USA 38th Annual Conference on Neighborhood Concerns. (Funding Source: Not Applicable)
- Resolution authorizing staff to submit an application to become the Host for the Neighborhoods USA (NUSA) 38th Annual Conference on Neighborhood Concerns, and authorizing the City Manager, or his designee, to sign the application and related documents recommended.
- Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com*

ACTION: Resolution 2010-386 (Marsh/Olsen; 7/0) authorizing staff to submit an application to become the Host for the Neighborhoods USA (NUSA) 38th Annual Conference on Neighborhood Concerns, and authorizing the City Manager, or his designee, to sign the application and related documents.

Consent

14. Consider recommending restoring the Adult Softball Program and offset the restoration with other programming changes. (Funding Source: Sports and Aquatics Services-General Fund)
- Resolution to restore the Adult Softball Program and offset the restoration with other programming changes recommended.
 - Resolution amending the Fiscal Year 2010/11 General Fund Operating Budget to fully fund the adult softball program recommended.
- Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com*

ACTION: Resolution 2010-387 (Lopez/Muratore; 7/0) to restore the Adult Softball Program and offset the restoration with other programming changes.

ACTION: Resolution 2010-388 (Lopez/Muratore; 7/0) amending the Fiscal Year 2010/11 General Fund Operating Budget to fully fund the adult softball program.

Removed from Consent

15. Consider rejecting all bids for the Virginia Corridor Phase V – Briggsmore Overcrossing project and authorizing City staff to immediately re-advertise the project. (Funding Source: Federal Grants, Congestion Mitigation Air Quality, Parks Capital Facilities Fees)
- Resolution rejecting all bids for the Virginia Corridor Phase V – Briggsmore Overcrossing project, and authorizing staff to immediately re-advertise a project recommended.
- Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com*

ACTION: Resolution 2010-389 (Hawn/Lopez; 6/0; Muratore absent) rejecting all bids for the Virginia Corridor Phase V – Briggsmore Overcrossing project, and authorizing staff to immediately re-advertise a project.

Consent

16. Consider approving an amendment to the existing license agreement with the Modesto Nuts Professional Baseball Club to extend the deadline for stadium improvements at John Thurman Field by one year to October, 24, 2011. (Funding Source: Not Applicable)
- Resolution approving a Third Amendment to the License Agreement between the City of Modesto and the Modesto Nuts Professional Baseball Club to extend the deadline for stadium improvements at John Thurman Field by one year to October, 24, 2011; and authorizing the City Manager, or his designee, to execute the Amendment recommended.
- Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com*

ACTION: Resolution 2010-390 (Lopez/Muratore; 7/0) approving a Third Amendment to the License Agreement between the City of Modesto and the Modesto Nuts Professional Baseball Club to extend the deadline for stadium improvements at John Thurman Field by one year to October, 24, 2011; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

17. Consider approving a technical correction and assigning Capital Project Account numbers to the Fiscal Year 2010-2011 Capital Improvement Program budget in order to fund previously approved American Recovery and Reinvestment Act (ARRA), Energy Efficiency and Conservation Block Grant (EECBG) energy efficiency projects in the amount of \$1,972,900 (Funding Source: ARRA/Solid Waste Fund)
- Resolution approving an amendment to the Fiscal Year 2010-2011 Capital Improvement Program

budget in order to fund the American Recovery and Reinvestment Act (ARRA), Energy Efficiency and Conservation Block Grant (EECBG) energy efficiency projects in the amount of \$1,972,900 recommended.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2010-391 (Lopez/Muratore; 7/0) approving an amendment to the Fiscal Year 2010-2011 Capital Improvement Program budget in order to fund the American Recovery and Reinvestment Act (ARRA), Energy Efficiency and Conservation Block Grant (EECBG) energy efficiency projects in the amount of \$1,972,900.

Removed from Consent

18. Consider authorizing City staff to assist potential Neighborhood Associations with up to \$5,000 in financial assistance per Association for miscellaneous support on an as-requested basis. (Funding Source: General Fund)
- Resolution approving a policy to assist potential Neighborhood Associations with up to \$5,000 in financial assistance per Association for miscellaneous support on an as-requested basis recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2010-392 (Marsh/Hawn; 7/0) approving a policy to assist potential Neighborhood Associations with up to \$5,000 in financial assistance per Association for miscellaneous support on an as-requested basis.

Removed from Consent

19. Consider approving the quarterly adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective October 1, 2010, and rescinding Resolution No. 2010-303. (Funding Source: Not Applicable)
- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective October 1, 2010, including fuel cost; and rescinding Resolution No. 2010-303 recommended.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5482, jreed@modestogov.com

ACTION: Resolution 2010-393 (Hawn/Muratore; 7/0) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective October 1, 2010, including fuel cost; and rescinding Resolution No. 2010-303.

Removed from Consent

20. Consider approving a second amendment to agreement with Financial Consulting Solutions Group, Inc. in an amount not to exceed \$47,284, for additional services not included in the original agreement for updating the Water Rate and Capacity Charge Study. (Total estimated cost for outside consulting services for this project is \$243,239) (Funding Source: Water Fund-CIP)
- Resolution approving a second amendment to agreement with Financial Consulting Solutions Group, Inc. (FCS Group) for additional services not included in the original agreement or first amendment for Updating the Water Rate and Capacity Charge Study, for an amount not to exceed \$42,985, plus \$4,299 for additional services (if needed), for a maximum total amount of \$47,284, and authorizing the City Manager, or his designee, to execute the second amendment to the agreement recommended.

Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com

ACTION: Resolution 2010-394 (Hawn/Lopez; 7/0) approving a second amendment to agreement with Financial Consulting Solutions Group, Inc. (FCS Group) for additional services not included in the original agreement or first amendment for Updating the Water Rate and Capacity Charge Study, for an amount not to exceed \$42,985, plus \$4,299 for additional services (if needed), for a maximum total amount of \$47,284, and authorizing the City Manager, or his designee, to execute the second amendment to the agreement.

Consent

21. Consider approving the plans and specifications for the project titled, "Effluent Pump Station Soil Stabilization Project," accepting the bid, and approving a contract with Hayward Baker Inc. of Concord,

CA in the amount of \$321,077. (Total estimated cost of the project is \$531,427.70) (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the Effluent Pump Station Soil Stabilization Project, accepting the bid, and approving a contract with Hayward Baker Inc. of Concord, CA in the amount of \$321,077 for the Effluent Pump Station Soil Stabilization Project, and authorizing the City Manager, or his designee, to execute the contract recommended.

Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2010-395 (Lopez/Muratore; 7/0) approving the plans and specifications for the Effluent Pump Station Soil Stabilization Project, accepting the bid, and approving a contract with Hayward Baker Inc. of Concord, CA in the amount of \$321,077 for the Effluent Pump Station Soil Stabilization Project, and authorizing the City Manager, or his designee, to execute the contract.

Recess at 7:50 p.m.

Reconvene at 8:00 p.m.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced Taking it to the Streets in Modesto on Saturday, September 11, 2010 from 9:00 a.m. to 1:00 p.m.

Councilmember Geer spoke regarding the Parklawn Neighborhood Association meeting.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff announced that Mayor Ridenour will be named President of the League of California Cities.

UNFINISHED BUSINESS

Continued to September 28, 2010

22. Consider approving and adopting the 2010-2013 Strategic Plan as the guiding document for the City of Modesto. (Funding Source: General Fund and Non-General Fund)

- Resolution adopting the 2010-2013 Strategic Plan recommended.

City Manager; Dee Williams-Ridley, 577-5404, dwilliamsridley@modestogov.com

ACTION: This matter continued to September 28, 2010 Council meeting.

HEARINGS

Published in the Modesto Bee on August 8, 2010 and Vide en el Valle August 5, 2010

23. Hearing to consider approving the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2009-10 and authorizing the submission of the CAPER to the Department of Housing and Urban Development for their review and approval. (Funding Source: HUD Entitlement Funds)

- Resolution approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2009-10 to the Department of Housing and Urban Development, and authorizing the City Manager, or his designee, to execute all documents related to the submission of the CAPER recommended.

Parks, Recreation & Neighborhoods; Judith Ray, 75351, jray@modestogov.com

ACTION: Resolution 2010-396 (Hawn/Lopez; 7/0) approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2009-10 to the Department of Housing and Urban Development, and authorizing the City Manager, or his designee, to execute all documents related to the submission of the CAPER.

Published in the Modesto Bee on August 27, 2010 and Vida en el Valle September 1, 2010

24. Hearing to consider submitting a grant application to the Federal Transit Administration for \$1,783,408 in Congestion Management and Air Quality funds for the purchase of three buses and the operation of new service. (Funding Source: Not Applicable)
- Resolution approving the submittal of a grant application to the Federal Transit Administration requesting \$1,783,408 in Congestion Management and Air Quality funds for public transit purposes, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents recommended.
- Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

ACTION: Resolution 2010-397 (Marsh/Lopez; 7/0) approving the submittal of a grant application to the Federal Transit Administration requesting \$1,783,408 in Congestion Management and Air Quality funds for public transit purposes, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

NEW BUSINESS

25. Consider authorizing the Purchasing Manager to issue purchase agreements for the sole source procurement of various hardware and software maintenance/ support agreements from hardware and software manufacturers for the Information Technology Department, for an estimated annual cost not to exceed \$1,053,892. (Funding Source: Information Technology Repair and Maintenance Funds)
- Resolution authorizing the Purchasing Manager to issue purchase agreements for the sole source procurement of various hardware and software maintenance/support agreements from hardware and software manufacturers for the Information Technology Department throughout Fiscal Year 2010-2011, for an estimated annual cost not to exceed \$1,053,892 recommended.
- Information Technology; Kevin Harless, 577-5229, kharless@modestogov.com*

ACTION: Resolution 2010-398 (Olsen/Marsh; 7/0) authorizing the Purchasing Manager to issue purchase agreements for the sole source procurement of various hardware and software maintenance/support agreements from hardware and software manufacturers for the Information Technology Department throughout Fiscal Year 2010-2011, for an estimated annual cost not to exceed \$1,053,892.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:40 p.m.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition of right-of-way for the following properties: (Phase II Primary Outfall Rehabilitation Project)

1. APN: 017-062-029 - Alamo (Permanent Access)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
2. APN: 017-062-029 - Alamo (Permanent Facility)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under Negotiation: Price and terms of sale
3. APN: 017-062-029 - Alamo (Temporary Construction)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
4. APN: 017-062-035 - Zylstra (Permanent Access)
Negotiating parties: Jon Yuriar, Property Agent
Associated Right of Way Services
Under negotiation: Price and terms of sale
5. APN: 017-062-030 - Machado (Temporary Access)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
6. APN: 017-062-030 – Machado (Temporary Construction)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
7. APN: 017-062-030 – Machado (Permanent Facility)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
8. APN: 017-062-003 – Menezes (Temporary Construction)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
9. APN: 017-062-003 – Menezes (Permanent Facility)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
10. APN: 017-058-047 – Athwal (Permanent Access)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
11. APN: 017-058-047 – Athwal (Permanent Facility)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
12. APN: 017-058-046 – Athwal (Permanent Access)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way
Services
Under negotiation: Price and terms of sale
13. APN: 017-058-052 – Heirs of Christensen (Permanent Access)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
14. APN: 017-058-053 – Heirs of Christensen (Permanent Access)

Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale

15. APN: 017-062-026 – Johannes T. & Mari L. Nijskens (Permanent Access)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale
16. APN: 017-062-044 – Zylstra Family, LLC (Permanent Access)
Negotiating parties: Jon Yuriar, Property Agent Associated Right of Way Services
Under negotiation: Price and terms of sale

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition of property (Claratina/Oakdale):
APN: 083-003-005
Negotiating parties: Jon Yuriar, Property Agent
Under negotiation: Price and terms of sale

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code)
Name of case: Lea Sanchez v. City of Modesto; Stanislaus County Superior Court No. 647014

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Roxana O'Brien v. City of Modesto, et al.; Stanislaus County Superior Court No. 620918

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code)
Name of case: Randi Fisher v. COM, et al. U.S. District Court for the Eastern District of California No. 1:10-CV-01029-OWW-DLB

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, September 13, 2010 at 5:30 p.m.

Roll Call Present: Councilmembers Kristin Olsen, Brad Hawn and Dave Geer
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Hawn/Geer;unan.) approving the status report of development projects processed by the Community and Economic Development Department.

UNFINISHED BUSINESS

2. Consider general discussion regarding water and wastewater infrastructure needs for future development within the Kiernan Corridor Business Park Phase 1 area, and staff will be looking for additional direction from the Committee. (Funding Source: General Fund and Water Fund-CIP)
Utility Planning and Projects; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Motion (Hawn/Geer;unan.) directing staff to meet with landowners within the area of Kiernan, American, Dale and Bangs and offer to partner with them on the cost of backbone infrastructure to facilitate economic development and jobs; may also include other landowners outside the parameter of this area; report back to EDC with recommended infrastructure configuration and finance plan.

NEW BUSINESS

3. Consider the proposal for a Growth Management Policy/Strategy submitted by the Farmland Working Group. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: **Motion (Geer/Hawn;unan.)** directing staff to move forward to Council with an Agenda item, including appointment of a Councilmember to the proposed Committee.

4. Consider the status of complete streets work program. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly 577-5267, pkelly@modestogov.com

ACTION: The Committee directed staff to return to the October 11, 2010 Economic Development Committee and invite the Downtown Improvement District for further discussion on streetscape. Also, the Committee requested a Special Economic Development Committee be held on Monday, October 4, 2010 at 12:00 noon for a “Walking Tour of Downtown.”

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:10 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 14, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements – None

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider appointing Gary Nelson as Alternate Member of the Entertainment Commission as recommended by the Council's Safety & Communities Committee. (Funding Source: Not Applicable)
 - Resolution appointing Gary Nelson as Alternate Member of the Entertainment Commission recommended.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2010-399 (Lopez/Marsh; 7/0) appointing Gary Nelson as Alternate Member of the Entertainment Commission.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding the Modesto Police Department.
- Jennifer Machado spoke regarding the hit and run bicycle accident death of Carl Robinson on Scenic Avenue in Modesto.
- Henry Dill asked why there is no flag at King Kennedy Center.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 9

ACTION CONSENT ITEMS 1-9: (Hawn/Lopez; unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

2. Consider approving the Minutes of the City Council meeting of September 7, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Hawn/Lopez; 7/0) approving the minutes from the September 7, 2010 Council meeting.

Consent

3. Consider approving a five-year Lease Agreement with the United States General Services Administration for office space at the Modesto City-County Airport. (Funding Source: Airport Revenue Account)
 - Resolution approving a five-year Lease Agreement with the United States General Services Administration (GSA) for office space at the Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works ; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2010-400 (Hawn/Lopez; 7/0) approving a five-year Lease Agreement with the United States General Services Administration (GSA) for office space at the Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

4. Consider authorizing staff to request that the Stanislaus Council of Governments adopt a ratio of fare revenues to operating costs of 15 percent for the Modesto Area Express and Modesto Area Dial-a-Ride transit services as a combined system. (Funding Source: Not Applicable)
 - Resolution authorizing staff to request the Stanislaus Council of Governments (StanCOG) adopt a ratio of fare revenue to operating cost of 15 % for the Modesto Area Express (MAX) and Modesto Area Dial-a-Ride (DAR) transit services as a combined system recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2010-401 (Hawn/Lopez; 7/0) authorizing staff to request the Stanislaus Council of Governments (StanCOG) adopt a ratio of fare revenue to operating cost of 15 % for the Modesto Area Express (MAX) and Modesto Area Dial-a-Ride (DAR) transit services as a combined system.

Consent

5. Consider authorizing (i) the sole source procurement for the removal and repair of the Siemens Internalift Screw Pump #3 for the Sutter Wastewater Treatment Plant, from Siemens Water Technologies, Thomasville, GA for a total cost not to exceed \$259,550 and (ii) the transfer of \$259,550 from Capital Improvement Project 6210-480-B576-6052 - Renewal/Replacement Sutter TP to a new CIP account 6210-480-B193-6070 Siemens Screw Pump #3. (Funding Source: Wastewater Funds)
 - Resolution authorizing sole source procurement for the removal and repair of the Siemens Screw Pump #3 for the Sutter Wastewater Treatment Plant, from Siemens Water Technologies, Thomasville, GA. for a total cost not to exceed \$259,550 recommended.
 - Resolution amending the Fiscal Year 2010-11 Capital Improvement Program Budget and authorizing the transfer of \$259,550 from Capital Improvement Project Account 6210-480-B576-6052 - Renewal/Replacement Sutter TP to a new Capital Improvement Project Account 6210-480-B193 - Siemens Screw Pump #3 recommended.

Public Works; Dennis Turner, 341-2906, dturner@modestogov.com

ACTION: Resolution 2010-402 (Hawn/Lopez; 7/0) authorizing sole source procurement for the removal and repair of the Siemens Screw Pump #3 for the Sutter Wastewater Treatment Plant, from Siemens Water Technologies, Thomasville, GA. for a total cost not to exceed \$259,550.

ACTION: Resolution 2010-403 (Hawn/Lopez; 7/0) amending the Fiscal Year 2010-11 Capital Improvement Program Budget and authorizing the transfer of \$259,550 from Capital Improvement Project Account 6210-480-B576-6052 - Renewal/Replacement Sutter TP to a new Capital Improvement Project Account 6210-480-B193 - Siemens Screw Pump #3.

Consent

6. Consider approving an Agreement for Consultant Services for the 2010 Urban Water Management Plan with West Yost Associates, Inc. in the amount of \$159,075. (Total estimated cost for preparing the 2010 Urban Water Management Plan is \$170,446) (Funding Source: Water Fund-CIP and Wastewater Fund)
- Resolution approving an Agreement with West Yost Associates, Inc. for Consultant Services for the 2010 Urban Water Management Plan in an amount not to exceed \$151,500 for the identified scope of services, plus \$7,575 for additional services (if needed), for a maximum total amount of \$159,075, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2010-404 (Hawn/Lopez; 7/0) approving an Agreement with West Yost Associates, Inc. for Consultant Services for the 2010 Urban Water Management Plan in an amount not to exceed \$151,500 for the identified scope of services, plus \$7,575 for additional services (if needed), for a maximum total amount of \$159,075, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider approving a License Agreement for a term of one-year with Burbank Paradise Fire District to allow the use of (5) City parking spaces during the remodeling of its fire station facilities. (Funding Source: Not Applicable)
- Resolution approving a License Agreement for a term of one year between the City of Modesto and the Burbank Paradise Fire District for the temporary use of five (5) parking spaces on City-owned property adjacent to 1313 Beverly Drive; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2010-405 (Hawn/Lopez; 7/0) approving a License Agreement for a term of one year between the City of Modesto and the Burbank Paradise Fire District for the temporary use of five (5) parking spaces on City-owned property adjacent to 1313 Beverly Drive; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider approving the submittal of a grant application to the Department of Water Resources under the Local Groundwater Assistance Grant Program in the amount of \$250,000 for the Well Field Optimization Project Phase II. (Funding Source: Water Fund)
- Resolution approving the submittal of a grant application to the Department of Water Resources under the Local Groundwater Assistance (LGA) Grant Program in the amount of \$250,000 for the Well Field Optimization Project Phase II; and authorizing the City Manager, or his designee, to execute all documents related to the grant, grant application and grant agreement recommended.

Utility Planning and Projects; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2010-406 (Hawn/Lopez; 7/0) approving the submittal of a grant application to the Department of Water Resources under the Local Groundwater Assistance (LGA) Grant Program in the amount of \$250,000 for the Well Field Optimization Project Phase II; and authorizing the City Manager, or his designee, to execute all documents related to the grant, grant application and grant agreement.

Consent

9. Consider accepting the work by Mountain Cascade, Inc. for the "Yosemite Boulevard (S.R. 132) Water Line Installation Las Flores Avenue to Phoenix Avenue" project as complete. (Total project cost is \$1,454,060.86) (Funding Source: Water Fund-CIP)
- Resolution accepting the work by Mountain Cascade, Inc. for the "Yosemite Boulevard (S.R. 132) Water Line Installation Las Flores Avenue to Phoenix Avenue" project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$1,383,670.72 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-407 (Hawn/Lopez; 7/0) accepting the work by Mountain Cascade, Inc. for the "Yosemite Boulevard (S.R. 132) Water Line Installation Las Flores Avenue to Phoenix Avenue" project as

complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$1,383,670.72.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez commented on the success of "Taking it to the Streets" held on Saturday, September 11, 2010; 110 tons of trash were removed. Councilmember Hawn thanked City staff.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

10. Consider (i) certifying the Final Environmental Impact Report for the 2010 Water System Engineer's Report, and (ii) approving and adopting the 2010 Water System Engineer's Report as complete. (Funding Source: Water Fund-CIP)
 - Resolution certifying the Final Environmental Impact Report for the City of Modesto 2010 Water System Engineer's Report (SCH # 2008092095, EA/PW # 2008-18) in accordance with the California Environmental Quality Act; along with making certain findings Regarding Significant Impacts, findings Supporting Rejection of Alternatives, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program, all in connection with approval of the project contemplated by the Final Environmental Impact Report recommended.
 - Resolution approving and adopting the 2010 Water System Engineer's Report as complete recommended.

Utility Planning and Projects; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2010-408 (Hawn/Lopez; 7/0) certifying the Final Environmental Impact Report for the City of Modesto 2010 Water System Engineer's Report (SCH # 2008092095, EA/PW # 2008-18) in accordance with the California Environmental Quality Act; along with making certain findings Regarding Significant Impacts, findings Supporting Rejection of Alternatives, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program, all in connection with approval of the project contemplated by the Final Environmental Impact Report.

ACTION: Resolution 2010-409 (Hawn/Lopez; 7/0) approving and adopting the 2010 Water System Engineer's Report as complete.

HEARINGS

Published in the Modesto Bee on September 3, 2010

11. Hearing to consider supporting staff's recommendations regarding membership fees for the Maddux Youth Center. (Funding Source: Maddux Youth Center - General Fund)
 - Resolution establishing specific fees for Maddux Youth Center membership recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Hawn/Geer; 7/0) continuing matter until a community meeting is held at the Maddux Youth Center for community input, Councilmember Geer will take the lead for the community meeting, and will return to Council with an update.

NEW BUSINESS

12. Consider amending and updating the 2010 Capital Facilities Fees (CFF) Program to suspend CFF for six months on all commercial development within the City of Modesto or reduce CFF charged on all commercial development located within the City's Redevelopment Area by (50%) for a period of six months and directing the Comprehensive Fees Task Force to develop a comprehensive economic development incentive program and policy. (Funding Source: CFF Revenue Accounts)
 - Resolution amending and restating Resolution No. 2010-272 and updating the 2010 Capital

Facilities Fees Program to reduce Capital Facilities Fees charged on all commercial development within the City of Modesto Redevelopment Area by fifty percent (50%), for a period of six months, or until the long-term CFF restructuring plan is adopted by the City Council recommended.

- Motion directing the Comprehensive Fees Task Force to work with staff to draft economic incentive program policies with performance standards, goals and measurable objectives recommended.
- Motion directing the Comprehensive Fees Task Force to continue working with staff to develop an economic development incentive program that will complement new development and the CFF program recommended.

Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com

ACTION: Resolution 2010-410 (Marsh/Lopez; 7/0) amending and restating Resolution No. 2010-272 and updating the 2010 Capital Facilities Fees Program to reduce Capital Facilities Fees charged on all commercial development within the City of Modesto Redevelopment Area by fifty percent (50%), for a period of ~~six~~ **eighteen** months, or until the long-term CFF restructuring plan is adopted by the City Council.

ACTION: Motion (Marsh/Lopez; 7/0) directing the Comprehensive Fees Task Force to work with staff to draft economic incentive program policies with performance standards, goals and measurable objectives.

ACTION: Motion (Marsh/Lopez; 7/0) directing the Comprehensive Fees Task Force to continue working with staff to develop an economic development incentive program that will complement new development and the CFF program.

Councilmember Marsh left meeting at 7:23 p.m.

13. Consider authorizing submission of the City's Transportation Development Act Transit Claim #2 for Fiscal Year 2010-2011 in the amount of \$7,864,015 to the Stanislaus Council of Governments. (Funding Source: TDA Revenue)

- Resolution authorizing submission of the City's Transportation Development Act Transit Claim #2 for Fiscal Year 2010-2011, in the amount of \$7,864,015, to the Stanislaus Council of Governments (StanCOG) recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2010-411 (Lopez/Olsen; 6/0; Marsh absent) authorizing submission of the City's Transportation Development Act Transit Claim #2 for Fiscal Year 2010-2011, in the amount of \$7,864,015, to the Stanislaus Council of Governments (StanCOG).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:35 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting.

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCEA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MPOA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MPNSA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MPMA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
MCFFA Agency Negotiators: Dania Torres Wong Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -
Unrepresented Agency Negotiators: Greg Nyhoff, City Manager Employee Organization: Unrepresented Management and Confidential Employees

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, September 27, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh, Dave Geer
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 3

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider accepting an informational report concerning the authority to apply a water rate inflator index based on the Consumer Price Index (CPI). (Funding Source: Water Fund - Revenues)
Finance; Emma Loethen, 577-5394, eloethen@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting an informational report concerning the authority to apply a water rate inflator index based on the Consumer Price Index (CPI).

Consent

2. Consider accepting an informational report on the collateral posting by the Water Enterprise Fund under the 2007 Swap Agreement with JP Morgan. (Funding Source: Non-Applicable)
Finance; Gloriette Beck, 209-577-5369, gbeck@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting an informational report on the collateral posting by the Water Enterprise Fund under the 2007 Swap Agreement with JP Morgan.

Consent

3. Consider accepting the Monthly Budget Adjustment Report for September 2010 and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting the Monthly Budget Adjustment Report for September 2010 and forwarding to Council for approval.

NEW BUSINESS

4. Consider accepting an informational report and presentation by Public Financial Management, Inc (PFM) on a municipal energy conservation financing program. (Funding Source: Non-Applicable) *Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com*

ACTION: Motion (Marsh/Geer;unan.) directing staff to return to the Finance Committee with more information and an outline of the program discussed.

5. Consider providing input regarding the renegotiation of the agreement with Grover Landscaping Services, Inc. to provide park maintenance services and recommend to the Council that the City exercise its option to extend the renegotiated agreement by five years. (Funding Source: General Fund) *Parks, Recreation & Neighborhoods; Debbie Fortino, 342-4579, dfortino@modestogov.com*

ACTION: Motion (Geer/Marsh;unan.) accepting staff's recommendation to extend the renegotiated agreement with Grover Landscaping Services, Inc. by five years to provide park maintenance services and forward to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:45 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 28, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: Councilmember Hawn

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements - Item 13 - Removed from Agenda
Item 14 - Moved to last item on Agenda

Declaration of Conflicts of Interest - None

Reports from Closed Session - No Closed Session Matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Barbara Ferry, Senior Partnership Specialist for the US Census Bureau, regarding the 2010 Census. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation by Barbara Ferry, Senior Partnership Specialist for the US Census Bureau, regarding the 2010 Census.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider approving the reappointment of George Sharp to the Disabled Access Appeals Board. (Funding Source: Not Applicable)
 - Resolution approving the reappointment of George Sharp to the Disabled Access Appeals Board recommended.
Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com

ACTION: Resolution 2010-412 (Marsh/Olsen; 6/0; Hawn absent) approving the reappointment of George Sharp to the Disabled Access Appeals Board.

PUBLIC COMMENT PERIOD

- Leonard Turner spoke regarding the neighborhood on Emerald Avenue and Woodland Avenue. Mayor Ridenour referred Mr. Turner to Brent Sinclair, Director of Community & Economic Development.

- Robert Stanford thanked Julie Hannon, Parks, Recreation & Neighborhoods Director, regarding water fountains at the parks and Shelter Cove Church helping the homeless and low income people.
- Jenevieve Konoyer complimented Joe Muratore who spoke at the League of Women Voters luncheon today.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 12

ACTION CONSENT ITEMS: (Lopez/Muratore;unan.; Hawn absent)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

3. Consider approving the Minutes of the City Council meeting of September 14, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 6/0; Hawn absent) approving the minutes from the September 14, 2010 Council meeting.

Consent

4. Consider approving an Agreement related to the Relocation of Electric Utility Poles with Modesto Irrigation District in the amount of \$186,260.00, for the relocation of Modesto Irrigation District facilities located at the northwest corner of Oakdale Road and Sylvan Avenue, and the southeast corner of Dale Road and Snyder Avenue required for the Congestion Mitigation Air Quality management CML 5059 (149) - Right Turn Lanes (4) Intersections project. (Funding Source: CIP - Four (4) Right Turn Lanes)
 - Resolution approving an Agreement between the City of Modesto and Modesto Irrigation District, in the amount of \$186,260.00, for the relocation of Modesto Irrigation District facilities at the northwest corner of Oakdale Road and Sylvan Avenue, and the southeast corner of Dale Road and Snyder Avenue; and authorizing the City Manager, or his designee, to execute the agreement recommended.

Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2010-413 (Lopez/Muratore; 6/0; Hawn absent) approving an Agreement between the City of Modesto and Modesto Irrigation District, in the amount of \$186,260.00, for the relocation of Modesto Irrigation District facilities at the northwest corner of Oakdale Road and Sylvan Avenue, and the southeast corner of Dale Road and Snyder Avenue; and authorizing the City Manager, or his designee, to execute the agreement.

Consent

5. Consider approving an Agreement related to the relocation of electric utility poles with Modesto Irrigation District in the amount of \$40,782.76, for the relocation of Modesto Irrigation District facilities located at the southeast corner of Briggsmore Avenue and McHenry Avenue required for the Congestion Mitigation Air Quality Management CML 5059 (167) - Construct Right Turn Lane, Eastbound Briggsmore Avenue to Southbound McHenry Avenue project. (Funding Source: CIP - Construct Right Turn Lane, Eastbound (EB) Briggsmore Avenue to Southbound (SB) McHenry Avenue)
 - Resolution approving an Agreement between the City of Modesto and Modesto Irrigation District, in the amount of \$40,782.76, for the relocation of Modesto Irrigation District facilities at the southwest corner of McHenry Avenue and Briggsmore Avenue, and authorizing the City Manager, or his designee, to execute the agreement recommended.

Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2010-414 (Lopez/Muratore; 6/0; Hawn absent) approving an Agreement between the

City of Modesto and Modesto Irrigation District, in the amount of \$40,782.76, for the relocation of Modesto Irrigation District facilities at the southwest corner of McHenry Avenue and Briggsmore Avenue, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

6. Consider approving an Agreement related to the relocation of electric utility poles with Modesto Irrigation District in the amount of \$44,788.34, for the relocation of Modesto Irrigation District facilities located at the southeast corner of Briggsmore Avenue and McHenry Avenue required for the Congestion Mitigation Air Quality Management CML 5059 (168) - Construct Right Turn Lane Northbound McHenry Avenue to Eastbound Briggsmore Avenue project. (Funding Source: CIP - Construct Right Turn Lane, Northbound (NB) McHenry Avenue to Eastbound (EB) Briggsmore Avenue)
- Resolution approving an Agreement Between the City of Modesto and Modesto Irrigation District, in the amount of \$44,788.34, for the relocation of Modesto Irrigation District facilities at the southeast corner of McHenry Avenue and Briggsmore Avenue, and authorizing the City Manager, or his designee, to execute the agreement recommended.
Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2010-415 (Lopez/Muratore; 6/0; Hawn absent) approving an Agreement Between the City of Modesto and Modesto Irrigation District, in the amount of \$44,788.34, for the relocation of Modesto Irrigation District facilities at the southeast corner of McHenry Avenue and Briggsmore Avenue, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

7. Consider accepting the revised Annual Investment Policy. (Funding Source: Not Applicable)
- Motion accepting the revised Investment Policy recommended.
Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Muratore; 6/0; Hawn absent) accepting the revised Investment Policy.

Consent

8. Consider accepting the revised Debt Management Policy. (Funding Source: Not Applicable)
- Motion accepting the revised Debt Management Policy recommended.
Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Muratore; 6/0; Hawn absent) accepting the revised Debt Management Policy.

Consent

9. Consider authorizing the award of bid for the printing of the Modesto Area Express Ride Guide for the Public Works Department, Transit Division, to Consolidated Printers, Inc., Berkeley, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$31,000, and over five (5) years of \$155,000. (Funding Source: Transit Fund)
- Resolution authorizing the award of bid for the printing of the Modesto Area Express Ride Guide for the Public Works Department, Transit Division, to Consolidated Printers, Inc., Berkeley, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$31,000 recommended.
Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2010-416 (Lopez/Muratore; 6/0; Hawn absent) authorizing the award of bid for the printing of the Modesto Area Express Ride Guide for the Public Works Department, Transit Division, to Consolidated Printers, Inc., Berkeley, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$31,000.

Consent

10. Consider authorizing the award of bid for the furnishing of storm basin weed abatement and trash removal services for the Public Works Department, Water Quality Control Division, to Horizon

Landscaping, Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$72,650, and over five (5) years of \$363,250. (Funding Source: Water Quality Control Fund)

- Resolution authorizing the award of bid for the furnishing of storm basin weed abatement and trash removal services for the Public Works Department, Water Quality Control Division, to Horizon Landscaping, Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$72,650 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2010-417 (Lopez/Muratore; 6/0; Hawn absent) authorizing the award of bid for the furnishing of storm basin weed abatement and trash removal services for the Public Works Department, Water Quality Control Division, to Horizon Landscaping, Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$72,650.

Consent

11. Consider approving a First Amendment to the cell tower Site Lease Agreement at the water tower located at 10th and D Streets with New Cingular Wireless PCS to provide for two (2) five-year extensions, with increases of 12.5% per extension, to be exercised at the option of New Cingular Wireless PCS. (Funding Source: Not Applicable)
 - Resolution approving a First Amendment to the Site Lease Agreement between the City of Modesto and New Cingular Wireless PCS to provide for two (2) five-year extensions, and authorizing the City Manager, or his designee, to execute the Amendment recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573 , lholt@modestogov.com

ACTION: Resolution 2010-418 (Lopez/Muratore; 6/0; Hawn absent) approving a First Amendment to the Site Lease Agreement between the City of Modesto and New Cingular Wireless PCS to provide for two (2) five-year extensions, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

12. Consider accepting the work by Mid Cal Pipeline & Utilities, Inc. for the “Ninth Street and L Street Sanitary Sewer Rehabilitation” project as complete. (Total project cost is \$67,335.64) (Funding Source: Wastewater Fund-CIP)
 - Resolution accepting the work by Mid Cal Pipeline & Utilities, Inc. for the “Ninth Street and L Street Sanitary Sewer Rehabilitation” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$50,936.97 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-419 (Lopez/Muratore; 6/0; Hawn absent) accepting the work by Mid Cal Pipeline & Utilities, Inc. for the “Ninth Street and L Street Sanitary Sewer Rehabilitation” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$50,936.97.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced the Rafael Rodriguez Memorial Golf Outing on Saturday, October 16, 2010 at Modesto Municipal Golf Course from 8:00 am to 2:00 pm.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

Removed from Agenda

13. Consider correspondence received from Mr. Charles R. Evins, II regarding the City of Modesto and the New Bethany Missionary Baptist Church. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: This item removed from Agenda at the request of Mr. Evins.

UNFINISHED BUSINESS

14. Consider approving and adopting the 2010-2013 Strategic Plan as the guiding document for the City of Modesto. (Funding Source: General Fund and Non-General Fund)
- Resolution adopting the 2010-2013 Strategic Plan recommended.
City Manager; Dee Williams-Ridley, 577-5404, dwilliamsridley@modestogov.com

ACTION: Resolution 2010-420 (Mayor Ridenour/Olsen; 6/0; Hawn absent) adopting the 2010-2013 Strategic Plan.

HEARINGS

Published in the Modesto Bee on September 17, 2010

15. Hearing to consider approving the expenditure plan for the FY 2010/2011 State Supplemental Law Enforcement Services Fund (SLESF) allocation of at least \$100,000 for police overtime. (Funding Source: Special Revenue Fund-Operation Blocks Grant)
- Resolution accepting the Supplemental Law Enforcement Grant, in the amount of at least \$100,000, from the State Supplemental Law Enforcement Services Fund for police overtime; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
 - Resolution amending the Fiscal Year 2010/2011 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Finance Director of Finance, or her designee, to implement the provisions of this resolution recommended.
Police; Michael G. Harden, 572-9501, hardenm@modestopd.com

ACTION: Resolution 2010-421 (Lopez/Geer; 6/0; Hawn absent) accepting the Supplemental Law Enforcement Grant, in the amount of at least \$100,000, from the State Supplemental Law Enforcement Services Fund for police overtime; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2010-422 (Lopez/Geer; 6/0; Hawn absent) amending the Fiscal Year 2010/2011 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Finance Director of Finance, or her designee, to implement the provisions of this resolution.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:42 p.m.

SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, October 4, 2010, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez, and Muratore
Absent: None
Also Present: Councilmember Geer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1 (*Removed from Consent*)

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Removed from Consent

1. Consider accepting the report on the Public Health Goals Report of the City of Modesto's water system.
Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: Motion (Lopez/Muratore;unan.) accepting the report on the Public Health Goals Report of the City of Modesto's water system.

UNFINISHED BUSINESS

2. Consider providing comments and direction to Staff regarding a new procedure for homeowners who wish to provide maintenance to City-owned trees at homeowner expense.
Parks, Recreation & Neighborhoods; Debbie Fortino, 342-4579, dfortino@modestogov.com

ACTION: Motion (Muratore/Lopez;unan.) approving regarding new procedures for homeowners who wish to provide maintenance to City-owned trees at homeowner expense.

NEW BUSINESS

Committee Member Marsh absent due to conflict of interest

3. Consider recommending to City Council (i) supporting an increase to current jail and high rise fees; (ii) supporting the adoption of a fee structure for "special inspections/occupancy evaluation" for businesses that do not require an inspection but request an inspection; and (iii) supporting the adoption of a Fire Code Permit and Inspection Program Fee to recover costs associated with Health and Safety Code inspections of State mandated occupancies and the issuance of operational use

permits as outlined in the California Fire Code. Current City Ordinance, Section 3-1.301 Fees, states: (a) *Permit Fee. The Council of the City of Modesto may, by resolution adopted from time to time, fix a fee for any permit issued pursuant to the Fire Code.*
Fire; Michael Payton, 572-9590, mpayton@modestogov.com

ACTION: **Motion (Lopez/Muratore;unan.; Marsh absent due to conflict of interest)** approving (i) an increase to current jail and high rise fees; (ii) supporting the adoption of a fee structure for “special inspections/occupancy evaluation” for businesses that do not require an inspection but request an inspection; and (iii) supporting the adoption of a Fire Code Permit and Inspection Program Fee to recover costs associated with Health and Safety Code inspections of State mandated occupancies and the issuance of operational use permits as outlined in the California Fire Code. Current City Ordinance, Section 3-1.301 and forwarding to Council for approval.

4. Consider a request from Councilmember Muratore to discuss and research options for permitting give-away activities at parks.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5344, jhannon@modestogov.com

ACTION: **Motion (Muratore/Lopez;unan.)** continuing matter to the next Safety & Communities meeting on November 1, 2010.

5. Consider authorizing staff to work with citizen representatives regarding a proposed community-funded dog park at Elk Park.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Motion (Lopez/Muratore;unan.)** authorizing staff to work with citizen representatives regarding a proposed community-funded dog park at Elk Park.

6. Consider recommending Council accept an Agreement with South Bay Regional Public Safety Training Consortium, a Joint Powers Agreement (JPA) and the Modesto Police Department for in-service training courses for police and other criminal justice system occupational training.
Police; Jolene Gonzales, 342-6147, gonzalesj@modestopd.com

ACTION: **Motion (Muratore/Lopez;unan.)** accepting an Agreement with South Bay Regional Public Safety Training Consortium, a Joint Powers Agreement (JPA) and the Modesto Police Department for in-service training courses for police and other criminal justice system occupational training.

7. Consider accepting an informational report regarding Modesto’s Crime Statistics for January through June 2010 as compared to January through June 2009.
Police; Michael Harris, 572-9550, harrism@modestopd.com

ACTION: **Motion (Lopez/Muratore;unan.)** accepting an informational report regarding Modesto’s Crime Statistics for January through June 2010 as compared to January through June 2009.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:50 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 05, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements – Item 3 removed from Consent

Declaration of Conflicts of Interest – None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Modesto Fire Department proclaiming October 3-9, 2010 Fire Prevention Week in the City of Modesto. (Funding Source: Not Applicable)
City Manager; Kathy Espinoza, 577-5197, kespinoza@modestogov.com

ACTION: Presentation made by Mayor Ridenour to the Modesto Fire Department proclaiming October 3-9, 2010 Fire Prevention Week in the City of Modesto.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 6

ACTION CONSENT ITEMS 2; 4-6: (Lopez/Geer;unan.)

ACTION ITEM 3: (Marsh/Hawn;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

2. Consider approving the Minutes of the City Council meeting of September 28, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Geer; 7/0) approving the minutes from the September 28, 2010 Council meeting.

Removed from Consent

3. Consider amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contracting Authority, to extend the Contracting Authority of the City Manager for public works projects consisting of roadway and intersection improvements on Oakdale Road between Claratina Avenue and Mable Avenue, in the amount of \$140,000 or less. (Funding Source: Prop 1B, Gas Tax, Capital Facility Fees)
 - Motion introducing an Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contracting Authority recommended.
Community & Economic Development; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Motion (Marsh/Hawn; 7/0) introducing **Ordinance No. 3537-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contracting Authority.

Consent

4. Consider accepting the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program, for a joint award with the County of Stanislaus and the City of Modesto, in the amount of \$235,816. (Funding Source: Special Revenue Fund - Federal Police Grant)
 - Resolution accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of \$235,816; and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
 - Resolution amending the Multi-Year 2010/2011 Operating Budget, estimating revenue of \$153,093 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds in Organization 0420-190-2003 recommended.
Police; Michael Harden, 572-9501, hardenm@modestopd.com

ACTION: Resolution 2010-423 (Lopez/Geer; 7/0) accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of \$235,816; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2010-424 (Lopez/Geer; 7/0) amending the Multi-Year 2010/2011 Operating Budget, estimating revenue of \$153,093 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds in Organization 0420-190-2003.

Consent

5. Consider declaring the City-owned property located at 309 Mensinger Avenue (APN: 113-004-022) as surplus land, and authorizing the City's property agent to proceed with the sale of this property. (Funding Source: Not Applicable)
 - Resolution declaring the City-owned property located at 309 Mensinger Avenue (APN: 113-004-022) as surplus property, authorizing the City's property agent to proceed with the sale of this property; and authorizing the City Manager, or his designee, to execute all necessary sale documents recommended.
Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2010-425 (Lopez/Geer; 7/0) declaring the City-owned property located at 309 Mensinger Avenue (APN: 113-004-022) as surplus property, authorizing the City's property agent to proceed with the sale of this property; and authorizing the City Manager, or his designee, to execute all necessary sale documents.

Consent

6. Consider approving: (i) a new Capital Improvement Program (CIP) account for design and construction of the project titled, "NorthPointe Basin - Reconstruction", and (ii) an agreement with Blackburn Consulting (Blackburn) for Design Services for NorthPointe Basin - Reconstruction, NorthPointe CFD 2002-1 in the amount of \$33,281. (Total estimated cost for the design portion of the project is \$38,281) (Funding Source: NorthPointe CFD)
 - Resolution approving a new Capital Improvement Program account for the design and construction of the project titled, "North Point Basin - Reconstruction", which did not appear in the Adopted Capital Improvement Program for Fiscal Year 2010-2011 recommended.

- Resolution approving an Agreement with Blackburn Consulting (Blackburn) for Design Services for NorthPointe Basin - Reconstruction, NorthPointe CFD 2002-1 project in an amount not to exceed \$30,255 for the identified scope of services, plus \$3,026 for additional services (if needed), for a maximum total amount of \$33,281, and authorizing the District Administrator, or his designee, to execute the agreement recommended.
- Resolution amending the Fiscal Year 2010-2011 Capital Improvement Program budget in order to set up the CIP account to fully fund design and construction, including contingency and construction administration for the NorthPointe Basin - Reconstruction project recommended.

Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2010-426(Lopez/Geer; 7/0) approving a new Capital Improvement Program account for the design and construction of the project titled, "North Point Basin - Reconstruction", which did not appear in the Adopted Capital Improvement Program for Fiscal Year 2010-2011.

ACTION: Resolution 2010-427 (Lopez/Geer; 7/0) approving an Agreement with Blackburn Consulting (Blackburn) for Design Services for NorthPointe Basin - Reconstruction, NorthPointe CFD 2002-1 project in an amount not to exceed \$30,255 for the identified scope of services, plus \$3,026 for additional services (if needed), for a maximum total amount of \$33,281, and authorizing the District Administrator, or his designee, to execute the agreement.

ACTION: Resolution 2010-428 (Lopez/Geer; 7/0) amending the Fiscal Year 2010-2011 Capital Improvement Program budget in order to set up the CIP account to fully fund design and construction, including contingency and construction administration for the NorthPointe Basin - Reconstruction project .

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on September 24, 2010

7. Hearing to consider the appeal of Sanders Construction Company to a Board of Zoning Adjustment decision denying a freeway oriented sign for a restaurant located at 3037 Sisk Road. (Funding Source: Not Applicable)
 - Resolution denying the appeal of Sanders Construction Company to a Board of Zoning Adjustment decision denying a Conditional Use Permit for a freestanding freeway-oriented sign recommended. *Community & Economic Development; Rita Doscher, 577-5267, rdoscher@modestogov.com*

ACTION: Resolution 2010-429 (Mayor Ridenour/Marsh; 7/0) granting the appeal of Sanders Construction Company to a Board of Zoning Adjustment decision denying a Conditional Use Permit for a freestanding freeway-oriented sign **(found that the restaurant is a free-standing use and is not part of a shopping center as defined in the Zoning Code).**

ACTION: Motion (Mayor Ridenour/Marsh; 7/0) directing staff to return with Ordinance amendment to the City's Sign Code at the December 7, 2010 meeting.

NEW BUSINESS

8. Consider: (i) accepting the Assistance to Firefighter's grant for mobile data computers, in the amount of \$1,079,500, on behalf of the Modesto Fire Department, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents; (ii) amending the Fiscal Year 2010-2011 Multi-Year Operation Grants Fund to establish a new multi-year budget for the Assistance to Firefighters Grant; and (iii) amending the Fiscal Year 2010-11 Operating Budget by transferring \$39,000 from 0100-180-1810-0308 to the new Multi-Year Operations Grant Fund budget established for

the Assistance to Firefighters Grant for mobile data computers. (Funding Source: General Fund)

- Resolution accepting the Assistance to Firefighter's grant for mobile data computers, in the amount of \$1,079,500, on behalf of the Modesto Fire Department, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents recommended.
- Resolution amending the Fiscal Year 2010-2011 Multi-Year Operation Grants Fund to establish a new multi-year budget for the Assistance to Firefighters Grant recommended.
- Resolution amending the Fiscal Year 2010-11 Operating Budget by transferring \$39,000 from 0100-180-1810-0308 to the new Multi-Year Operations Grant Fund budget established for the Assistance to Firefighters Grant for mobile data computers recommended.

Fire; Lori Martinez, 572-9590, lmartinez@modestofire.com

ACTION: Resolution 2010-430 (Marsh/Lopez; 7/0) accepting the Assistance to Firefighter's grant for mobile data computers, in the amount of \$1,079,500, on behalf of the Modesto Fire Department, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents.

ACTION: Resolution 2010-431 (Marsh/Lopez; 7/0) amending the Fiscal Year 2010-2011 Multi-Year Operation Grants Fund to establish a new multi-year budget for the Assistance to Firefighters Grant.

ACTION: Resolution 2010-432 (Marsh/Lopez; 7/0) amending the Fiscal Year 2010-11 Operating Budget by transferring \$39,000 from 0100-180-1810-0308 to the new Multi-Year Operations Grant Fund budget established for the Assistance to Firefighters Grant for mobile data computers.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:42 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: The Committee Concerning Community Improvement, et al. v. City of Modesto, County of Stanislaus, et al.; U.S. District Court for the Eastern District of California;

Case No. CIV-F-04-6121 AWI DLB

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code)

Property: Sale of Property: 309 Mensinger Avenue Modesto, CA

APN: 113-004-022

Negotiating parties: Jon Yuriar, City Property Agent

Under negotiation: Price and terms of sale of surplus property

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Room B-300, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, October 11, 2010 at 5:30 p.m.

Roll Call Present: Councilmembers Kristin Olsen, Brad Hawn and Dave Geer
Absent: None
Also Present: Councilmember Joe Muratore

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Hawn/Geer;unan.) approving the status report of development projects processed by the Community and Economic Development Department.

UNFINISHED BUSINESS

2. Consider follow up discussion from September 13, 2010 Economic Development Committee meeting on complete streets, with a focus on the downtown core. (Funding Source: Not Applicable)
Community & Economic Development; Josh Bridegroom, 577-5267, jbridegroom@modestogov.com

ACTION: Staff was directed to return to a future Economic Development Committee with an update on the items listed (attached).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:15 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 12, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Pastor of Modesto Covenant Church

City Clerk's Announcements – None

Declaration of Conflicts of Interest – Marsh Item 15

Reports from Closed Session – No Closed Session Matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the American Institute of Architects Sierra Valley Chapter proclaiming October 17-24, 2010 as Modesto Architecture Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to the American Institute of Architects Sierra Valley Chapter proclaiming October 17-24, 2010 as Modesto Architecture Week.

2. Presentation of Proclamation to Friends of the Modesto Library proclaiming October 17-23, 2010 as Friends of Libraries week in Modesto, California. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to Friends of the Modesto Library proclaiming October 17-23, 2010 as Friends of Libraries week in Modesto, California.

3. Presentation by the American GI Forum proclaiming October Hispanic Heritage Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5197, kespinoza@modestogov.com

ACTION: Presentation made by the American GI Forum proclaiming October Hispanic Heritage Month.

4. Presentation of Proclamation to the Assyrian Church of the East recognizing Assyrian Martyrs remembrance. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to the Assyrian Church of the East recognizing Assyrian Martyrs remembrance.

- 4.A. Presentation of Proclamation to the United Rotary Clubs of Modesto proclaiming October 24, 2010 as

World Polio Day.

ACTION: Mayor Ridenour presented a Proclamation to the United Rotary Clubs of Modesto Rotary proclaiming October 24, 2010 as World Polio Day.

PUBLIC COMMENT PERIOD

- Miguel Donoso spoke regarding the Modesto Police Department.
- Steven Alviso spoke regarding an incident on July 9, 2010 with the Modesto Police Department. Mayor Ridenour referred Mr. Alviso to Modesto Police Chief Harden.
- Frank Mataka spoke regarding racial profiling.
- Ray Pefferini spoke regarding the letter he received from Julie Hannon, Director of Parks, Recreation & Neighborhoods. The City Manager asked the Forestry Department to return to Council with a presentation.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 12

ACTION CONSENT ITEMS 5-12: (Lopez/Hawn;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

5. Consider approving the Minutes of the City Council meeting of October 5, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the minutes from the October 5, 2010 Council meeting.

Consent

6. Consider approving the plans and specifications for the project titled, “Traffic Operations Building – Tenant Improvements;” accepting the bid; approving a contract with D. M. Alegre Construction, Inc., of Tracy, CA, in the amount of \$183,000; and authorizing the City Manager, or his designee, to execute the contract. Total estimated cost of the project is \$283,930. (Funding Source: Local Transportation Funds (LTF))
 - Resolution approving the plans and specifications for the project titled, “Traffic Operations Building – Tenant Improvements;” accepting the bid; approving a contract with D. M. Alegre Construction, Inc., of Tracy, CA, in the amount of \$183,000; and authorizing the City Manager, or his designee, to execute the contract recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2010-433 (Lopez/Hawn; 7/0) approving the plans and specifications for the project titled, “Traffic Operations Building – Tenant Improvements;” accepting the bid; approving a contract with D. M. Alegre Construction, Inc., of Tracy, CA, in the amount of \$183,000; and authorizing the City Manager, or his designee, to execute the contract.

Consent

7. Consider approving a contract for Financial Management Consulting Services to Public Financial Management (PFM), San Francisco, CA for a not to exceed amount of \$45,000 per fiscal year, and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: Various Funds)
 - Resolution approving a Financial Advisory Services Agreement between the City of Modesto and

Public Financial Management for financial management consulting services, for a not to exceed amount of \$45,000 per fiscal year; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Resolution 2010-434 (Lopez/Hawn; 7/0) approving a Financial Advisory Services Agreement between the City of Modesto and Public Financial Management for financial management consulting services, for a not to exceed amount of \$45,000 per fiscal year; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider: (i) authorizing the award of bid for the purchase of a trommel screen for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to Eireann Machinery, San Francisco, CA, for an estimated total cost of \$312,120.; and (ii) amending the Fiscal Year 2010-2011 operating budget to move \$184,120 from Solid Waste Fund Reserves to the operating budget and to move \$128,000 from current budget accounts into the field equipment account. (Funding Source: Solid Waste)

- Resolution authorizing the award of bid for the purchase of a trommel screen for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to Eireann Machinery, San Francisco, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement, for an estimated total cost of \$312,120 recommended.
- Resolution amending the Fiscal Year 2010-2011 operating budget to move \$184,120 from Solid Waste Fund Reserves to operating budget and to move \$128,000 from current budget accounts into the field equipment account (6290-355-5222-5600) recommended.

Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2010-435 (Lopez/Hawn; 7/0) authorizing the award of bid for the purchase of a trommel screen for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to Eireann Machinery, San Francisco, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement, for an estimated total cost of \$312,120.

ACTION: Resolution 2010-436 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-2011 operating budget to move \$184,120 from Solid Waste Fund Reserves to operating budget and to move \$128,000 from current budget accounts into the field equipment account (6290-355-5222-5600).

Consent

9. Consider approving the Monthly Budget Adjustment Report for September 2010. (Funding Source: Various Funds)

- Resolution amending Fiscal Year 2010 - 2011 Annual Operating Budget recommended.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2010-437 (Lopez/Hawn; 7/0) amending Fiscal Year 2010 - 2011 Annual Operating Budget.

Consent

10. Consider: (i) accepting the Assistance to Firefighter's grant for pulse-carbon monoxide oximeters, in the amount of \$22,000, on behalf of the Modesto Fire Department, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents; (ii) amending the Fiscal Year 2010-2011 Multi-Year Operation Grants Fund to establish a new multi-year budget for the Assistance to Firefighters Grant; and (iii) amending the Fiscal Year 2010-11 Operating Budget by transferring \$4,400 from 0100-180-1810-0308 to the new Multi-Year Operations Grant Fund budget established for the Assistance to Firefighters Grant for pulse-carbon monoxide oximeters. (Funding Source: General Fund)

- Resolution accepting the Assistance to Firefighters grant for pulse-carbon monoxide oximeters, in the amount of \$22,000, on behalf of the Modesto Fire Department, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents recommended.
- Resolution amending the Fiscal Year 2010-2011 multi-year operation grants fund to establish a new multi-year budget for the assistance to firefighters grant recommended.
- Resolution amending the Fiscal Year 2010-11 Operating Budget by transferring \$4,400 from the

Fire Department Finance and Logistics, Tools, Shop and Field Account # 0100-180-1810-0308 to the new Multi-Year Operations Grant Fund budget established for the Assistance to Firefighters Grant for pulse-carbon monoxide oximeters recommended.

Fire; Lori Martinez, 209-572-9660, lmartinez@modstofire.com

ACTION: Resolution 2010-438 (Lopez/Hawn; 7/0) accepting the Assistance to Firefighters grant for pulse-carbon monoxide oximeters, in the amount of \$22,000, on behalf of the Modesto Fire Department, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents.

ACTION: Resolution 2010-439 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-2011 multi-year operation grants fund to establish a new multi-year budget for the assistance to firefighters grant.

ACTION: Resolution 2010-440 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-11 Operating Budget by transferring \$4,400 from the Fire Department Finance and Logistics, Tools, Shop and Field Account # 0100-180-1810-0308 to the new Multi-Year Operations Grant Fund budget established for the Assistance to Firefighters Grant for pulse-carbon monoxide oximeters.

Consent

11. Consider approving an agreement with AEG Cycling, LLC (AEG) to be a Host City for a stage finish of the 2011 Amgen Tour of California. (Funding Source: Donations/ Sponsorships)
- Resolution approving an agreement with AEG Cycling, LLC for the City of Modesto to be a Host City for a stage finish for the 2011 Amgen Tour of California; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com*

ACTION: Resolution 2010-441 (Lopez/Hawn; 7/0) approving an agreement with AEG Cycling, LLC for the City of Modesto to be a Host City for a stage finish for the 2011 Amgen Tour of California; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider: (i) approving a one-year agreement with California Consulting, LLC for On-call Grant Researching and Writing Services for various City utility-related projects in an amount not to exceed \$30,000; and (ii) approving a one-year agreement with RMC Water and Environment for On-call Grant Researching and Writing Services for various City utility-related projects in an amount not to exceed \$30,000. Total amount will not exceed \$60,000. (Funding Source: Water/Wastewater Funds)
- Resolution approving an Agreement with California Consulting, LLC for On-call Grant Researching and Writing Services for various City utility-related projects, in an amount not to exceed \$30,000; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an Agreement with RMC Water and Environment for On-call Grant Researching and Writing Services for various City utility-related projects, in an amount not to exceed \$30,000; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Utility Planning and Projects; Nick Pinhey, 577-5213, npinhey@modestogov.com*

ACTION: Resolution 2010-442 (Lopez/Hawn; 7/0) approving an Agreement with California Consulting, LLC for On-call Grant Researching and Writing Services for various City utility-related projects, in an amount not to exceed \$30,000; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2010-443 (Lopez/Hawn; 7/0) approving an Agreement with RMC Water and Environment for On-call Grant Researching and Writing Services for various City utility-related projects, in an amount not to exceed \$30,000; and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Geer invited everyone to attend the Maddux Youth Center meeting tomorrow night, October 13, 2010 at 6:00 p.m. to discuss fees.

Councilmember Muratore invited everyone to attend the District 5 Candidate Forum on Thursday night, October

14, 2010 at 6:00 pm at Sylvan Elementary School.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff directed Council to review the brochure for the Strategic Plan 2010-2013.

UNFINISHED BUSINESS

13. Consider: (i) approving final adoption of Ordinance No. 3537-C.S. amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contracting Authority, to extend the Contracting Authority of the City Manager for public works projects for roadway and intersection improvements on Oakdale Road between Claratina Avenue and Mable Avenue, in the amount of \$140,000 or less; and (ii) a finding of fact that a state of urgency exists and authorize the immediate implementation of the above amendment to Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code. (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3537-C.S. amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contracting Authority, to extend the Contracting Authority of the City Manager for public works projects for roadway and intersection improvements on Oakdale Road between Claratina Avenue and Mable Avenue, in the amount of \$140,000 or less recommended.
 - Motion approving a finding of fact that a state of urgency exists and authorize the immediate implementation of the above amendment to Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of **Ordinance No. 3537-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contracting Authority, to extend the Contracting Authority of the City Manager for public works projects for roadway and intersection improvements on Oakdale Road between Claratina Avenue and Mable Avenue, in the amount of \$140,000 or less.

ACTION: Motion (Lopez/Hawn; 7/0) approving a finding of fact that a state of urgency exists and authorize the immediate implementation of the above amendment to Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code.

14. Consider accepting the work by Ebert McGuire and Hester for the “Primary Outfall Rehabilitation Project – Phase I” project as complete. (Total project cost is \$5,041,677.30) (Funding Source: Wastewater Fund)
- Resolution accepting the work by Ebert McGuire and Hester for the “Primary Outfall Rehabilitation Project – Phase I” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$3,835,698.50 recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2010-444 (Hawn/Lopez; 7/0) accepting the work by Ebert McGuire and Hester for the “Primary Outfall Rehabilitation Project – Phase I” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$3,835,698.50.

HEARINGS

Published in the Modesto Bee on September 22, 2010; Councilmember Marsh absent due to conflict of interest

15. Hearing to consider an application by Modesto Commercial Bank to rezone a 5.19 acre parcel at the southwest corner of McHenry Avenue and West Union Avenue from Planned Development, P-D (131) to Highway Commercial Zone (C-3). (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 8-3-9 of the Zoning Map of the City of Modesto to Rezone from Planned Development Zone P-D(131), to Highway Commercial Zone (C-

3), Property Located at the Southwest Corner of McHenry Avenue and West Union Avenue (Modesto Commerce Bank) recommended.

- Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 8-3-9 of the Zoning Map to rezone the property at 3737 McHenry Avenue from Planned Development Zone P-D (131), to Highway Commercial Zone, (C-3). (Modesto Commerce Bank) recommended.

Community & Economic Development; Katharine Martin, 577-5267, kamartin@modestogov.com

ACTION: Motion (Olsen/Lopez; 6/0; Marsh absent due to conflict of interest) introducing Ordinance No. 3538-C.S. amending Section 8-3-9 of the Zoning Map of the City of Modesto to Rezone from Planned Development Zone P-D(131), to Highway Commercial Zone (C-3), Property Located at the Southwest Corner of McHenry Avenue and West Union Avenue (Modesto Commerce Bank).

ACTION: Resolution 2010-445 (Olsen/Lopez; 6/0; Marsh absent due to conflict of interest) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 8-3-9 of the Zoning Map to rezone the property at 3737 McHenry Avenue from Planned Development Zone P-D (131), to Highway Commercial Zone, (C-3). (Modesto Commerce Bank).

NEW BUSINESS

16. Consider accepting the Annual Investment Report for Fiscal Year 2009-10. (Funding Source: Non-Applicable)

- Motion accepting the Investment Report for the 2009-10 fiscal year recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Hawn/Marsh; 7/0) accepting the Investment Report for the 2009-10 fiscal year.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:57 p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, October 25, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh, Dave Geer
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider accepting the Monthly Budget Adjustment Report for October 2010 and refer to Council for consideration and approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Geer/Marsh;unan.) accepting the Monthly Budget Adjustment Report for October 2010 and refer to Council for consideration and approval.

UNFINISHED BUSINESS

2. Consider: (i) authorizing the City Manager, or his designee, to execute all related documents for the Clean Water State Revolving Fund (CWSRF) Loan Application for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Project; and (ii) adopt resolutions and legal opinions that are required for the CWSRF loan application and forwarding to Council for approval. (Funding Source: Wastewater Fund)
Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting report regarding: (i) the Clean Water State Revolving Fund (CWSRF) Loan Application for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Project; and (ii) legal opinions required for the CWSRF loan application and forwarding to Council for approval

NEW BUSINESS

3. Consider accepting a report on the implementation of a Water and Sewer Fee Deferral Program and forwarding to Council for approval. (Funding Source: Water & Sewer Revenue Accounts)
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting a report on the implementation of a Water and Sewer Fee Deferral Program and forwarding to Council with adjusted rate and fixed rate available.

4. Consider accepting a report on the Fleet Services Division's practices in using internally-provided services, contracted services, and cooperative agreements for Committee discussion. (Funding Source: Not Applicable)
Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting a report on the Fleet Services Division's practices in using internally-provided services, contracted services, and cooperative agreements for Committee discussion.

5. Consider accepting a report on options for accelerating the citywide water metering program for Committee discussion. (Funding Source: Not Applicable)
Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) directing staff to return to the Finance Committee with recommendations from the CIP Task Force.

6. Consider authorizing the award of the Jennings Road Ranch Lease to Wendel Trinkler, Jr. for a 10-year term beginning January 1, 2011 with three 4-year extension options, at the sole discretion of the City, at a rental rate of \$200 per acre for an annual total of \$494,000 and forwarding to Council for approval. (Funding Source: Wastewater Fund Revenue)
Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Motion (Geer/Marsh;unan.) authorizing the award of the Jennings Road Ranch Lease to Wendel Trinkler, Jr. for a 10-year term beginning January 1, 2011 with three 4-year extension options, at the sole discretion of the City, at a rental rate of \$200 per acre for an annual total of \$494,000 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 26, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk’s Announcements - None

Declaration of Conflicts of Interest – Item 18 - Marsh

Reports from Closed Session - City Attorney Wood reported on Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring November 1, 2010 to be Extra Mile Day. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5197, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented proclamation declaring November 1, 2010 to be Extra Mile Day.

2. Presentation by the Parks, Recreation, & Neighborhoods Director regarding the status of fund development activities. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Presentation made by Julie Hannon, Parks, Recreation, & Neighborhoods Director regarding the status of fund development activities.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding the Modesto Police Department.
- Phoebe Dennis-Fortt spoke regarding the need for space for non-profit organization. The City Manager referred Ms. Forte to CEDD Director Brent Sinclair.
- Jeremiah Williams thanked his family, supporters and Committee during the District 5 Council vacancy process.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 15

ACTION CONSENT ITEMS 3-15: (Lopez/Hawn;unan)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

3. Consider approving the Minutes of the City Council meeting of October 12, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the minutes from the October 12, 2010 Council meeting.

Consent

4. Consider approving the 2011 City Council Meeting Calendar. (Funding Source: Not Applicable)
 - Resolution approving the 2011 City Council Meeting Calendar recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2010-446 (Lopez/Hawn; 7/0) approving the 2011 City Council Meeting Calendar.

Consent

5. Consider approving final adoption of Ordinance 3538-C.S. amending Section 8-3-9 of the Zoning Map of the City of Modesto to Rezone from Planned Development Zone P-D(131), to Highway Commercial Zone (C-3), Property Located at the Southwest Corner of McHenry Avenue and West Union Avenue (Modesto Commerce Bank). (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance 3538-C.S. amending Section 8-3-9 of the Zoning Map of the City of Modesto to Rezone from Planned Development Zone P-D(131), to Highway Commercial Zone (C-3), Property Located at the Southwest Corner of McHenry Avenue and West Union Avenue (Modesto Commerce Bank) recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of Ordinance 3538-C.S. amending Section 8-3-9 of the Zoning Map of the City of Modesto to Rezone from Planned Development Zone P-D(131), to Highway Commercial Zone (C-3), Property Located at the Southwest Corner of McHenry Avenue and West Union Avenue (Modesto Commerce Bank).

Consent

6. Consider approving Amendment No. 2 to Task Order No. 1 to the Master Professional Services Agreement with Omni-Means, Ltd. in the amount of \$29,430, for a total amount not to exceed \$144,120. (Funding Source: Capital Facilities Fees)
 - Resolution approving Amendment #2 to Task Order No. 1 to the Master Professional Services Agreement for Consultant services with Omni-Means, Ltd. in the amount of \$29,340, for a total amount not to exceed \$144,120 and authorizing the City Manager, or his designee, to execute the Amendment #2 to Task Order No. 1 recommended.
 - Resolution amending the Fiscal Year 2010-2011 operating budget and appropriating \$29,340 from Capital Facilities Fund 1390-140-0260-0242 to Multi-Year Account 1390-140-0266-0242 for the Amendment #2 to Task Order No. 1 with Omni-Means, Ltd. to fund additional work for the update of the streets portion of the Capital Facilities Fees Program recommended.

Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com

ACTION: Resolution 2010-447 (Lopez/Hawn; 7/0) approving Amendment #2 to Task Order No. 1 to the Master Professional Services Agreement for Consultant services with Omni-Means, Ltd. in the amount of \$29,340, for a total amount not to exceed \$144,120 and authorizing the City Manager, or his designee, to execute the Amendment #2 to Task Order No. 1.

ACTION: Resolution 2010-448 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-2011 operating budget and appropriating \$29,340 from Capital Facilities Fund 1390-140-0260-0242 to Multi-Year Account 1390-140-0266-0242 for the Amendment #2 to Task Order No. 1 with Omni-Means, Ltd. to fund additional work for the update of the streets portion of the Capital Facilities Fees Program.

Consent

7. Consider accepting the First Quarter Update of the City of Modesto Capital Improvement Projects.

(Funding Source: Not Applicable.)

- Motion accepting the First Quarter Update of City of Modesto Capital Improvement Projects recommended.

Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) accepting the First Quarter Update of City of Modesto Capital Improvement Projects.

Consent

8. Consider approving a prequalified vendor list for surveying and plan line development services for various Capital Improvement Projects. (Funding Source: Various State, Local and Federal)
- Resolution approving a prequalified vendor list for surveying and plan line development services for various Capital Improvement Projects recommended.

Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2010-449 (Lopez/Hawn; 7/0) approving a prequalified vendor list for surveying and plan line development services for various Capital Improvement Projects.

Consent

9. Consider accepting the Monthly Investment Report for July, 2010. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for July, 2010 recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) accepting the Monthly Investment Report for July, 2010.

Consent

10. Consider authorizing the award of bid for the purchase and installation of Cisco Catalyst 4500 Series switching equipment for the Information Technology Department to Telcion Communications Group, Modesto, CA, for an estimated total cost of \$48,579, and authorizing the City Manager to accept \$2,174 as the trade-in value of two Cisco Catalyst 4006 switches, towards the purchase of said equipment.

(Funding Source: Technology Replacement Fund)

- Resolution authorizing the award of bid for the purchase and installation of Cisco Catalyst 4500 Series switching equipment for the Information Technology Department to Telcion Communications Group, Modesto, CA, for an estimated total cost of \$48,579, and authorizing the City Manager to accept \$2,174 as the trade-in value of two (2) Cisco Catalyst 4006 switches, towards the purchase of said equipment recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2010-450 (Lopez/Hawn; 7/0) authorizing the award of bid for the purchase and installation of Cisco Catalyst 4500 Series switching equipment for the Information Technology Department to Telcion Communications Group, Modesto, CA, for an estimated total cost of \$48,579, and authorizing the City Manager to accept \$2,174 as the trade-in value of two (2) Cisco Catalyst 4006 switches, towards the purchase of said equipment.

Consent

11. Consider authorizing the award of bid for the purchase and delivery of Aggregate Base Material ¾" Class II Virgin Grade for the Public Works Department, Water Quality Control Division, Jennings Road Tertiary Treatment Plant, to Destination Anywhere, Inc., Tracy, CA, for an estimated total cost of \$75,187. (Funding Source: Water Quality Control)

- Resolution authorizing the award of bid for the purchase and delivery of Aggregate Base Material ¾" Class II Virgin Grade for the Public Works Department, Water Quality Control Division, Jennings Road Tertiary Treatment Plant, to Destination Anywhere, Inc., Tracy, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$75,187 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2010-451 (Lopez/Hawn; 7/0) authorizing the award of bid for the purchase and delivery

of Aggregate Base Material ¾" Class II Virgin Grade for the Public Works Department, Water Quality Control Division, Jennings Road Tertiary Treatment Plant, to Destination Anywhere, Inc., Tracy, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$75,187.

Consent

12. Consider amending the Position Allocation and the FY 2010-11 Operating Budget for the Police Department to add one Administrative Analyst II (Exempt) position in Organization 1901. (Funding Source: General Fund)
- Resolution amending the Position Allocation for the Modesto Police Department to add one Administrative Analyst II (Exempt) position, Organization 1901 recommended.
 - Resolution amending the Fiscal Year 2010/2011 Operating Budget authorizing the transfer of funds from 0100-190-1966-0184 and 0100-1966-0194 to 0100-190-1901-0181 and 0100-190-1901-0191 to fund the Administrative Analyst II (Exempt) position in the Police Department recommended.
Police; Michael G. Harden, 572-9501, hardeng@modestopd.com

ACTION: Resolution 2010-452 (Lopez/Hawn; 7/0) amending the Position Allocation for the Modesto Police Department to add one Administrative Analyst II (Exempt) position, Organization 1901.

ACTION: Resolution 2010-453 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010/2011 Operating Budget authorizing the transfer of funds from 0100-190-1966-0184 and 0100-1966-0194 to 0100-190-1901-0181 and 0100-190-1901-0191 to fund the Administrative Analyst II (Exempt) position in the Police Department.

Consent

13. Consider approving a transfer of funds for police equipment and training from the Asset Forfeiture Funds in the amount of \$67,524 and amending the Fiscal Year 2010/11 Operating Budget. (Funding Source: Asset Forfeiture Trust Fund)
- Resolution amending the Fiscal Year 2010/2011 Operating Budget, estimating revenue of \$67,524.00 from Asset Forfeitures to Police Investigations and Training for police equipment and training recommended.
Police; William Ryan, 572-9550, ryanw@modestopd.com

ACTION: Resolution 2010-454 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010/2011 Operating Budget, estimating revenue of \$67,524.00 from Asset Forfeitures to Police Investigations and Training for police equipment and training.

Consent

14. Consider approving an Agreement with South Bay Regional Public Safety Training Consortium, a Joint Powers Agreement (JPA) and the Modesto Police Department, for in-service training courses for police and other criminal justice system occupational training. (Funding Source: Not Applicable)
- Resolution approving an Agreement between the South Bay Regional Public Safety Training Consortium and the Modesto Police Department for in-service training courses for police and other criminal justice system occupational training; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Police; Jolene Gonzales, 342-6147, gonzalesj@modestopd.com

ACTION: Resolution 2010-455 (Lopez/Hawn; 7/0) approving an Agreement between the South Bay Regional Public Safety Training Consortium and the Modesto Police Department for in-service training courses for police and other criminal justice system occupational training; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approval of submittal of applications for the Habitat Conservation Fund (HCF) Riparian Habitat Grant, the Recreational Trails Program (RTP) Grant for projects in the Gateway Parcel Phase 2, and a Land and Water Conservation Fund for a project in Monterosso Park (Funding Source: HCF, RTP and LWCF Grant Funds)
- Resolution approving an application for a Habitat Conservation Fund Riparian Habitat grant in the amount of \$150,000 for the restoration of 11 acres of Riparian Habitat in the Tuolumne River

Regional Park Gateway Parcel Phase 2 recommended.

- Resolution approving an application for a Recreational Trails Program grant in the amount of \$490,336 for the development of approximately 1,200 lineal feet of Riverwalk Trail, including the construction of a Fishing Deck and pedestrian bridge in the Tuolumne River Regional Park Gateway Parcel Phase 2 recommended.
- Resolution approving an application for a California State Parks Land and Water Conservation Fund grant in the amount of \$75,000 for the development of a shade structure in the Pamela Monterosso Park and Trailhead recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2010-456 (Lopez/Hawn; 7/0) approving an application for a Habitat Conservation Fund Riparian Habitat grant in the amount of \$150,000 for the restoration of 11 acres of Riparian Habitat in the Tuolumne River Regional Park Gateway Parcel Phase 2.

ACTION: Resolution 2010-457 (Lopez/Hawn; 7/0) approving an application for a Recreational Trails Program grant in the amount of \$490,336 for the development of approximately 1,200 lineal feet of Riverwalk Trail, including the construction of a Fishing Deck and pedestrian bridge in the Tuolumne River Regional Park Gateway Parcel Phase 2 .

ACTION: Resolution 2010-458 (Lopez/Hawn; 7/0) approving an application for a California State Parks Land and Water Conservation Fund grant in the amount of \$75,000 for the development of a shade structure in the Pamela Monterosso Park and Trailhead.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced the Council in the Park scheduled for November 6, 2010 from 10:00 am - 12:00 pm at the 10th Street Farmer's Market.

Councilmember Muratore announced the District 5 Deliberation Meeting scheduled for November 4, 2010 at 6:00 pm at the Alliance Free Enterprise Zone.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

16. Consider: (i) accepting the update on the North Valley Regional Recycled Water Project (NVRWP); and (ii) approving the transfer of \$20,000 from Wastewater Fund Reserves into a Capital Improvement Project to fund the budget for the North Valley Regional Recycled Water Project. (Funding Source: Wastewater Fund)
- Motion accepting the update on the North Valley Regional Recycled Water Project recommended.
 - Resolution amending the Fiscal Year 2010-2011 Capital Improvement Program budget in order to fund the budget for the North Valley Regional Recycled Water Project by transferring \$20,000 from Wastewater Fund Reserves to Capital Improvement Account (6210-430-B119) recommended.
- Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com*

ACTION: Motion (Hawn/Marsh; 7/0) accepting the update on the North Valley Regional Recycled Water Project.

ACTION: Resolution 2010-459 (Hawn/Marsh; 7/0) amending the Fiscal Year 2010-2011 Capital Improvement Program budget in order to fund the budget for the North Valley Regional Recycled Water Project by transferring \$20,000 from Wastewater Fund Reserves to Capital Improvement Account (6210-430-B119).

17. Consider accepting the work by Pacific Mechanical Corporation for the "Phase 1A Tertiary Wastewater Treatment Facility" project as complete. (Total project cost is \$25,761,585) (Funding Source: Wastewater Fund-CIP)
- Resolution accepting the work by Pacific Mechanical Corporation, Inc. for the "Phase 1A Tertiary Wastewater Treatment Facility" project as complete, authorizing the City Clerk to file a Notice of

Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$20,648,415 recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-460 (Hawn/Marsh; 7/0) accepting the work by Pacific Mechanical Corporation, Inc. for the “Phase 1A Tertiary Wastewater Treatment Facility” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$20,648,415.

Councilmember Marsh left meeting at 6:20 pm

HEARINGS

Published in the Modesto Bee on October 16, 2010 – Councilmember Marsh absent due to conflict of interest

18. Hearing to consider: (i) increase to current jail and high rise inspection fees; (ii) increase to current fireworks booth permit fees; (iii) a fee structure for “special inspections/occupancy evaluation” for businesses that do not require an inspection but request an inspection; (iv) a Fire Code Permit and Inspection Program Fee to recover costs associated with Health and Safety Code inspections of State mandated occupancies, and the issuance of operational use permits as outlined in the California Fire Code; and (v) amending the Fiscal Year 2011 General Fund Operating Budget to include an estimated \$101,192 increase in annual revenue in 0100-180-1802-4156. (Funding Source: General Fund)
- Resolution approving an increase to current jail and high rise inspection fees recommended.
 - Resolution approving an increase to current fireworks booth permit fees recommended.
 - Resolution approving a fee structure for “special inspections/occupancy evaluation” for businesses that do not require an inspection but request an inspection recommended.
 - Resolution approving a Fire Code Permit and Inspection Program Fee to recover costs associated with Health and Safety Code inspections of State mandated occupancies, and the issuance of operational use permits as outlined in the California Fire Code recommended.
 - Resolution amending the Fiscal Year 2011 General Fund Operating Budget to include an estimated \$101,192 increase in annual revenue in 0100-180-1802-4156 recommended.

Fire; Mike Payton, Division Chief, 571-5876, mpayton@modestofire.com

ACTION: Resolution 2010-461 (Lopez/Muratore; 5/1; Olsen no, Marsh absent due to conflict of interest) approving an increase to current jail and high rise inspection fees .

ACTION: Resolution 2010-462 (Lopez/Muratore; 5/1; Olsen no, Marsh absent due to conflict of interest) approving an increase to current fireworks booth permit fees.

ACTION: Resolution 2010-463 (Lopez/Muratore; 5/1; Olsen no, Marsh absent due to conflict of interest) approving a fee structure for “special inspections/occupancy evaluation” for businesses that do not require an inspection but request an inspection.

ACTION: Resolution 2010-464 (Lopez/Muratore; 5/1; Olsen no, Marsh absent due to conflict of interest) approving a Fire Code Permit and Inspection Program Fee to recover costs associated with Health and Safety Code inspections of State mandated occupancies, and the issuance of operational use permits as outlined in the California Fire Code.

ACTION: Resolution 2010-465 (Lopez/Muratore; 5/1; Olsen no, Marsh absent due to conflict of interest) amending the Fiscal Year 2011 General Fund Operating Budget to include an estimated \$101,192 increase in annual revenue in 0100-180-1802-4156.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:40 p.m.

CLOSED SESSION

Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –
MPMA

Agency Negotiators: Scott Kenley, Renne Sloan Holtzman Sakai, LLP; **Employee Organization:** Modesto
Police Management Association

**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, November 1, 2010, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez, and Muratore
Absent: None
Also Present: Councilmember Hawn

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

UNFINISHED BUSINESS

1. Consider a request from Councilmember Muratore to discuss the formation of a Blue Ribbon Commission on Homelessness.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Committee Member Muratore was appointed to meet with interested parties and will return to next month's Safety & Communities meeting on December 6, 2010 with a plan on appointing the Commission.

Committee Member Lopez left meeting at 6:32 p.m.

NEW BUSINESS

2. Consider recommending the adoption of an Ordinance amending Sections 9-1.201, 9-1.204, 9-1.502, 9-1.804-807, 9-1.1602.1, 9-1.1602.2, 9-1.1602.3 and 9-2.1612.4 of Chapter 1 of Title 9 pertaining to the Building Code; 9-3.201, 9-3.204, 9-3.502 and 9-3.1401.1 of Chapter 3 Title 9 pertaining to the Electrical Code; 9-7.201, 9-7.204 and 9-7.502 of Chapter 7 Title 9 pertaining to the Mechanical Code; 9-2.20 I and 9-2.502 of Chapter 2 Title 9 Relating to the Plumbing Code; repealing Modesto Municipal Code Section 9-3.140 relating to the Electrical Code; section 9-7.1403 relating to the Mechanical Code; and adding Sections 9-1.101.1, 9-1.805.1 and 9-1.811.1 thereto; and adding Article 17 to Chapter 1 of Title 9 of the Modesto Municipal Code relating to the Building Code.
Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com

ACTION: **Motion (Muratore/Marsh; Lopez absent)** approving (i) ordinance amendments for the adoption and administration of new Building Standards Code and (ii) implementation of CalGreen without Tiers but providing incentives for LEED, CalGreen Tiers or other similar standard and forwarding to the Fees Task Force for review.

3. Consider accepting an informational report regarding an overview of the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Law Enforcement Accreditation Program.

Police; Michael G. Harden, 572-9501, hardenm@modestopd.com

ACTION: **Motion (Muratore/Marsh; Lopez absent)** accepting an informational report regarding an overview of the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Law Enforcement Accreditation Program.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:55 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday November 03, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Olsen (arrived at 5:40 pm), Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wayne Bridegroom, Central Baptist Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

Reports from Closed Session – No Closed Session Matters Heard

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the Embrace IT Champions to City Council. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Presentation of the Embrace IT Champions to Council by City Manager Greg Nyhoff.

PUBLIC COMMENT PERIOD

Jenny Kenoyer spoke regarding the City of Modesto District 5 Council vacancy.

Eugene Conrotto spoke regarding the City of Modesto District 5 Council vacancy.

Daniel Beynon spoke regarding the City of Modesto District 5 Council vacancy.

Frank Johnson spoke regarding the Modesto Police Department.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 6

ACTION CONSENT ITEMS 2-6: (Lopez/Hawn; unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

2. Consider approving the Minutes of the City Council meeting of October 26, 2010. (Funding Source: Not Applicable)

- Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the minutes from the October 26, 2010 City Council meeting.

Consent

3. Consider approving the Monthly Budget Adjustment Report for October 2010. (Funding Source: Various Funds)
 - Resolution amending Fiscal Year 2010 - 2011 Annual Operating Budget recommended.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2010-466 (Lopez/Hawn; 7/0) amending Fiscal Year 2010 - 2011 Annual Operating Budget.

Consent

4. Consider approving an Agreement to Negotiate Exclusively (ANE) with the Housing Authority of the County of Stanislaus as the developer for the project located at 412/416 Downey Avenue. (Funding Source: Redevelopment Agency Housing Set-Aside and HOME Funds)
 - Resolution approving an Agreement to Negotiate Exclusively with the Housing Authority of the County of Stanislaus as the developer for the project located at 412/416 Downey Avenue; and authorizing the City Manager, or his designee, to execute the Agreement and any Related Documents recommended.
Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Resolution 2010-467 (Lopez/Hawn; 7/0) approving an Agreement to Negotiate Exclusively with the Housing Authority of the County of Stanislaus as the developer for the project located at 412/416 Downey Avenue; and authorizing the City Manager, or his designee, to execute the Agreement and any Related Documents.

Consent

5. Consider approving the award of the Jennings Road Ranch Lease to Wendel Trinkler, Jr., for a 10-year term beginning January 1, 2011, with three 4-year extension options at the sole discretion of the City, at a rental rate of \$200 per acre for a total annual revenue amount of \$494,000. (Funding Source: Wastewater Fund Revenue)
 - Resolution approving the award of the Jennings Road Ranch Lease to Wendel Trinkler, Jr., for a 10-year term beginning January 1, 2011 with three 4-year extension options, at the sole discretion of the City, at a rental rate of \$200 per acre for a total annual revenue amount of \$494,000 recommended.
Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: Resolution 2010-468 (Lopez/Hawn; 7/0) approving the award of the Jennings Road Ranch Lease to Wendel Trinkler, Jr., for a 10-year term beginning January 1, 2011 with three 4-year extension options, at the sole discretion of the City, at a rental rate of \$200 per acre for a total annual revenue amount of \$494,000.

Consent

6. Consider: (i) accepting the Preliminary Design Report dated September 2009 for the Shackelford Sewer Crossing project as complete, and (ii) approving an agreement with O'Dell Engineering, Inc. for final design services for Shackelford Sewer Crossing, in an amount not to exceed \$232,308. (Total estimated cost for the final design portion of the project is \$253,427) (Funding Source: Wastewater Fund)
 - Resolution accepting the Preliminary Design Report dated September 2009 for the Shackelford Sewer Crossing project as complete recommended.
 - Resolution approving an agreement with O'Dell Engineering, Inc. for final design services for Shackelford Sewer Crossing project in an amount not to exceed \$211,189 for the identified scope of services, plus \$21,119 for additional services (if needed), for a maximum total amount of \$232,308, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2010-469 (Lopez/Hawn; 7/0) accepting the Preliminary Design Report dated September

2009 for the Shackelford Sewer Crossing project as complete.

ACTION: Resolution 2010-470 (Lopez/Hawn; 7/0) approving an agreement with O'Dell Engineering, Inc. for final design services for Shackelford Sewer Crossing project in an amount not to exceed \$211,189 for the identified scope of services, plus \$21,119 for additional services (if needed), for a maximum total amount of \$232,308, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

Councilmember Geer thanked Modesto Police Chief Harden for his donation to the PAL program.

Councilmember Lopez announced Council in the Park on Saturday, November 6, 2010 at 10:00 am at Sunblest Farmer's Market.

UNFINISHED BUSINESS

7. Consider approving the plans and specifications for the project titled, "Bus Maintenance Facility," accepting the bid, and approving a contract with EMJ Corporation of Sacramento, CA in the amount of \$10,784,000. (Total estimated cost of this portion of the project is \$15,250,880) (Funding Source: Bus Service – Fixed Route Fund-CIP)

- Resolution approving the plans and specifications for the Bus Maintenance Facility, accepting the bid, and approving a contract with EMJ Corporation of Sacramento, CA in the amount of \$10,784,000 for the Bus Maintenance Facility Project, and authorizing the City Manager, or his designee, to execute the contract recommended.

Utility Planning and Projects; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2010-471 (Hawn/Muratore; 7/0) approving the plans and specifications for the Bus Maintenance Facility, accepting the bid, and approving a contract with EMJ Corporation of Sacramento, CA in the amount of \$10,784,000 for the Bus Maintenance Facility Project, and authorizing the City Manager, or his designee, to execute the contract.

HEARINGS

Published in the Modesto Bee on October 13, 2010

8. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2009-2010 and making findings related to each of the fee categories. (Funding Source: CFF Administration Fund 1390)

- Resolution accepting the Capital Facilities Fees Annual Report for Fiscal Year 2009-2010, and making findings related to each of the fee categories recommended.

Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com

ACTION: Resolution 2010-472 (Hawn/Muratore; 7/0) accepting the Capital Facilities Fees Annual Report for Fiscal Year 2009-2010, and making findings related to each of the fee categories.

Published in the Modesto Bee on September 29, 2010 and Vida en el Valle September 22, 2010

9. Hearing to consider approving the proposed amendments to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2010-11. (Funding Source: CDBG Entitlement Funds)

- Resolution approving an amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2010-2011, and authorizing the City Manager, or his designee, to execute related documents recommended.
- Resolution amending the FY 2010-2011 annual operating and capital improvement budgets to reflect the approved changes to the Annual Action Plan for Fiscal Year 2010-2011 and the

reallocation of carryover funds as noted in Exhibit A and authorizing the Finance Director, or her designee, to take the necessary steps to implement these actions recommended.
Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Resolution 2010-473 (Marsh/Olsen; 7/0) approving an amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2010-2011, and authorizing the City Manager, or his designee, to execute related documents.

ACTION: Resolution 2010-474 (Marsh/Olsen; 7/0) amending the FY 2010-2011 annual operating and capital improvement budgets to reflect the approved changes to the Annual Action Plan for Fiscal Year 2010-2011 and the reallocation of carryover funds as noted in Exhibit A and authorizing the Finance Director, or her designee, to take the necessary steps to implement these actions.

NEW BUSINESS

10. Consider accepting with regret and sincere appreciation, the resignation of Councilmember Kristin Olsen in recognition of her election to the California State Assembly. (Funding Source: Not Applicable)
 - Motion accepting with regret and sincere appreciation, the resignation of Councilmember Kristin Olsen in recognition of her election to the California State Assembly recommended.
Mayor; Jim Ridenour, 571-5597, mayor@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) accepting with regret and sincere appreciation, the resignation of Councilmember Kristin Olsen in recognition of her election to the California State Assembly.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:33 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 09, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements – None

Declaration of Conflicts of Interest - None

City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the Stanislaus County Library Annual Report for Fiscal Year 2009-2010. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Vanessa Czopek, County Librarian of the Stanislaus County Library presented the Annual Report for Fiscal Year 2009-2010.

2. Proclamation to the Stanislaus County Center for Human Services proclaiming November 2010 "Runaway Prevention Month." (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to the Stanislaus County Center for Human Services proclaiming November 2010 "Runaway Prevention Month."

PUBLIC COMMENT PERIOD

- Jenny Kenoyer spoke regarding GAP and senior services in the City of Modesto.
- Dr. Bob Segover spoke regarding the safety of seniors in the City of Modesto.
- Joshua Williams and Savannah Williams spoke regarding helping out in Modesto and read the "Thanks for Giving Mission Statement."
- Loretta Carhart reminded citizens of the Veteran's Day Parade on Thursday.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 10

ACTION CONSENT ITEMS 3-10: (Lopez/Muratore;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

3. Consider approving the Minutes of the City Council meeting of November 3, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Muratore; 6/0) approving the minutes from the November 3, 2010 meeting.

Consent

4. Consider accepting the Monthly Investment Report for August, 2010. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for August, 2010 recommended.*Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com*

ACTION: Motion (Lopez/Muratore; 6/0) accepting the Monthly Investment Report for August, 2010.

Consent

5. Consider accepting an award from the Department of Justice under the Fiscal Year 2010 Bulletproof Vest Partnership solicitation for \$3,836.98 for armor vests. (Funding Source: Special Revenue Fund - 0410)
 - Resolution accepting an award in the amount of \$3,836.98 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, for armor vests recommended.
 - Resolution amending the Fiscal Year 2010/11 Multi-Year Budget to estimate revenue of \$3,836.98 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, and appropriate funds for the Purchase of Bulletproof Vests recommended.*Police; Michael G. Harden, 572-9501, hardenm@modestopd.com*

ACTION: Resolution 2010-475 (Lopez/Muratore; 6/0) accepting an award in the amount of \$3,836.98 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, for armor vests.

ACTION: Resolution 2010-476 (Lopez/Muratore; 6/0) amending the Fiscal Year 2010/11 Multi-Year Budget to estimate revenue of \$3,836.98 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, and appropriate funds for the Purchase of Bulletproof Vests.

Consent

6. Consider accepting a mini-grant from the Office of Traffic Safety Sobriety Checkpoint Mini-Grant Program in the amount of \$28,106.72 for overtime to conduct sobriety checkpoints. (Funding Source: Reimbursed Grants - 0410)
 - Resolution accepting a mini-grant in the amount of \$28,106.72 from the Office of Traffic Safety Sobriety Checkpoint Mini-Grant Program, to conduct sobriety checkpoints; and authorizing the City Manager, or his designee, to execute any necessary program documents recommended.
 - Resolution amending the Multi-Year 2010/2011 Operating Budget to appropriate revenues and expenditures of \$28,106.72 to conduct sobriety checkpoints recommended.*Police; Scott Blom, 572-9678, bloms@modestopd.com*

ACTION: Resolution 2010-477 (Lopez/Muratore; 6/0) accepting a mini-grant in the amount of \$28,106.72 from the Office of Traffic Safety Sobriety Checkpoint Mini-Grant Program, to conduct sobriety checkpoints; and authorizing the City Manager, or his designee, to execute any necessary program documents.

ACTION: Resolution 2010-478 (Lopez/Muratore; 6/0) amending the Multi-Year 2010/2011 Operating Budget to appropriate revenues and expenditures of \$28,106.72 to conduct sobriety checkpoints.

Consent

7. Consider approving a Memorandum of Understanding with the Stanislaus Council of Governments (StanCOG) that designates the City of Modesto as the recipient for Federal Transit Administration Job Access Reverse Commute and New Freedom funds on StanCOG's behalf. (Funding Source: Transit Revenue)

- Resolution approving a Memorandum of Understanding with the Stanislaus Council of Governments to set forth the basic structure for administering Federal Transit Administration Section 5316 and Section 5317 funds; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2010-479 (Lopez/Muratore; 6/0) approving a Memorandum of Understanding with the Stanislaus Council of Governments to set forth the basic structure for administering Federal Transit Administration Section 5316 and Section 5317 funds; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

Consent

8. Consider approving a five-year agreement with Stott Outdoor Advertising of Chico, California, to sell and maintain advertising on the exteriors of Modesto Area Express (MAX) buses for a minimum payment of \$10,000 per month, or 37.5% of Stott's net advertising revenue, whichever amount is greater, plus a one-time payment of \$50,000 at the beginning of the contract period. (Funding Source: Transit Revenue)

- Resolution approving a five-year agreement with Stott Outdoor Advertising of Chico, California, to sell and maintain advertising on the exteriors of Modesto Area Express buses; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2010-480 (Lopez/Muratore; 6/0) approving a five-year agreement with Stott Outdoor Advertising of Chico, California, to sell and maintain advertising on the exteriors of Modesto Area Express buses; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider accepting the work by TCB Industrial, Inc. for the "Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9" project as complete. (Total project cost is \$69,808.29) (Funding Source: Water Fund-CIP)

- Resolution accepting the work by TCB Industrial, Inc. for the "Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9" project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$43,488.00 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-481 (Lopez/Muratore; 6/0) accepting the work by TCB Industrial, Inc. for the "Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9" project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$43,488.00.

Consent

10. Consider approving a Purchase Agreement with Bacchus Vineyards in the amount of \$12,000, to acquire real property for the Oakdale Road & Claratina Avenue intersection project. (Total estimated cost for this portion of the project is \$12,545) (Funding Source: CFF and Surface Transportation Funds)

- Resolution approving an Agreement for Purchase and Sale of Real Property with Bacchus Vineyards, a corporation, for a 0.17-acre (7,500.8 sq. ft.) parcel in fee, and a 0.11-acre (5,000 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 4000 Oakdale Road (APN 083-003-005), in the amount of \$12,000, for the Oakdale Road & Claratina Avenue intersection project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel located at 4000 Oakdale Road (APN 085-003-005), owned by Bacchus Vineyards, a corporation, to be purchased by the City of Modesto for the Oakdale Road & Claratina Avenue intersection project recommended.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2010-482 (Lopez/Muratore; 6/0) approving an Agreement for Purchase and Sale of Real

Property with Bacchus Vineyards, a corporation, for a 0.17-acre (7,500.8 sq. ft.) parcel in fee, and a 0.11-acre (5,000 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 4000 Oakdale Road (APN 083-003-005), in the amount of \$12,000, for the Oakdale Road & Claratina Avenue intersection project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2010-483 (Lopez/Muratore; 6/0) authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel located at 4000 Oakdale Road (APN 085-003-005), owned by Bacchus Vineyards, a corporation, to be purchased by the City of Modesto for the Oakdale Road & Claratina Avenue intersection project.

COUNCIL COMMENTS & REPORTS

Councilmember Geer thanked the citizens of Modesto for voting in favor of Measure L.

Councilmember Hawn discussed a meeting held for community leaders to make the City of Modesto a better place to live.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

11. Consider appointing an Interim Modesto Councilmember for Council District 5. (Funding Source: Not Applicable)
 - Resolution appointing an Interim District 5 City Councilmember to serve for a limited term effective November 9, 2010 until the election on November 8, 2011 and the swearing in of a new District 5 Councilmember to fill the vacancy created by the resignation of Councilmember Kristin Olsen recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2010-484 (Muratore/Lopez; 6/0) appointing Stephanie Burnside as the Interim City Councilmember for District 5 to serve for a limited term effective December 7, 2010 until the election on November 8, 2011 to fill the vacancy created by the resignation of Councilmember Kristin Olsen.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:23 p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, November 15, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh, Dave Geer
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

An item may be removed from consent and discussed at the request of an audience member or Committee member.

Consent

1. Consider reviewing recommended budget adjustments for November 2010 and refer to City Council for consideration and approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) approving budget adjustments for November 2010 and forwarding to Council for approval.

Consent

2. Consider reviewing the recommended list of qualified firms who provide investment banking services, and refer to City Council for consideration and approval. (Funding Source: Non-Applicable)
Finance; Gloriette Beck, 209-577-5369, gbeck@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) approving the recommended list of qualified firms who provide investment banking services and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:45 p.m.

MINUTES

City of Modesto
CITY COUNCIL STUDY SESSION/WORKSHOP
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 16, 2010, at 4:00 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Marsh, Muratore, Mayor Ridenour
Absent: Councilmember Lopez

PUBLIC COMMENT PERIOD

None.

DISCUSSION ITEM

Councilmember Lopez Absent

1. Affordable Housing Project Archway Commons (Funding Source: HOME and Redevelopment Housing Set-Aside)
Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com

ACTION: **Motion (Marsh/Geer;unan.; Lopez absent)** approving the Option for the 76-unit with Separate Phase 2 with an additional \$2 million funding.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:15 p.m.

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, December 6, 2010, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez, and Muratore
Absent: None
Also Present: Councilmembers Hawn and Burnside

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

UNFINISHED BUSINESS

1. Consider an update from Councilmember Muratore on the formation of a Blue Ribbon Commission on Homelessness.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Chairperson Marsh directed Councilmember Muratore to work on a Mission Statement for the Blue Ribbon Commission on Homelessness and return to the Safety & Communities Committee meeting next month. The Committee will then discuss the formation of a diversified Commission and begin the application process.

NEW BUSINESS

2. Consider amending Article 1, Chapter 1 of Title 3 of the Modesto Municipal Code related to the adoption of the California Fire Code.

Fire; Michael Payton, 571-5876, mpayton@modestogov.com

ACTION: **Motion (Lopez/Muratore;unan.)** approving amending the Modesto Municipal Code related to the adoption of the California Fire Code and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:55 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday December 07, 2010, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Bob Irwin, Mill Creek Church

City Clerk's Announcements – Item 14 removed from Agenda at request of Mr. Evins

Declaration of Conflicts of Interest – None

Reports from Closed Session – City Attorney Wood reported on Closed Session matters

1. Oath of Office of Interim Councilmember Stephanie Burnside. (Funding Source: Not Applicable)
 - City Clerk Stephanie Lopez to administer the oath of office.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: City Clerk Stephanie Lopez administered the Oath of Office to Interim Councilmember Burnside.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider accepting the resignation of June Shehan and Dave Tanner from the City of Modesto's Golf Course Advisory Committee. (Funding Source: Not Applicable)
 - Resolution accepting with regret the resignation of June Shehan from the City of Modesto Golf Course Advisory Committee recommended.
 - Resolution accepting with regret the resignation of Dave Tanner from the City of Modesto Golf Course Advisory Committee recommended.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2010-485 (Lopez/Hawn; 7/0) accepting with regret the resignation of June Shehan from the City of Modesto Golf Course Advisory Committee.

ACTION: Resolution 2010-486 (Lopez/Hawn; 7/0) accepting with regret the resignation of Dave Tanner from the City of Modesto Golf Course Advisory Committee.

PUBLIC COMMENT PERIOD

John Erwin spoke regarding Project Uplift.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 13

ACTION CONSENT ITEMS 3-13: (Lopez/Marsh;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

3. Consider approving the Minutes of the City Council meeting of November 9, 2010 (Funding Source: Not Applicable)
- Motion approving recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Marsh; 7/0) approving the minutes from the November 9, 2010 Council meeting.

Consent

4. Consider approving adoption of: (i) amendments to the City of Modesto Conflict of Interest Code for City Departments; (ii) a Conflict of Interest Code for the newly-established Utility Planning and Projects Department, and (iii) amended Conflict of Interest Codes for City of Modesto Boards, Commissions and Committees. (Funding Source: Not Applicable)
- Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code and rescinding Resolution 2008-652; and creating a Conflict of Interest Code for the Utility Planning & Projects Department recommended.
 - Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Board of Building Appeals of the City of Modesto and Rescinding Resolution 94-706 recommended.
 - Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Board of Zoning Adjustment of the City of Modesto and Rescinding Resolution 94-707 recommended.
 - Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Citizen's Housing and Community Development Committee of the City of Modesto and Rescinding Resolution 94-708 recommended.
 - Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Disabled Access Appeals Board of the City of Modesto and Rescinding Resolution 94-709 recommended.
 - Resolution of the Council of the City of Modesto adopting a Conflict of Interest Code for the Entertainment Commission of the City of Modesto recommended
 - Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Housing Rehabilitation and Loan Committee of the City of Modesto and Rescinding Resolution 95-289 recommended.
 - Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Landmark Preservation Committee of the City of Modesto and Rescinding Resolution 94-713 recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2010-487 (Lopez/Marsh; 7/0) adopting an amended Conflict of Interest Code for the City of Modesto and rescinding Resolution 2008-652; and creating a Conflict of Interest Code for the Utility Planning & Projects Department.

ACTION: Resolution 2010-488 (Lopez/Marsh; 7/0) adopting an amended Conflict of Interest Code for the Board of Building Appeals of the City of Modesto and Rescinding Resolution 94-706.

ACTION: Resolution 2010-489 (Lopez/Marsh; 7/0) adopting an amended Conflict of Interest Code for the Board of Zoning Adjustment of the City of Modesto and Rescinding Resolution 94-707.

ACTION: Resolution 2010-490 (Lopez/Marsh; 7/0) adopting an amended Conflict of Interest Code for the

Citizen's Housing and Community Development Committee of the City of Modesto and Rescinding Resolution 94-708.

ACTION: Resolution 2010-491 (Lopez/Marsh; 7/0) adopting an amended Conflict of Interest Code for the Disabled Access Appeals Board of the City of Modesto and Rescinding Resolution 94-709.

ACTION: Resolution 2010-492 (Lopez/Marsh; 7/0) adopting a Conflict of Interest Code for the Entertainment Commission of the City of Modesto.

ACTION: Resolution 2010-493 (Lopez/Marsh; 7/0) adopting an amended Conflict of Interest Code for the Housing Rehabilitation and Loan Committee of the City of Modesto and Rescinding Resolution 95-289.

ACTION: Resolution 2010-494 (Lopez/Marsh; 7/0) adopting an amended Conflict of Interest Code for the Landmark Preservation Committee of the City of Modesto and Rescinding Resolution 94-713.

Consent

5. Consider accepting the U.S. Department of Housing and Urban Development (HUD) Sustainable Communities Initiative (SCI) "Smart Valley Places" grant award, in the amount of \$200,000, on behalf of the Community and Economic Development Department. (Funding Source: General Fund Match)
- Resolution accepting the U.S. Department of Housing & Urban Development Sustainable Communities Initiative "Smart Valley Places" grant in the amount of \$200,000, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance and administration documents recommended.
 - Resolution amending the Fiscal Year 2010-11 Multi-Year Operating Grant Fund Budget to establish a new multi-year budget for the U.S. Department of Housing & Urban Development Sustainable Communities Initiative "Smart Valley Places" Grant, and to appropriate \$200,000 in grant revenue and expense recommended.

Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com

ACTION: Resolution 2010-495 (Lopez/Marsh; 7/0) accepting the U.S. Department of Housing & Urban Development Sustainable Communities Initiative "Smart Valley Places" grant in the amount of \$200,000, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance and administration documents.

ACTION: Resolution 2010-496 (Lopez/Marsh; 7/0) amending the Fiscal Year 2010-11 Multi-Year Operating Grant Fund Budget to establish a new multi-year budget for the U.S. Department of Housing & Urban Development Sustainable Communities Initiative "Smart Valley Places" Grant, and to appropriate \$200,000 in grant revenue and expense.

Consent

6. Consider accepting the California Department of Transportation's (Caltrans) Community Based Transportation Planning Grant award, in the amount of \$100,000, on behalf of the Community & Economic Development Department. (Funding Source: Local Transportation Fund match, \$10,000, and General Fund match, \$2,500)
- Resolution accepting the Caltrans Community Based Transportation Planning Grant in the amount of \$100,000, on behalf of the Community & Economic Development Department; and authorizing the City Manager, or his designee, to execute any grant contracts and related documents recommended.
 - Resolution amending the Fiscal Year 2010-2011 Multi-Year Operating Grant Fund budget to establish a new multi-year budget for the Community Based Transportation Planning Grant and to appropriate \$100,000 in grant revenue and expense recommended.
 - Resolution amending the Fiscal Year 2010-2011 Land Transportation Fund budget by transferring \$5,000 from 0510-430-4310-1213 and \$5,000 from 6540-480-1672-3158 to the new multi-year budget established for the Community Based Transportation Planning Grant recommended.

Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com

ACTION: Resolution 2010-497 (Lopez/Marsh; 7/0) accepting the Caltrans Community Based Transportation Planning Grant in the amount of \$100,000, on behalf of the Community & Economic Development Department; and authorizing the City Manager, or his designee, to execute any grant contracts and related documents.

ACTION: Resolution 2010-498 (Lopez/Marsh; 7/0) amending the Fiscal Year 2010-2011 Multi-Year Operating Grant Fund budget to establish a new multi-year budget for the Community Based Transportation Planning Grant and to appropriate \$100,000 in grant revenue and expense.

ACTION: Resolution 2010-499 (Lopez/Marsh; 7/0) amending the Fiscal Year 2010-2011 Land Transportation Fund budget by transferring \$5,000 from 0510-430-4310-1213 and \$5,000 from 6540-480-1672-3158 to the new multi-year budget established for the Community Based Transportation Planning Grant.

Consent

7. Consider approving a Memorandum of Understanding (MOU) between Stanislaus County Public Works Department and the City of Modesto Community and Economic Development Department in the amount of \$73,559.52 for 4,442 square feet of office space located on the 3rd floor of Tenth Street Place. (Funding Source: General Fund)

- Resolution approving a Memorandum of Understanding (MOU) between Stanislaus County Public Works Department and the City of Modesto Community and Economic Development Department, in the amount of \$73,559.52, for 4,442 square feet of office space located on the 3rd floor of Tenth Street Place recommended.
- Resolution amending the Fiscal Year 2010-2011 budget to increase revenues and expenses in the Community and Economic Development Department budget to recognize \$35,649.24 in revenue as a result of three agreements for office space on the 4th floor of Tenth Street Place and increase the expense budget by \$35,649.24 to allow for payment to the County under the MOU agreement for the 3rd floor space recommended.

Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2010-500 (Lopez/Marsh; 7/0) approving a Memorandum of Understanding (MOU) between Stanislaus County Public Works Department and the City of Modesto Community and Economic Development Department, in the amount of \$73,559.52, for 4,442 square feet of office space located on the 3rd floor of Tenth Street Place.

ACTION: Resolution 2010-501 (Lopez/Marsh; 7/0) amending the Fiscal Year 2010-2011 budget to increase revenues and expenses in the Community and Economic Development Department budget to recognize \$35,649.24 in revenue as a result of three agreements for office space on the 4th floor of Tenth Street Place and increase the expense budget by \$35,649.24 to allow for payment to the County under the MOU agreement for the 3rd floor space.

Consent

8. Consider approval of the Monthly Budget Adjustment Report for November 2010. (Funding Source: Various Funds)

- Resolution amending Fiscal Year 2010 - 2011 Annual Operating Budget recommended.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2010-502 (Lopez/Marsh; 7/0) amending Fiscal Year 2010 – 2011 Annual Operating Budget.

Consent

9. Consider approving fire apparatus and miscellaneous fire equipment as surplus and authorizing the disposal of said apparatus and equipment by sealed bid, consignment, public auction, online auction, trade, or donation. (Funding Source: General Fund)

- Resolution declaring apparatus and equipment surplus, and authorizing the disposal of said apparatus and equipment by sealed bid, consignment, public auction, online auction, trade or donation recommended.

Fire; Lori Martinez, 572-9660, lmartinez@modestofire.com

ACTION: Resolution 2010-503 (Lopez/Marsh; 7/0) declaring apparatus and equipment surplus, and authorizing the disposal of said apparatus and equipment by sealed bid, consignment, public auction, online auction, trade or donation.

Consent

10. Consider approving the plans and specifications for the project, accepting the bid, and approving a contract with JHK Construction, Inc. in the amount of \$210,740 for the Senior Center Energy Efficiency Project - HVAC/Roof Replacement. (The total estimated project cost is \$273,814.) (Funding Source: Community Development Block Grant-Recovery)
- Resolution approving the plans and specifications for the Senior Center Energy Efficiency Project - HVAC/Roof Replacement, accepting the bid, and approving a contract with JHK Construction, Inc., of Escalon, CA, in the amount of \$210,740, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

ACTION: Resolution 2010-504 (Lopez/Marsh; 7/0) approving the plans and specifications for the Senior Center Energy Efficiency Project - HVAC/Roof Replacement, accepting the bid, and approving a contract with JHK Construction, Inc., of Escalon, CA, in the amount of \$210,740, and authorizing the City Manager, or his designee, to execute the contract recommended.

Consent

11. Consider approving a three-year lease agreement with Performance Modular, Inc., Elk Grove, CA, for a Restroom Modular at the Jennings Wastewater Treatment Plant, in an amount not to exceed \$62,503. (Funding Source: Wastewater Fund)
- Resolution approving a Lease Agreement with Performance Modular, Inc., Elk Grove, CA, for a period of three years, for a Restroom Modular at the Jennings Wastewater Treatment Plant, in an amount not to exceed \$62,503; and authorizing the City Manager, or his designee, to execute the Lease Agreement recommended.
- Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

ACTION: Resolution 2010-505 (Lopez/Marsh; 7/0) approving a Lease Agreement with Performance Modular, Inc., Elk Grove, CA, for a period of three years, for a Restroom Modular at the Jennings Wastewater Treatment Plant, in an amount not to exceed \$62,503; and authorizing the City Manager, or his designee, to execute the Lease Agreement.

Consent

12. Consider accepting the work by Preston Pipelines Inc. for the "Pelandale Avenue Drainage Pump Station" project as complete. (Total project cost is \$451,542.10) (Funding Source: Streets Capital Facility Fees)
- Resolution accepting the work by Preston Pipelines, Inc. for the "Pelandale Avenue Drainage Pump Station" project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$306,074.80 recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2010-506 (Lopez/Marsh; 7/0) accepting the work by Preston Pipelines, Inc. for the "Pelandale Avenue Drainage Pump Station" project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$306,074.80.

Consent

13. Consider approving an Agreement with Teresa Ann Allen, Trustee of the Teresa Ann Allen Living Trust udt December 20, 2001, in the amount of \$6,296, to acquire real property for the Roselle Avenue Widening Between Floyd & Sylvan Project. (Total estimated cost for this portion of the project is \$7,346) (Funding Source: CFD-Village One #2-CIP)
- Resolution approving an Agreement with Teresa Ann Allen, Trustee of the Teresa Ann Allen Living Trust, udt December 20, 2001, for a 0.03-acre (1,322 sq. ft.) parcel in fee, and a 0.03-acre (1,102 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3400 Roselle Avenue (APN 085-001-038), in the amount of \$6,296, for the Roselle Avenue Widening Between Floyd & Sylvan Project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.

- Resolution authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 3400 Roselle Avenue (APN 085-001-038), owned by Teresa Ann Allen, Trustee of the Teresa Ann Allen Living Trust, udt December 20, 2001, to be purchased by the City of Modesto for the Roselle Avenue Widening Between Floyd & Sylvan Project recommended.
Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2010-507 (Lopez/Marsh; 7/0) approving an Agreement with Teresa Ann Allen, Trustee of the Teresa Ann Allen Living Trust, udt December 20, 2001, for a 0.03-acre (1,322 sq. ft.) parcel in fee, and a 0.03-acre (1,102 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3400 Roselle Avenue (APN 085-001-038), in the amount of \$6,296, for the Roselle Avenue Widening Between Floyd & Sylvan Project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2010-508 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant of Temporary Construction Easement for the acquisition of a portion of a parcel of land located at 3400 Roselle Avenue (APN 085-001-038), owned by Teresa Ann Allen, Trustee of the Teresa Ann Allen Living Trust, udt December 20, 2001, to be purchased by the City of Modesto for the Roselle Avenue Widening Between Floyd & Sylvan Project.

COUNCIL COMMENTS & REPORTS

Councilmember Hawn announced a community service project on Saturday, December 11, 2010 in the Airport Neighborhood to build soccer fields.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

Removed from Agenda

14. Consider correspondence received from Mr. Charles R. Evins, II regarding the City of Modesto and the New Bethany Missionary Baptist Church. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Removed from Agenda at the request of Mr. Evins.

HEARINGS

Published in the Modesto Bee on November 17, 2010

15. Hearing to consider approving the Facilities Master Plan and Infrastructure Financing Plan for the infrastructure necessary to support the development of approximately 70 acres located south of Bangs Avenue, west of American Avenue, east of Dale Road, and north of Pelandale Avenue also known as Kiernan Business Park South. (Funding Source: Not Applicable)
 - Resolution approving the Facilities Master Plan and Infrastructure Financing Plan for the infrastructure necessary to support the development of approximately 70 acres located south of Bangs Avenue, west of American Avenue, east of Dale Road, and north of Pelandale Avenue, also known as Kiernan Business Park South recommended.
Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com

ACTION: Resolution 2010-509 (Hawn/Marsh; 7/0) approving the Facilities Master Plan and Infrastructure Financing Plan for the infrastructure necessary to support the development of approximately 70 acres located south of Bangs Avenue, west of American Avenue, east of Dale Road, and north of Pelandale Avenue, also known as Kiernan Business Park South (**language to be incorporated in the Development Agreement requested by Kaiser in December 7, 2010 letter to Council**).

Published in the Modesto Bee on November 17, 2010

16. Hearing to consider an application of Mana Development, a California General Partnership and Hans Wagner for a Development Agreement regarding the development of the Mana-Wagner parcels on the west side of American Avenue, south of Bangs Avenue. (Funding Source: Not Applicable)
- Motion introducing an Ordinance approving a Development Agreement between the City of Modesto and Reza Vossoughi, Sharron Ann Vossoughi, Mehdi Vossoughi, Ataollah Ahsani, Shahram Sharafi, Fatemeh Falahat-Pisheh (Sharafi), Zahra Sharafi (Mohebbi), Mana Developments, a California general partnership, and Hans J. Wagner Relating to the Development of the Mana-Wagner Parcels located on the West side of American Avenue, South of Bangs Avenue. (Mana Developments and Hans Wagner) recommended.
 - Resolution adopting a Mitigated Negative Declaration (SCH No. 2010062086): Mana-Wagner Development Agreement. (Mana Developments and Hans Wagner) recommended.
Community & Economic Development; David Wage, 577-5302, dwage@modestogov.com

ACTION: Resolution 2010-510 (Marsh/Hawn; 7/0) adopting a Mitigated Negative Declaration (SCH No. 2010062086): Mana-Wagner Development Agreement. (Mana Developments and Hans Wagner).

ACTION: Motion (Marsh/Hawn; 7/0) introducing approving a Development Agreement between the City of Modesto and Reza Vossoughi, **Ordinance No. 3539-C.S.** Sharron Ann Vossoughi, Mehdi Vossoughi, Ataollah Ahsani, Shahram Sharafi, Fatemeh Falahat-Pisheh (Sharafi), Zahra Sharafi (Mohebbi), Mana Developments, a California general partnership, and Hans J. Wagner Relating to the Development of the Mana-Wagner Parcels located on the West side of American Avenue, South of Bangs Avenue. (Mana Developments and Hans Wagner) recommended.

Published in the Modesto Bee on November 16, 2010

17. Hearing to consider amending Sections 10-2.2110 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Municipal Code to allow freeway-oriented signs for shopping centers located along Highway 99. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Sections 10-2.2110 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Modesto Municipal Code Relating to Sign Regulations recommended.
Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) introducing **Ordinance No. 3540-C.S.** amending Sections 10-2.2110 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Modesto Municipal Code Relating to Sign Regulations.

Published in the Modesto Bee on November 20, 2010

18. Hearing to consider amending the Modesto Municipal Code relating to the Building, Electrical, Mechanical, and Plumbing Codes. (Funding Source: Not Applicable)
- Motion introducing an ordinance amending Article 1 of Chapter 1 OF Title 9 of the Modesto Municipal Code; amending Sections 9-1.201, 9-1.204, 9-1.502, 9-1.804, 9-1.805, 9-1.806, 9-1.807, 9-1.1602.1, 9-1.1602.2, 9-1.1602.3 and 9-1.1602.4 of Chapter 1 of Title 9 of the Modesto Municipal Code; adding Sections 9-1.101.1, 9-1.805.1 and 9-1.811.1 thereto; and adding Article 17 to Chapter 1 of Title 9 of the Modesto Municipal Code relating to the Building Code recommended.
 - Motion introducing an ordinance amending Article 1 of Chapter 3 of Title 9 of the Modesto Municipal Code; amending Sections 9-3.201, 9-3.204, 9-3.502 and 9-3.1401.1 of Chapter 3 of Title 9 of the Modesto Municipal Code; and repealing Section 9-3.1401 relating to the Electrical Code recommended.
 - Motion introducing an ordinance amending Article 1 of Chapter 7 of Title 9 of the Modesto Municipal Code; amending Sections 9-7.201, 9-7.204 and 9-7.502 of Chapter 7 of Title 9 of the Modesto Municipal Code; and repealing Section 9- 7.1403 relating to the Mechanical Code recommended.
 - Motion introducing an ordinance amending Article 1 of Chapter 2 of Title 9 of the Modesto Municipal Code; and amending Sections 9-2.201 and 9-2.502 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code recommended.

ACTION: Motion (Hawn/Lopez; 7/0) introducing **Ordinance No. 3541-C.S.** amending Article 1 of Chapter 1 OF Title 9 of the Modesto Municipal Code; amending Sections 9-1.201, 9-1.204, 9-1.502, 9-1.804, 9-1.805, 9-1.806, 9-1.807, 9-1.1602.1, 9-1.1602.2, 9-1.1602.3 and 9-1.1602.4 of Chapter 1 of Title 9 of the Modesto Municipal Code; adding Sections 9-1.101.1, 9-1.805.1 and 9-1.811.1 thereto; and adding Article 17 to Chapter 1 of Title 9 of the Modesto Municipal Code relating to the Building Code.

ACTION: Motion (Hawn/Lopez; 7/0) introducing **Ordinance No. 3542-C.S.** amending Article 1 of Chapter 3 of Title 9 of the Modesto Municipal Code; amending Sections 9-3.201, 9-3.204, 9-3.502 and 9-3.1401.1 of Chapter 3 of Title 9 of the Modesto Municipal Code; and repealing Section 9-3.1401 relating to the Electrical Code.

ACTION: Motion (Hawn/Lopez; 7/0) introducing **Ordinance No. 3543-C.S.** amending Article 1 of Chapter 7 of Title 9 of the Modesto Municipal Code; amending Sections 9-7.201, 9-7.204 and 9-7.502 of Chapter 7 of Title 9 of the Modesto Municipal Code; and repealing Section 9- 7.1403 relating to the Mechanical Code.

ACTION: Motion (Hawn/Lopez; 7/0) introducing **Ordinance No. 3544-C.S** amending Article 1 of Chapter 2 of Title 9 of the Modesto Municipal Code; and amending Sections 9-2.201 and 9-2.502 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code.

Published in the Modesto Bee on November 20, 2010

19. Hearing to consider amending Article 1, Chapter 1 of Title 3 of the Modesto Municipal Code related to the adoption of the California Fire Code. (Funding Source: General Fund)

- Motion introducing an Ordinance amending Chapter 1 of Title 3 of the Modesto Municipal Code and Adopting by Reference the California Fire Code, 2010 Edition recommended.

Fire; Michael Payton, 571-5876, mpayton@modestogov.com

ACTION: Motion (Marsh/Lopez; 7/0) introducing **Ordinance No. 3545-C.S.** amending Chapter 1 of Title 3 of the Modesto Municipal Code and Adopting by Reference the California Fire Code, 2010 Edition.

NEW BUSINESS

20. Consider amending the Village One Facilities Prioritization List. (Funding Source: Village One and Village One #2 Special Tax monies)

- Resolution amending the Village One Facilities Prioritization List (Funding: Village One and Village One #2 special tax monies) recommended.

Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2010-511 (Hawn/Lopez; 7/0) amending the Village One Facilities Prioritization List.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:56 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION- Two Cases (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: **City of Modesto Redevelopment Agency, et al v. The Dow Chemical Company, et al.** San Francisco Superior Court No. 98-999345 and **City of Modesto, et al. v. The Dow Chemical Company, et al.** San Francisco Superior Court No. 98-999643

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, December 14, 2010, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Estes, Cross Point Community Church

City Clerk's Announcements – None

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matter

1. Certification of canvass of votes from the November 2, 2010 Election. (Funding Source: Not Applicable)
 - Resolution adopting the certification of canvass of votes from the November 2, 2010 Election recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2010-512 (Marsh/Muratore; 7/0) adopting the certification of canvass of votes from the November 2, 2010 Election.

ACKNOWLEDGEMENTS AND PRESENTATIONS

2. Presentation of the Fire Department awarding Citizen Commendations to Jennifer Hutson and Aaron Camara, in appreciation of their emergency assistance. (Funding Source: Not Applicable)
Fire; Michael Kraus, 577-5398, mkraus@modestogov.com

ACTION: Presentation was made by Interim Fire Chief Michael Krauss awarding Citizen Commendations to Jennifer Hutson and Aaron Camara in appreciation of their emergency assistance.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider reappointing Bruce Merchant, Joe Rocha, Jr., Jacky Deabler, Galena Gilstrap, Scott Hallmon and Bryan Sutterfield to the Equal Opportunity/Disability Commission and the Human Relations Commission for four-year terms to expire on January 1, 2015. (Funding Source: Not Applicable)
 - Resolution reappointing Bruce Merchant, Joe Rocha, Jr., Jacky Deabler, Galena Gilstrap, Scott Hallmon and Bryan Sutterfield to the Equal Opportunity/Disability Commission and Human Relations Commission recommended.
Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com

ACTION: Resolution 2010-513 (Lopez/Muratore; 7/0) reappointing Bruce Merchant, Joe Rocha, Jr., Jacky Deabler, Galena Gilstrap, Scott Hallmon and Bryan Sutterfield to the Equal Opportunity/Disability Commission and Human Relations Commission.

4. Consider approving the reappointment of Ron Lighten, Sr. and Reginald Rucker as Members and Pamela O'Brien as Alternate Member to the City of Modesto Entertainment Commission. (Funding Source: Not Applicable)
- Resolution approving the reappointment of Ron Lighten, Sr. to the City of Modesto Entertainment Commission recommended.
 - Resolution approving the reappointment of Reginald Rucker to the City of Modesto Entertainment Commission recommended.
 - Resolution approving the reappointment of Pamela O'Brien to the City of Modesto Entertainment Commission recommended.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

ACTION: Resolution 2010-514 (Hawn/Lopez; 7/0) approving the reappointment of Ron Lighten, Sr. to the City of Modesto Entertainment Commission.

ACTION: Resolution 2010-515 (Hawn/Lopez; 7/0) approving the reappointment of Reginald Rucker to the City of Modesto Entertainment Commission.

ACTION: Resolution 2010-516 (Hawn/Lopez; 7/0) approving the reappointment of Pamela O'Brien to the City of Modesto Entertainment Commission.

PUBLIC COMMENT PERIOD

Parks, Recreation & Neighborhoods Director Julie Hannon and City employees gave a Christmas presentation for the Council. – EMBRACE IT!

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 15

ACTION CONSENT ITEMS 5-15: (Lopez/Hawn;unan.)

CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Councilmember.

Consent

5. Consider approving the Minutes of the City Council meeting of December 7, 2010. (Funding Source: Not Applicable)
- Motion approving recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Hawn; 7/0) approving the December 7, 2010 City Council minutes.

Consent

6. Consider approving final adoption of Ordinance 3539-C.S. approving a Development Agreement between the City of Modesto and Reza Vossoughi, Sharron Ann Vossoughi, Mehdi Vossoughi, Ataollah Ahsani, Shahram Sharafi, Fatemeh Falahat-Pisheh (Sharafi), Zahra Sharafi (Mohebbi), Mana Developments, a California general partnership, and Hans J. Wagner Relating to the Development of the Mana-Wagner Parcels located on the West side of American Avenue, South of Bangs Avenue (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance 3539-C.S. approving a Development Agreement between the City of Modesto and Reza Vossoughi, Sharron Ann Vossoughi, Mehdi Vossoughi, Ataollah Ahsani, Shahram Sharafi, Fatemeh Falahat-Pisheh (Sharafi), Zahra Sharafi (Mohebbi), Mana Developments, a California general partnership, and Hans J. Wagner Relating to the

Development of the Mana-Wagner Parcels located on the West side of American Avenue, South of Bangs Avenue recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of **Ordinance No. 3539-C.S.** approving a Development Agreement between the City of Modesto and Reza Vossoughi, Sharron Ann Vossoughi, Mehdi Vossoughi, Ataollah Ahsani, Shahram Sharafi, Fatemeh Falahat-Pisheh (Sharafi), Zahra Sharafi (Mohebbi), Mana Developments, a California general partnership, and Hans J. Wagner Relating to the Development of the Mana-Wagner Parcels located on the West side of American Avenue, South of Bangs Avenue.

Consent

7. Consider approving final adoption of Ordinance 3540-C.S. amending Sections 10-2.2110 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Modesto Municipal Code Relating to Sign Regulation (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance 3540-C.S. amending Sections 10-2.2110 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Modesto Municipal Code Relating to Sign Regulation recommended.

City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of **Ordinance No. 3540-C.S.** amending Sections 10-2.2110 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Modesto Municipal Code Relating to Sign Regulation.

Consent

8. Consider approving final adoption of Ordinance 3541-C.S amending Article 1 of Chapter 1 of Title 9 of the Modesto Municipal Code; amending Sections 9-1.201, 9-1.204, 9-1.502, 9-1.804, 9-1.805, 9-1.806, 9-1.807, 9-1.1602.1, 9-1.1602.2, 9-1.1602.3 and 9-1.1602.4 of Chapter 1 of Title 9 of the Modesto Municipal Code; adding Sections 9-1.101.1, 9-1.805.1 and 9-1.811.1 thereto; and adding Article 17 to Chapter 1 of Title 9 of the Modesto Municipal Code relating to the Building Code (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance 3541-C.S amending Article 1 of Chapter 1 of Title 9 of the Modesto Municipal Code; amending Sections 9-1.201, 9-1.204, 9-1.502, 9-1.804, 9-1.805, 9-1.806, 9-1.807, 9-1.1602.1, 9-1.1602.2, 9-1.1602.3 and 9-1.1602.4 of Chapter 1 of Title 9 of the Modesto Municipal Code; adding Sections 9-1.101.1, 9-1.805.1 and 9-1.811.1 thereto; and adding Article 17 to Chapter 1 of Title 9 of the Modesto Municipal Code relating to the Building Code recommended.

City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of **Ordinance No. 3541-C.S** amending Article 1 of Chapter 1 of Title 9 of the Modesto Municipal Code; amending Sections 9-1.201, 9-1.204, 9-1.502, 9-1.804, 9-1.805, 9-1.806, 9-1.807, 9-1.1602.1, 9-1.1602.2, 9-1.1602.3 and 9-1.1602.4 of Chapter 1 of Title 9 of the Modesto Municipal Code; adding Sections 9-1.101.1, 9-1.805.1 and 9-1.811.1 thereto; and adding Article 17 to Chapter 1 of Title 9 of the Modesto Municipal Code relating to the Building Code.

Consent

9. Consider approving final adoption of Ordinance 3542-C.S amending Article 1 of Chapter 3 of Title 9 of the Modesto Municipal Code; amending Sections 9-3.201, 9-3.204, 9-3.502 and 9-3.1401.1 of Chapter 3 of Title 9 of the Modesto Municipal Code; and repealing Section 9-3.1401 relating to the Electrical Code (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance 3542-C.S amending Article 1 of Chapter 3 of Title 9 of the Modesto Municipal Code; amending Sections 9-3.201, 9-3.204, 9-3.502 and 9-3.1401.1 of Chapter 3 of Title 9 of the Modesto Municipal Code; and repealing Section 9-3.1401 relating to the Electrical Code recommended.

City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of **Ordinance No. 3542-C.S** amending Article 1 of Chapter 3 of Title 9 of the Modesto Municipal Code; amending Sections 9-3.201, 9-3.204, 9-3.502 and 9-3.1401.1 of Chapter 3 of Title 9 of the Modesto Municipal Code; and repealing Section 9-3.1401 relating to the

Electrical Code.

Consent

10. Consider approving final adoption of Ordinance 3543-C.S amending Article 1 of Chapter 7 of Title 9 of the Modesto Municipal Code; amending Sections 9-7.201, 9-7.204 and 9-7.502 of Chapter 7 of Title 9 of the Modesto Municipal Code; and repealing Section 9- 7.1403 relating to the Mechanical Code (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance 3543-C.S amending Article 1 of Chapter 7 of Title 9 of the Modesto Municipal Code; amending Sections 9-7.201, 9-7.204 and 9-7.502 of Chapter 7 of Title 9 of the Modesto Municipal Code; and repealing Section 9- 7.1403 relating to the Mechanical Code recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of **Ordinance No. 3543-C.S** amending Article 1 of Chapter 7 of Title 9 of the Modesto Municipal Code; amending Sections 9-7.201, 9-7.204 and 9-7.502 of Chapter 7 of Title 9 of the Modesto Municipal Code; and repealing Section 9- 7.1403 relating to the Mechanical Code.

Consent

11. Consider approving final adoption of Ordinance 3544-C.S amending Article 1 of Chapter 2 of Title 9 of the Modesto Municipal Code; and amending Sections 9-2.201 and 9-2.502 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance 3544-C.S amending Article 1 of Chapter 2 of Title 9 of the Modesto Municipal Code; and amending Sections 9-2.201 and 9-2.502 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of **Ordinance No. 3544-C.S** amending Article 1 of Chapter 2 of Title 9 of the Modesto Municipal Code; and amending Sections 9-2.201 and 9-2.502 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code.

Consent

12. Consider approving final adoption of Ordinance 3545-C.S Ordinance amending Chapter 1 of Title 3 of the Modesto Municipal Code and Adopting by Reference the California Fire Code, 2010 Edition. (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance 3545-C.S Ordinance amending Chapter 1 of Title 3 of the Modesto Municipal Code and Adopting by Reference the California Fire Code, 2010 Edition recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Hawn; 7/0) approving final adoption of **Ordinance No. 3545-C.S** Ordinance amending Chapter 1 of Title 3 of the Modesto Municipal Code and Adopting by Reference the California Fire Code, 2010 Edition.

Consent

13. Consider authorizing staff to proceed with a Request for Proposals (RFP) for Assessment Engineering Services. (Funding Source: Special Revenues - Landscape Maintenance Assessment District No. 1)
- Resolution authorizing staff to proceed with a Request for Proposals (RFP) for Assessment Engineering Services recommended.
- Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

ACTION: Resolution 2010-517 (Lopez/Hawn; 7/0) authorizing staff to proceed with a Request for Proposals (RFP) for Assessment Engineering Services.

Consent

14. Consider accepting the Monthly Investment Report for September, 2010. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for September, 2010 recommended.
Finance; Vanessa Ferrel, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) accepting the Monthly Investment Report for September, 2010.

Consent

15. Consider accepting the work by George Reed, Inc. for the “State Route 219 Widening from West of Dale Road to Morrow Road” project as complete. (Total project cost is \$4,921,752.42) (Funding Source: Regional Improvement Program (State STIP), Developer Contribution, CMAQ Funds)
 - Resolution accepting the work by George Reed, Inc. for the “State Route 219 Widening from West of Dale Road to Morrow Road” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$3,776,125.39 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2010-518 (Lopez/Hawn; 7/0) accepting the work by George Reed, Inc. for the “State Route 219 Widening from West of Dale Road to Morrow Road” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$3,776,125.39.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

16. Consider adding Section 2-5.22 to Chapter 5 of Title 2 of the Modesto Municipal Code relating to Registration for Selective Service. (Funding Source: Not Applicable)
 - Motion introducing an Ordinance adding Section 2-5.22 to Chapter 5 of Title 2 of the Modesto Municipal Code Relating to Registration for Selective Service recommended.
City Attorney; Susana Alcala Wood, 577-5284, swood@modestogov.com

ACTION: Motion (Geer/Marsh; 2/5; Burnside, Hawn, Lopez, Muratore, Mayor Ridenour no) introducing an adding Section 2-5.22 to Chapter 5 of Title 2 of the Modesto Municipal Code Relating to Registration for Selective Service. **(MOTION FAILED)**

17. Consider approving an Acquisition & Shortfall Agreement by and between the City of Modesto, City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East), and Chopra Development Enterprises, Inc. with a maximum reimbursement amount not to exceed \$6,762,710.94. (Funding Source: Special Taxes or Net Bond Proceeds from CFD No. 2009-1)
 - Resolution approving an Acquisition & Shortfall Agreement by and between the City of Modesto, City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park east) and Chopra Development Enterprises, Inc., with a maximum reimbursement amount not to exceed \$6,762,710.94, and authorizing the City Manager, or his designee, to execute the Agreement in both the capacity of the City Manager and the District Administrator recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2010-519 (Marsh/Geer; 7/0) approving an Acquisition & Shortfall Agreement by and between the City of Modesto, City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park east) and Chopra Development Enterprises, Inc., with a maximum reimbursement amount not to exceed \$6,762,710.94, and authorizing the City Manager, or his designee, to execute the Agreement in both the capacity of the City Manager and the District Administrator.

18. Consider (i) authorizing the City Manager, or his designee, to execute all related documents for the Clean Water State Revolving Fund (CWSRF) Loan Application for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Project; and (ii) adopting resolutions and legal opinions that are required for the CWSRF loan application. (Funding Source: Not Applicable)
- Resolution authorizing the City Manager, or his designee, to sign and file, for and on behalf of the City of Modesto for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Project, a Financial Assistance Application, to certify that the City of Modesto has and will comply with all applicable state and federal statutory and regulatory requirements, and to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto, and certify financing agreement disbursements on behalf of the City of Modesto recommended.
 - Resolution hereby dedicating sewer service charges to payment of any and all Clean Water State Revolving Fund financing. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board recommended.
 - Resolution hereby stating a finance amount to be provided by the State of California and stating the City of Modesto intends to reimburse the State of California for borrowed funds recommended.
- Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com*

ACTION: Resolution 2010-520 (Hawn/Muratore; 7/0) authorizing the City Manager, or his designee, to sign and file, for and on behalf of the City of Modesto for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Project, a Financial Assistance Application, to certify that the City of Modesto has and will comply with all applicable state and federal statutory and regulatory requirements, and to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto, and certify financing agreement disbursements on behalf of the City of Modesto.

ACTION: Resolution 2010-521 (Hawn/Muratore; 7/0) hereby dedicating sewer service charges to payment of any and all Clean Water State Revolving Fund financing. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board.

ACTION: Resolution 2010-522 (Hawn/Muratore; 7/0) hereby stating a finance amount to be provided by the State of California and stating the City of Modesto intends to reimburse the State of California for borrowed funds.

NEW BUSINESS

19. Consider accepting the annual report for the Fiscal Year ending June 30, 2010, for the Redevelopment Agency of the City of Modesto. (Funding Source: Not Applicable.)
- Resolution accepting the annual report for the Fiscal Year ending June 30, 2010, for the Redevelopment Agency of the City of Modesto recommended.
- Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

ACTION: Resolution 2010-523 (Hawn/Muratore; 7/0) accepting the annual report for the Fiscal Year ending June 30, 2010, for the Redevelopment Agency of the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:22 p.m.

CLOSED SESSION

Closed Session Matter Heard Prior to Meeting

**PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Sections 54954.5 and 54957 of the Government Code)
Recruitment for Internal Auditor**